

THE ATTORNEY GENERAL'S
TENTH ANNUAL REPORT TO CONGRESS
PURSUANT TO THE EMMETT TILL
UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007
AND
FOURTH ANNUAL REPORT TO CONGRESS
PURSUANT TO THE EMMETT TILL UNSOLVED CIVIL RIGHTS CRIMES
REAUTHORIZATION ACT OF 2016

September 2022



INTRODUCTION

This is the tenth annual report submitted to Congress pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 (Till Act or Act), Pub. L. No. 110-344, 122 Stat. 3934 (2008),¹ as well as the fourth report submitted pursuant to the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Reauthorization Act or Reauthorization), Pub. L. No. 114-325, 130 Stat. 1965 (2016),² collectively referred to hereinafter as the Report. The Report includes information about the Department of Justice's (Department) activities in the time period since the ninth Till Act report, and third Reauthorization report, which was submitted in March 2021.

Section I of the Report summarizes the historical efforts of the Department to prosecute cases involving racial violence and describes the genesis of its Cold Case Initiative. It also provides an overview of the factual and legal challenges that federal prosecutors face in their efforts to secure justice in unsolved Civil Rights Era homicides. Section II of the Report presents the progress made since the last report. It includes a chart of the progress made on cases reported under the initial Till Act and under the Reauthorization Act. Section III of the Report provides a brief overview of the cases the Department has closed or referred for preliminary investigation since its last report. Case closing memoranda written by Department attorneys are available on the Department's website: <https://www.justice.gov/crt/civil-rights-division-emmett->

¹ The Till Act requires the Attorney General to conduct a study and report to Congress not later than six months after the date of enactment of the Act, and each year thereafter, regarding the Department's efforts to investigate and resolve unsolved Civil Rights Era homicides.

² The Reauthorization extended the Till Act, including its reporting requirements, for an additional ten years.

[till-act-cold-case-closing-memoranda](#). As additional case closing memoranda are drafted and approved, they will be made available on the website once reviewed to ensure compliance with FOIA regulations.³ Section IV of the Report provides additional information required by the Till Act, other than the statistical information provided in Section II. Section V of the Report sets forth the Department's work on conducting Till Act training and outreach. Finally, Section VI of the Report identifies the Department's recent staffing increases to facilitate the investigation of cold case matters.

I. THE DEPARTMENT OF JUSTICE'S EFFORTS TO INVESTIGATE AND PROSECUTE CIVIL RIGHTS ERA HOMICIDES

A. Overview and Background

The Department's current efforts to bring justice and resolution to Civil Rights Era cold cases under the Till Act is a continuation of efforts begun decades ago. The following summary places the Department's current efforts in their historical context.

Reconstruction Era through the 1930s

Since the Reconstruction Era (1865-1877), the Department has taken the lead in prosecuting crimes of racial violence in the United States. These efforts were hampered for many decades, however, by the lack of an effective federal anti-lynching law or other laws specifically prohibiting bias-motivated crimes. When prosecuting cases of racial violence during this era, the Department relied on the Reconstruction Era Enforcement Acts, passed in 1868, 1870, and 1871. But given the courts' restricted interpretation of these statutes, they proved to be imprecise and limited tools for addressing racial violence.

³ The Department will continue to make available case closing memoranda as they are drafted, reviewed, and redacted by privacy and FOIA attorneys.

The most famous case of the Reconstruction Era arose from a mass killing of Black residents in Colfax, Louisiana, and resulted in a Supreme Court decision that severely limited the Department's ability to prosecute cases of racial violence. The defendants in that case had been charged by indictment and convicted of conspiring to deprive the victims of various enumerated rights, privileges, and immunities guaranteed by the Constitution. The Court, however, overturned the convictions, finding most of the indictment counts were defective because those counts charged *private* actors with depriving the victims of constitutional rights, whereas the constitutional provisions at issue placed limitations only on the conduct of *government* actors. *See United States v. Cruikshank*, 92 U.S. 542, 554 (1875).

During the post-Reconstruction Era, racial unrest – particularly in the form of lynchings as a public spectacle – increased. The problem posed by such lynchings, and the federal government's limited ability to redress such horrific wrongs, was recognized at the highest levels of the Department when, on March 2, 1909, Attorney General Charles Bonaparte urged the Supreme Court to hold in contempt local officials and members of a mob who kidnapped and lynched a Black man named Ed Johnson. Johnson was lynched after a mob seized him from a local jail where he was being held while he appealed his conviction. In arguing that the defendants should be held in contempt, Attorney General Bonaparte acknowledged the inadequacy of state laws to remedy the underlying violence against Johnson. "Lynchings have occurred in defiance of state laws," he said, and further noted that state courts had made, at most, "only [a] desultory attempt" to punish the lynchers. <http://www.famous->

[trials.com/sheriffshipp/1064-bonaparteclosing](https://www.famous-trials.com/sheriffshipp/1064-bonaparteclosing). The defendants were convicted of contempt of court.⁴ *See generally United States v. Shipp*, 214 U.S. 386 (1909).

The lack of a federal anti-lynching law made it difficult for the federal government to redress acts of racial violence and, as noted by Attorney General Bonaparte, states rarely did. Partly for this reason, violence escalated through the turn of the century and continued through World War I. In 1919, as soldiers returned from war, the country was gripped by Red Summer, a particularly violent time characterized by hundreds of instances of mob violence against Black communities through murder, assault, arson, and other forms of terror. *See generally* Cameron McWhirter, *Red Summer: The Summer of 1919 and the Awakening of Black America* (Henry Holt and Company, 2011); Phillip Dray, *At the Hands of Persons Unknown*, Chapter 8 (Modern Day Library, 2002).

World War II through the 1950s

In 1939, the Department made significant advances in addressing the problem of racial violence. Attorney General Frank Murphy created a Civil Liberties Unit (shortly thereafter renamed the Civil Rights Section) in the Criminal Division of the Department of Justice. Its mission was threefold: enforcing the federal civil liberties statutes, identifying the need for additional legislation, and “invigorat[ing] . . . the federal government’s endeavors to protect fundamental rights.” <https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/07-07-1939pro.pdf>.

⁴ Shipp and two other defendants were sentenced to 90 days imprisonment in the United States Jail in the District of Columbia. The other three defendants receive 60-day sentences. [The Trial of Sheriff Joseph Shipp et al.: An Account \(famous-trials.com\)](https://www.famous-trials.com/sheriffshipp/1064-bonaparteclosing).

In 1940, O. John Rogge, Assistant Attorney General for the Criminal Division, urged United States Attorneys to take a more aggressive approach to prosecuting crimes of racial violence, including the lynchings of Black victims. Attorney General Francis Biddle agreed, noting in a speech delivered during World War II that “[o]ne response to the challenge of Fascism to the ideals of democracy has been a deepened realization of the importance of these rights, based on a belief in the dignity and the rights of individual men and women.” Francis Biddle, An Address by Francis Biddle, Attorney General of the United States Annual Conference of the National Urban League, <https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/09-28-1944.pdf>. Soon thereafter, the Department began to investigate and attempt to prosecute more bias-motivated murders.

Although Assistant Attorney General Rogge’s directive demonstrated an increasing federal will to address the problem of racial violence, the federal government still lacked the necessary tools to adequately address the problem. Because there was no federal anti-lynching law, the Department could use only the Reconstruction Era laws, then codified at 18 U.S.C. §§ 51 and 52, to prosecute acts of racial violence. Nonetheless, the Department, using only these limited tools, brought federal charges against Claude Screws, a Georgia sheriff, in 1943. Screws had ordered his deputies to arrest Robert Hall, a Black man against whom Screws held a grudge. After arresting him, Screws and his deputies brutally beat Hall to death. Although Screws was convicted of depriving Hall of his constitutional rights while acting under color of law, his conviction was reversed because the Supreme Court determined that the instructions given during trial were inadequate. *See*

<http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=5229&context=mulr>; *Screws v. United States*, 325 U.S. 91 (1945).

The Department also attempted to use the Reconstruction Era laws to prosecute members of a mob who murdered Cleo Wright on January 25, 1942. Wright was a Black man who, while awaiting trial for allegedly assaulting a white woman and attacking a police officer, was kidnapped from a jail cell in Sikeston, Missouri, by a mob of angry white men. The mob burned Wright alive. Attorney General Biddle authorized a federal prosecution under the Reconstruction Era statutes. Evidence was presented to a grand jury, but the grand jury refused to issue an indictment. The same grand jury issued an advisory report, later made public, in which it labeled the crime a “shameful outrage” and even stated that Wright had been denied “due process of law,” but nonetheless found that the mob’s actions did not constitute a crime under federal law. Victor W. Rotnem, *The Federal Civil Right “Not to Be Lynched,”* 28 Wash. U. L. Rev. 57 (1943),

http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=3888&context=law_lawreview.

Victor Rotnem, who had become the Chief of the Civil Rights Section in 1941, urged the Department to argue for a more aggressive application of the Reconstruction Era statutes that protected persons against deprivations of their rights guaranteed by the Constitution and other federal laws. Rotnem argued that, although the right to due process of law protected citizens against only those deprivations of life, liberty, or property committed without due process by a *governmental* entity, private persons who commit lynching, like those in the mob who murdered Wright, could still be prosecuted under the Reconstruction Era statutes. *See id.* at 62. He asserted that, by kidnapping a person from jail, defendants directly interfered with that person’s right to have a state or local government try him for the crime he was accused of committing,

thus denying him the right to due process of law. *See id.* Courts, however, largely did not accept these arguments, and the lack of a specific federal hate crime law, coupled with restrictive interpretations of Reconstruction Era statutes, dramatically limited the kinds of prosecutions the Department could undertake.

The Civil Rights Era

The Civil Rights Division was established in 1957 and, thereafter, the Department achieved greater success in prosecuting civil rights cases. The first notable success came in the case of *United States v. Price*, commonly referred to as the “Mississippi Burning” case. The case involved the 1964 murders of James Chaney, Andrew Goodman, and Michael Schwerner – three civil rights workers kidnapped and murdered during Freedom Summer, a time when civil rights organizations, including the Congress of Racial Equality (CORE), the Student Nonviolent Coordinating Committee (SNCC), and the Congress of Federated Organizations (COFO), actively recruited students from across the nation to come to Mississippi to participate in voter registration and other civil rights-related activities. The Ku Klux Klan (Klan), which opposed the goals of Freedom Summer, responded with violence. Chaney, Goodman, and Schwerner, who had traveled to Mississippi to help with voter registration efforts, were arrested by Neshoba County Deputy Sheriff Cecil Ray Price and jailed in Philadelphia, Mississippi. The three civil rights workers later were released from custody. Deputy Price, however, coordinated their release with members of the Klan, who killed the young men, burned their car, and buried their bodies in an earthen dam. Following an investigation by the Federal Bureau of Investigation (FBI), 19 defendants were indicted. Seven of those defendants were convicted at trial and another pleaded guilty. The jury was unable to reach a verdict with respect to three additional defendants and acquitted the remaining eight defendants.

In that same era, the Department achieved convictions of two Georgia Klansmen responsible for the murder of Lieutenant Colonel Lemuel Penn, a Black WWII veteran. The defendants, Cecil Myers and Howard Sims, believed that Black men were coming to Georgia to test newly enacted civil rights laws. When they saw a car with Black men in it, they targeted the car's occupants based solely on their race, shooting at the men and killing Lieutenant Colonel Penn. Although Myers and Sims were convicted in federal court, other defendants who were indicted with them, as part of an overarching conspiracy to intimidate Black residents, were acquitted.

In both the "Mississippi Burning" case and the case resulting from Penn's murder, the defendants challenged the Department's authority to bring federal charges. In responding to these challenges, the Department obtained important Supreme Court victories that permitted a more expansive application of the Reconstruction Era statutes. *See United States v. Price*, 383 U.S. 787 (1966) (establishing that private persons may act under color of law when they act in concert with state actors); *United States v. Guest*, 383 U.S. 745 (1966) (establishing that the right to interstate travel is a right that may be protected against private interference if the interference of that right is the primary purpose of a conspiracy).

Even more significantly, Congress passed the first federal hate crime statutes in 1968: one prohibiting violent interference with housing rights (42 U.S.C. § 3631), and another prohibiting violent interference with several enumerated rights, including voting and employment activities (18 U.S.C. § 245). These statutes were important tools in the federal arsenal that, for the first time, clearly and unambiguously allowed for the federal prosecution of racially motivated murders and assaults, even when none of the defendants was acting under color of law.

Unfortunately, these new statutes alone were not transformative. Each statute originally had only a five-year statute of limitations period, meaning the government had to bring charges within five years of the crime, even when the crime resulted in death. Thus, in cases in which families were too frightened to report crimes, or in which the federal government otherwise failed to indict a case within five years, the government was barred from prosecuting the case, except in the unlikely event that another federal statute, such as interstate kidnapping or murder on federal land, applied. Moreover, not all racially motivated crimes could be prosecuted because, for federal jurisdiction to apply, prosecutors had to prove not only bias motivation, but also that a defendant had acted to interfere with one of the federally protected rights specifically set forth in the statute, such as the right to fair housing or the right to employment.

The Modern Era

More recently, Congress has passed significant legislation that has given federal prosecutors greater flexibility and authority to prosecute bias-motivated crimes. In 1996, Congress passed the Church Arson Prevention Act, which prohibits destruction and damage to houses of worship motivated by either race or religion, and which also prevents interference with the free exercise of religion. *See* Church Arson Prevention Act of 1996, Pub. L. No. 104-155, 110 Stat. 1392 (codified at 18 U.S.C. § 247). In 2018, Congress amended this law to expand the definition of religious real property to allow prosecution of more acts of destruction. *See* Protecting Religiously Affiliated Institutions Act of 2018, Pub. L. No. 115-249, § 2, 132 Stat. 3162.

In 1994, Congress amended 18 U.S.C. §§ 241 and 245 to allow the government to seek the death penalty for civil rights-related crimes resulting in a victim's death. *See* Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, § 60006, 108 Stat. 1970, 2109,

2113, 2147. Because there is no statute of limitations for death-eligible offenses, bias-motivated crimes that are committed after 1994 and result in death may now be charged even decades after the offense occurred. Congress, however, may not extend a statute of limitations that has already expired. *See Stogner v. California*, 539 U.S. 607, 632–633 (2003) (legislatures lack the constitutional power to expand the limitations period after the period has expired). Therefore, these amendments do not permit the government to prosecute cases in which the statute of limitations had expired by 1994.

In 2009, Congress further enhanced the ability of prosecutors to charge defendants with committing a federal hate crime by passing the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 (Shepard-Byrd Act), now codified at 18 U.S.C. § 249. The Shepard-Byrd Act eliminates the requirement that prosecutors prove a defendant intended to interfere with a victim’s federally protected right for race-based crimes. To secure a conviction under the Shepard-Byrd Act, a federal prosecutor need prove only that a defendant willfully inflicted death or bodily injury upon a victim, or attempted to do so with a dangerous weapon, and that the defendant acted because of the race, color, or other enumerated protected characteristic of the victim or some other person. Additionally, under the Shepard-Byrd Act, there is no statute of limitations if death results from the defendant’s actions.

This year, Congress passed and, on March 29, 2022, the President signed, the Emmett Till Antilynching Act, creating a conspiracy-specific law that can be used to prosecute the most serious conspiracies to commit hate crimes, including those that result in death or serious bodily injury or that involve kidnapping or its attempt, aggravated sexual abuse or its attempt, or an attempt to kill.

B. Passage of Laws Promoting the Investigation and Prosecution of Civil Rights Era Offenses

The federal government's increased ability to prosecute modern day hate crimes, including lynchings, still leaves unaddressed those cases that it was unable to prosecute in the past. For this reason, in 2008, Congress enacted the Till Act and, in 2016, its Reauthorization. These acts obligate the Department of Justice to identify, investigate, and, where appropriate, prosecute any civil rights offense that occurred before 1980 and resulted in death.

In January 2019, Congress enacted the Cold Case Records Collection Act, again stressing its desire that crimes from the Jim Crow Era not be forgotten. *See* Civil Rights Cold Case Records Collection Act, Pub. L. No. 115-426, 132 Stat. 5489. This Act establishes a collection of hate crime investigative records within the National Archives that may be accessed and reviewed by scholars, the civil rights community, and the general public. In February 2022, Congress confirmed four members to the five-member Cold Case Records Collection Act Review Board.

C. History of the Cold Case Initiative

The Department is committed to achieving justice in Civil Rights Era cold cases. In fact, the Department's efforts to achieve justice in these cases predate the original Till Act. As explained in prior reports, since the passage of the Till Act, Department lawyers and FBI agents have jointly participated in a multi-faceted strategy to identify cases that might potentially be prosecuted.

The Department began its Cold Case Initiative (Initiative) in 2006. The first step of this Initiative was to have each of the FBI's 56 field offices identify cases that might warrant review. In 2007, the Department began an extensive outreach campaign to solicit assistance from the

NAACP, Southern Poverty Law Center, and the National Urban League, as well as various community groups, the academic community, and state and local law enforcement organizations. The Department also conducted an aggressive media campaign, granting interviews to numerous outlets, including the New York Times, the Washington Post, the Baltimore Sun, National Public Radio, the British Broadcasting Company, 60 Minutes, Dateline, and local media outlets, in an effort to elicit the public's assistance with locating witnesses to these crimes, as well as family members of the victims. When the Department's work on the Initiative began, the Department had identified 95 matters for further review. As a result of outreach efforts since the Till Act, that number has grown to 137.

D. Past Efforts to Prosecute Cold Cases

The Department's efforts to identify and resolve Civil Rights Era cold cases (both before and since the Till Act) have resulted in two successful federal prosecutions and three successful state prosecutions.

Federal Prosecutions

The first modern federal prosecution of a Civil Rights Era cold case was the prosecution of Ernest Avants. See *United States v. Ernest Henry Avants*, 367 F.3d 433 (5th Cir. 2004). This case involved the 1966 murder of Ben Chester White, an elderly Black farm worker. Avants and two other Mississippi Klansmen lured White to Pretty Creek Bridge in the Homochitto National Forest outside of Natchez, Mississippi. Once there, the Klansmen shot White multiple times with an automatic weapon and once with a single-barrel shotgun. White's bullet-ridden body was discovered several days later. The murder was intended to lure Dr. Martin Luther King, Jr., to the area so that he, too, could be murdered, assaulted, or otherwise harmed. A 1967 state prosecution for murder resulted in an

acquittal for Avants and a mistrial for another defendant, who is now deceased. A third defendant, also now deceased, was never prosecuted by state officials. In 1999, the Department opened an investigation into White's murder using a federal statute (18 U.S.C. § 1111) that can be used to prosecute murder on federal lands. Avants was indicted in June 2000, convicted in February 2003, and sentenced to life in prison in June 2003. He died in prison in 2004.

The second federal prosecution of a Civil Rights Era cold case was *United States v. James Ford Seale*, 600 F.3d 473 (5th Cir. 2010). This case involved the 1964 murders of two 19-year-old Black men, Charles Moore and Henry Dee, in Franklin County, Mississippi. On May 2, 1964, James Ford Seale and other members of the Klan forced Moore and Dee into a car and drove them into the Homochitto National Forest. Mistakenly believing, without any evidentiary basis, that Dee was a member of the Black Panthers and that he was bringing guns into the county, the Klansmen beat the young men while interrogating them about the location of the weapons. In order to stop the beating, the young men falsely confessed, telling the Klansmen that guns were stored in a nearby church. The Klansmen then split into two groups: one searched the church for the guns and the other – including Seale – transported the victims to a remote location on the Mississippi River after briefly crossing into Louisiana. Moore and Dee, bound and gagged, were chained to an engine block and railroad ties, taken by Seale out onto the water in a boat, and pushed overboard to their deaths. Their severely decomposed bodies were found months later.

Seale and another Klansman, Charles Edwards, were arrested on state murder charges in late 1964, but the charges were later dropped. In 2006, the Civil Rights Division and the United States Attorney's Office for the Southern District of Mississippi re-opened an investigation into

the murders. The investigation determined that the subjects had crossed state lines during the commission of the crime and, as a result, the government could prosecute the subjects under the federal kidnapping statute (18 U.S.C. § 1201). Edwards, who did not directly participate in the murders, was granted immunity and testified against Seale, the only other surviving participant. Seale was indicted in January 2007. In June 2007, Seale was convicted on two counts of kidnapping and one count of conspiracy. He was sentenced to three terms of life imprisonment. Seale's convictions were upheld after extensive appellate litigation. *See United States v. Seale*, 600 F.3d 473 (5th Cir. 2010). Seale died in prison in 2011.

State Prosecutions

The first successful, federally assisted state prosecution under the Initiative was against Klansmen who bombed the Sixteenth Street Baptist Church in Birmingham, Alabama, on a Sunday morning in 1963. The defendants targeted the church because it served a Black congregation and because it had been used as a meeting place for non-violent protests against the city's segregation laws. Four young girls – Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley – were killed in the blast. Because of the code of silence among supporters of the Klan, no one was brought to justice for the murders until 1977, when Robert Chambliss was tried and convicted. *See generally Chambliss v. State*, 373 So. 2d 1185, 1187 (Ala. Crim. App. 1979). Chambliss died in 1985. Pursuant to the Department's pre-Till Act cold case process, the case was re-examined in the late 1990s and early 2000s. As a result, the United States Attorney for the Northern District of Alabama was cross-designated to serve as the lead prosecutor in two state trials charging Tommy Blanton and Bobby Cherry with murder. Blanton was convicted in April 2001 and sentenced to four life terms. *See generally Blanton v. State*, 886 So. 2d 850, 857 (Ala. Crim. App. 2003). Blanton died in prison in 2020. Cherry was

convicted in May 2002 and also sentenced to four life terms. *See generally Cherry v. State*, 933 So. 2d 377, 379 (Ala. Crim. App. 2004). Cherry died in prison in 2004.

The second successful, federally assisted state prosecution was against one of the defendants against whom the jury failed to reach a verdict in the “Mississippi Burning” case (described in Part A). In a June 2005 trial, Edgar Ray Killen was convicted of three counts of manslaughter and sentenced to 60 years in prison. *See Killen v. State*, 958 So. 2d 172, 173 (Miss. 2007). Killen died in prison in 2018.

The most recent successful, federally assisted state prosecution was against James Bonard Fowler in 2010. Fowler, an Alabama State Trooper, fatally shot Jimmie Lee Jackson in 1965 during a protest in Marion, Alabama. Jackson’s murder served as a catalyst for the famed 1965 march from Selma to Montgomery. *See State v. Fowler*, 32 So. 3d 21, 23 (Ala. 2009). Fowler was convicted of misdemeanor manslaughter and sentenced to six months in prison. *See* <http://www.nytimes.com/2010/11/16/us/16fowler.html>.

E. Barriers to Successful Federal Prosecution of Cold Cases

Despite achieving convictions in a few Civil Rights Era cold cases, there remain significant legal limitations on the federal government’s ability to prosecute these cases. For example, the Constitution’s *Ex Post Facto* clause prohibits the government from prosecuting defendants using laws that were not yet enacted at the time a crime was committed. Thus, when the government evaluates whether it can bring a case in federal court, it must look to the statutes that existed at the time the crime was committed. As discussed above, there were no federal hate crime laws until 1968. Moreover, because those early laws require proof of an intent to interfere with a federally protected right, it is more difficult to obtain convictions under the 1968 laws than it would be under modern hate crime laws, like the Shepard-Byrd Act, that have eliminated

the requirement that prosecutors prove a nexus with a federally protected right. If an act of racial violence occurred before 1968, when the first federal hate crime statutes were enacted, then the government must charge a defendant with violating a Reconstruction Era statute, in which case it is even more difficult for the government to obtain a conviction as most charges that could be brought under these statutes would require proof that at least one defendant acted under color of law. In rare instances, as noted above in the prosecutions of Avants and Seale, the government may charge a subject with violating another federal statute, such as murder occurring on federal lands (18 U.S.C. § 1111) or kidnapping across state lines (18 U.S.C. § 1201), if facts exist to support those charges.

The government also cannot prosecute a defendant if the statute of limitations (essentially a deadline by which prosecutors must charge a crime) has expired. There is currently no statute of limitations under 18 U.S.C. §§ 241 and 245 for hate crimes resulting in death; however, as explained above, the prior, shorter limitations period was removed by an act of Congress in 1994. Before then, the limitations period for these crimes was five years. This means that if an act of racial violence that otherwise met the elements of a federal hate crime occurred before 1994, the case could not be federally prosecuted now because the then-five-year limitations period would have expired long ago.

State murder prosecutions, while not barred by these particular factors, may be barred if there was a previous trial on the same or substantially similar charges. The Fifth Amendment's protection against double jeopardy prohibits retrial by the same sovereign for the same offense of persons who were previously found not guilty or who were convicted but received shockingly light sentences. There is no exception to this constitutional protection, even if it now appears in modern times that the jurors, prosecutors, or even the court harbored racial prejudice.

Another legal hurdle is that suspects die, leaving no one to prosecute. The Sixth Amendment and the Due Process Clauses of the Fifth and Fourteenth Amendments give defendants the right to be present at a public trial. *See United States v. Gagnon*, 470 U.S. 522, 526 (1985) (explaining that the right to be present at trial emanates both from the defendant's Sixth Amendment right to confront accusers as well as from the Due Process Clause). Defendants cannot be afforded such rights after death, and therefore the government may not proceed with a prosecution without an available defendant.⁵

As a practical matter, even if there is no legal bar to prosecution, there are evidentiary difficulties inherent in all cold case prosecutions; difficulties that are compounded the older the case is. First, witnesses die or can no longer be located. Second, memories fade and evidence is destroyed or cannot be located. Finally, original investigators often lacked the technical and scientific advances relied upon today, thus rendering scientific or technical conclusions inaccurate or incomplete (and the evidence on which a scientific conclusion was based may have been destroyed in the routine course of business or may have simply degraded over time). In such cases, even if a living subject exists, these evidentiary hurdles will likely render it impossible for prosecutors to prove guilt beyond a reasonable doubt. Even with our best efforts, investigations into historic cases are exceptionally difficult, and rarely will justice be reached inside of a courtroom.

⁵ In fact, even a defendant who had been convicted by a jury may have his conviction abated *ab initio* if that defendant dies while a direct appeal of the conviction is pending. In such a circumstance, the prosecution is not merely dismissed. Instead, everything associated with the prosecution is extinguished, leaving the defendant "as if he had never been indicted or convicted." *See United States v. Estate of Parsons*, 367 F.3d 409, 413 (5th Cir. 2004) (en banc).

II. COLD CASE STUDY AND REPORT: CASE PROGRESS SINCE THE LAST REPORT

Pursuant to sections 3(c)(1)(A)-(E) of the Till Act, the Department must report to Congress the total number of investigations opened for review under the Till Act, the number of new cases opened for review since the last report to Congress, the number of unsealed federal cases charged, the number of cases referred by the Department to a state or local government agency or prosecutor, and the number of cases that were closed without federal prosecution. In addition, the Reauthorization Act requires the Department to report the number of cases referred by an eligible entity. This information is set forth below.

A. Total Cases Opened for Review

Pursuant to section 3(c)(1)(A) of the original Till Act, the Department provides Congress information on the number of open investigations under the Act. As discussed above, the Department's efforts to investigate and prosecute unsolved Civil Rights Era homicides predate the Till Act. During the course of the Department's focus on these matters, it has opened for review 137 matters, involving 160 known victims, and has fully investigated and resolved 122 of these matters through prosecution, referral, or closure.

B. Cases Opened Since the Last Report to Congress

Pursuant to section 3(c)(1)(B) of the original Till Act, the Department provides Congress information on the number of new cases opened since the last report to Congress. Since the last report to Congress in March 2021, the Department has opened five new Till Act investigations and has continued its examination of those opened in prior periods. Since the last study period, ten potential Till Act cases, have been reported to—or identified by—the Department for review.

C. Cases Unsealed Since the Last Report to Congress

Pursuant to section 3(c)(1)(C) of the original Till Act, the Department provides notice that no charged federal cases have been unsealed since the last report.

D. Cases Referred to State or Local Authorities

Pursuant to section 3(c)(1)(D) of the original Till Act, the Department informs Congress that ten of the 137 matters opened for review have been referred to state authorities since Congress enacted the Till Act. No cases have been referred since the last report.

E. Cases Closed Since the Last Report to Congress

Pursuant to section 3(c)(1)(E) of the original Till Act, the Department provides the following information about cases it has closed. To date, the Department has closed 110 cases without prosecution or referral to the state. (Of the 122 matters it has fully investigated and resolved, ten were referred to the state, two federally prosecuted, and the remainder were closed.) There have been no federal prosecutions since the last report. As explained more fully in Section III below, three cases were resolved, each with a written memorandum explaining the reasons for the closing,⁶ since the last report without referral to any state.⁷ One case that was referred to us

⁶ An additional, previously closed case was reopened during the reporting period upon the request of the victim's family member so that the Department could consider information provided by another family member. Although this information did not change the Department's previous decision to close the case, that information was incorporated into a revised closing memorandum; thereafter, the case was again closed without prosecution or referral to the state.

⁷ The COVID-19 global pandemic has had an impact on the Department's ability to review and investigate cold cases. As a result of the pandemic, it has been more difficult to obtain essential information and documents from record repositories. For example, the National Archives and Records Administration and other record repositories were closed for much of this period.

in the last reporting period was reviewed during this reporting period but did not provide a viable lead to evidence or information that could result in the prosecution of any living subject.⁸

In total, since the original Till Act was enacted, 112 cases have been closed without referral to the state. The reasons for closure vary and include, most notably, (1) the death of all identified subjects; (2) the expiration of the federal statute of limitations coupled with a double jeopardy bar to state prosecution; (3) an inability to prove that the death of the victim resulted from an act of violence; (4) the inability to prove that any deliberate murder was motivated by racial animus or that the murder was otherwise a civil rights offense, (6) a combination of reasons, or (7) in two instances, a successful federal prosecution.

F. Chart

The Department provides the following chart to illustrate the statistics provided in subsections A through E of Section II of the Report. It lists the names of the victims, incident locations, incident dates, and closing dates (for those cases that are closed) of all cases that have been opened from the time the original Till Act took effect through June 30, 2022.

	NAME OF VICTIM	INCIDENT LOCATION	INCIDENT DATE	CLOSING DATE
1.	Anthony Adams	Salt Lake City, Utah	November 3, 1978	May 26, 2020
2.	Louis Allen	Amite County, Mississippi	January 31, 1964	May 18, 2015
3.	Andrew Lee Anderson	Crittenden County, Arkansas	July 17, 1963	April 9, 2010
4.	Frank Andrews	Lisman, Alabama	November 28, 1964	November 13, 2013

⁸ During the previous reporting period, the Department received information from an eligible entity about a matter that had previously been prosecuted by state officials. That prosecution resulted in the conviction of the defendant. The information provided by the eligible entity suggested that another person may have also been involved in the matter. During the current reporting period, a source was interviewed by federal investigators and the lead was reviewed. Both the FBI and the Civil Rights Division determined after separate reviews that the matter should not be opened under the Till Act, as the reviews did not result in any information unknown at the time the case was successfully prosecuted by state officials.

5.	Jerry Lee Armstrong	De Soto County, Mississippi	December 23, 1977	
6.	Isadore Banks	Marion, Arkansas	June 8, 1954	August 2, 2012
7.	John Bennett*	Augusta, Georgia	May 9-11, 1970	
8.	John Larry Bolden	Chattanooga, Tennessee	May 3, 1958	April 15, 2010
9.	Preston Bouldin	San Antonio, Texas	May 8, 1953	May 26, 2011
10.	Michael Bowman*	Barton, Arkansas	May 23, 1974	
11.	James Brazier	Dawson, Georgia	April 20, 1958	April 6, 2009
12.	Thomas Brewer	Columbus, Georgia	February 18, 1956	April 6, 2009
13.	Clyde Briggs*	Franklin County, Mississippi	January 18, 1965	April 21, 2021
14.	Hilliard Brooks	Montgomery, Alabama	August 12, 1950	April 9, 2010
15.	Benjamin Brown	Jackson, Mississippi	May 11, 1967	March 19, 2013
16.	Leonard Brown*	Baton Rouge, Louisiana	November 16, 1972	
17.	Charles Brown	Benton, Mississippi	June 18, 1957	April 16, 2010
18.	Gene Brown/a.k.a. Pheld Evans	Canton, Mississippi	1964	April 21, 2010
19.	Jessie Brown	Winona, Mississippi	On or about January 13, 1965	April 19, 2010
20.	Carie Brumfield	Franklinton, Louisiana	September 12, 1967	September 24, 2013
21.	Eli Brumfield	McComb, Mississippi	October 13, 1962	April 16, 2010
22.	Johnnie Mae Chappell	Jacksonville, Florida	March 23, 1964	March 20, 2015
23.	Jesse Cano	Brookville, Florida	January 1, 1965	June 3, 2011
24.	Silas Caston	Hinds County, Mississippi	March 1, 1964	May 2, 2010
25.	James Cates	Chapel Hill, North Carolina	November 21, 1970	
26.	James Chaney	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
27.	Thad Christian	Anniston, Alabama	August 28, 1965	April 6, 2011
28.	Clarence Cloninger	Gaston, North Carolina	October 10, 1960	April 3, 2009
29.	Jo Etha Collier*	Drew, Mississippi	May 25, 1971	January 13, 2020
30.	Eddie Cook*	Detroit, Michigan	November 7, 1965	May 15, 2020
31.	Willie Countryman	Dawson, Georgia	May 25, 1958	April 6, 2009
32.	Jean Cowsert*	Mobile, Alabama	January 1967	
33.	Lee Culbreath*	Portland, Arkansas	December 5, 1965	May 7, 2019
34.	Vincent Dahmon	N/A	N/A	April 12, 2010
35.	Jonathan Daniels	Lowndes County, Alabama	August 20, 1965	April 26, 2011
36.	Woodrow Wilson Daniels	Yalobusha County, Mississippi	June 21, 1958	April 12, 2010
37.	Rayfield Davis*	Mobile, Alabama	March 7, 1948	
38.	Henry Hezekiah Dee	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
39.	George Dorsey	Monroe, Georgia	July 25, 1946	January 27, 2017
40.	Mae Dorsey	Monroe, Georgia	July 25, 1946	January 27, 2017
41.	Roman Ducksworth	Taylorville, Mississippi	April 9, 1962	April 12, 2010
42.	Joseph Dumas	Perry, Florida	May 5, 1962	April 9, 2010
43.	Joseph Edwards	Vidalia, Louisiana	July 12, 1964	February 20, 2013

44.	Willie Edwards	Montgomery, Alabama	January 22, 1957	July 2, 2013
45.	James Evansingston	Tallahatchie County, Mississippi	December 24, 1955	April 12, 2010
46.	Peter Francis*	Perry, Maine	November 15, 1965	October 5, 2018
47.	Phillip Gibbs*	Jackson, Mississippi	May 15, 1970	
48.	Andrew Goodman	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
49.	James Earl Green*	Jackson, Mississippi	May 15, 1970	
50.	Mattie Green	Ringgold, Georgia	May 19, 1960	May 4, 2012
51.	Jasper Greenwood	Vicksburg, Mississippi	June 29, 1964	June 17, 2010
52.	Jimmie Lee Griffith	Sturgis, Mississippi	September 24, 1965	August 14, 2012
53.	Paul Guihard	Oxford, Mississippi	September 30, 1962	July 19, 2011
54.	A.C. Hall	Macon, Georgia	October 13, 1962	July 27, 2011
55.	Rogers Hamilton	Lowndes County, Alabama	October 22, 1957	February 10, 2016
56.	Adlena Hamlett	Sidon, Mississippi	January 11, 1966	May 26, 2011
57.	Samuel Hammond	Orangeburg, South Carolina	February 8, 1968	
58.	Collie Hampton	Winchester, Kentucky	August 14, 1966	June 1, 2011
59.	Alphonso Harris	Albany, Georgia	December 1, 1966	April 12, 2010
60.	Robert Lee Harris*	Barton, Arkansas	May 23, 1974	
61.	Isaiah Henry	Greensburg, Louisiana	July 28, 1954	May 21, 2012
62.	Arthur James Hill	Villa Rica, Georgia	August 20, 1965	May 18, 2011
63.	Ernest Hunter	St. Marys, Georgia	September 13, 1958	April 6, 2009
64.	Eddie Jackson*	Barton, Arkansas	May 23, 1974	
65.	Jimmie Lee Jackson	Marion, Alabama	February 18, 1965	May 3, 2011
66.	Luther Jackson	Philadelphia, Mississippi	October 25, 1959	April 16, 2010
67.	Wharlest Jackson	Natchez, Mississippi	February 27, 1967	May 4, 2015
68.	Carol Jenkins*	Martinsville, Indiana	September 16, 1968	
69.	Alberta O. Jones*	Louisville, Kentucky	August 5, 1965	
70.	Ernest Jells	Clarksdale, Mississippi	September 20, 1963	April 16, 2010
71.	Joseph Jeter	Atlanta, Georgia	September 13, 1958	May 2, 2010
72.	Nathan Johnson	Alabaster, Alabama	May 8, 1966	April 21, 2011
73.	Marshall Johns	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
74.	Birdia Keglar	Sidon, Mississippi	January 11, 1966	May 18, 2011
75.	Bruce Klunder	Cleveland, Ohio	April 7, 1964	April 16, 2010
76.	Margaret Knott*	Butler, Alabama	September 11, 1971	
77.	William Henry "John" Lee	Rankin County, Mississippi	February 25, 1965	May 5, 2011
78.	George Lee	Belzoni, Mississippi	May 7, 1955	June 6, 2011
79.	Herbert Lee	Amite County, Mississippi	September 25, 1961	April 16, 2010
80.	Richard Lillard	Nashville, Tennessee	July 20, 1958	April 15, 2010
81.	George Love	Ruleville, Mississippi	January 8, 1958	June 10, 2011
82.	Maybelle Mahone	Zebulon, Georgia	December 5, 1956	April 6, 2009
83.	Dorothy Malcolm	Monroe, Georgia	July 25, 1946	January 27, 2017
84.	Roger Malcolm	Monroe, Georgia	July 25, 1946	January 27, 2017
85.	Henry Marrow*	Granville County, North Carolina	May 11, 1970	

86.	Sylvester Maxwell	Canton, Mississippi	January 17, 1963	May 2, 2010
87.	Sammie L. McCullough*	Augusta, Georgia	May 9-11, 1970	
88.	Bessie McDowell	Andalusia, Alabama	June 14, 1956	April 9, 2010
89.	Ernest McFarland	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
90.	Robert McNair	Pelahatchie, Mississippi	November 6, 1965	May 26, 2011
91.	Clinton Melton	Glendora, Mississippi	December 3, 1955	April 12, 2010
92.	Delano Middleton	Orangeburg, South Carolina	February 8, 1968	
93.	James Andrew Miller	Jackson, Georgia	August 30, 1964	April 12, 2010
94.	Hosie Miller	Newton, Georgia	March 15, 1965	June 21, 2011
95.	Booker T. Mixon	Clarksdale, Mississippi	October 12, 1959	August 13, 2012
96.	Neimiah Montgomery	Merigold, Mississippi	August 10, 1964	April 12, 2010
97.	Charles Edward Moore	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
98.	Harriette Moore	Mims, Florida	December 25, 1951	July 15, 2011
99.	Harry Moore	Mims, Florida	December 25, 1951	July 15, 2011
100.	Oneal Moore	Varnado, Louisiana	June 2, 1965	March 31, 2016
101.	William Moore	Attalla, Alabama	April 23, 1963	August 2, 2012
102.	Frank Morris	Ferriday, Louisiana	December 10, 1964	December 30, 2013
103.	James Motley	Elmore County, Alabama	November 20, 1966	April 12, 2010
104.	Charlie Mack Murphy*	Augusta, Georgia	May 9-11, 1970	
105.	Claude Neal	Greenwood, Florida	October 26, 1934	October 1, 2013
106.	Charles Oatman*	Augusta, Georgia	May 9-11, 1970	
107.	Samuel O'Quinn	Centreville, Mississippi	August 14, 1959	May 4, 2012
108.	Herbert Orsby	Canton, Mississippi	September 7, 1964	April 12, 2010
109.	Will Owens	New Bern, North Carolina	March 5, 1956	April 3, 2009
110.	Mack Charles Parker	Pearl River County, Mississippi	May 4, 1959	
111.	Larry Payne	Memphis, Tennessee	March 28, 1968	July 5, 2011
112.	Clarence Horatious Pickett	Columbus, Georgia	December 21, 1957	April 12, 2010
113.	William Piercefield	Concordia Parish, Louisiana	July 24, 1965	September 16, 2013
114.	Albert Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
115.	David Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
116.	Jimmy Powell	New York City, New York	July 16, 1964	February 9, 2012
117.	William Roy Prather	Corinth, Mississippi	October 31, 1959	February 16, 2016
118.	Edwin Pratt*	Shoreline, Washington	January 26, 1969	June 15, 2022
119.	Johnny Queen	Fayette, Mississippi	August 8, 1965	July 26, 2013
120.	Donald Raspberry	Okolona, Mississippi	February 27, 1965	May 17, 2010
121.	Donna Reason*	Chester, Pennsylvania	May 18, 1970	
122.	James Reeb	Selma, Alabama	March 9, 1965	May 18, 2011
123.	John Earl Reese	Gregg County, Texas	October 22, 1955	April 15, 2010
124.	Fred Robinson	Edisto Island, South Carolina	August 3, 1960	February 2, 2012
125.	Johnnie Robinson	Birmingham, Alabama	September 15, 1963	April 9, 2010

126.	Dan Carter Sanders	Johnston Co., North Carolina	November 18, 1946	March 5, 2019
127.	Willie Joe Sanford	Hawkinsville, Georgia	March 1, 1957	July 5, 2012
128.	Michael Schwerner	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
129.	Marshall Scott	Orleans Parish, Louisiana	January 23, 1965	May 25, 2012
130.	Milton Scott	Baton Rouge, Louisiana	July 18, 1973	May 8, 2019; reopened, then closed September 29, 2021
131.	Jessie James Shelby	Yazoo City, Mississippi	January 21, 1956	May 24, 2010
132.	Ollie Shelby	Hinds County, Mississippi	January 22, 1965	April 16, 2010
133.	George Singleton	Shelby, North Carolina	April 30, 1957	April 16, 2010
134.	Denver Smith*	Baton Rouge, Louisiana	November 16, 1972	
135.	Ed Smith	State Line, Mississippi	April 27, 1958	November 5, 2009
136.	Henry Smith	Orangeburg, South Carolina	February 8, 1968	
137.	Lamar Smith	Brookhaven, Mississippi	August 13, 1955	April 12, 2010
138.	Maceo Snipes	Butler, Georgia	July 18, 1946	April 12, 2010
139.	Eddie Stewart	Jackson, Mississippi	July 9, 1966	May 26, 2011
140.	John Stokes*	Augusta, Georgia	May 9-11, 1970	
141.	Isaiah Taylor	Ruleville, Mississippi	June 26, 1964	April 12, 2010
142.	Emmett Till	Money, Mississippi	August 28, 1955	December 28, 2007; reopened, then closed December 6, 2021
143.	Ann Thomas	San Antonio, Texas	April 8, 1969	April 15, 2010
144.	Freddie Lee Thomas	Sidon, Mississippi	August 20, 1965	June 9, 2011
145.	John Thomas*	West Point, Mississippi	August 15, 1970	April 17, 2019
146.	Selma Trigg	Hattiesburg, Mississippi	January 23, 1965	May 2, 2010
147.	Ladislado Uresti	San Antonio, Texas	April 22, 1953	April 20, 2010
148.	Hulet Varner	Atlanta, Georgia	September 10, 1966	April 6, 2009
149.	Clifton Walker	Woodville, Mississippi	February 29, 1964	October 1, 2013
150.	Virgil Ware	Birmingham, Alabama	September 15, 1963	March 29, 2011
151.	James Waymers	Allendale, South Carolina	July 10, 1965	April 15, 2010
152.	Ben Chester White	Natchez, Mississippi	June 10, 1966	October 16, 2003
153.	John Wesley Wilder	Ruston, Louisiana	July 17, 1965	May 25, 2011
154.	Elbert Williams	Brownsville, Tennessee	June 20, 1940	November 4, 2018
155.	Johnny Lee Williams*	Barton, Arkansas	May 23, 1974	
156.	Rodell Williamson	Camden, Alabama	On or about May 20- 22, 1967	May 2, 2010
157.	Mack Wilson*	Augusta, Georgia	May 9-11, 1970	
158.	Archie Wooden	Snow Hill, Alabama	December 25, 1967	April 20, 2010
159.	William Wright, Jr.*	Augusta, Georgia	May 9-11, 1970	
160.	Samuel Younge	Tuskegee, Alabama	January 3, 1966	March 28, 2011

161.	Unknown*	West Point, Mississippi	1960s/1970s	May 6, 2019
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***Denotes matter referred to the Department by an eligible entity or a State or local law enforcement agency or prosecutor. See Section 2(2)(B)(i)(IV) of the Reauthorization Act.**

G. Cases in the Study Period Referred by an Eligible Entity, Law Enforcement Agency, or Prosecutor

Pursuant to Section 2(2)(B)(i)(IV) of the Reauthorization Act, now set forth at 28 U.S.C. § 509 (functions of the Attorney General), Unsolved Civil Rights Crimes, § 3(c)(H), the Department must report the number of cases referred by an eligible entity within the study period. An eligible entity is defined as an entity whose purpose is to promote civil rights, an institution of higher education, or another entity, determined by the Attorney General. The Department must similarly set forth the number of cases referred to it by state or local law enforcement agencies or prosecutors.

Since the last report, three new cold cases were referred to the Department for review by an eligible entity.⁹ Since the last report, one new cold case was referred to the Department by both a citizen and a State or local law enforcement agency.

Since the Reauthorization Act was enacted in December of 2016, 19 cases involving 29 known victims have been referred by an eligible entity or by a state or local law enforcement agency. An asterisk on the chart identifies those cases referred by an eligible entity or a State or local law enforcement agency and opened for investigation since the enactment of the

⁹ Two of the matters referred to us by an eligible entity have been opened for investigation. Another remains under review to determine whether the information warrants opening an investigation. And as explained in the previous footnote, an eligible entity referred a matter to us during the last reporting period. That matter was reviewed during this reporting period but was not opened under the Till Act for the reasons previously stated.

Reauthorization Act. The referred cases closed in prior reporting periods are discussed in the 2018 and 2019 reports.

These referrals from eligible entities and State or local law enforcement agencies include seven total matters that were reviewed by attorneys in the Cold Case Unit but never opened. One of these matters is presently being reviewed during the current reporting period to determine whether it should be opened. Such unopened referrals are not included on the chart. One matter, first reported during the last reporting period, was never opened for the reasons explained in footnote 8. The reasons that prior matters were not opened have been explained in the 2018 and 2019 reports.

Since the last report, no new cases have been referred by a State or local prosecutor.¹⁰

III. COLD CASE STUDY AND REPORT: SUMMARY OF CASES CLOSED SINCE LAST REPORT

Four cases have been closed since the last report to Congress, including one that was briefly re-opened to incorporate additional information provided by a victim's family member. The case closings are available on the Department's website – or will be available once the memoranda have been redacted to protect the privacy rights of witnesses and uncharged subjects.

¹⁰ Although not considered referrals from eligible entities or State or local law enforcement, the Department has opened one investigation based upon an inquiry from a member of the press and another investigation based upon a referral from a retired law enforcement official; the Department is also reviewing for possible investigation another matter referred by a retired law enforcement official. And following a press report on a potential cold case in which a death occurred in 1941, the Department conducted a preliminary review to determine whether the matter could be opened for investigation under the Till Act. The Department determined after its preliminary review that all suspects in the case are now deceased and therefore declined to open an investigation into that matter.

The website can be accessed here: <https://www.justice.gov/crt/civil-rights-division-emmett-till-act-cold-case-closing-memoranda>. Summaries of the cases are provided below.

A. Clyde Briggs

On January 16, 1965, Reverend Clyde Briggs, a veteran, church leader, and civil rights advocate, was admitted to the Veterans Affairs Medical Center (VAMC) in Jackson, Mississippi, for several underlying medical complaints. Briggs' condition deteriorated over the course of his hospitalization and he was pronounced dead on January 18, 1965, following an emergency tracheostomy. Review of his underlying medical records and autopsy did not reveal any evidence to suggest that Briggs died as a result of foul play. All evidence suggests that Briggs died of natural causes. Further, although some individuals articulated suspicion that, due to his civil rights advocacy, Briggs may have been targeted for violence by the Klan, our review did not identify any living witnesses who could testify about any suspicious circumstances leading up to his death. In addition, as a legal matter, even if we uncovered evidence suggesting that Briggs' death was from something other than natural causes, the statute of limitations has run on all potential federal civil rights violations and there is no other potential basis for federal jurisdiction.

B. Milton Scott (Reopened and Closed)

Milton Lee Scott, a Black Muslim man, was shot and killed outside his home in Baton Rouge, Louisiana, on July 18, 1973, by federal agents during an attempted arrest. This case was previously reported as closed in the June 2019 report to Congress. It had been reviewed by the Cold Case Unit after a citizen requested that the Civil Rights Division investigate the matter and it was discovered that it fell within the Till Act period. The Department reopened the case at the request of Scott's family, who wished to provide additional information.

The Department met with the Scott family and obtained an oral account from a family member who was a witness to Scott's death. This account complemented the written accounts other family members had previously provided. Although the additional information was not sufficient to alter the decision to close the case without prosecution or referral to the state, it was of sufficient importance to incorporate the additional information in the closing memorandum. That information included a more detailed description from a family-member witness of the actions of federal agents before and after Scott's death.

C. Edwin Pratt

On January 26, 1969, Edwin Pratt, a Black man who served as the director of the Seattle Urban League, was shot and killed when he opened the door to his home to investigate a noise outside. Witnesses reported seeing two men in Pratt's driveway just before the fatal shot was fired, and they further reported that the men escaped in a getaway car. In the immediate aftermath of the murder, the Federal Bureau of Investigation worked with the King County Sheriff's Office and Seattle Police Department to investigate the matter. The case was reopened in 1994 and again in 2019. Although these investigations resulted in a list of likely suspects, the identities of Pratt's murderers and the motive behind the crime have never been confirmed with certainty.

Federal prosecution of anyone responsible for Pratt's death is not possible. Many potential suspects were identified during the course of the previous investigations, but all likely suspects have now died. Additionally, the evidence developed during the course of those investigations is insufficient to bring federal hate crime charges. Review of the file and discussion with academics who have studied the murder have not produced any lead that could result in the prosecution of any living person. Further, even if the evidence did tie a living

suspect to the crime, the statute of limitations has run on all federal civil rights violations, and there is no other potential basis for federal jurisdiction. Referral to the state for prosecution is also not appropriate, as the Department's review of the file has not produced evidence sufficient to prosecute any living suspects on any state charge. For this reason, the case is being closed without prosecution or referral to the state.

D. Emmett Till (Reopened and Closed)

In December 2021, the Department closed the case for which the Emmett Till Unsolved Civil Rights Crimes Act was named. In 1955, Emmett Till, a 14-year-old Black youth visiting family in Mississippi, was abducted and murdered after Till, who bought items from a store, allegedly whistled at the white woman working in the store. Two men were charged with Till's murder and, at their trial, the woman from the store testified, albeit outside the presence of the jury, that Till had done more than whistle at her. She claimed that he had been physically aggressive toward her and propositioned her inside the store. The men were acquitted by an all-white jury.

There was no basis for federal jurisdiction at the time of Till's abduction and murder; however, the case was opened as a federal matter in 2004 as part of the Department's Cold Case Initiative. After an exhaustive, years-long investigation, the Department confirmed that it still lacked jurisdiction to bring federal charges, but it provided state officials with its investigative materials to see if the state could prosecute any living person for participating in Till's murder. A state grand jury considered the matter but declined to issue any indictments against any person. The Civil Rights Division then closed its investigation, and it was listed as such in reports provided to Congress through 2017.

The Department reopened its investigation in 2017 after a university professor claimed that, nearly a decade earlier, he had interviewed the woman from the store on two different occasions and that, during one of those interviews, she recanted her testimony of the events leading up to Till's murder. The Department interviewed the woman in the hope that, if she had recanted, she might be willing to provide truthful information which could lead to the prosecution of a living person who had participated in the murder.

The woman did not repeat her alleged recantation when talking to the FBI. Instead, she denied that, in her conversations with the professor, she had recanted her original story. The Department then focused its investigation on whether she did, in fact, recant her testimony in her interviews with the professor and, if so, whether she could be prosecuted for lying to the FBI when she denied doing so.

As explained more fully in the closing memo available [here](#), the government could not prove beyond a reasonable doubt that the woman lied to the FBI because it could not prove that she ever recanted her testimony. Although the professor who interviewed her represented that he had recorded and transcribed both of his interviews, he was able to produce only one recording. Neither that recording nor the transcript of either interview included any recantation. The professor asserted that notes of his interviews would support his claim that the woman had recanted. However, the sparse notes he provided to investigators did not support his claim that the woman recanted her testimony. No other individual reported ever having heard the woman recant and, indeed, a family member present for both interviews expressly denied having heard the woman recant in the professor's presence.

Moreover, the professor subsequently took actions inconsistent with that of a person who has heard a recantation. For example, he did not express skepticism when the woman made

statements (both oral and written) consistent with her original story and inconsistent with a recantation. He also provided inconsistent explanations about why the alleged recantation, which was used as a basis for promoting his book, had not been more clearly documented. For these reasons, the Department has determined that it lacks evidence sufficient to charge the woman with lying to the FBI.

In closing this matter without prosecution, however, the Department does not take the position that the woman's state court testimony about the events inside the store were truthful or accurate. There remains considerable doubt as to the credibility of her version of events, which is contradicted by others who were with Till at the time, including the account of a living witness.

Furthermore, the Department's re-investigation found no evidence, unknown during the prior comprehensive investigation, that would allow it to prove beyond a reasonable doubt that the woman – or any other living person – was criminally responsible for Till's abduction and murder.

Months after the Department closed this investigation in December 2021, several family members and civil rights advocates located a 1955 state warrant to arrest the woman on a charge of kidnapping. Following this discovery, the District Attorney's Office, in August 2022, presented to a state grand jury all evidence and testimony it had gathered since the 2004 investigation regarding the woman's involvement in Till's abduction and murder. The state grand jury considered the evidence in support of kidnapping and manslaughter charges against the woman but did not indict her on either charge.

While we have analyzed these developments closely, the recent discovery of the 1955 state arrest warrant and the state grand jury's decision not to indict the woman on state charges

has no bearing on the Department's December 2021 conclusion that there is no basis to bring federal charges against any living person. As explained in the closing memo, no federal hate crime laws existed in 1955, the statute of limitations has run on the only civil rights statutes that were in effect at that time, the acts do not implicate any other offense for which there is federal jurisdiction, and no new evidence has been discovered to charge any living person with any other federal crime. For all of these reasons, the case remains closed without prosecution.

IV. COLD CASE STUDY AND REPORT: REPORT ON NON-CASE SPECIFIC FACTORS

Pursuant to sections 3(c)(1)(F)-(G) of the Till Act, the Department must report to Congress the number of attorneys who worked on any case under the Till Act, as well as the number of grant applications submitted by state or local law enforcement agencies for expenses associated with their investigation and prosecution of cases under the Till Act, and the amount of any grants awarded. This information is set forth below.

A. Number of Attorneys Who Worked in Whole or in Part on Cases

Pursuant to section 3(c)(1)(F) of the original Till Act, the Department provides the following information about the number of attorneys who have worked on cold cases. At least 88 federal prosecutors have worked on cases reviewed as part of the Department's Cold Case Initiative and work under the Till Act. Some of these attorneys have reviewed files (many of which are extensive) and drafted memoranda explaining decisions about why a case could not be prosecuted.

In addition, a contract investigator spent 1080 hours on Till investigations and a victim-witness coordinator has devoted multiple hours reaching out to victims' families. Others have participated with the FBI in witness interviews. Still others participated in the prosecution of the

Seale case. The number does not include the numerous retired federal employees, local law enforcement officials, or other contract employees who provided additional assistance.¹¹

B. Number of Grants

Pursuant to Section 3(c)(1)(G) of the original Act, the Department provides the following information regarding grants. The 2022 Emmett Till Cold Case Grant Program solicitation was released on March 23, 2022. BJA anticipates making four awards of \$500,000 each.

This is the third year that funding has been available. On March 4, 2020, the Bureau of Justice Assistance (BJA) announced competitive grant money available to state, local, and tribal law enforcement and prosecution agencies for costs associated with the investigations and prosecutions of cold case murders that took place before December 31, 1979, and that are suspected of having been racially motivated. The grant application closed in May of 2020. In approximately November 2020, BJA awarded just under \$300,000 to the Maryland Office of the Attorney General to fund the investigation of over forty unsolved, racially motivated lynchings committed in Maryland, focusing on the lynchings of three Black men: Jacob Henson (murdered in Ellicott City in 1895), Matthew Williams (murdered in Salisbury in 1931), and George Armwood (murdered in Princess Anne in 1933).

On January 4, 2021, BJA announced a second competitive grant under the Till Act for these same purposes. The 2021 solicitation closed on May 26, 2021. BJA made five awards

¹¹ Between February 1, 2021 and June 30, 2022, employees of the Criminal Section of the Civil Rights Division expended 6197 hours on cold case work. Approximately 2672.75 of those hours were spent on individual case work and the rest on general cold case issues, including compliance with the Cold Case Records Collection Act. The number does not include time spent by the FBI, Criminal Section Investigators (other than the cold case investigator whose hours are set forth above), or United States Attorney's Office community.

amounting to \$3,314,460, pursuant to applications made in response to that solicitation. Grants were made to the following entities (1) [BJA FY2021 Emmett Till Cold Case Investigations and Training and Technical Assistance Program-Category 2](#); (2) [BSU and EDT Systems Cold Case 360 Degree Assistance Project](#); (3) [FY21 Emmett Till Cold Case Investigations, Training & Technical Assistance](#); (4) [Jefferson County, Alabama Civil Rights Cold Case and Reconciliation Initiative](#); and (5) [Undoing Jim Crow's Cold Cases Initiative](#).

C. Notifying Victim Family Members

The Cold Case Unit has devoted considerable resources to locating the next of kin of cold case victims, and we have met with family members in all of the cases closed during this reporting period. Generally, a Victim Witness Coordinator from the Civil Rights Division reaches out to the next of kin to alert him or her that a matter involving a loved one is being reviewed to see if the family member would like to meet with attorneys and investigators during the review. Family members are contacted both to inform them of the status of the Cold Case Unit's review of the death of their loved one and to allow attorneys working on the case to obtain any information known to the family that they are comfortable providing.

If a decision is made to close the case, the family member is again contacted and attorneys from the Division meet with the next of kin, either in person or (particularly during the pandemic) through a virtual platform. This contact is followed up by a letter fully setting forth the reason a case has been closed or other action has been taken. In some rare instances, the government has been able to give family members further closure by returning property of their loved one that had been long held in evidence files.

V. IMPLEMENTATION OF THE REAUTHORIZATION ACT

The Reauthorization Act, enacted on December 16, 2016, requires, among other things, that the Department meet regularly with civil rights organizations, institutions of higher education, and Department-designated entities to coordinate information sharing and to discuss the status of the Department's Till Act work. *See* Section 2(I)(c)(3) of the Reauthorization Act, now set forth at 28 U.S.C. § 509 (functions of the Attorney General), Unsolved Civil Rights Crimes, § 3(b)(4). The Act also requires that the Department hold meetings with representatives of the Civil Rights Division, FBI, the Community Relations Service, eligible entities, and, where appropriate, state and local law enforcement agencies to discuss the status of the Department's work under this Act. *See* Section 2(2)(iii)(4) of the Reauthorization Act, now set forth at 28 U.S.C. § 509 (functions of the Attorney General), Unsolved Civil Rights Crimes, § 2(2).

As first stated in the 2018 report and reiterated last year, the FBI has developed a Till Act training, which it can give to interested community groups with the assistance of prosecutors in the Civil Rights Division's Criminal Section. The Department of Justice's Hate Crime Initiative has developed a hate crime webpage that contains a contact link that can be used by any community group interested in requesting a training. The page also contains information about reporting hate crimes, including Till Act crimes. In late 2019 and early 2020, the hate crimes webpage featured a spotlight article (available at <https://www.justice.gov/hatecrimes/spotlight/civil-rights-era-cold-cases>) concerning the Department's Till Act work. The Cold Case Deputy Chief also provided members of the cold case community with information about the BJA grants, discussed above. In addition, in March 2020 and in February 2021, the Cold Case Deputy Chief participated in a webinar, along with BJA, the FBI, and the Community Relation Service to provide information to state and local law enforcement agencies that might consider applying for a grant to engage in cold case work. This

webinar reviewed the Department's cold case work and the kinds of cases the Department reviews pursuant to the Till Act and the Reauthorization Act.

VI. STAFFING INCREASES

Over the past reporting period, the Cold Case Unit of the Criminal Section of the Civil Rights Division has increased its ability to analyze and investigate cold cases. The Unit has expanded to include five attorneys devoted in large part to cold case work, and the Unit has also hired a retired FBI agent as a cold case investigator. This has increased the Unit's ability to interview family members and witnesses and to track down files and information.

CONCLUSION

The Department remains committed to working with eligible entities and others to identify potential cases that fall under the Till Act's jurisdiction. We will devote all necessary resources to ensure that those matters are reviewed and investigated as appropriate. Our efforts in doing so are to provide transparency to family members of the victims and to provide the greater public with truthful accounts of these matters. Of course, the Department remains committed to prosecuting any cold case in which living subjects exist, and in which the law and facts, including facts supporting federal jurisdiction, warrant prosecution. Should we identify a prosecutable case for which we are unable to establish federal jurisdiction, we will lend our assistance and resources to our state and local partners to ensure that best efforts are put forth to achieve justice.