

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-41-3574

Date MAY 2 2010

To: Chief, Criminal Section

Re: Thomas Campbell (Deceased) -Subject
Camden, Mississippi;
Sylvester Maxwell (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

The Federal Bureau of Investigation (FBI) initiated an investigation into this matter based on a referral from the Southern Poverty Law Center (SPLC) in the form of two newspaper clippings. According to an *Atlanta Daily World* article and another unidentified clipping, the castrated and badly mutilated body of Sylvester Maxwell, the African-American victim, was found by XXXXXXXXXX in a wooded area near Highway 51 in Canton, Mississippi, on January 17, 1963. According to the article, Thomas William Campbell, an African-American close friend of Maxwell's with whom Maxwell had last been seen alive, was arrested by the

Cristina Gamondi
Attorney

To: Records Section
Office of Legal Administration

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

5-2-10

Date

Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

Madison County Sheriff's Office (MCSO) on suspicion of the murder. Mississippi NAACP director Medgar Evers was quoted in the *Atlanta Daily World* article as opining that the murder was a "probable lynching" because African-Americans "don't mutilate the body [...] That's done by bigots who normally take [African-Americans] out and mob them."

In April 2009, an FBI case agent located a January 11, 1963 *Madison County Herald* article that stated that Maxwell had failed to return home after going out drinking with Campbell on January 4, 1963. The article stated further that Maxwell's body had been found on January 9, 1963, 500 yards off Highway 51 in Camden (not Canton), Mississippi.¹ Maxwell had reportedly been stabbed about 31 times (with severe cuts to his stomach) and had also been emasculated. According to the article, when Campbell was arrested in his home on January 10, he admitted to killing Maxwell.

The FBI then obtained Maxwell's death certificate indicating that he was "stabbed to death by or with a knife" on January 5, 1963, in Camden, Mississippi.

The FBI interviewed XXXXXXX Maxwell XXXXXX who stated that, on the night of his death, XXXXXXX had been playing cards with Campbell and XXXXXX house. After winning money from both Campbell and XXXXXXX Maxwell left XXXXXXX house. Campbell and XXXXXX left shortly thereafter.² According to XXXXXXX Maxwell's family and XXXXXXX searched for his body until XXXXXX found it. XXXXXX stated, without elaboration, that XXXXXX was certain that the location where XXXXXX found Maxwell's body had been searched by Maxwell's family the previous day.³ XXXXXXX stated that Campbell was brought to Maxwell's funeral where he apologized to the family for killing Maxwell. XXXXXXX stated further that XXXXXX is certain that XXXXXXX death was not a civil rights matter.

On September 19, 1963, Campbell pled guilty to murdering Maxwell and was sentenced to life in prison. The FBI obtained Campbell's Mississippi Department of Corrections (MDOC) records. According to Campbell's "prisoner statement," on the night of January 4, 1963, Campbell was driving Maxwell home after they had gone out drinking and they began to argue. Campbell stated that, during the argument, Maxwell "pulled a knife" on Campbell. Campbell pulled out his own knife and cut Maxwell about five times across the chest with it. After killing Maxwell, Campbell pushed Maxwell's body out of the car and into a pasture. He then drove to Memphis, Tennessee, where he stayed for four days. Campbell returned to Mississippi and turned himself into the MCSO.

¹ Canton and Camden are about 15 to 20 miles apart.

² XXXXXXX did not indicate why XXXXXX left his own house and whether he left together with Campbell.

³ It is unclear what, if anything, XXXXXXX was implying.

Campbell was paroled on January 3, 1973.⁴ Campbell died on November 17, 2001.

2008 Federal Review:

In the fall of 2008, the FBI initiated a review of the circumstances surrounding the victim's death, pursuant to the Department of Justice's "Cold Case" initiative and the "Emmett Till Unsolved Civil Rights Crime Act of 2007," which charges the Department of Justice to investigate "violations of criminal civil rights statutes . . . result[ing] in death" that "occurred not later than December 31, 1969." The FBI contacted numerous Mississippi agency officials; sent letters to the SPLC and the NAACP; conducted searches of the internet, the Mississippi Department of Archives and History (MDAH), and the records of the SPLC and the University of Southern Mississippi library; and solicited information about the case via a press release that was published in local newspapers and broadcast on local television and radio stations.

The FBI obtained Campbell's death certificate from the Mississippi Bureau of Vital Statistics that indicated that he died as a result of "brain stem herniation" on November 17, 2001, in Jackson, Mississippi.

Through online database searches, the FBI determined that Maxwell's mother, Beatrice Maxwell, died on June 17, 2001, and his father, Clyde Maxwell, died in October 1982. As noted above, the FBI located and contacted XXXXXXXXXX. The FBI also located and contacted XXXXXX Maxwell XXXXX. Mr. Maxwell stated that XXX was about XXX years-old at the time of the murder and knew that Campbell had been incarcerated for killing XXXXXX but XXX was not aware of any additional relevant details.

The FBI contacted the Canton Police Department, the MCSO, the Madison County District Attorney's Office, the Mississippi Attorney General's Office (MAGO), and the Mississippi Department of Public Safety, but none of those agencies had any records relevant to Maxwell's death.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. Although Campbell's account of the murder in his "prisoner statement" omits several relevant details (such as Maxwell's castration), he did plead guilty to the murder and apologized for it to Maxwell's family. Moreover, Maxwell's family did not concur with the NAACP

⁴ On September 7, 1974, Campbell was involved in an incident during which he fired a gun at a man named XXXXX. XXXXXX fired back at Campbell and, as a result, Campbell was rendered blind in one eye. Although Campbell eventually pled guilty to charges of Assault and Battery and Carrying a Concealed Weapon for the shooting, his sentences were suspended because of his blindness.

allegations that Maxwell's murder was a "probable lynching," and the federal investigation did not uncover evidence indicating that anyone other Campbell was responsible for Maxwell's death. Because Campbell, the only identified subject, is deceased, and because there is insufficient evidence to establish that Maxwell's death constituted a racially motivated homicide covered by the Emmett Till Act, this matter lacks prosecutive merit and should be closed. For the same reason, the matter will not be forwarded to the state for prosecutive review. AUSA Glenda Haynes, Southern District of Mississippi, concurs in this recommendation.