

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-40-2156

04/07/2010
Date _____

To: Chief, Criminal Section

Re: Unknown Subjects,
Drew, Mississippi;
James Edward Evansington (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

On December 24, 1955, the body of James Edward Evansington, a 52-year-old African-American educator, was found drowned in Long Lake a few miles outside of Drew, Mississippi. Ed Grittman, the owner of a nearby farm, found the victim's body in a few feet of water near the end of a bridge. The victim had been last seen by relatives when he left his house three days earlier. Prior to finding the victim's body, Grittman had found the victim's car, inside which was a note from the victim to his wife and friends stating that the victim could not "stand [his] sickness and worries any longer." On the reverse side of the note, the victim had stated that the car-keys were in his "pocket in the lake." A coroner's hearing held on December 24, 1955,

Cristina Gamondi
Attorney

To: Records Section
Office of Legal Administration

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

Date

Chief, Criminal Section

concluded that the victim's death was self-inflicted. An autopsy conducted on December 27, 1955, found no evidence of foul play.

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 interviewed XXX, the victim's XXXXX and XXX, XXX of the farmer who found the victim's body. The FBI also obtained the victim's death certificate. The FBI contacted various Mississippi law enforcement and government officials; conducted searches of the Carnegie Public Library records, the University of Southern Mississippi library, and the internet for relevant references and media articles; and sent letters to both the Southern Poverty Law Center (SPLC) and the NAACP requesting information.

XXXXXXXX, the victim's XXXXX, was interviewed in lieu of her XXX, XXXXX, because he had suffered a stroke. XXX stated that when she asked XXX about XXX, he refused to talk about the victim because it brought back too many bad memories.

XXXXX, the XXXX of XXXXX, the farmer who found the victim's body, stated that his XXX had not told him anything about the incident. However, XXXX had sat on the coroner's jury in the case and remembered that a note had been found, that there had been no evidence of foul play, and that the victim was found clad in a suit, coat, and tie. XXX added that the jury thought it very unusual because "black people did not commit suicide back then."¹

The FBI obtained several relevant documents from the book titled "**Civil Rights - 1957: Hearings before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, Eighty-Fifth Congress.**" The book contained a photostatic copy of the victim's suicide note and a copy of the coroner's jury verdict. The suicide note, directed to the victim's wife and friends, read:

"Dear: I hate to do this but I can't stand my sickness and worries any longer. Take care of XXX and pray for my soul. Friends, please notify my wife, M. L. Evanston, a schoolteacher who lives in Tutwiler, Miss. Help her and my XXXX all you can. This

¹ Through internet searches, the FBI determined that Ed Grittman's first name may have been Louis. The FBI then obtained the death certificate of Louis MNU Grittman, whose occupation is listed as farmer, and whose date of death is listed as 7/26/66. The FBI also obtained the death certificates of Matthew Guess, the Justice of the Peace who presided over the local coroner's hearing, whose date of death was listed as 1/8/1985; and of James Rice, the deputy sheriff whom Grittman initially contacted after finding the victim's car, and whose date of death is listed as 11/28/1971.

is her car. Tell XXX to see that my wife gets this car. She lives in Tutwiler, Miss. I thank you. J.E. Evanston.”²

The book also contained a letter from XXXXX, a former XXXX of Sunflower County, to Senator James Eastland, describing the case and the investigative steps that were taken. In addition to the facts summarized in the “Case Synopsis” above, XXXX stated that the victim’s wife had identified his handwriting on the suicide note; and that the victim’s body was taken to Clarksdale, Mississippi, where a physician from Memphis performed the autopsy. According to XXX, it was at the request of the victim’s XXXX that the case was “thoroughly investigated.” XXX added that he concluded that there was a lack of evidence warranting a grand jury investigation.

Additional documents entered into the hearing record included a letter from XXXX to the victim’s wife informing her of the victim’s death, the contents of the suicide note, information about where she could obtain her car, and asking that she come to his office to verify that the note had been written by the victim; a letter from a Colorado graduate student doing research on the case and Sheriff E.W. Williams’ response to her³; and a letter from Charlie Cox, Tallahatchie County 17th Circuit Court District Clerk and Register, to Senator Eastland, stating that no one named J.E. Evanston had ever attempted to or been refused permission to vote in the Second Judicial District of Tallahatchie County.⁴

The FBI also contacted officials at the Mississippi Department of Public Safety, the Mississippi Attorney General’s Office, the Mississippi Association of Educators, the Mississippi Motor Vehicles- Title Division, the Sunflower County Coroner, Sunflower County Circuit Court, the Coahoma County Coroner, the Tallahatchie County Sheriff’s Office, Drew City Hall, Tutwiler City Hall, the Cleveland Independent School District, and the Drew Police Department (DPD) and determined that none of those agencies had any records pertaining to the matter.

The FBI also visited the Stringer Redman Funeral Home in Clarksdale and the office of the *Bolivar Commercial* newspaper in Cleveland, Mississippi; and called the Northwest Regional Medical Center in Clarksdale, but any existent relevant record was missing, or had been destroyed.

Searches of the records of the *Greenwood Commonwealth*, the *Ruleville Record*, and the *Drew Leader* newspapers, yielded no positive results.

² The above is the note as reproduced in the hearing transcript, most, but not all, of which is legible in the actual photostatic copy of the note.

³ The letter from the graduate student stated that she understood that the victim’s death had been ruled a suicide, “although there were some facts which indicated foul play may have occurred.” The letter did not explain or elaborate on those facts and then asked whether there had been an investigation and its outcome. The Sheriff’s response summarized the investigative results as described in this memorandum.

⁴ As stated in this memorandum, the victim’s last name was Evansingston.

An FBI search of **SPLC** records found an NAACP memo memorializing a December 27, 1955 conference call concerning the victim's death. In addition to the facts outlined previously, Field Secretary Medgar Evers reported that the victim was not a member of the NAACP but that he had reportedly attended the Emmett Till trial and that "[a]s yet a motive for the slaying [was] not yet known."

As of the date of this memorandum, the letter to the NAACP has also yielded no information.

The FBI obtained the death certificate of Margarett Evansington, the victim's widow, indicating that she had died on February 17, 1970.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, there is a lack of evidence to indicate that the victim's death was other than self-inflicted.

Second, even if it were possible to locate evidence indicating that the victim was murdered and his murderers were identified, prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 242, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the *Ex Post Facto* Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. Additionally, because no subjects have been, or are likely to be identified, this matter will not be forwarded to the state for prosecutive review. AUSA Robert Coleman, Northern District of Mississippi, concurs in this recommendation.