

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 175-19-376

Date 04/20/2012

To: Chief, Criminal Section

Re: Unknown – Subject(s),  
Mattie Greene (Deceased) - Victim  
CIVIL RIGHTS

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

**Case Synopsis**

In the early morning hours of May 19, 1960, a dynamite explosion ripped through the Ringgold, Georgia residence of Mattie Green, killing Mattie, a mother of six. The blast also injured XXXX and the XXXXX's XXXX. There is no indication that any other family members were injured. News articles at the time of the bombing indicated that there was no clear motive for Mrs. Green's murder and no likely suspects.

\_\_\_\_\_  
Henry C. Leventis  
Trial Attorney

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\_\_\_\_\_  
To: Records Section  
Office of Legal Administration

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief, Criminal Section

## **Federal Review**

Immediately following the bombing, it was investigated by the Catoosa County Sheriff's Office (CCSO) and the Georgia Bureau of Investigation (GBI). The Federal Bureau of Investigation (FBI) conducted a limited investigation but, for the most part, reserved its role to assisting the local investigations.

Little information is currently available from the initial investigations into Mrs. Green's murder. Neither the CCSO, nor the GBI retained any records pertaining to their investigations. The forensic evidence collected at the crime scene was destroyed in a flood of the Catoosa County Courthouse in approximately 1970. The original FBI file was destroyed in 2005; however, a redacted copy was provided to the Southern Poverty Law Center in 2003.

The redacted FBI file revealed that there were some suspicions that XXX planted the bomb XXX. According to one memo in the file, "a polygraph examination of XXX was inconclusive and XXX exhibited nervousness and deception when asked whether or not XXX was responsible for XXXX." During the investigation, at least one person was identified who claimed to have had an extramarital affair with the victim. The FBI file revealed speculation that both the victim and XXX were involved in extramarital affairs. Moreover, it is noted in the file that "it seemed almost impossible, after viewing the scene, that XXX suffered as little injury as XXX did when XXX who was XXXXX the XXXX, which appeared to be a 3/4 size, suffered crushing injuries by having the ceiling and rafters fall on her." Despite the suspicions described herein, investigators were unable to establish that XXX in fact planted the bomb, nor were they able to identify any other subject.

In April 2009, the FBI opened an investigation into the circumstances surrounding the victim's death pursuant to the Department of Justice's "Cold Case" initiative, which focuses on civil rights era homicides that occurred not later than December 31, 1969. As part of their investigation, the FBI interviewed over twenty current and former members of the Ringgold community in an attempt to identify any subjects. Those interviewed included Mattie Green's children, relatives and neighbors, a local pastor, a CCSO captain as well as family members, physicians and other persons with knowledge of potential subjects, Lester Waters and W.E. Waters. The investigation produced few evidentiary leads.

Two deceased Ringgold residents, Lester Waters and W.E. Waters Sr., were rumored to have had some involvement in Mattie Green's murder. XXXXX, Mattie Green's XXXX, advised the FBI that she was told by then Whitefield County Sheriff J.D. Stewart that a man named Lester Waters had confessed to Green's murder and that Waters' guilt about the murder had driven him crazy. Stewart told XXX that he and a deputy had transported Waters to the mental institution in Milledgeville, Georgia. XXX, Green's XXX, advised that a number of years ago, while shopping in Ringgold, XXX was approached by a white woman who said, "sorry about what happened to XXX XXXX; XXX was involved and it drove him crazy. We had to take him to Milledgeville."

In response to this lead, after determining that Sheriff J.D. Stewart is deceased, the FBI conducted eight interviews with relatives of Lester and W.E. Waters' family. Lester Waters' XXX, XXXXX ("XXX"), told the FBI that XXX was active in the Ku Klux Klan (KKK) and that XXX and Sheriff Stewart were very close. She denied any knowledge of Green's death or knowledge about XXX receiving psychiatric treatment in Milledgeville. XXX, XXX XXX, told the FBI that Lester Waters and XXX are both deceased and were both active in the KKK. He stated that XXX and Lester Waters attended KKK meetings at Lester's house in Ringgold and that the meetings centered around "hate of blacks and Jews." According to XXX, XXX was committed to the Central State Hospital (CSH) in Milledgeville in approximately 1966 because his arterial sclerosis "was causing him to go crazy." XXX also confirmed that XXX was transported to CSH by two Sheriff's Deputies. W.E. Waters died of an acute cardiac event days after being admitted to CSH. The FBI was not able to confirm whether W.E. Waters was in fact a patient at CSH.

XXX denied any knowledge of or involvement in Green's death or any knowledge that XXX or XXX was involved. XXX worked for U.S. Pipe and Foundry on the I-75 highway project around the time of Green's murder but denied having any access to dynamite. After interviewing XXX, the FBI attempted to obtain his employment records from U.S. Pipe and Foundry, but was told that they had been destroyed pursuant to the company's document retention policy. However, XXX, an operations manager for U.S. Pipe and Foundry, explained the nature of the work being conducted at XXX work site around 1960 and said no dynamite would have been present at that work site.

In an effort to fully exhaust this investigative lead, the FBI asked XXX, and XXX agreed, to take a polygraph test. He passed the polygraph without any indication of deception.

No other leads were developed as a result of this investigation.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of federal criminal civil rights statutes. First, despite extensive efforts, no living subject has been identified.

Second, even if a living subject could be identified, the statute of limitations has expired. Prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. ' 3282(a). In 1994, some of these civil rights statutes, 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 involving kidnapping resulting in death,

the facts of the present case do not lend themselves to prosecution under other such statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. AUSA XXX, Northern District of Georgia, concurs in this recommendation.