

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-3-1434

Date May 02, 2010

To: Chief, Criminal Section

Re: Unknown Subjects,  
Camden, Alabama - Subjects;  
Rodell Williamson (Deceased) - Victim  
CIVIL RIGHTS

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

**Case Synopsis**

On May 22, 1967, victim Rodell Williamson's body was found in the Alabama River, snagged in a fisherman's trot line and clad only in trousers. The victim had been missing for approximately two days. An autopsy revealed that the cause of death was drowning, and there were no signs of trauma to the victim's body. The manner of death was classified as "accidental."

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Shelly Ward  
Attorney

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To: Records Section  
Office of Legal Administration

The above file has been closed as of this date.

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Date

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Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

## **2009 - 2010 Federal Review**

The Federal Bureau of Investigation (FBI) initiated a review of the circumstances surrounding the victim's death on July 21, 2009, based on media coverage of the incident. The investigation was opened 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 the investigation, the FBI attempted to obtain the results of the local investigation into the matter. However, because of the extended time period (42 years) between the incident and the initiation of the current federal investigation, and the lack of searchable computerized records from that era, Wilcox County officials were unable to locate any existing law enforcement reports pertaining to the incident. The investigating agent did locate the death certificate for the victim, which indicated that the cause of death was "drowning." The manner of death was listed as "accident."

## **1967 Federal Investigation**

The FBI initially opened an investigation into the circumstances surrounding the victim's death in 1967. Pursuant to the 2009 Cold Case review, FBI investigators obtained the 1967 federal file from the National Archives. The file indicated that in May 1967, the XXXX, contacted the FBI's Mobile field office and requested an independent investigation into the circumstances surrounding the victim's death. XXXX stated that XXXX, telephonically contacted him and stated that an individual named XXXX saw the victim walking down the road past XXXX house just before dark on May 19, 1967. A few minutes later, XXXXX saw a state trooper car traveling in the same direction as the victim was walking. While XXXXX did not see the car stop, XX heard a car door slam shortly after the car had passed. It may be that this individual's surname was XXXX Mr. Williamson XXXXX. In any event, it does not appear that the FBI located or interviewed XXXX, although they did interview XXXX.

The federal file included a copy of the victim's autopsy report. In both the "external examination" section and the "internal examination" section, the medical examiner stated that there was no evidence of physical trauma to the victim's body, head or brain. A toxicological analysis of the victim's blood revealed an extremely high ethyl alcohol level (0.32 gram percent).

In a letter to the Coroner of Wilcox County, Guy V. Purnell, Ph.D., the state toxicologist who examined the victim and performed the laboratory testing, stated that the victim's body was in an extremely decomposed condition at the time of autopsy, which could hinder the detection of minor trauma to the body. However, Dr. Purnell stated that major trauma, such as a bullet wound, stab wound, or other trauma of that nature, would have been detected if present. Dr. Purnell stated further that based upon the autopsy findings, including the presence of sand, water, and debris in the victim's lungs, and the victim's "highly intoxicated condition," he concluded that the cause of death was drowning.

The FBI interviewed the victim's XXXXXXX. XXXX stated that XXXX had no idea what happened to the victim, but felt that he probably met with foul play because he had been attending civil rights mass meetings and enticing people to vote. XXXX stated that XXXX heard that on the night of May 20, 1967, the victim was visiting the home of XXXX. XXXXX heard that the

victim was subsequently seen walking along a road just before dark by XXXX, who lives on the blacktop road two or three miles north of Lower Peachtree, Alabama. XXXX stated that XXXX heard that XXXX saw a state trooper car just as the victim walked past her house and heard a door slam. XXXX stated further that XXXX, who identified the victim's body, said that the victim's neck was so swollen that he thought it may have been broken.

The FBI subsequently contacted XXXX, who stated that XXXX had not seen the victim on the night of May 20, 1967. XXXXX did not confirm or deny the presence of a state trooper's car on XXXX street on that particular night.

The FBI interviewed the two men who discovered the victim's body in the river, XXXX XXXX. Both stated that on the night of May 22, 1967, they saw the victim's body floating in the Alabama River, tangled in a trot line and clad only in trousers. The men immediately notified the police and saw the victim's body being recovered from the river shortly thereafter. XXXX both stated that they did not observe any marks on the victim's body.

According to FBI investigative reports, XXXXXX assisted in the recovery of the victim's body and stated that there were no marks of any kind to indicate brutality.

The FBI interviewed XXXX, who stated that the victim had a reputation for abusing alcohol. XXXXX stated that XXXX had never known the victim to be involved in any type of civil rights activities in Wilcox County, and was at a loss to understand why the victim's death was being made such an issue, when numerous white and African-American men had drowned accidentally in the Alabama River over the years.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. 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 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 kidnapping resulting in death, the facts of the present case do not provide a basis for federal prosecution under these other statutes.

Even if there was federal jurisdiction in this matter, there is insufficient evidence to establish that the victim's death constituted a racially motivated homicide. The only individual alleged to have seen anything suspicious denies that XXXX even saw the victim on the evening in question. The lack of evidence of physical trauma, coupled with the victim's extremely high blood alcohol level, strongly suggest an accidental drowning, and there is no available evidence to

refute that suggestion. Accordingly, this matter lacks prosecutive merit and should be closed. AUSA Vicki Davis of the Southern District of Alabama concurs in this recommendation.