U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 28, 2011

The Honorable Richard J. Durbin
Chairman
Subcommittee on the Constitution, Civil Rights, and Human Rights
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Please find enclosed responses to questions arising from the appearance of Assistant Attorney General Lanny A. Breuer before the Subcommittee on Human Rights and the Law on October 6, 2009, at a hearing entitled "No Safe Haven: Accountability for Human Rights Violators, Part II." We apologize for our lengthy delay in submitting these responses. We hope that this information is of assistance to the Subcommittee.

Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that there is no objection to submission of this letter from the perspective of the Administration's program.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosure

cc: The Honorable Lindsey Graham
Ranking Minority Member

Hearing before the
Subcommittee on Human Rights and the Law
Committee on the Judiciary
United States Senate

Entitled
"No Safe Haven: Accountability for Human Rights Violators, Part II"
October 6, 2009

Questions for the Record
Submitted to
Lanny A. Breuer
Assistant Attorney General
Department of Justice

<u>Questions Addressed to Lanny Breuer</u>

1. I would like to have a better understanding of DOJ's human rights caseload. Can you please tell me:

   a. What percentage of cases that you handle result in criminal charges of *substantive* violations of human rights law (i.e. torture, genocide, or war crimes)?

Answer: To date, only one case (the successful torture prosecution of Charles "Chuckie" Taylor, Jr., also known as Roy M. Belfast, Jr.) has been prosecuted under any of the three referenced statutes (18 U.S.C. §§ 2340A (torture), 1091 (genocide), and 2441 (war crimes)).

   b. What percentage of cases results in other criminal charges short of substantive violations of human rights law (i.e. murder, visa fraud, false statements, etc)?

Answer: With regard to non-World War II human rights violator cases prosecuted by the Human Rights and Special Prosecutions Section ("HRSP") and its predecessor components (*i.e.*, the Domestic Security Section ("DSS") and the Office of Special Investigations ("OSI")), all of the prosecutions, except for that of Chuckie Taylor, have been criminal prosecutions brought under statutes other than the torture, genocide, and war crimes statutes. These cases include not only naturalization fraud and visa fraud prosecutions, but also criminal prosecutions brought under the Military Extraterritorial Jurisdiction Act ("MEJA"), such as the Steven Green case, which resulted in a life sentence. All of the World War II Nazi cases have gone forward as civil denaturalization and/or removal cases.

c. What percentage of cases gives you no prosecution options, requiring you to seek extradition, denaturalization, and/or removal?

Answer: Substantially all of the World War II Nazi cases handled by HRSP (and previously by OSI) fall into that category. With regard to non-World War II human rights violator matters handled by HRSP (and previously by DSS and OSI), while it is not possible at this time to predict the percentage of investigations that will yield evidence of participation in human rights violations but present no possibility of domestic criminal prosecution, there certainly are some instances in which there are no criminal prosecution options. In some instances where prosecution is not possible, we may have received a request for extradition from a foreign country, or we may be able to provide information to a foreign country that ultimately leads to the country requesting extradition. There are some countries, however, as to which extradition is not possible because the United States does not have an extradition treaty with those countries or the treaty does not provide for extradition in the circumstances presented. As one example, the United States and Rwanda do not have an extradition treaty. It should also be noted that in some instances, because there is no possibility of a prosecution, the matter may never be opened or referred to the Department of Justice by a law enforcement entity.

2. At the hearing, you testified that no charges have been brought under the new Title 18 authority relating to child soldiers, which was enacted during the 110th Congress. Can you confirm whether there are any related investigations taking place? If so, how many?

Answer: Although the child soldiers statute was enacted comparatively recently, in October 2008, and does not cover crimes committed prior to that date, HRSP investigative work involving this crime is under way. We have been actively seeking information from sources, including non-governmental organizations, regarding potential perpetrators who are present within the United States or otherwise fall within the statute's jurisdictional requirements. Thus far, we have not received significant information from the government's own efforts or from others, and it is fair to say that the number of investigations is very small. We do not believe it would be appropriate to disclose the number of persons under investigation. We believe that the number will increase as our efforts continue, as more people learn about the new law, and as time passes such that more perpetrators will fall within the statute's jurisdictional requirements.

3. How many investigations is DOJ pursuing for individuals in the United States having committed genocide, torture, or war crimes?

Answer: Although HRSP is pursuing investigations in which the possibility of prosecution for one or another of these crimes exists, the number is comparatively small and it is not possible to predict how many, if any, of those investigations will generate criminal prosecutions under any of the statutes specified. As is stated above, between our active efforts and the passage of time, we anticipate an increase in our investigations and prosecutions under these three statutes in the future.

4. Mr. Morton testified that many of the offenses charged (i.e. visa fraud, naturalization fraud, and false statements) carry only light sentences that have no deterrent effect. Do you agree?

Answer: Our most significant problem is not the maximum sentences available under these statutes (generally 5 or 10 years) but instead the fact that the sentences actually imposed for visa, immigration fraud, and naturalization fraud are often very low, and generally do not reflect the seriousness of the underlying human rights-related criminal conduct. We note that the sentencing guidelines do not currently delineate sentencing enhancements for individuals who have also committed human rights violations. In some circumstances, we have been successful in obtaining upward departures. We would certainly welcome the opportunity to work further with the Congress in considering whether an increase in the statutory maximum would increase the actual sentences likely to be imposed and the potential for increasing the deterrent effect. Moreover, while the prospect of a sentence involving little or no time in prison – as is common for first offenders in visa fraud, naturalization fraud, and false statements cases – certainly has a limited deterrent value, there are additional consequences that successful prosecutions for these offenses can have and hence a significant potential deterrent effect that can be generated. For example, in addition to the possibility of obtaining upward departures at sentencing, convictions in cases involving naturalization fraud automatically result in denaturalization, a consequence that frequently makes it possible for United States Immigration and Customs Enforcement ("ICE") to institute proceedings in immigration court to remove the convicted individuals from the United States.

a. At the hearing, you stated that such light charges do not affect the DOJ's decision to pursue a case where those authorities are the only option to pursue a human rights violator. Nonetheless, would stiffer penalties for those offenses make it likely that DOJ would pursue more of these cases?

Answer: We certainly do not lack sufficient motivation to pursue these cases, as is evidenced perhaps most tellingly by the fact that the Department of Justice has so tenaciously pursued the World War II Nazi cases for three decades despite the absence, in nearly every instance, of any practical possibility of prosecution for a criminal offense. As I stated in my testimony, the Department of Justice is committed to ensuring that human rights violators and war criminals do not find safe haven in the United States, and we will continue to marshal our resources to guarantee that no stone is left unturned in pursuing that goal. That having been said, we support the making of changes to the sentencing guidelines, as my answer to the next question posed in your letter reflects, to enable us to obtain longer sentences in cases of individuals who have participated in the commission of human rights violations or war crimes.

b. Do you agree that the Sentencing Guidelines should be revised where human rights offenses are involved?

Answer: Yes. Sentencing guidelines currently do not delineate sentence enhancements for individuals who have committed human rights violations, nor are there guidelines specifically for the substantive human rights offenses. We have urged the U.S. Sentencing Commission to undertake a comprehensive review of the current Guidelines, both as they relate to fraud offenses committed by human rights violators and as they relate to the substantive offenses.

5. How many non-WWII cases have been litigated by OSI to denaturalize perpetrators of serious human rights offenses since the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) was enacted?

Answer: The former OSI brought three such cases, all of them criminal prosecutions for naturalization fraud. Two of those prosecutions resulted in convictions and consequent denaturalization. The third case is scheduled to go to trial this year.

6. I appreciated your willingness to entertain my question about civil rights crimes committed within the United States, including those civil rights "cold cases" committed many years ago. I am concerned that many of these cases remain unsolved, and that domestic human rights violators have enjoyed a lifetime of safe haven in the U.S.

a. Recognizing that you might have to consult with colleagues in the Civil Rights Division, what, specifically, has the Department of Justice done to leverage the authorities provided by the Emmett Till Unsolved Civil Rights Crimes Act to address these cold cases?

Answer: As you may be aware, last year the Attorney General submitted his Second Annual Report to Congress pursuant to the Emmett Till Unsolved Civil Rights Crimes Act. That report is attached to give you a full picture of the work done by my dedicated colleagues in the Civil Rights Division, the FBI and the affected United States Attorneys' Offices.

b. Can you confirm whether the researchers and investigators who work on human rights cases can be made available to assist in civil rights cold cases? Have they been used on those cases in the past? Are they actively working on them now?

Answer: In a prosecution arising out of the 1963 bombing of the 16th Street Baptist Church in Birmingham, the former OSI volunteered its assistance to Alabama state prosecutors in connection with a judge's determination that age-related dementia prevented prosecution of a defendant. The offer was accepted, the assistance was provided, the defendant was found competent, was convicted and sentenced to life imprisonment, and he died in prison. Although that support did not involve assistance of the type that HRSP researchers can provide, and while HRSP staff are not currently assisting in any such matters, the Criminal Division always stands ready to provide assistance, in appropriate cases, upon request from prosecutors outside the Division.

Questions Addressed to All Witnesses

1. What is the most common human rights offense you see from perpetrators seeking (or enjoying) safe haven in the United States?

Answer: Participation, typically employing violent means, in the persecution of others on the basis of race, religion, ethnicity, or political belief is the most common human rights violation we encounter. I understand that the FBI's response to this question identifies torture as the human rights offense that it encounters most commonly. However, that response was, by its terms, limited to the title 18 crimes of genocide, kidnappings of specified persons, hostage takings, overseas torture, war crimes, and recruitment or use of child solders. To date, the vast majority of the cases brought by the Department against human rights violators have been criminal and civil cases alleging fraudulent concealment or misrepresentation of the perpetrators' pre-immigration pasts, and in those cases participation in acts of persecution has been the most common human rights violation we have encountered.

2. What is the biggest challenge you face in trying to fulfill your human rights enforcement responsibilities?

Answer: Developing evidence of a human rights offense sufficient to sustain our heavy burden of proof is the biggest challenge we face. The human rights violator cases, which almost always involve crimes that occurred years earlier outside the United States, are among the most challenging ones faced by law enforcement authorities anywhere. Even when sufficient evidence can be amassed, moreover, we still face the frequently daunting tasks of trying to bring witnesses to the United States (including witnesses who are inadmissible to this country, witnesses who have no familiarity with the adversarial system they will encounter in our courts, and witnesses who do not speak any language commonly spoken in the United States), protecting witnesses here and abroad, and surmounting numerous logistical obstacles and cost challenges that typically arise. Further, when a witness located outside the United States is reluctant to cooperate, our ability to require testimony for trial is often limited. Further, unlike domestic cases, where we usually have access to all persons within the hierarchy of a criminal organization such that we can work our way up to those higher in the chain of command and unlike jurisdictions or tribunals that provide for command responsibility, in our human rights cases, we often have access solely to the victims, who can at best provide evidence only against those at the lower levels with whom they had direct contact. Jurisdictional and statute of limitations barriers often present as well. For example, until it was amended in December 2007, the genocide statute (18 U.S.C. §1091) covered only genocide committed in the United States or by a United States national. The statute has therefore been unavailable in cases involving the Rwandan genocide of 1994 or the genocide of Jews in Europe committed by Nazi Germany and its allies. The war crimes statute confers jurisdiction only if a perpetrator or victim is a United States national or member of the United States armed forces. The statutes of limitations in naturalization fraud (18 U.S.C. §1425) and visa fraud (18 U.S.C. §1546) are ten years and five years, respectively, and they have frequently run even before the suspected offender is identified. Another challenge is presented by the fact that there are serious human rights violations that do not fall within existing statutes. In that connection, we look forward to discussions regarding congressional interest in enacting additional laws pertaining to human rights crimes, including a Federal criminal statute covering crimes against humanity.

3. Regarding enforcement of human rights laws, what is your biggest frustration/hindrance to coordinating with other agencies?

Answer: While coordination challenges, such as database compatibility issues, will almost invariably arise when multiple agencies are working on the same and related matters, we have not encountered and do not foresee encountering any intractable problems. A significant issue on which we and our interagency partners continue to work relates to achieving the right balance between ensuring that the United States has an efficient visa/immigration process and ensuring that the United States obtains the information from applicants necessary to identify and/or prosecute human rights violators.

4. Is there any evidence that any human rights violators seeking or enjoying safe haven in the United States have had connections to international terrorism?

Answer: Most human rights violators whom we encounter do not have known connections to international terrorism. For example, many of the offenses investigated by HRSP and its law enforcement partners are perpetrated by former members of various foreign governments which have not been classified as "terrorist organizations."

5. To the extent that we (the U.S. Government) are not doing all we can to keep human rights violators out of the United States, is the biggest problem that we are not adequately enforcing laws already on the books, or that we do not have the legal tools needed to do the job well?

Answer: Following the creation of the Department of Homeland Security ("DHS") in 2003 and the transfer to that agency of most functions of the former Immigration and Naturalization

Service, exclusion of inadmissible aliens has been the responsibility of DHS and the Department of State. I note that ICE Assistant Secretary John Morton, who testified at the October 6 hearing, has provided an answer to this question. I have taken the liberty of reprinting that answer below, for your convenience.

> Currently, U.S. Immigration and Customs Enforcement (ICE) does not have specific grounds of inadmissibility for aliens who "order, incite, assist, or otherwise participate in the persecution of others" under the Immigration and Nationality Act (INA). A persecutor is not eligible for asylum, withholding of removal, refugee resettlement, and temporary protected status. *See* INA §§ 101(a)(42), 207(c), 208(b)(2)(A)(i), 241(b)(3)(B)(i), 244(c)(2)(B)(ii). But the Department of Homeland Security and the Department of State have limited authority to refuse visas or deny admission to aliens who have engaged in acts of persecution other than certain, specific human rights violations enumerated in the INA, *viz.*, torture, extrajudicial killings, genocide, recruitment or use of child soldiers, Nazi persecution or, if committed as a foreign government official, particularly severe violations of religious freedom. There is not, for example, a ground of inadmissibility that encompasses all of the atrocities enumerated in the criminal war crimes statute (18 U.S.C. 2441).
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> Furthermore, certain loopholes prevent adequate enforcement of existing statutes. For example, the five-year statute of limitations for certain offenses, such as visa fraud (18 U.S.C. 1546) or false statements (18 U.S.C. 1001) limits ICE's ability to bring criminal charges in these types of cases. Sentencing guidelines do not currently delineate sentence enhancements for those who have engaged in human rights violations. Due to *ex post facto* issues, several recently enacted or amended criminal statutes, such as recruitment of child soldiers (18 U.S.C. 2442) or genocide (18 U.S.C. 1091), are only applicable to recent conduct, while jurisdictional limitations often prevent the enforcement of the war crimes statutes (18 U.S.C. 2441).

6. I appreciated your willingness to entertain my question about civil rights crimes committed within the United States, including those civil rights "cold cases" committed many years ago. I am concerned that many of these cases remain unsolved, and that domestic human rights violators have enjoyed a lifetime of safe haven in the U.S.

a. Recognizing that you might have to have consult with colleagues in the Civil Rights Division, what, specifically, has the Department of Justice done to leverage the authorities provided by the Emmett Till Unsolved Civil Rights Crimes Act to address these cold cases?

Answer: *See* our response to question 6.a. at page A-4, *supra*.

b. Can you confirm whether the researchers and investigators who work on human rights cases can be made available to assist in civil rights cold cases? Have they been used on those cases in the past? Are they actively working on them now?

Answer: Federal civil rights crimes are the province of the Criminal Section of the Civil Rights Division, and the Emmett Till Unsolved Civil Rights Crimes Act of 2007 specifically provides for a Deputy Chief from that office who is responsible for coordinating the investigation and prosecution of these civil rights cold cases. The Criminal Section of the Civil Rights Division, along with the FBI, are the subject matter experts on these matters and the hate groups responsible for many of them. In fact, the FBI has devoted significant resources to investigating and trying to resolve these cold cases. The Criminal Section has a long and proud history of successfully prosecuting civil rights crimes, including those which occurred during the nation's civil rights era. The Criminal Division's Human Rights and Special Prosecutions Section can prosecute certain human rights crimes and war crimes committed outside the United States, including, in some circumstances, torture, genocide, and the use or recruitment of child soldiers, and relevant felony offenses covered by the Military Extraterritorial Jurisdiction Act of 2000 (MEJA).

The crimes investigated by the Human Rights and Special Prosecutions Section, and that Section's expertise, are substantially different than those of the Civil Rights Division and the civil rights FBI agents they work with; thus, our internationally-focused human rights case researchers and investigators have not worked on domestic civil rights-era cold cases in the past, nor are they doing so now.

THE ATTORNEY GENERAL'S

SECOND ANNUAL REPORT TO CONGRESS

PURSUANT TO THE EMMETT TILL

UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007

MAY 13, 2010

INTRODUCTION

This report is submitted pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 ("The Emmett Till Act").[1] This second Department of Justice ("DOJ" or "Department") Report describes the Department's activities in the year since the first report[2] and summarizes prior Department activities.

Section I of the Report gives a history of the Department's civil rights cold case work and provides an overview of the factual and legal challenges we face in our ongoing efforts to prosecute unsolved civil rights era homicides. Over the past year, Department attorneys and FBI agents interviewed potential witnesses, reviewed thousands of pages of documents, files, and evidence and we have now concluded our investigation into 56 of 109 cold cases involving 122 victims. Though very few prosecutions have resulted, the Department's efforts have helped bring closure to many families. This Section describes the Department's efforts locating the victims' next of kin, personally notifying them of the closure, and providing them with a detailed letter explaining the facts of their relative's case and our decision.

Section II of the Report sets forth the steps we have taken since we began the Cold Case Initiative in 2006 and describes how our efforts to bring justice and/or closure to the families has evolved as it has become apparent that most of these cases will not result in prosecutions. This Section describes our ongoing efforts to generate leads, uncover relevant information and heighten public awareness through extensive outreach efforts. This year, the Department conducted significant outreach to interested community groups, law enforcement organizations, academic communities, and the media. Section II chronicles our cold case presentations at national conferences, in classes, and as part of town hall meetings. And, this Section updates the Department's efforts regarding our successful prosecution of James Ford Seale for the 1964

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1 Pub. L. 110 – 344 (2008). The Act requires the Attorney General to annually conduct a study and report to Congress not later than 6 months after the date of enactment of this Act, and each year thereafter. Among other issues, the study and report is required to discuss the number of open investigations within the Department for violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death. The Act also requires the report to discuss any applications submitted for grants under section 5, the award of any grants, and the purposes for which any grant amount was expended. Additionally, the Act requires the Attorney General to designate a Deputy Chief in the Criminal Section of the Civil Rights Division to coordinate the investigation and prosecution of these criminal cases, and authorizes the Deputy Chief to coordinate investigative activities with State and local law enforcement officials.

2 The Attorney General's First Report to Congress Pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 was submitted on May 13, 2009.

murders of Charles Moore and Henry Dee. Over the course of this year the Department participated in extensive appellate litigation to uphold this conviction in a process that culminated on March 12, 2010 when the Fifth Circuit affirmed the conviction.

Section III of the Report sets forth where things currently stand with respect to the 109 matters opened for review during this process. Section III identifies by name all 122 victims and the approximate date and location of death. It also identifies the two cases which were successfully prosecuted and the 54 matters for which, after significant investigation and review, we have made a decision to close the matter without prosecution. In the vast majority of the matters that we have closed without prosecution, all identified subjects are deceased. In others, there is insufficient evidence to establish that a racially motivated homicide occurred, as opposed to some other manner of death outside the scope of the Emmett Till Act.

We believe that we have made great progress this year, and look forward to continued progress in the upcoming year.

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

A. Overview and Background

The Department of Justice continues to fully support the goals of the Emmett Till Act. For more than 50 years, the Department of Justice has been instrumental in bringing justice to some of the nation's most horrific civil rights era crimes, including the Department's groundbreaking federal prosecution of 19 subjects for the 1964 murders of three civil rights workers in Philadelphia, Mississippi, a case commonly referred to as the "Mississippi Burning" case. These crimes occurred during a terrible time in our nation's history when all too often crimes were not fully investigated or prosecuted or evidence was ignored by juries because of the color of the victims' skin. The Department of Justice believes that racially motivated murders from the civil rights era constitute some of the greatest blemishes upon our history. As such, the Department stands ready to lend our assistance, expertise, and resources to assist in the investigation and possible prosecution of these matters.

Unfortunately, federal jurisdiction over these historic cases is quite limited. The Ex Post Facto Clause of the Constitution and federal statutory law have limited the Department's ability to prosecute most civil rights era cases at the federal level. For example, two of the most important federal statutes that can be used to prosecute racially motivated homicides, 18 U.S.C. § 245 (interference with federally protected activities) and 42 U.S.C. § 3631 (interference with housing rights), were not enacted until 1968. Under the Ex Post Facto Clause, these statutes cannot be applied retroactively to conduct that was not a crime at the time of the offense.

The five-year statute of limitations on federal criminal civil rights charges presents another limitation on such prosecutions. In 1994, death-resulting violations of 18 U.S.C. § 242 (civil rights violations committed under color of law) and 18 U.S.C. § 245 (interference with federally protected activities) became capital offenses; as capital offenses, these statutes are no longer subject to a statute of limitations. However, even death-resulting civil rights violations which occurred prior to 1994 are governed by the then-existing five-year statute of limitations.

In addition, there are certain difficulties inherent in these cold cases: subjects die; witnesses die or can no longer be located; memories become clouded; evidence is destroyed. Even with our best efforts, investigations into historic cases are exceptionally difficult, and justice in few, if any, of these cases will ever be reached inside of a courtroom. Notwithstanding these legal and factual limitations, the Department believes that the federal government can still play an important role in these cases.

The Department has always been willing to reassess and review cold cases when new evidence came to light, and, as set forth below, played a major role in successfully prosecuting three such cold cases prior to the Cold Case Initiative. In order to further the Department's mission, in 2006, the FBI began its Cold Case Initiative to identify and investigate the murders committed during our nation's civil rights era.

In October 2008, the Emmett Till Act was signed into law, directing the Department to designate a Deputy Chief in the Civil Rights Division to coordinate the investigation and prosecution of civil rights era homicides, and a Supervisory Special Agent in the FBI's Civil Rights Unit to investigate those cases. The Civil Rights Division and the FBI were also given the authority to coordinate their activities with State and local law enforcement officials. For fiscal years 2009 through 2018, the Act authorized $10,000,000 per year to the Attorney General, to be allocated as appropriate by the Department's Civil Rights Division and the FBI; $2,000,000 per year for grants to State or local law enforcement agencies for expenses associated with the investigation and prosecution by them of civil rights era homicides; and $1,500,000 per year to the Department's Community Relations Service ("CRS") to bring together law enforcement agencies and communities in the investigation of these cases. For fiscal year 2009, no funds authorized by this Act were appropriated; thus, the Department had to meet its obligations under this project by shifting resources from other important civil rights programs, projects, and prosecutions. For fiscal year 2010, Congress approved the President's budget request, which included, among other things, a request for $1,600,000 for the Civil Rights Division's Cold Case Unit.

B. Pre-Cold Case Initiative Efforts

For many years now, the Department has played an important role in the investigation and prosecution of civil rights era homicides, notwithstanding the constitutional and jurisdictional limitations noted above. Even prior to launching the Cold Case Initiative in 2006, the Department was able to play an important – indeed, essential – role in three successful cold case prosecutions.

For example, in 1997, the FBI reopened the investigation into the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham, Alabama which resulted in the deaths of an eleven year old and three fourteen year old girls. Civil Rights Division attorneys worked with the United States Attorney for the Northern District of Alabama in conducting a federal grand jury investigation. We were able to assume federal jurisdiction because a predecessor statute to the current arson and explosives statute, 18 U.S.C. § 844, provided that in situations where death resulted from an explosive transported in interstate commerce, the penalty was death, and under 18 U.S.C. § 3281, crimes punishable by death have no statute of limitations. Ultimately, we could not prove that the explosive traveled in interstate commerce, so we released the grand jury investigation to the State of Alabama. State charges were filed against defendants Thomas Blanton and Bobby Cherry in Birmingham, Alabama, in May 2000. Defendant Blanton was convicted in April 2001, and sentenced to four life terms; Cherry was convicted in May 2002, and sentenced to four life terms. The United States Attorney for the Northern District of Alabama was cross-designated to serve as the lead prosecutor in the state trials. Thus, this case – which was investigated by federal agents and a federal grand jury, and ultimately successfully prosecuted by a federal prosecutor in state court – provides a perfect example of the Department's efforts to find creative ways to pursue civil rights era cases.

In 1999, the Civil Rights Division and the United States Attorney's Office for the Southern District of Mississippi reopened the investigation into the 1966 murder of Ben Chester White, an elderly African-American farm worker, by Ernest Henry Avants, a Mississippi Klansman. Avants, along with two other men, lured White to Pretty Creek Bridge in the Homochitto National Forest outside of Natchez, Mississippi. Once there, White was shot multiple times with an automatic weapon, and also was shot in the head with a single barrel shotgun. Following the killing, which was intended to lure Dr. Martin Luther King to the area, White's body was thrown off the bridge. His bullet ridden body was discovered several days later. 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. The Justice Department opened an investigation into the death of White in 1999, using a federal statute that prohibits murder on federal property, 18 U.S.C. § 1111. Avants was indicted in June 2000, convicted in February 2003 and sentenced to life in prison in June 2003.

Another matter in which federal resources contributed to the conviction of a civil rights era murderer involved the reopened investigation into the 1964 the murder of three civil rights workers in Philadelphia, Mississippi - an incident commonly known today as the "Mississippi Burning" case. At the time of the murders, the Assistant Attorney General of the Civil Rights

Division, John Doar, personally led the investigation and prosecution of these murders. Despite facing extraordinary hurdles, he was able to secure the convictions of 7 of the 18 defendants charged with these murders; however, they received sentences ranging from just 4 to 10 years of imprisonment. One of the ringleaders, Ku Klux Klan member Edgar Ray Killen, received a mistrial because one of the jury members refused to convict a "preacher." The Department, however, remained committed to ensuring that Justice eventually prevailed in that case. The FBI worked with local law enforcement and provided invaluable assistance on the reopened investigation, which resulted in the indictment of Killen on three counts of state murder charges on January 6, 2005. Killen was finally convicted on June 21, 2005 for three counts of manslaughter for his involvement in the case. The then-80-year-old Killen was sentenced to twenty years for each count, to be served consecutively.

In addition to the three successful cold case prosecutions, the Department also made significant contributions in the recent re-investigation of the murder of Emmett Till, the then-14-year-old victim of a brutal murder in Money, Mississippi in 1955, and the individual for whom the Congressional Act authorizing renewed federal investigations of these cold cases is named. Photographs of Mr. Till's mutilated body caused a national outcry and galvanized the civil rights movement. Two men, now deceased, were acquitted by a jury of 12 white men of murdering Emmett Till in a 1955 state prosecution. Shortly after the trial, the two men admitted to a magazine reporter that they had killed the teenager. Since then, allegations persisted that there were others – most of whom are also deceased – involved in the murder. At the request of the District Attorney for the 4th Judicial District of Mississippi and the Department's Civil Rights Division, the FBI commenced a new investigation of the murder in May 2004, and in March 2006 turned over a more than 8,000 page report to the District Attorney.[3] The District Attorney presented the matter to a grand jury in February 2007 and the grand jury declined to issue any new indictments in the matter. Although the grand jury did not issue an official report on the matter, several members of the biracial grand jury spoke with members of the press, and they reported that the grand jury unanimously agreed that there was insufficient evidence to establish probable cause that any surviving individual participated in the kidnapping or murder of Emmett Till. In March 2007, the FBI and the District Attorney met with family members of Emmett Till and discussed the investigative findings with them. Additionally, the FBI produced a detailed report on the investigation, a redacted version of which is available on the FBI's website, www.fbi.gov. Although this particular case did not result in a successful prosecution, we believe that the exhaustive investigation conducted by the FBI gave some sense of closure to the victim's family members and the community. Additionally, the investigation served to benefit history by unearthing the long-lost transcript of the 1955 trial.

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[3] The five-year statute of limitations on any potential federal criminal civil rights violation has expired, and there were no other applicable federal statutes; thus, there was no possibility of a federal prosecution.

These four cold cases represent the four different models in which the Department of Justice has participated in the investigation and prosecution of civil-rights era crimes: 1) non-civil rights federal statutes, such as the federal murder statute, have been used to successfully prosecute the perpetrators in federal court; 2) when the federal investigation failed to establish federal jurisdiction, a federal prosecutor was cross-designated to serve as a state prosecutor and was able to use the federal investigation in a successful State trial; 3) federal and local investigators have jointly investigated and provided assistance to a State prosecutor in an effort to bring a State prosecution; and 4) a thorough investigation has been completed and even though no prosecution has resulted, some closure has been provided.

II. THE COLD CASE INITIATIVE

A. Overview

In order to further the Department's commitment to investigating and prosecuting civil rights era homicides, the FBI in 2006 began its Cold Case Initiative (the Initiative) to identify and investigate the murders committed during the civil rights era. The Department and the FBI have jointly participated in a multi-faceted strategy to address these investigations.

The first step was to identify cases for inclusion under the Initiative. Each of the 56 field offices was directed to identify cases within its jurisdiction that might warrant inclusion on a list of cold cases meriting additional investigation. In 2007, we began the next phase of this initiative, which includes a partnership with the National Association for the Advancement of Colored People (NAACP), the Southern Poverty Law Center (SPLC), and the National Urban League to identify possible additional cases for investigation and to solicit their assistance with already identified matters.

As the investigations progressed, we fully realized the challenges associated with locating surviving subjects, witnesses and family members of the victims. In an effort to generate leads and other information, we began an extensive outreach campaign, soliciting assistance from community groups and other NGOs, engaging the academic community, reaching out to the media, and working with state and local law enforcement organizations. We have received valuable information as a result of these efforts, and our outreach campaign will continue. And at a minimum, we believe that our demonstrated commitment already has provided the communities with the assurance that they are being heard and that the Department is doing everything possible to investigate these important cases.

B. Ongoing Outreach Efforts

As part of the Department's efforts to uncover relevant information regarding our unsolved civil rights era homicides, we continue to engage in a comprehensive outreach program, meeting with a broad array of interested individuals and organizations.

i. Meetings with NGOs and Community Activists

In July 2009, the Attorney General met with the Chairman of the Emmett Till Justice Campaign, a cousin of Emmett Till, and other interested advocates, academics, journalists and members of the media to discuss issues related to the Emmett Till Act. This meeting followed up on an earlier meeting in which Department officials met with a number of key supporters of the Cold Case Initiative, including the Chairman of the Emmett Till Justice Campaign, and the brother of slain civil rights worker James Chaney to update them on the status of the Department's cold case work. During these meetings, we also discussed how these groups and individuals could: (1) help law enforcement locate witnesses and family members of the victims; (2) assist in providing psychological comfort and closure to victims; and (3) fulfill a historical role by documenting the stories underlying these cases through investigative journalism, research, and documentary films. We expect these productive dialogues with these groups to continue throughout the Initiative.

Senior officials with the Department and the FBI have also met with and will continue to meet with representatives from the NAACP, SPLC, and the National Urban League. The purpose of these meetings is threefold: 1) to encourage those organizations to reach out to their field offices and to try to obtain information on cold cases; 2) to provide the organizations with updates on our progress; and 3) to educate these organizations on the scope of the Emmett Till Act and the impediments that we face in pursuing these matters.

ii. Law Enforcement Outreach

We have also reached out to federal and local law enforcement officials and organizations to educate them about the Emmett Till Act and to solicit assistance and information. As noted earlier, the FBI reached out to all of its field offices and instructed them to identify all potential cold cases in their districts. The Department has proactively reached out to all of the United States Attorneys' Offices in districts in which there are open cold cases, notifying them of the cases in their districts and seeking their assistance.

A Department official presented on the Emmett Till Act at the 2009 Criminal Civil Rights Conference at the National Advocacy Center in Columbia, South Carolina. The conference was attended by Assistant United States Attorneys and FBI agents from across the country. A Department official also gave a presentation on the Emmett Till Act at the FBI's Civil Rights training program in 2009, attended by agents from across the country.

In an effort to broaden the outreach to prosecutors at a state and local level, Department officials participated in the annual conference of the National Black Prosecutors Association in July 2009, and presented on the James Ford Seale case. The FBI and Department officials have also met with representatives from the Mississippi Highway Safety Patrol, the Alabama Bureau of Investigation, and numerous other state and local law enforcement agencies.

iii. Collaboration with Academic Communities

In January 2008, November 2008, July 2009, and October 2009, Department officials met with professors from the Syracuse University College of Law. The Syracuse law school founded a Cold Case Justice Initiative (CCJI) project in response to the unsolved 1964 murder in Ferriday, Louisiana of shoe shop owner Frank Morris, who suffered fatal burns when his store was set on fire, presumably by members of the Ku Klux Klan.[4] Under the supervision of the professors, Syracuse University College of Law students have researched thousands of documents related to the Morris matter and other cold cases in that geographic area. In addition, in October 2009, the Department and FBI met with a Syracuse undergraduate class in which students have done significant research on civil rights homicides. Syracuse has generously shared the results of the research conducted by its students.

We have also been in contact with a professor from Northeastern University School of Law, who is directing Northeastern University's Civil Rights and Restorative Justice Project, which engages students in matters relating to the civil rights movement. These students have also done extensive research on a number of our cold cases, and have shared their findings with us.

iv. Conferences and Town Hall Meetings

In addition to our efforts with scholars, the Department continues to reach out to local civil rights organizations and participate in conferences in an effort to encourage the active assistance of these groups. For example, an official from the FBI participated in the Mississippi Civil Rights Veterans Conference in Jackson, Mississippi in March 2009 and March 2010. In both instances, the official met with journalists, veterans of the civil rights movement, and others to discuss issues related to cold cases, explain our achievements with the Initiative, answer questions regarding specific cases, and request assistance with our efforts. In connection with the 2010 conference, the Attorney General issued a statement in support of the Emmett Till Act in which he encouraged citizens to come forward with any information they might have concerning civil rights era racially motivated homicides.

Similarly, in March 2009, officials from the FBI and the Civil Rights Division jointly participated in a two-day conference in Monroe, Georgia, sponsored by the Moore's Ford Memorial Committee. During that conference, officials participated in a panel discussion and met with community members, civil rights veterans, local law enforcement, jury consultants, and others in an attempt to re-invigorate the Moore's Ford investigation, which focuses on the

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4 It should be noted that the Department is continuing to vigorously pursue the Morris murder case and the FBI has offered a $10,000 reward for information leading to an indictment in the Morris matter.

lynching of two African-American couples on the Moore's Ford bridge in 1946. The FBI has offered reward money for information leading to an indictment in this matter.

During the October 2009 visit to Syracuse, New York, officials participated in a town hall meeting, which began with the screening of a documentary film about one of the cases under review as part of the Initiative. The officials granted an interview to a local public television program and met with community members, professors, journalists, and other interested persons in an attempt to identify leads and other information for the Cold Case Initiative in the northeast, where many African Americans relocated during the turbulent civil rights era.

The FBI also participated in a town hall meeting in Baton Rouge, Louisiana in November 2009, again partnering with a documentary filmmaker to screen one of his Cold Case documentaries in a community where some of these crimes occurred and where witnesses might reside.

In July 2010, a Department official is scheduled to deliver a presentation on the Cold Case Initiative at the NAACP's annual conference in Kansas City, Missouri.

v. Media Outreach

The Department and the FBI have embarked on an aggressive media outreach campaign, granting interviews to the Washington Post, National Public Radio, the British Broadcasting Company, 60 Minutes, Dateline, and other local media outlets to continue to elicit the public's assistance with locating witnesses to these crimes, as well as family members of the victims.

As noted in the first Report, in January 2009, the Department sponsored a joint press conference held by representatives from the FBI, the Civil Rights Division, the United States Attorneys and other prosecutors from the Northern and Southern Districts of Mississippi, senior officials from the United States Marshals Service, and the Mississippi Attorney General. During this press conference, the Department released the names of the victims whose murder cases are currently under review in the state of Mississippi, provided a phone number for a cold case hotline, and asked for citizen assistance in solving these crimes.

The Department continues to meet with journalists to seek input, ideas, and possible leads. For instance, we are regularly in contact with members of the Civil Rights Cold Case Project, a multi-partner, multi-platform effort focused on the unresolved history of the South during the civil rights era, seeking any information that it may have relevant to cold cases. Among the participants in that project are investigative reporters from Alabama, Mississippi, and Louisiana, who are vigorously investigating the matters in their respective regions. Investigative reporters from Michigan and Massachusetts are also contributing to the project. Another participant in that project is a documentary film maker from the Canadian Broadcasting

Corporation, who provided the Department with invaluable information during the investigation and successful prosecution of the James Ford Seale case.[5]

C. Prosecutions

The Cold Case Initiative resulted in one successful federal prosecution which was upheld on appeal this past year. This case involved the 1964 murders of 19-year-old Charles Moore and Henry Dee, in Franklin County, Mississippi. On May 2, 1964, James Ford Seale and other members of the Ku Klux Klan forced Moore and Dee into a car and drove the teenagers into the Homochitto National Forest. Mistakenly believing that Dee was a member of the Black Panthers and that he was bringing guns into the county, the Klansmen beat the boys while interrogating them about the location of the weapons. In order to stop the beating, the boys falsely confessed, telling the Klansmen that guns were stored in a nearby church. The Klansmen then split into two groups. One group went to search the church for the guns. The other group, including Seale, transported the victims across state lines, into Louisiana, and then back into Mississippi to a remote location on the Mississippi River. Moore and Dee, bound and gagged, were chained to a Jeep engine block and railroad ties, and were taken by Seale out onto the water in a boat, and were pushed overboard to their deaths. Their severely decomposed bodies were found months later.

Seale and another Klansmen, Charles Edwards, were arrested on state murder charges in late 1964, but the charges were later dropped. The Civil Rights Division and the United States Attorney's Office for the Southern District of Mississippi reopened an investigation into the murders in 2006. The new investigation revealed evidence that supported a federal prosecution under the federal kidnapping statute, 18 U.S.C. § 1201. Edwards, who was in the group of Klansmen who searched the church, but who did not participate in the actual murders, was granted immunity and testified against Seale, the only other surviving participant. Seale was indicted in January 2007, and convicted in June 2007, of two counts of kidnapping and one count of conspiracy. He was sentenced to three life terms. On appeal, when Seale's conviction was reversed by a three judge panel on a legal technicality involving the statute of limitations, the Department successfully sought en banc review. The en banc panel reinstated Seale's conviction and returned the case to the original panel for consideration of the remaining issues. On March 12, 2010 Seale's conviction was affirmed by the original Fifth Circuit panel.

D. Notifying Victim Family Members

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[5] An FBI official was also interviewed by another film maker for a documentary on another particularly egregious cold case – the murder of Johnnie Mae Chappell, and African-American mother of ten who was gunned down by a car full of white men as she walked along the side of the road searching for her wallet. At the end of the documentary, which aired on the History Channel in February 2009, the film maker provided an FBI phone number for viewers to call with information related to any cold cases.

During the past year, the FBI has completed its work on many of the investigations and has submitted them to the Department for review. The Department is in the process of reviewing these investigations and the thousands of documents provided by the FBI. Unfortunately, during this process, it has become apparent that due to the many impediments discussed earlier in this report, few, if any, of these cases will be prosecuted.

In an effort to nonetheless bring some sense of closure to the family members of these victims, the Department is writing letters to the next of kin when found. Pursuant to 68 Fed.Reg. 47610-01, excepting certain categories of disclosure from the Privacy Act, the Civil Rights Division has the authority to disclose information about the results of an investigation or case to family members of the victims. Thus, we have made the decision that our notification letters will detail our investigative efforts and our findings. We have also made the decision to have FBI agents hand deliver these letters to the family members.

The FBI has devoted considerable resources to locating the next of kin for the victims, successfully locating family members for 93 of the 122 victims. This past year, the FBI enlisted the public's assistance in locating next of kin at a town hall forum on November 18, 2009, at Southern University in Baton Rouge, Louisiana by presenting a list of the victims for whom the FBI was searching for next of kin. A press advisory alerted media to the announcement beforehand, and press packets were available at the event. Following the announcement, the FBI posted the Next of Kin list on the Seeking Information page of its website, and simultaneously issued a press release with updates and a link to the Seeking Information poster. Additionally, the information was publicized with a front page story on www.fbi.gov, email alerts to www.fbi.gov subscribers, a video on the FBI's YouTube channel, announcements on the FBI's Twitter feed and Facebook page, and through the "Wanted by the FBI" Podcast. A large number of media outlets picked up the story, including the Associated Press. This effort helped the FBI locate 12 of the 93 next of kin.

III. COLD CASE STUDY AND REPORT

As set forth above, the Department's efforts to investigate and prosecute unsolved civil rights era homicide cases predate the Emmett Till Act. During the course of the Department's focus on these matters, we have opened 109 matters, including 122 victims, for review. Two of those matters have been opened since the First Report to Congress was submitted in May 2009.

Thus far, the Department's efforts have resulted in two successful federal prosecutions, and two successful state prosecutions. The first federal case was *United States v. Avants*, 367 F.3d 433 (5th Cir. 2004), which was indicted in the Southern District of Mississippi in June 2000. Avants was convicted in February, 2003, and sentenced to life in prison. The second federal case was *United States v. James Ford Seale*, --- F.3d ---, 2010 WL 909199 (5th Cir. March 12, 2010), described in Section II.C. above, which was indicted in the Southern District of

Mississippi in January 2007. Seale was convicted in June 2007, and sentenced to three life terms.

The first successful federally-assisted state prosecution was the Sixteenth Street Church bombing case described above. The second successful federally-assisted state prosecution was the *State of Mississippi v. Edgar Ray Killen.* Charges were filed against Killen in Philadelphia, Mississippi, in January 2005; he was convicted of three counts of manslaughter in June 2005, and was sentenced to 60 years in prison.

Six of the 109 matters have been referred to state authorities. One of those matters is *In re: Emmett Till.* As discussed above, the District Attorney for the 4th Judicial District of Mississippi presented the matter to a grand jury in February 2007, and the grand jury declined to issue any new indictments. In another matter, State charges have been filed against then-Alabama State Trooper James Bonard Fowler for the 1965 murder of Jimmie Lee Jackson in Marion, Alabama. The murder of Jackson, an unarmed civil rights protester, was one of the events which led to the Selma to Montgomery marches. In May 2007, Fowler was charged with murder in Marion, Alabama. His October 2008 trial date was vacated, and the court has not yet set a new trial date.

Thus far, our review has revealed no viable federal statutory authority for any of the matters other than the federal murder statute used in *United States v. Avants* and the federal kidnapping statute used in *United States v. Seale*. In 39 of the cases closed without prosecution, all identified subjects are deceased. In 14 of the closed cases, there was insufficient evidence of a racially motivated homicide, as opposed to an accidental death, a suicide, a heart attack, a homicide committed by a black subject for non-racial reasons, or some other manner of death outside the scope of the Emmett Till Act.

Since January 2007, at least 57 federal prosecutors have worked on cases under review as part of the Department's Cold Case Initiative and the Emmett Till Act. Although no matters are currently under federal indictment, several cases have been identified as potentially viable prosecutions at the state level. The resources involved in a viable prosecution are enormous. More than 40 federal employees participated in the Seale prosecution alone. That number does not include the numerous retired federal employees, local law enforcement officials, or contract employees who provided additional assistance.

The Department has received no applications for grants from State or local law enforcement agencies under the Emmett Till Act.

Below is a chart listing the 122 victims whose deaths the Department has reviewed and is reviewing in accordance with the Emmett Till Act:

NAME OF VICTIM	INCIDENT LOCATION	INCIDENT DATE	CLOSING DATE
1. Louis Allen	Amite County, Mississippi	January 31, 1964	
2. Andrew Lee Anderson	Crittendon County, Arkansas	July 17, 1963	April 9, 2010
3. Frank Andrews	Lisman, Alabama	November 28, 1964	
4. Isadore Banks	Marion, Arkansas	June 8, 1964	
5. John Larry Bolden	Chattanooga, Tennessee	May 3, 1958	April 15, 2010
6. Preston Bolden	San Antonio, Texas	May 8, 1953	
7. James Brazier	Dawson, Georgia	April 20, 1958	April 6, 2009
8. Thomas Brewer	Columbus, Georgia	February 18, 1956	April 6, 2009
9. Hilliard Brooks	Montgomery, Alabama	August 13, 1952	April 9, 2010
10. Benjamin Brown	Jackson, Mississippi	May 11, 1967	
11. Charles Brown	Yazoo City, Mississippi	June 18, 1957	April 16, 2010
12. Gene Brown/a.k.a Pheld Evans	Canton, Mississippi	1964	April 21, 2010
13. Jessie Brown	Winona, Mississippi	January 13, 1965	April 19, 2010
14. Carrie Brumfield	Franklinton, Louisiana	September 12, 1967	
15. Eli Brumfield	McComb, Mississippi	October 13, 1961	April 16, 2010
16. Johnnie Mae Chappell	Jacksonville, Florida	March 23, 1964	
17. Jesse Cano	Brookville, Florida	January 1, 1965	
18. Silas Caston	Hinds County, Mississippi	March 1, 1964	May 2, 2010
19. James Chaney	Philadelphia, Mississippi	June 21, 1964	
20. Thad Christian	Anniston, Alabama	August 28, 1965	
21. Clarence Cloniger	Gaston, North Carolina	October 10, 1960	April 3, 2009
22. Willie Countryman	Dawson, Georgia	May 25, 1958	April 6, 2009
23. Vincent Dahmon	N/A	N/A	April 12, 2010
24. Jonathan Daniels	Lowndes County, Alabama	August 20, 1965	
25. Woodrow Wilson Daniels	Yalobusha County, Alabama	June 25, 1958	April 12, 2010
26. Henry Hezekiah Dee	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
27. George Dorsey	Monroe, Georgia	July 25, 1946	
28. Mae Dorsey	Monroe, Georgia	July 25, 1946	
29. Roman Ducksworth	Taylorsville, Mississippi	April 9, 1962	April 12, 2010
30. Joseph Dumas	Perry, Florida	May 5, 1962	April 9, 2010
31. Joseph Edwards	Vidalia, Mississippi	July 12, 1964	
32. Willie Edwards	Montgomery, Alabama	January 23, 1957	
33. James Evansington	Tallahatchie, Mississippi	December 24, 1955	April 12, 2010
34. Andrew Goodman	Philadelphia, Mississippi	June 21, 1964	
35. Mattie Greene	Ringgold, Georgia	May 20, 1965	
36. Jasper Greenwood	Vicksburg, Mississippi	July 10, 1964	
37. Jimmie Lee Griffin	Sturgis, Mississippi	September 24, 1965	
38. Paul Guihard	Oxford, Mississippi	September 30, 1962	
39. A.C. Hall	Macon, Georgia	October 11, 1962	
40. Rogers Hamilton	Lowndes County, Alabama	October 22, 1957	

41. Adlena Hamlett	Sidon, Mississippi	January 11, 1966	
42. Samuel Hammond	Orangeburg, South Carolina	February 8, 1968	
43. Collie Hampton	Winchester, Kentucky	August 14, 1966	
44. Alphonso Harris	Albany, Georgia	December 1, 1966	April 12, 2010
45. Isaiah Henry	Greensburg, Louisiana	July 28, 1954	
46. Arthur James Hill	Villa Rica, Louisiana	August 20, 1965	
47. Ernest Hunter	Savannah, Georgia	September 13, 1958	April 6, 2009
48. Jimmie Lee Jackson	Marion, Alabama	February 18, 1965	
49. Luther Jackson	Philadelphia, Mississippi	October 25, 1959	April 16, 2010
50. Wharlest Jackson	Natchez, Mississippi	February 27, 1967	
51. Ernest Jells	Clarksdale, Mississippi	October 20, 1963	April 16, 2010
52. Joseph Jeter	Atlanta, Georgia	September 13, 1958	May 2, 2010
53. Nathan Johnson	Alabaster, Alabama	May 8, 1966	
54. Marshall Johns	Ouachita Parish, Louisiana	July 13, 1960	April 22, 1010
55. Birdie Keglar	Sidon, Mississippi	January 11, 1966	
56. Bruce Klunder	Cleveland, Ohio	March 7, 1964	April 16, 2010
57. William Henry "John" Lee	Rankin County, Mississippi	February 25, 1965	
58. George Lee	Belzoni, Mississippi	May 7, 1955	
59. Herbert Lee	Amite County, Mississippi	September 25, 1961	April 16, 2010
60. Richard Lillard	Nashville, Tennessee	July 20, 1958	April 15, 2010
61. George Love	Ruleville, Mississippi	January 8, 1958	
62. Maybelle Mahone	Zebullon, Georgia	December 5, 1967	April 6, 2009
63. Dorothy Malcolm	Monroe, Louisiana	July 25, 1946	
64. Roger Malcolm	Monroe, Louisiana	July 25, 1946	
65. Sylvester Maxwell	Canton, Mississippi	January 17, 1963	May 2, 2010
66. Bessie McDowell	Andalusia, Alabama	June 14, 1956	April 9, 2010
67. Ernest McPharland	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
68. Robert McNair	Pelahatchie, Mississippi	November 6, 1965	
69. Clinton Melton	Sumner, Mississippi	December 3, 1955	April 12, 2010
70. Delano Middleton	Orangeburg, South Carolina	February 8, 1968	
71. James Andrew Miller	Jackson, Georgia	August 30, 1964	April 12, 2010
72. Booker T. Mixon	Clarksdale, Mississippi	September 12, 1959	
73. Neimiah Montgomery	Cleveland, Mississippi	August 10, 1964	April 12, 2010
74. Charles Edward Moore	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
75. Harriette Moore	Mims, Florida	December 25, 1951	
76. Harry Moore	Mims, Florida	December 25, 1951	
77. Oneal Moore	Varnado, Louisiana	June 2, 1965	
78. William Moore	Attalia, Alabama	April 23, 1963	
79. Frank Morris	Ferriday, Louisiana	December 10, 1964	
80. James Motley	Elmore County, Alabama	November 20, 1966	April 12, 2010
81. Samuel O'Quinn	Centreville, Mississippi	August 14, 1959	
82. Herbert Orsby	Canton, Mississippi	September 7, 1964	April 12, 2010
83. Will Owens	New Bern, North Carolina	March 5, 1956	April 3, 2009

84. Mack Charles Parker	Pearl River County, Mississippi	May 4, 1959	
85. Larry Payne	Memphis, Tennessee	March 28, 1968	
86. Charles Horatious Pickett	Columbus, Georgia	December 21, 1958	April 12, 2010
87. Albert Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
88. David Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
89. Jimmy Powell	New York City, New York	July 16, 1964	
90. William Roy Prather	Corinth, Mississippi	October 31, 1959	
91. Johnny Queen	Fayette, Mississippi	August 8, 1965	
92. Donald Raspberry	Okolona, Mississippi	February 27, 1965	May 17, 2010
93. James Reeb	Selma, Alabama	March 8, 1965	
94. James Earl Reese	Gregg County, Texas	October 22, 1955	April 15, 2010
95. Fred Robinson	Edista Island, South Carolina	August 5, 1960	
96. Johnnie Robinson	Birmingham, Alabama	September 15, 1963	April 9, 2010
97. Willie Joe Sanford	Hawkinsville, Georgia	March 1, 1957	
98. Michael Schwerner	Philadelphia, Mississippi	June 21, 1964	
99. Marshall Scott	Orleans Parish, Louisiana	January, 1965	
100. Jessie James Shelby	Yazoo City, Mississippi	January 21, 1956	May 24, 2010
101. Ollie Shelby	Hinds County, Mississippi	January 22, 1965	April 16, 2010
102. George Singleton	Shelby, North Carolina	April 30, 1957	April 16, 2010
103. Ed Smith	Stateline, Mississippi	April 27, 1958	November 5, 2009
104. Henry Smith	Orangeburg, South Carolina	February 8, 1968	
105. Lamar Smith	Brookhaven, Mississippi	August 13, 1955	April 12, 2010
106. Maceo Snipes	Butler, Georgia	July 18, 1946	April 12, 2010
107. Eddie Stewart	Jackson, Mississippi	July 9, 1966	
108. Isaiah Taylor	Ruleville, Mississippi	June 26, 1964	April 12, 2010
109. Emmett Till	Money, Mississippi	August 28, 1955	December 28, 2007
110. Ann Thomas	San Antonio, Texas	April 8, 1969	April 15, 2010
111. Freddie Lee Thomas	Sidon, Mississippi	August 19, 1965	
112. Selma Trigg	Hattiesburg, Mississippi	January 21, 1965	May 2, 2010
113. Ladislado Ureste	San Antonio, Texas	April 23, 1953	April 20, 2010
114. Hubert Varner	Atlanta, Georgia	September 10, 1966	April 6, 2009
115. Clifton Walker	Woodville, Mississippi	February 29, 1964	
116. Virgil Ware	Birmingham, Alabama	September 23, 1963	
117. James Waymers	Allendale, South Carolina	July 10, 1965	April 15, 2010
118. Ben Chester White	Natchez, Mississippi	June 10, 1966	October 16, 2003
119. Robert Wilder	Ruston, Louisiana	July 17, 1965	
120. Rodell Williamson	Camden, Alabama	May 20, 1967	May 2, 2010
121. Archie Wooden	Camden, Alabama	December 25, 1967	April 20, 2010
122. Samuel Younge	Tuskagee, Alabama	January 3, 1966	