

CIVIL RIGHTS DIVISION
Notice to Close File

05/19/2015

File No. 144-41-3509

Date _____

To: Chief, Criminal Section
Re: Daniel Jones, Deceased
Louis Allen (Deceased) - Victim
CIVIL RIGHTS

I. Recommendation

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

II. Case Synopsis

On January 31, 1964, Louis Allen (Allen), an African-American male born April 25, 1919, was murdered in his driveway as he was opening the gate to his home in Amite County, near Liberty, Mississippi. Allen suffered extensive trauma from three shotgun blasts to the head. Allen's body was discovered shortly after midnight by his XXX, XXXXX (XXXXX) and his XXXX, XXXXX (XXXXX). XXXXX and XXXXX immediately drove to the home of Amite County Sheriff, Daniel Jones (Jones), advised Jones of their discovery and requested Jones' assistance. Jones contacted Dr. Bridges (Bridges), informed him that Allen had been shot, and asked that Bridges accompany him to the Allen residence.

Carroll McCabe
Trail Attorney

To: Records Section
Office of Legal Administration

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

Date

Deputy Chief, Criminal Section

Upon arrival, Jones and Bridges located the body of Allen lying face down underneath the cab of his logging truck. The truck's headlights were on and the ignition switch was in the on position, but the truck motor was not running. It appeared that Allen had been shot in the head. Dr. Bridges pronounced Allen dead and Jones convened a coroner's inquest. The coroner's jury found that Allen's death was a homicide.

Sheriff Jones conducted the local investigation into Allen's death and claimed that he did not recover any physical evidence from the scene, develop any suspects, or determine a motive. No Amite County investigative case file has ever been located.

The FBI was informed of Allen's death by a civil rights activist working in Amite County and initiated a brief investigation into Allen's death. The FBI concluded that Allen was not a participant in voter registration activities.¹ As a result, the investigation was closed in 1964.

The FBI reopened the investigation in 2006 after receiving information from an interested scholar, Plater Robinson (Robinson), from the Southern Institute for Education and Research, who had interviewed multiple residents from Amite County. Robinson told the FBI that he heard rumors that the following individuals may have been involved in Allen's murder: XXXXX (XXXXX), Dennis Hawkins (Hawkins), Jesse Matthews (Matthews), and Jones. None of these "theories," other than those related to Jones, were supported by sufficient credible or corroborated evidence.

XXXXX was interviewed in 2011. XXXXX admitted killing Hollis Nunnery, in self defense, but denied involvement in Allen's murder.² The FBI did not uncover any evidence suggesting that XXXXX had a motive to kill Allen, or supporting the allegation that he was involved in the murder.

Another rumor was that Matthews made a deathbed confession to XXXXX (XXXXX) that he killed Allen. The FBI interviewed XXXXX and she denied that Matthews confessed his involvement to her. There is no other evidence connecting Matthews to Allen's death.

¹ There is conflicting evidence regarding Allen's involvement in voter registration activities. Individuals involved in the civil rights movement in Amite County in the 1960's were interviewed by the FBI in 1964. These individuals advised that Allen was not involved in voter registration drives. Allen's XXXXX confirmed to the FBI that Allen was not involved in civil rights activities. However, evidence exists that suggests that Allen was a member of the NAACP, that he attempted to register to vote at the Amite County Circuit Court but was turned away by Jones and other white members of the community and that Allen was listed as a witness by the United States Government in a civil action filed against the Clerk of the Amite County Circuit Court regarding voter registration improprieties.

² According to XXXXX, the FBI investigated the Nunnery incident, but he was never prosecuted.

Robinson also heard that Hawkins went to Allen's residence to collect a debt on January 1, 1964. When Hawkins arrived a young girl was playing near the porch. Hawkins told Allen that it would be terrible if the girl "turned up all burned up like Leo McKnight." There is no other evidence linking Hawkins to the Allen murder.

The most compelling theory Robinson advocated was that Allen was murdered by Jones because Allen had witnessed a powerful politician murder voting rights activist, Herbert Lee.³ This theory implicated Jones, Jack White (White) and Audrey Weatherspoon (Weatherspoon). The FBI focused on attempting to develop this theory.

Allen witnessed E.H. Hurst, a pro-segregation legislator in Mississippi's House of Representatives, shoot and kill an unarmed voting-rights activist, Herbert Lee, on September 25, 1964. When a coroner's inquest was conducted hours later, Hurst, Jones (then a deputy), Sheriff E. L. Caston (Caston)⁴ and others threatened Allen and other witnesses, demanding that they testify that Hurst acted in self-defense.⁵ Allen, in fear for his life and the lives of his wife and children, testified at the coroner's inquest and at a preliminary hearing held the following day that Hurst acted in self-defense. Hurst was subsequently cleared of any wrongdoing.

Allen's conscience persuaded him to tell the truth to local civil rights activists. Within days Allen confessed the truth to Robert Moses, Field Secretary of the Student Nonviolent Coordinating Committee (SNCC). Allen later discussed Lee's murder with Julian Bond (Bond), an organizer with SNCC. Bond encouraged Allen to tell his story to federal authorities. Allen eventually approached the FBI and the United States Commission on Civil Rights (USCCR) and told them the truth. An FBI memo dated February 3, 1964, documented information received on that date from Spotswood Robinson, a former member of the USCCR, that Allen "changed his story" and "expressed fear that he might be killed."⁶

3 Robinson received information from a relative of Weatherspoon that Weatherspoon confessed to him Weatherspoon and Jones' involvement in Allen's murder.

4 Hurst's XXXXXX, was XXXXX to Caston's XXXX, XXXX, who served as Chief Deputy to Jones after Jones became the Amite County Sheriff in 1964. XXXXX also worked at the Amite County Sheriff's Office as Jones' XXXXX. XXXX reportedly belonged to the WKKKK chapter operating in Amite County.

5 On the night of Lee's murder, Robert Moses, Secretary of the Student Nonviolent Coordinating Committee, traveled to Amite County and questioned the three black eyewitnesses who testified at the inquest. According to Moses, two of the witnesses (unnamed) admitted that Caston and his deputies, including Jones, coerced them into lying.

6 Several sources corroborate Allen's role as a witness for Hurst at the coroner's inquest and preliminary hearing; Allen's subsequent recantation; and the ensuing harassment. Including, a September, 1961, report by Amite County investigator, A.L. Hopkins, citing Allen's testimony at both proceedings that Hurst acted in self-defense; an October 16, 1961, phone call from XXXXX to the FBI (documented in an FBI memo) advising that the Sheriff and others were out to get Allen because Allen had told civil rights workers the truth about the Lee murder; a 1962 letter

Allen's actions soon became public knowledge in Liberty.⁷ Allen was subjected to severe harassment from Jones, and was blackballed by members of the white community who refused to do business with Allen. Allen reported death threats to the FBI, but the FBI had limited jurisdiction over civil rights cases at the time and they referred the matter to the Mississippi Highway Patrol.⁸

Hostility against Allen from Jones intensified. On June 30, 1962, Jones arrested Allen for interfering in police business⁹. XXXX was present during the arrest and witnessed Jones hit Allen in the face with a metal flashlight, breaking Allen's jaw, because Allen asked XXXX to get his hat. Allen was not resisting arrest and did not pose a threat to Jones. Allen was detained in the Amite County Jail for several days and was denied medical care.¹⁰ Following his release,

XXXX sent to John Doar, Assistant Attorney General, alleging "They're after him[Allen] in Amite" and references "a plot by the Sheriff and seven other men;" an August, 1962, FBI interview with Allen (documented in an FBI memo) during which Allen advised that he had been warned that the Sheriff and other men had talked about getting him because he had spoken to the FBI regarding Lee's murder; a July 31, 1962, affidavit Allen provided to the USCCR (the affidavit could not be located, but was referenced in a February 3, 1964 FBI memo) in which Allen furnished a substantially different version of the facts surrounding the Lee murder; a February 12, 1963 conversation between Allen and Julian Bond, SNCC, (documented in a published article by Julian Bond titled, *The Activism of the Late Mr. Allen*) during which Allen provided the true details of Lee's murder; a February 3, 1964, phone call from Spotswood Robinson, former member of the USCCR, to the FBI (documented in a February 3, 1964, FBI memo) during which Robinson advised that Allen had changed his story regarding Lee's murder and had furnished a substantially different version to representatives of the USCCR; and a May 7, 1965, letter from XXXXXX, investigator for the Mississippi Sovereignty Commission, to his Director, confirming that Allen had testified in state court proceedings that Hurst shot Lee in self-defense.

7 A newspaper article written by XXXXX, appearing in the *Enterprise-Journal* on the day of Allen's funeral stated, "Strictly non-documented rumors have been current in and around Liberty since the Lee case of 1961 that Allen may have become a tip-off man for the integration minded Justice Department."

8 This action was taken even though the FBI received information (documented in an official FBI memo) that "Allen was to be killed and the local sheriff was involved in the plot to kill him." The source of that information appears to be a 1961 letter from Moses to Assistant Attorney General John Doar stating, "They're after him in Amite." The letter also makes reference to a "plot by the sheriff and seven men." XXXXX, the XXXX of Amite County Sheriff E.L. Caston, and the XXXXXXX of Hurst, was a sworn officer with the Mississippi State Highway Patrol at that time.

9 Allen had helped raise and post bail money for a group of African-Americans arrested by Jones for shoplifting at a local store owned by white merchants.

10 Jones was asked about this incident by Robinson in 2006, during a surreptitiously recorded interview. Jones admitted hitting Allen with a flashlight and breaking his jaw. "I placed him

Allen attempted to pursue criminal charges against Jones in Federal Court. On September 11, 1963, a Federal Grand Jury returned a “No Bill.”

In November 1963 Jones arrested Allen again; charging him with writing a bad check and carrying a concealed weapon. About this time, XXXXX recalls, a friendly white businessman visited the Allen family and warned Allen, “Louis, the best thing you can do is leave. Your little family, they’re innocent people, and your house could get burned down. All of you could get killed.”¹¹ Convinced that he and his family were in danger, Allen made plans for the family to move to Milwaukee. Allen was murdered the night before he was due to leave Mississippi.¹²

Further investigative steps taken by the FBI since the case was reopened in 2006 uncovered additional information suggesting that Jones may have been involved in Allen’s murder. However, the government was never able to obtain sufficient evidence to pursue criminal charges against Jones. Jones died on July 26, 2013.

III. Predication and Investigative History

Allen’s death was investigated by local law enforcement officers, led by Jones, beginning in the early morning hours of February 1, 1964, immediately after XXXXX discovered Allen’s body and reported his death to Jones. The local investigation appears to have been quite cursory.

The FBI also became involved on February 1, 1964, after a representative of the Congress of Racial Equality (CORE) contacted the Department of Justice (DOJ) suggesting that Allen may have been killed because of his alleged participation in voter registration activities. The FBI was later notified of Allen’s involvement in the Lee case. The FBI closed its initial investigation in May of 1964 because they were unable to establish that Allen was involved in voter registration activities or other Constitutionally protected activities which would have provided a basis for federal jurisdiction.

under arrest...and he just said let me go get my cap and he turned to go in the house and I didn’t let him.” “Broke his jaw, that’s correct.” When asked why Allen was arrested Jones (laughing) stated, “Well it wasn’t civil rights at all. (Unintelligible) him interfering on a case I was investigating, but I don’t know what the, probably didn’t have a charge. We didn’t always have a legal charge when we arrested back then.”

11 On February 21, 1963, Leo McKnight, his wife, pregnant daughter and son-in-law perished in a house fire. McKnight was formerly employed by Allen and had allegedly been warned by Jones to stay away from Allen. Some suspect that the fire was related to Jones’ vendetta against Allen.

12 Four witnesses, in addition to Allen, testified that Hurst acted in self defense: XXXXXX and XXXXX, both white; and Jesse Anderson and XXXXXX, both African American. None of the available evidence indicates that Anderson or XXXXX were threatened, or harmed following their testimony; however, none of the available evidence indicates that either Anderson or XXXXXX publicly corrected their testimony.

The FBI reopened the matter in 2006, after receiving new information regarding the murder, and expanded its investigation in 2007 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 resulting in death" that "occurred not later than December 31, 1969."

A. Local Investigation – 1964

1. Sheriff Jones' Account

Jones led the local investigation into Allen's murder. The FBI interviewed Jones on two occasions in February of 1964 regarding the status of his investigation.¹³ Those interviews were memorialized in 302's. The following was taken from the FBI 302's.

At approximately 12:30 a.m. on February 1, 1964, XXXXX and XXXXX knocked on Jones' door and advised that shortly after midnight they found Allen's body by his logging truck at the entrance to Allen's driveway. They reported seeing a great deal of blood, but did not know if Allen was dead. Jones contacted the Coroner, Dr. William Bridges, and asked Bridges to accompany him to Allen's residence. Bridges and Jones arrived at the Allen residence at approximately 1:25 a.m. Bridges examined Allen and noted that he had been shot at least twice in the head. Bridges declared Allen dead and opined that, based on Allen's body temperature; he had been dead for at least two hours. Bridges was of the opinion that Allen had been killed in the exact location where he had been found, and that the shots that killed him were fired from the rear or right rear side of Allen's truck. Bridges did not recover any evidence from Allen's body nor did he conduct an autopsy.¹⁴ A coroner's inquest was convened. The jurors concluded that Allen's death was "a homicide by person or persons unknown."

Jones remained at the scene until daylight when he, alone, conducted a crime scene search. Jones reported that he did not find any latent fingerprints on the truck, tire marks, shotgun cartridges, or any other physical evidence which would assist in the investigation. Jones also searched the area across the highway from the Allen driveway and did not observe any matted area in the grass which would indicate that anyone had been lying in wait.¹⁵

13 Jones was interviewed on three subsequent occasions by Robinson and the FBI. Those interviews will be discussed in more detail below.

14 Bridges did not prepare a written report, but provided this information to the FBI during an interview on February 1, 1964.

15 During his July 21, 2011, interview with the FBI, Robinson advised that XXXXX, Allen's XXXXX, told Robinson that XXXXX noticed a matted area in the grass across the highway from the Allen driveway and it appeared to him that people were lying in wait for Allen. XXXXX alleged that following Allen's murder, Jones threatened XXXXX that he should leave town. XXXXX relocated to New Orleans, Louisiana. The FBI did not interview XXXXX.

Jones did find a letter of recommendation written by a local white businessman, XXXXX (XXXX), in Allen's truck. Jones checked on Allen's activities the night of his death and learned that Allen contacted XXXXXXXX, a former XXXXXXXX, and secured the letter of recommendation earlier that same evening. XXXXX informed Jones that Allen left his residence at around 8:00 p.m. and did not appear frightened. Allen never told XXXXX when or where he was going to look for work.

Jones claimed that he did not know that Allen had planned to leave town until XXXXX provided that information on February 2, 1964. According to Jones, XXXXX told him that Allen intended to leave for New Orleans to look for work.

Jones confirmed that Allen was arrested on November 6, 1963, for a bad check charge. Jones found a .22 handgun in the glove compartment of Allen's truck. Allen told the justice of the peace that he was carrying a loaded gun because he was logging in Louisiana and wanted the gun for protection.

Jones claimed that he did not recover any physical evidence from the scene, never identified any suspects and was unable to establish a motive for Allen's death. Jones reported that his investigation was ongoing, however nothing in the file indicates that Jones conducted any further investigation into the matter.

B. Federal Investigation – 1964

1. Overview

On February 3, 1964, Spotswood Robinson, former Dean of Howard University School of Law and a former member of the Commission on Civil Rights, called the FBI regarding Allen's killing. Robinson advised that he did not know why Allen was killed, but wanted to make the Bureau aware of Allen's involvement in the Lee case.

The FBI conducted a brief investigation that included interviews of individuals active in the civil rights movement in Amite County, Allen's family members, Amite County law enforcement officials and others with information relevant to Allen's death. Those interviews will be discussed in detail below.

The FBI closed its investigation in May of 1964 after it was determined that Allen was not involved in voter registration activities, and that then-extant federal law would not support a prosecution on other grounds.¹⁶

¹⁶ At the time of Allen's killing, the Civil Rights Act of 1960 protected persons involved in voter registration activities. However, two of the most important federal civil rights statutes used to prosecute racially-motivated homicides—18 U.S.C. § 245 (interference with federal protected activities) and 18 U.S.C. § 3631 (interference with housing rights)—were not enacted until 1968, and were thus unavailable as a source for federal jurisdiction 18 U.S.C. § 249, a third

2. Witness Accounts

a. XXXXX (XXXXX)

XXXXX is XXXXX. The FBI interviewed XXXXX on two occasions, February 2nd and 4th, 1964. XXXXX was questioned about Allen's voter registration activities, the shooting incident and any possible motive for his XXXXXXXX.

According to XXXXX, Allen had never engaged in voter registration drives, or any civil rights activities in Amite County, or any other place. He confirmed that Allen had attended a voter registration meeting and did attempt to register to vote on one occasion in 1962, but was unsuccessful due to a long line of registrants. Allen made no further attempts to register and was not a registered voter at the time of his death.

XXXXX resided with his XXXXX, XXXXX, his XXXX year old XXXX, XXXX and his XXXXX, prior to Allen's death. XXXXX worked for his XXXXX on a full-time basis in Allen's logging business. As a result of difficulties in his logging business, which Allen attributed to not being liked by people in Liberty, Allen decided to seek employment in Milwaukee, Wisconsin. Allen originally planned to leave Liberty on January 25, 1964, but his XXXXX died on January 22, 1964, and Allen used most of the money he saved for the trip on his XXXXX's funeral expenses. On January 29, 1964, Allen told his family that he was leaving for Wisconsin on February 1, 1964. According to XXXXX, only their immediate family knew of Allen's plans to relocate. The family planned to follow Allen to Milwaukee after he secured employment and a place for the family to live.

On January 31, 1964, XXXXX and his XXXXX drove to Gloster, Mississippi, so that Allen could attempt to obtain letters of recommendation from former XXXXX, XXXXX and XXXXXXX. Allen was not successful in obtaining a letter of recommendation from either individual, so they returned to their residence around Noon. Shortly after returning home, XXXXX, his XXXXX, XXXXXXX, and Allen drove to the Robertson farm where they obtained a load of logs. They left the woods at about 2:30 p.m. Allen took the logs to the mill and XXXXX and Tommy drove the tractor to their residence. They arrived home around 3:00 p.m. and Allen arrived home shortly after dark. XXXXX did not notice anything suspicious while he and his XXXXX were out that day and his XXXXX did not report seeing anything suspicious. Allen did not appear frightened when he returned home from the mill.

At approximately 7:00 p.m. Allen and XXXXX left their residence. Allen was going to meet with a former XXXXX, XXXXX, to obtain a letter of recommendation and XXXXX was going to a party. Allen drove the logging truck and XXXXX drove the family car. XXXXX followed Allen a short distance toward Highway 24W before XXXXX headed in a different

statute authorizing federal prosecution of racially-motivated homicides, was not enacted until 2009.

direction. XXXXX did not notice any suspicious people or vehicles around their residence, or following his XXXXX's truck.

XXXXX returned home from the party with his XXXXX, XXXXX around midnight. XXXXX noticed Allen's truck stopped at the gate leading to the house. The gate was partially open. XXXXX jumped out of his car and ran to the truck. The lights were on, but were very weak. The ignition switch was still on. XXXXX found his XXXXX lying face down under the truck. Allen was not moving. XXXXX could see wounds to his XXXXX's head and a considerable amount of blood on the ground. XXXXX attempted to revive his XXXXX, but Allen did not respond. XXXXX realized his XXXXX was seriously injured so he and XXXXX immediately drove to the home of Sheriff Jones and sought Jones' assistance. Jones contacted Dr. Bridges and the four men returned to the Allen residence.

XXXXX advised that he held a flashlight so Jones could study the crime scene. According to XXXXX, Jones searched Allen's body and located his wallet; "He took everything out of the wallet, when he got to the NAACP card, he looked at me and then looked back down." Jones said, "Let me see if I can find something that caused the problem." Allen's wallet, but not his NAACP card, was later returned to the family.¹⁷ XXXXX did not notice any suspicious people or vehicles around the Allen residence when he and XXXXX arrived home after the party.

XXXXX was not aware of anyone making direct threats against his father, nor did he know of his father having any fights or arguments with anyone. XXXXX did not know who killed his father, but was able to provide some information regarding a possible motive.

Allen was arrested by Jones on November 7, 1963, for writing a bad check and carrying a concealed weapon. Shortly after his release from prison, Allen asked XXXXX to accompany him whenever he left the house. Allen told XXXXX that he felt "much safer" when XXXXX was with him. Allen was afraid to go into Liberty, but never explained why other than to say that he was not liked in Liberty. According to XXXXX, people in Liberty stopped treating Allen in a "friendly manner" after Allen testified in the Lee case.

It should be noted that forty-four years later, on January 28, 2008, XXXXX wrote a letter to Julian Bond seeking information regarding Allen's murder. In that letter XXXXX provided additional information regarding Allen's attempt to register to vote, but contradicted his earlier statement to the FBI regarding threats against his father.

17 In a September 13, 2007, article titled, "Son seeks closure in father's 1964 slaying," The Baystate Banner reported XXXXX's account of Jones' crime scene search: "He [Jones] took everything out of the wallet." "When he [Jones] got to the NAACP card, he looked at me and then looked back down. Jones said, 'Let me see if I can find something that caused the problem.'" The sheriff kept the wallet and later returned it with all the money. "The NAACP card — he [Jones] kept that."

In his 2008 letter to Bond, XXXXX described that on August 21, 1962, his father, along with his XXXXX, XXXXX, and several other black men went to the courthouse in Liberty to vote. They were turned away by Jones and other white men.¹⁸ The Allen family filed a FOIA request and ultimately obtained documents that confirmed this incident. The government cited this incident in a law suit filed against Circuit Court Clerk H.K. Whittington. Justice Department documents named Allen as “one of our witnesses.” Regarding threats against his XXXXX, XXXXX told Bond that immediately after Allen told the truth to the FBI regarding Lee’s murder, Sheriff E.L. Caston and Jones threatened to kill Allen. After Allen’s death, XXXXX recalled that Jones constantly threatened XXXXX not to tell the FBI anything XXXXX did not tell Jones first. Jones told XXXXX that Jones was investigating the case and that XXXXX “shouldn’t be a smart nigger.”

b. Elizabeth Allen (Elizabeth)

The FBI interviewed Elizabeth on two occasions, February 2nd and 4th, 1964. Elizabeth was also questioned about Allen’s voter registration activities, the shooting incident and any possible motive for Allen’s murder.

Elizabeth advised that Allen was not active in voter registration drives or other civil rights activities. During the first interview Elizabeth stated that Allen was not a registered voter and, as far as she knew, Allen never attended voter registration meetings or attempted to register to vote. During the second interview Elizabeth recalled that Allen had attempted to register to vote at the Amite County courthouse in 1962; however, there were so many people in line ahead of him, and he had to go to work, so he was not able to register.

Elizabeth confirmed that on the evening of January 31, 1964, Allen left their residence shortly after 7:00 p.m. in order to meet with XXXXX to obtain a letter of recommendation. At approximately 8:30 p.m. Elizabeth heard three gunshots outside her residence. She did not go outside to investigate. At approximately 12:30 a.m. on February 1, 1964, XXXXX and XXXXX arrived home and told her that Allen had been shot and was dead.

Elizabeth did not know who killed her husband or why he was killed. As far as she knew, Allen had never been threatened by anyone and she was unaware of her husband having arguments, fights or misunderstandings with anyone, white or black, in the Liberty area. Nevertheless, she was able to provide information relevant to a possible motive for Allen’s murder: Allen told Elizabeth that he had difficulty getting contracts to cut timber from white people and that white store and gasoline station owners in Liberty refused to extend him credit after his involvement in the Lee case. According to Elizabeth, Allen testified at the inquest that Lee went after Hurst with a pipe in his hand. Later, Allen told the FBI that Lee did not have a pipe in his hand. The content of Allen’s statement to the FBI became public knowledge and thereafter Allen was “picked-on” by white people in the community, including local law enforcement officials, particularly Jones.

¹⁸ Later media accounts describe that someone took a shot at Allen and the others as they attempted to register. The source of that information is unclear.

Jones arrested Allen in November of 1963. When Allen was released from jail several days later he was afraid to return home so the family drove directly to the home of Elizabeth's XXXXXXX in Louisiana. They remained there for a week while Allen attempted to find work. Allen was unable to find work, so they returned home; however, Allen would no longer go to Liberty for any reason. Allen never explained why he was afraid. Elizabeth also recalled that after Allen's release from prison in 1963, white merchants and black friends no longer came to their residence as had been the custom in the past. As a result of these difficulties, Allen decided to relocate to Wisconsin. Elizabeth confirmed that only immediate family members knew of Allen's plans to relocate.

According to newspaper reports, Elizabeth Allen died in 1989.

c. XXXXX, XXXXX, XXXXX

The FBI interviewed XXXXX, his XXXX, and XXXX, XXXX on February 7, 1964. XXXXX had known Allen since Allen was a boy. Allen worked for XXXXX for approximately 10 years during the 1940's in XXXXX's XXXXXX business. Allen continued to do odd jobs for XXXXX over the years and on occasion XXXXX loaned Allen money. XXXXX considered himself one of Allen's best friends.

According to all three of the XXXXXs, Allen stopped by their house between 7:30 – 8:00 p.m. on January 31, 1964, and requested that XXXXX write Allen a letter of recommendation. Allen advised that his logging business was going under and he was going to seek employment with the state highway department as a truck driver or bulldozer operator. Allen advised that a letter of recommendation from XXXXX would improve his chances of securing employment. XXXXX had his XXXX write a letter and sign his name. He gave the letter to Allen and Allen left his residence around 8:00 p.m. Both XXXXX and his XXXXX spoke with Allen. Allen never mentioned that he was planning to relocate; further, neither had heard that information from anyone else in Liberty.

According to XXXXX and XXXXX, Allen gave no indication that he was frightened or otherwise feared for his safety. XXXXX believed that Allen trusted him and would have confided in him if Allen had been threatened or had any fear for his personal safety. XXXXX did not observe any vehicles or suspicious persons in the area of his residence during Allen's visit.

XXXXX did not know who might be responsible for Allen's death.¹⁹

¹⁹ XXXXX did furnish some information regarding a possible motive. XXXXX's XXXX heard a rumor that Allen was in trouble with some black males over women. XXXXX did not know if Allen was currently running around with women but had in the past observed Allen in the company of women other than his wife. These rumors were never substantiated.

d. Jack White

Rex Armistead, a former Mississippi Highway Patrol Investigator, was assigned to investigate the February 28, 1964 murder of Clifton Walker. Armistead's investigation into the Walker matter led to an individual identified as Jack White (White). White, a black male, fled the Liberty area immediately following the Allen murder. Armistead located White in Baton Rouge, Louisiana, in March of 1964 and recorded an interview.²⁰ White provided information on a number of matters, including the Allen murder. Armistead did not include this interview in his investigative file; rather, Armistead sent the tape of the recorded interview to then-Governor Paul Johnson.

The audio recording captures an interview of White, wherein investigators question White regarding his knowledge of the Allen murder. White advised that he was at a grocery store in Liberty shortly after the murder when unidentified individuals talked about how Jones shot and killed Allen. The following day White received a note, left in his vehicle, which threatened his life if he did not leave town. White advised that Jones' XXXXX, XXXXX²¹ and three other men were standing nearby staring at White as he read the note. White told investigators that it was because of this threat that he left Liberty and relocated to Baton Rouge.²²

Reverend Alfred Knox later implicated White, along with Weatherspoon and Jones, in Allen's murder. White died on July 6, 1999.

²⁰ This interview was discovered during the FBI's 2006-2013 investigation. On November 17, 18 and 19, 2009, archives at the University of Southern Mississippi (USM) were examined for items of interest concerning cold case investigations. Located in the personal papers of Governor Paul B. Johnson, Governor from 1964-1968, was a report written by Armistead, dated March 30, 1964. Armistead stated that he had interviewed White and that White had revealed things that Armistead felt should not be in the report. Armistead noted that the entire interview had been recorded and the tape would be turned over to the Governor's Office. A search of the archives for the tape recording was unsuccessful. In April of 2013, an assistant curator of archives at USM located an audio recording dated March 26, 1964, mislabeled as a "parole hearing" involving White and Armistead. The USM library released a copy of the recording to the FBI in September of 2013.

²¹ XXXXXX was a leader in the White Knights of the Ku Klux Klan.

²² Armistead was interviewed by the FBI on December 16, 2009. Armistead, age 79, was experiencing health problems, including difficulties with memory at the time of the interview. Armistead recalled that he was newly assigned as an investigator in Southwest Mississippi in 1964. He commented, "You didn't know who to trust in law enforcement in those days." Armistead could not recall being involved in the Allen murder investigation. He also had no recollection of his interview of White.

e. Civil Rights Activists

In February of 1964, the FBI interviewed Curtis Bryant, President, Pike County Chapter of the NAACP, Reverend Tobias, Pastor, Liberty Colored Baptist Church, Roy McGhee, Principal, Central High School, E.W. Steptoe, President, Amite County Chapter of the NAACP, Robert Moses, Field Secretary, Student Non-Violent Coordinating Committee and XXXXX, Amite County civil rights activist, regarding Allen's participation in voter registration drives. All of these individuals knew Allen, some for as long as twenty years. All of them advised that Allen had never been involved in voter registration activities in Amite County. The last concentrated voter registration activities in Amite County had been held during the summers of 1961 and 1962. Allen had attended voter registration meetings as a spectator and had attempted to register to vote, but was unsuccessful because the line was too long and he never made it inside the courthouse to file his application. Allen was not a registered voter at the time of his death.

B. Federal Investigation – 2006-Present

1. Overview

In April of 2006, Robinson, a historian at the Southern Institute at Tulane University, gave the FBI transcripts and other documents that Robinson believed showed that Jones and two black men, Audrey Weatherspoon, known as Spoons, who died on July 20, 2005, and White who died on July 6, 1999, killed Allen. The FBI reviewed and followed up upon the information relayed by Robinson, as detailed below.

In 2007, the FBI initiated a review of the circumstances surrounding Allen's murder 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 retrieved from the National Archives and Records Administration (NARA) the 1964 FBI file relating to the incident and reviewed it. The FBI also conducted research to determine whether any of the named subjects or other relevant individuals were still alive.

An FBI indices check confirmed Jones had been investigated by the FBI for his membership in the White Knights of the Klu Klux Klan. Jones' XXXXX, XXXXX, was a leader in the White Knights of the Ku Klux Klan and an organization known as Americans for the Preservation of White People.

In February 2009, a press release was published in local newspapers and aired on radio and television stations in the South Mississippi area by the Jackson Division of the FBI soliciting any information regarding Allen's murder. No information of value was obtained as a result of the press release and media coverage.

On March 3, 2009 a request was made to the Mississippi Bureau of Investigations, Mississippi Department of Public Safety (MDPS) for any records relating to Allen. MDPS advised that a search of their records for information relating to the death of Allen was negative.

On March 10-11, 2009, the FBI conducted a search at the Mississippi Department of Archives and History for any records relating to Allen. Two newspaper articles were located, reviewed and copied. A letter was directed to both the Southern Poverty Law Center and the National Association for the Advancement of Colored People (NAACP) seeking copies of any records relating to Allen.

As discussed above, in November, 2009, the FBI also searched the archives at USM, and in September, 2013 was provided with the Armistead/White recorded interview.

2. Witness Accounts

a. Plater Robinson

Robinson began researching Allen's murder in 1994. He interviewed numerous people on the subject of the civil rights movement in Amite County and learned that many individuals, both African American and white, believed that Jones and two African American men, Weatherspoon and White, killed Allen. Robinson recorded an interview with Jones in 2001. Jones denied any involvement in Allen's murder and told Robinson that he was "one hundred percent certain" that the Ku Klux Klan was involved.

Robinson first approached the FBI with information relating to Allen's murder in 2006. During an interview on April 14, 2006, Robinson provided the FBI a transcript of the interview he conducted with Jones on October 10, 2001. Robinson believed that if he interviewed Jones a second time, Jones would provide additional details, or possibly a confession to Allen's murder. Robinson agreed to cooperate with the FBI and consensually recorded an interview of Jones on April 28, 2006. Jones once more denied involvement in Allen's murder.

Robinson was interviewed by the FBI again on June 21, 2011. Robinson's advised that his investigation into Allen's murder included a document search, the review of relevant documents and interviews with a number of witnesses, including Jones, XXXXXX's wife, XXXXXXX, and XXXXXX, Reverend Alfred Knox (Knox) and Allen's XXXXX, XXXXX. Robinson provided the FBI with transcripts of some of those interviews and shared relevant documents. The interviews are discussed below.

b. XXXXXXXXXX

XXXXXX was interviewed by Robinson on January 18, 2010. The interview was recorded. The FBI interviewed XXXXX on September 14, 2010.

XXXXXX's statements were consistent. XXXXX is XXXXXX. In 1964, XXXX had been married to XXXXXX for seven years. They had XXXX children. XXXXXXXX worked as an auto mechanic at a shop in Liberty.

On the afternoon of Allen's death, Jones came by XXXXX's home and asked to see Weatherspoon. It was unusual for Jones to come to their home. Jones said that he wanted Weatherspoon to work on his truck. Weatherspoon was still at work. Jones returned for Weatherspoon shortly after 5:00 p.m. When Jones returned, White was seated in the rear seat of Jones' tan police vehicle. Weatherspoon left with Jones and White and did not return until approximately 3:00 a.m. XXXXX was awakened by Weatherspoon's return.

XXXXXX learned of Allen's death the following morning. XXXXX believes that Weatherspoon had something to do with Allen's death, because she can "put two and two together." She and Weatherspoon never discussed Allen's murder. Shortly after Allen's death all of the African American males working on Main Street in Liberty, except Weatherspoon, were run out of town.

c. Reverend Alfred Knox

In 1998, Robinson recorded an interview with Knox regarding Jones' role in the Allen murder. Knox was XXXXX's XXXXX and Weatherspoon's XXXXXXXX. Knox stated that Weatherspoon confessed both his and Jones' involvement in Allen's murder. "My XXXXXX went with him," Knox said in the recorded interview. "To kill Louis Allen?" Robinson asked. "To kill Louis Allen," Knox said. According to Knox, Weatherspoon did not know where he was going until he got in Jones' car. En route to Allen's, Jones asked Weatherspoon, "Would you pull the trigger, would you shoot him?" Weatherspoon said, "No, I ain't gonna do it, I ain't gonna shoot him." Weatherspoon told Jones, "You come out here to kill him, you kill him." So, Weatherspoon related to Knox, "He [Jones] killed him."

Knox died on June 6, 2006.

d. Subject's Interviews

Jones, born January 3, 1930, was interviewed by Robinson on two occasions, October 30, 2001 and April 28, 2006. Those interviews were both recorded, the second, surreptitiously. The FBI also interviewed Jones on two occasions, July 12, 2007 and January 5, 2010. Jones repeatedly denied any involvement in Allen's murder.

During the 2001 interview, Jones told Robinson that Allen was a neighbor and that Jones knew him well. When Robinson asked what happened to Allen, Jones said, "He was killed at his gate one night after dark." According to Jones, he investigated Allen's death "very hard" but never determined who killed him. Jones advised that he also assisted in the Lee murder investigation and that he did not think there was any connection between Lee and Allen's deaths.

When asked about the Ku Klux Klan in Liberty, Jones said, "You asked me about the Louis Allen case and I'm a hundred percent in my mind that the Klan was responsible for that." Jones continued, "But as far as proof and evidence, not only I couldn't find it, the FBI had thirteen agents in this county at one time working on that or other cases...and in that particular case, they didn't find any evidence...never anybody charged with it at all."

During the 2006 interview Jones and Robinson spoke at length about Allen's murder. Jones acknowledged that "he had many things to be sorry for in his life," but would not admit to involvement in Allen's murder. Robinson subsequently informed Jones that Weatherspoon and White made statements implicating him in Allen's murder. In response, Jones insisted that if there had been evidence supporting such an allegation he would have been charged with the crime. Jones added there was no such evidence that he killed Allen. Jones also claimed he was unaware that Allen had attempted to have him prosecuted in federal court for breaking Allen's jaw.

Jones told the FBI in 2007 that he never determined who had been responsible for Allen's death, but he always believed the perpetrator may have been following Allen to steal money he had just obtained for a trip out of state. When asked about his membership in the Klan, Jones invoked the Fifth Amendment and refused to answer the question.

During the 2010 FBI interview, Jones recalled the night of Allen's murder. Jones recalled being awakened by XXXXX who told him that something had happened to Allen. Jones proceeded to Allen's house where he found Allen on the ground under the truck. Jones had no recollection of Bridges being present at the scene. Jones admitted that he never really examined Allen's body and he did not recall seeing it under the truck. He did not ask for an autopsy because the cause of death was obvious and it was not always done then. Contrary to prior statements, Jones recalled seeing a pistol on the ground near Allen's body.²³ He also recalled seeing a Mississippi Highway Patrol officer taking photographs of the scene. Jones had two theories on the murder. One was that it was a family member or other black person over a domestic issue. The second was that it was related to Allen being a witness in the Lee murder. Jones was aware that Allen changed his testimony in the Lee case.

Jones said that people immediately tried to implicate him in Allen's murder. He thought this was mainly the NAACP and black leaders accusing him to further their own agendas. Jones was tired of people blaming him for the murder. He claimed he had no reason to kill Allen. When asked directly, he denied involvement in Allen's murder. Jones was advised that taking

23 This is the only mention of a pistol being recovered at the scene.

and passing a polygraph would clear his name and help end the speculation of his involvement. Jones then asked the FBI agents to leave and said that he had “made his peace with his maker” and that this was “between him and his maker.” Jones began to talk again and said he believed that a polygraph would be used by his enemies to cause trouble for him. Jones then repeated several times that he had made his peace and that he would not take a polygraph.

Jones died on July 26, 2013

3. Others Interviewed

a. XXXXXXX

XXXXXX was interviewed by the FBI on September 15, 2010. XXXXX is XXXXX’s oldest XXXX. He did not live with his family in Amite County at the time of Allen’s murder. XXXXX’s XXXXX told him that Allen came by his house shortly before he was killed. XXXXX told XXXXX that he gave Allen a letter of recommendation and loaned him twenty dollars because Allen was going to leave town and look for a job up north. XXXXX never told XXXXX who might have killed Allen.

XXXXXX has heard rumors that Jones was involved, but has no personal knowledge of it.

b. XXXXXXX

XXXXXX was interviewed by the FBI on July 8, 2010. XXXXX was a lifelong resident of Amite County and Allen’s friend. XXXXX described Allen as “a good man just trying to make a living hauling pulpwood.” XXXXX was aware that Allen witnessed Lee’s murder and that Allen felt threatened in the community. Shortly before his murder, Allen told XXXXX that he was going to leave town and head north. XXXXX advised Allen that he should not tell anyone about his plans.

XXXXXX has heard rumors that Jones was involved in Allen’s murder, but has no firsthand knowledge of who killed him.

c. XXXXXXX (XXXXX)

XXXXXX was interviewed by the FBI on June 23, 2011. XXXXX’s XXXXXXXX, XXXXXXXX (XXXXXX) was involved in the racial “war” of the civil rights movement. XXXXX was very close friends with Jones and Jones’ XXXXX, XXXXX. These three men and several other white individuals in Liberty were organized against the perceived threat of equality for blacks. XXXXX did not have firsthand knowledge of the group’s formal affiliation with white supremacist organizations, but would “bet strongly on” connections between the group in Liberty and other area cities’ white supremacist organizations. XXXXX was present when XXXXXXXX beat civil rights activist, XXXXX, for attempting to register Knox and another African American man to vote.

XXXXXX heard that Hurst murdered an African American male. XXXXXX could not recall his name and was not aware of any connection between this murder and Allen's murder.

d. XXXXXXXXXXXX

XXXXXX was interviewed by the FBI on October 22, 2013. XXXXXX was heavily involved with voter registration in Liberty and the surrounding area. XXXXXX was very familiar with Allen and described Allen as a "soldier" in the sense that he was not afraid to fight for equality.

XXXXXX was very troubled by Allen's death, but she did not know who killed Allen. XXXXXX never made a confession to her regarding the Allen murder. XXXXXX did not know of any information that could lead to proving who killed Allen or participated in the murder.

e. Jerry White (Jerry), President, NAACP, Amite County

Jerry was interviewed by the FBI on September 24, 2010. Jerry is a distant relative of Jack White. Jerry has heard the rumors that Weatherspoon, White and Jones killed Allen, but has no firsthand information regarding the Allen murder.

f. XXXXXXXX (XXXXX), Juror, Coroner's Inquest

XXXXXX was interviewed by the FBI on September 15, 2010. XXXXXX supported Jones in the sheriff's election held in 1963. Jones took office in January of 1964. Shortly after Jones became sheriff, he called XXXXXX in the middle of the night and asked him to serve on a coroner's jury. XXXXXX agreed and recalls traveling with other jurors to Allen's residence. XXXXXX knew Allen and recognized his truck. The truck was parked at the entrance to Allen's property. Allen's body was under the truck. Allen had been shot in the head. XXXXXX recalls seeing Jones pick-up what appeared to XXXXXX to be wadding from a shotgun shell approximately twenty feet from the side of Allen's truck. XXXXXX does not recall photographs being taken of the scene.

The coroner asked for a ruling and all six jurors agreed that it was "a homicide by person or persons unknown." XXXXXX signed the verdict form and returned home. He had no further involvement in the investigation.

XXXXXX has heard rumors that Jones was involved in Allen's death, but does not believe it. He has no idea who killed Allen, but stated that it is possible that the Klan was responsible.

h. Jones Family Members

The FBI interviewed Jones' XXXX, XXXXXX on XXXXXX, 2010; Jones' XXXXXX, XXXXXXXX, on XXXXXX, 2010; Jones' XXXXXX, XXXXXX on XXXXXXXX, 2010; and Jones' XXXXXXXX, XXXXXXXX, on XXXXXXXX, 2010. None of these individuals could provide any information regarding who might be responsible for Allen's murder. When questioned about

Jones' involvement, XXXXXXXXXXXX denied that Jones was involved. XXXXXX stated, "If y'all think he did it, you're wrong." XXXXXX stated that his XXXXXX did not kill Allen and that he was tired of the FBI harassing Jones about it. Jones was grown and out of the house when XXXXXXXXXXXXXXXXXXXX, so XXXX and XXXX had very few interactions with Jones and never discussed the Allen murder with him.

IV. Evidence

A. Witnesses

1. Unavailable Witnesses

The FBI determined that the following individuals are deceased:
Jack White died on July 6, 1999.
Audrey Weatherspoon died on July 20, 2005
Daniel Jones died on July 26, 2013
Larry Jones, brother, Daniel Jones,
J.M. Reynolds, former Amite County Court Clerk, died December 19, 2006
Charles XXXXX, journalist, died September 25, 2006
Jesse Anderson, juror, Allen coroner's inquest, died April 16, 1976
Dennis Hawkins, died March 7, 1979
Flynn Dixon, juror, Allen coroner's inquest, died June 24, 2012
Reverend Alfred Knox, died June 6, 2006
Rex Armistead, died December 24, 2013

B. Physical Evidence

Jones was the first law enforcement officer on the scene of the Allen murder and was the principal investigator. In his February 2, 1964, statement to the FBI and in subsequent interviews with newspaper reporters, Jones claimed that he searched the crime scene for evidence, but his search was negative for any evidence that would assist his investigation.²⁴

Jones' assertion has been contradicted by several witnesses. Specifically, XXXXX told newspaper reporters and civil rights activist, Julian Bond, that he saw Jones remove Allen's NAACP card from his wallet. Coroner's jury member, XXXXX, saw Jones pick-up shotgun shell wadding. And in Jones' own interview with the FBI in 2010, he stated that the Mississippi Highway Patrol photographed the crime scene and that a pistol was recovered.

In November of 2009, the FBI interviewed Amite County Sheriff Tim Perkins (Perkins),²⁵ former Chief Deputy Gary Austin (Austin), and former Deputy XXXXXXXXXXX

²⁴ During a February 2, 1964, interview with a reporter for the Clarion Ledger, a Jackson daily newspaper, Jones advised that he had failed to find "a single clue" in Allen's death investigation.

²⁵ Perkins was the Amite County Sheriff from 2008-2012.

(XXXXXX) in an effort to locate this evidence. Perkins was familiar with the investigation into Allen's murder and advised that his office was not in possession of any physical evidence, records, or investigative files concerning the case.

Austin became chief deputy under Norman Travis (Travis), who succeeded Jones as sheriff. Austin does not recall ever seeing photos of the Allen murder scene, ballistics evidence, or an investigative case file in the sheriff's office. He could not provide any information regarding Allen's murder.

XXXXX was interviewed by the FBI on November 10, 2009. XXXXX was one of the XXXXXXXXXXXXXXXX deputies in the Amite County Sheriff's Office. He was a XXXXX from 1976-1979, under Sheriff Travis. XXXXX recalled being present in Travis' office and seeing Travis remove three photos of the Allen murder scene from his desk. XXXXX said that one photo showed the cattle gate, one photo was of Allen's body under his truck and the third photo was of the truck door. Travis told XXXXX that what happened to Allen was "an outright tragedy." Travis also told XXXXX, "As sure as you're sitting there, Daniel Jones had something to do with this." Travis then asked XXXXX not to tell anyone. Travis died in 2004. His XXXX, XXXXXXXX, former SSA FBI, was interviewed by the FBI on November 10, 2009. XXXX reported that he and his sister examined their father's personal effects and papers. XXXX did not recall seeing photos of the Allen murder scene, or anything else related to Allen's murder.

It appears that any physical evidence recovered in 1964, has disappeared without a trace, along with any records documenting its seizure.

VII. Federal Jurisdiction/Statute of Limitations

The applicable statute of limitations precludes prosecution for Allen's murder under 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 the civil rights statutes including 18 U.S.C. § 245 and 18 U.S.C. § 241, 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.") The *Ex Post Facto* Clause, however 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, the facts of the present case do not establish federal territorial jurisdiction.

VIII. Conclusion

As discussed above, the FBI investigated numerous theories regarding Allen's murder. The majority of those theories were not supported by sufficient credible or corroborated

evidence. The recent FBI investigation focused on the most viable theory; Jones, Weatherspoon and White murdered Allen.

This theory has some support. Jones had the motive, means, and opportunity to kill Allen and the capability to cover-up his involvement. DOJ and USCCR records document allegations made by civil rights activists to U.S. government officials that Jones and others were plotting to kill Allen because he informed on Hurst. The FBI obtained evidence that Weatherspoon confessed his and Jones' involvement to Knox. The FBI also interviewed Weatherspoon's XXXXX, XXXXXXXX, who was able to corroborate portions of Weatherspoon's confession and place White in the vehicle with Jones and Weatherspoon on the night of the murder. In addition, the FBI obtained a taped interview of White who admitted overhearing several white men discuss Jones' role in Allen's killing. It should be noted, however, that Weatherspoon's statement to Knox in which he inculpated himself and Jones would not have been admissible in a trial against Jones. Jack White's statement would similarly have been inadmissible in a trial against Jones. This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. The federal government lacks jurisdiction to prosecute Allen's murder, and Jones, Weatherspoon and White are all deceased and no other suspects are currently alive. Based on the foregoing, this matter should be closed.