

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-19-2765

02/08/2011
Date _____

To: Chief, Criminal Section

Re: Buner aka Buna Lee Green (Deceased),
Villa Rica, Georgia - Subject;
Arthur James Hill (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

According to a report of the Southern Poverty Law Center, on August 20, 1965, Arthur James Hill, the African-American victim, was fatally shot "during an argument with whites" in Villa Rica, Georgia. The report did not identify the shooter, however, according to an October 7, 1965, article in the *Carroll County Georgian*, Buna Lee Green was indicted for the manslaughter of the victim, which reportedly took place at a gas station. The same article indicated that Green was also indicted on assault with intent to murder for the nonfatal shooting of XXXXXXXX during the same incident.

Cristina Gamondi
Attorney

To: Records Section
Office of Legal Administration

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

Date

Chief, Criminal Section

FORMERLY CVR-3

FORM CL-3

In May 2010, the FBI interviewed XXXXXXXX, who stated that XXX, Hill, XXXX, and XXXXXXX were in a car stopped at a gas station just prior to the shooting. An unidentified white man began arguing and fighting with XXXX outside the car. A second unidentified white man became involved in the fight. Hill exited the car to intervene and it was then that the subject, Green, approached the group firing his pistol. Green shot Hill and then XXXX. XXXX immediately drove Hill, XXXX, and XXXXXXX to the hospital but Hill was dead by the time they got there.

An October 14, 1965, article in the *Carroll County Georgian* reported that the subject was acquitted of all charges in his state trial. According to the article, two white men, XXXXX and XXXXXXX, testified that they were stopped at a red light when a car occupied by five African-American men and women stopped in front of them and someone in the car “called [XXXX and XXXX] names.” XXXX and XXXX then followed the other car to a service station located on Route 1 near Temple where the two groups began to argue.¹ The subject, an employee of the gas station, told everyone to leave; XXXX and XXXX left, but the victim, XXXXXXX, and the three other African-Americans did not. According to the article, the subject gave an unsworn statement in which he claimed that the victim refused to leave, and “called him all sorts of names in the presence of women.” The subject stated further that Hill then reached to the floorboard of his car and the subject saw the butt of a weapon. At that point, the subject yelled at the victim, “don’t do that.” The victim replied, “I’m going to blow your guts out, you .. SOB,” whereupon the subject fired his pistol nine times, killing the victim and wounding XXXXX.

Federal Investigation

In the fall of 2008, the Federal Bureau of Investigation (FBI) opened an investigation into the circumstances surrounding the victim’s death, pursuant to the Department of Justice’s “Cold Case” initiative and the “Emmett Till Unsolved Civil Rights Crime Act of 2007,” which charges the Department of Justice to investigate “violations of criminal civil rights statutes . . . result[ing] in death” that “occurred not later than December 31, 1969.”

As mentioned in the case synopsis, in May 2010, the FBI interviewed XXXXXXX, the surviving victim of the shooting. XXXX was also XXXXX XXXXX. XXXXX stated that on the day of the shooting XXX, Hill, XXXXXXX, and XXXXXXX were in XXXX car headed to a hospital because XXXXX was suffering from kidney failure.²

¹ The article stated that Buna Green lived on Route 1 near Temple.

² XXXX’s statement thus contradicts XXXXX’s and XXXXX’s reported accounts that there were five people in Hill’s and XXXX’s group.

Sometime between 6:00 and 7:00 p.m, the group stopped at a gas station. XXXX pumped gas and was returning to the car, when he and an unidentified white man started arguing and then fighting. XXXX could not hear what the men argued about. When a second white man approached XXXX from the back, Hill intervened. It was then that the subject walked toward the group, firing a pistol at them. As Hill was about to enter the car, the subject shot him, and then XXXX. XXXX stated that XXX could not recall Green saying anything before, during, or after the shooting.

XXXX drove a short distance to the hospital but Hill was dead by the time they arrived there. XXXX stayed in the hospital for one or two days and then was released. XXXX saw Green again in court but never again saw the two unidentified men involved in the fight.³

In addition to researching and reviewing 1965 *Carroll County Georgian* articles, the FBI case agent obtained the subject's indictment and verdict form; conducted searches of various "logical databases"; and requested that a Carroll County Sheriff's Office (CCSO) investigator interview XXXXXX, the XXXXXXXX.

In an initial database search, the FBI case agent was not able to locate a record for anyone named "Buna Lee Green," but did determine that someone named "Buner Lee Green" died in Carroll County, Georgia on January 3, 1973. XXXXXX told the CCSO investigator that XXX XXXX, "Buner Lee Green," worked at a gas station located on Route 1 near Temple in 1965, died sometime in the 1970's; and was buried at Concord Methodist Church in Villa Rica, Georgia.

The FBI case agent then obtained a death certificate for Buner Lee Green, listing the date of death as January 3, 1973, and indicating that he had been buried at Concord Methodist Church in Villa Rica, Georgia.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, the subject is deceased.

Second, prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 245, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations.

³ The October 14, 1965, *Carroll County Georgian* article suggests that the two men were XXXXX and XXXXX.

See 18 U.S.C. § 3281 (“An indictment for any offense punishable by death may be found at any time without limitation.”). However, the *Ex Post Facto* Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. Additionally, because there has already been a state prosecution and because the subject is deceased, this matter will not be forwarded to the state for prosecutive review. Assistant United States Attorney Gentry Shelnett, Northern District of Georgia, concurs in this recommendation.