

CIVIL RIGHTS DIVISION

Notice to Close File<sup>1</sup>

File No. 144-32-928

Date: 03/10/2016

To: Chief, Criminal Section

Re: Unknown - Subject(s);  
David Creed Rogers,  
Oneal Moore – Victims;  
Bogalusa, Louisiana;  
CIVIL RIGHTS

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

1. Date of Incident: June 2, 1965
2. Case Synopsis and Reasons for Closing:

On June 2, 1965, at approximately 10:30 p.m., Washington Parish Sheriff's Office Deputies Oneal Moore and David Creed Rogers were gunned down in Varnado, Louisiana, while they were on duty.<sup>2</sup> They were investigating a brush fire when they noticed that they were being followed by a dark-colored 1954 or 1955 Chevrolet pickup truck with a confederate flag

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AeJean Cha  
Trial Attorney

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To: Records Section  
Office of Legal Administration

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

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Date

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Acting Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

cc: USAO, New Orleans, LA                      Bernstein  
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<sup>1</sup> Memo amended on June 11, 2021.

<sup>2</sup> Rogers passed away on February 26, 2007.

on the right side of the bumper and sideboards on the truck bed. When the pick-up truck passed the police vehicle, occupant(s) from the truck fired shots into their car. Moore, who was driving, lost control of the car and crashed into a tree. Moore was killed instantly, the left side of his head blown out by a bullet from a high-powered hunting rifle. Rogers was wounded in the shoulder by shotgun pellets and blinded in his right eye.

Rogers called law enforcement for help, describing the pick-up truck from which the shots had been fired. As a result of a radio broadcast of that description, Ernest Rayford "Ray" McElveen, a resident of Bogalusa, Louisiana and Klan member, was arrested in Tylertown, Mississippi, about an hour after the shooting because he was driving a black 1955 Chevrolet pick-up truck with a Confederate flag decal on the right bumper. McElveen told law enforcement that he was at a secret meeting, but refused to provide any more details. In his truck, arresting officials found, among other things, several firearms, a rope noose, and an assortment of ammunition. McElveen was charged with Moore's murder. Known Klan members raised funds for his \$25,000 bond, and he was released nine days after the murder.

This shooting occurred when civil rights marches happened daily and racial tension was high. Moore and Rogers had been hired as deputies approximately a year prior to the shooting, and were the first black Washington Parish deputies. Their employment had enraged the local chapters of the Ku Klux Klan (KKK), who, according to several sources, had vowed to eliminate them. It has been reported that at the time, Washington Parish had the highest per capita KKK membership in the United States.<sup>3</sup> After the murder, XXXXXX, XXXXXX, received anonymous calls threatening that "the job isn't finished." The Deacons for Defense and Justice, an armed self-defense organization that protected African-Americans from KKK violence, camped out at XXX house to protect XXX and XXXXXX.

McElveen was the only individual ever charged with Moore's murder.<sup>4</sup> The state ultimately dropped those charges due to insufficient evidence. As discussed further below, the FBI has devoted significant resources towards solving this crime both immediately following the shooting and over the years, deploying almost every tool in their arsenal, such as polygraphs, surveillance of subjects, monitoring of phone activity through pen trap and traces, expert analysis of subjects and key witnesses from the behavioral analysis unit, hypnosis of the surviving victim, compelled testimony of witnesses with grand jury subpoenas, substantial reward offers, national broadcasts of Moore's murder, and the development and deployment of multiple confidential sources. The FBI's efforts, however, have failed to yield any charges or even to narrow the field of suspects. Witnesses and most subjects have passed away, leaving behind second- and third-generation witnesses who have only rumors, speculation and hearsay to share with the FBI. Therefore, because all viable leads have been exhausted, we recommend that this matter be closed.

### 3. Overview of FBI Investigation 1965-1967:

The FBI extensively investigated this matter in the aftermath of the shooting and

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<sup>3</sup> As reported by Jerry Mitchell, in the August 12, 1993 CLARION-LEDGER "La. Man helped Beckwith with pamphlet, official says."

<sup>4</sup> McElveen remained a prime suspect through all the eras of the FBI's investigation. He passed away on February 17, 2003.

continued investigating for two years until all viable leads were exhausted. The New Orleans office deployed 71 agents on this matter, who worked over 15,000 hours of voluntary overtime, at a total cost of \$334,000.<sup>5</sup> The FBI Director was intimately and actively involved in the minute details of the investigation, receiving memos regarding the case's progress from the Special Agent in Charge ("SAC") of the New Orleans office and sending memos to the SAC asking detailed questions and directing that the local office take certain investigative leads, such as polygraphing certain witnesses or checking certain places for the murder weapon. The Director emphasized to the SAC that this "investigation must be given top priority. All phases must receive continuous vigorous investigative attention."

FBI agents from other divisions assisted the investigation. During this era, FBI agents interviewed over 1400 people, some of them on multiple occasions. The FBI generated over 2000 reports documenting these interviews.

The FBI also XXXXXX information regarding the Klan, XXXXXX. The FBI obtained XXXXXX, XXXXXX data on the address of members and financial information relating to Klan dues.

One of the primary roadblocks agents encountered during this era was the fact that in this close-knit town, many witnesses feared cooperating with the investigation because they were afraid of Klan retaliation. This fear was not unfounded. Reverend Wilbur Hodges (deceased) told the FBI that at about 10:40 p.m. on the night of the incident, he saw a light-colored Ford followed by a black Chevrolet pick-up truck. In the front seat of the Ford, he saw three individuals, including Bobby Lang (deceased; a prime suspect throughout the investigation). Within weeks, Hodges' dog was shot in front of his house. J.E. Fornea (deceased) told the FBI that he had heard that the Klan members had shot the dog because Hodges had told the FBI about some vehicles he had seen the night of the shooting.

To help break the walls of silence, the governor of Louisiana offered a \$25,000 reward to any law enforcement officer who provided information leading to the arrest of the murderer(s). This did not lead to any breaks in the case.

a. Autopsy

Dr. A.B. Friedrichs, a New Orleans pathologist, performed the autopsy of Moore's body, with Dr. H.A. Stafford, the Washington Parish coroner, in attendance. The left side of the skull was completely fragmented with several pieces missing and the left side of the brain missing. Two pieces of lead were embedded in the left side of the skull. The skull's right side was intact with a simple fracture. The doctor opined that the injury was caused by a high-powered rifle, although he posited that a shotgun blast at short range could cause similar destruction of the skull.

The body also showed a wound caused by a high-powered rifle bullet, entering the rear of the upper left arm, traveling down toward the elbow, and exiting the anterior lateral surface of the upper arm. The left shoulder blade showed another bullet entry wound. The coroner also

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<sup>5</sup> According to the Bureau of Labor inflation calculator, this would roughly translate to \$2.5 million dollars today. Available at <http://data.bls.gov/cgi-bin/cpicalc.pl>.

found a piece of a bullet on the outside center of the upper left arm; this appeared to be a fragment from the bullet that entered the left shoulder blade.

b. Murder weapon

From the bullet fragments found at the scene, Moore's body, and the deputies' car, the FBI determined that three bullets were .30 caliber military armor-piercing bullets with steel cores, and at least one bullet was a .30 caliber copper-coated steel jacketed bullet with lead core, commonly called "ball" ammunition.

Three cartridge cases from the scene had the stamp "WCC 56" which meant they were manufactured by 1956 Winchester Western Division of Olin Mathieson Corporation. Two cartridge cases had the stamp "LC 53" which identified them as being manufactured by Lake City Ordinance plant. Marks on the cartridges (all of which were .30-06) suggested that they were possibly fired from a M-1 rifle.

None of the weapons found in McElveen's car was used in the shooting. The FBI searched extensively, but unsuccessfully, for the murder weapon. They combed the local roads between Varnado, Louisiana (the murder site) and Tylertown, Mississippi (where McElveen was arrested) in an effort to find discarded firearms or other evidence. The FBI also searched the creeks between the two towns. The FBI also investigated whether the weapons were thrown in the acid vat at the local paper mill.

c. Witness Testimony

As mentioned above, agents blanketed the town, interviewing townspeople and following up on leads. In addition to asking townspeople whether they had any information regarding the incident, the FBI also sought information regarding family ties (many of them were related through marriage), friendships, membership in the KKK and its leadership, and weapons they owned and/or knew that others owned.

Unfortunately, there were very few eyewitnesses to the crime. Daniel "Scrap" Fornea (deceased), the first person to arrive to the shooting, was interviewed by the FBI eight times during this investigative era. Fornea stated that he saw a dark-colored early 1950s pickup truck following a patrol car. He then heard eight to ten shots. Fornea ran to the site, but the truck had disappeared. He saw that the patrol car had crashed into a tree. He went to the driver's side of the car, and saw that Moore had been killed. He then went to the other side of the car and saw Rogers. Rogers said he was not badly hurt, but gave Fornea his shotgun in case the shooters returned. Fornea took the weapon, and hid behind the tree until others arrived on the scene. Fornea remarked that although all the other persons showed up wearing night clothes or outer clothing covering them, two individuals arrived fully dressed – XXXXXX and Bobby Lang (both of whom were considered suspects throughout the investigation).

Fornea did not recall the truck having sideboards, and believed that all the shots came from the truck's cab. Fornea did not believe that anyone was in the truck's bed.

Fornea also reported that he had heard rumors that McElveen was set up as a decoy by the Klan and was not actually involved in the shooting.

Another neighbor, Jessie Thigpen (deceased), saw the pick-up truck. She was in her trailer when she heard shots. She ran out, and saw a dark-colored pick-up truck behind the victims' car. The truck had a spare tire on the left side, but she did not notice any sideboards on it. She saw the victims' car swerve, while the pick-up truck drove out of sight. She could provide no information about the trucks' occupants.

d. Theories

i. McElveen Investigation

The FBI investigated numerous leads during this time period, particularly whether McElveen was involved in the shooting. As mentioned earlier, the state eventually dropped its charges against McElveen. None of the weapons found in McElveen's truck proved to be the murder weapon. In addition, McElveen's truck did not have sideboards when law enforcement stopped him. When he was arrested, McElveen admitted that his truck used to have sideboards, but refused to say when they were removed. Two employees at a gas station reported that McElveen's truck did not have sideboards when they saw him on the day of the shooting. Another towns person, however, reported that he saw new, unpainted sideboards on McElveen's truck between 4:00 – 4:30 p.m. on the day of Moore's murder.

Reggie Adams (deceased), who knew McElveen through their membership in the Bogalusa unit of Disabled American Veterans, interestingly reported that he had heard that McElveen's XXXXXX was assaulted by a black male when XXX was XXXXXX years old. He had heard that the assailant was captured and killed by family friends after XXXXXX (XXXXXX) hesitated in carrying out the execution. One XXXXXX reported that McElveen was a member of the Wrecking Crew, which executed violent acts for the Klan.

The FBI also investigated the individuals who contributed to McElveen's bail, including the main contributor, Saxon Farmer (deceased), who provided over \$10,000. The FBI received information that Farmer was head of the Klan Bureau of Investigation for Washington Parish and the leader of the reported-five Klan units in the parish. In 1965, Farmer refused to provide a voluntary statement to the FBI XXXXXX.

ii. Other Leads

During its investigation, the FBI received numerous leads suggesting that this was a Klan-sanctioned killing. Witnesses and informants told the FBI that the Klan members were incensed that Moore and Rogers had been appointed as deputies, and that Klan members had discussed executing them. Significant information and/or leads gathered during this period include the following:

- The FBI had heard rumors that the Klan planned to take action against the deputies before the shooting occurred. Specifically, roughly a month before the shooting took place, XXXXXX told the FBI that three Klan members planned to kill the two black deputy sheriffs by driving alongside their car and shooting into the vehicle. XXXXXX identified the would-be perpetrators as Ed Burkett (deceased), Rayford

Dunaway (deceased), and Virgil Corkern (deceased). The FBI passed that information along to the Chief Deputy Sheriff of Washington Parish.

After the shooting, the FBI extensively investigated these individuals. The FBI interviewed Burkett four times, including twice in the two days following Moore's murder. Burkett claimed that he was at home with his family that night, and did not know who the perpetrators were. Burkett admitted to having been part of the Klan, but claimed he had left in November 1964. Burkett claimed he did not know who McElveen was, although he did admit that he knew Corkern, who introduced him into the Klan. Burkett claimed that they had a falling out in February 1965. Burkett reported that his personal car was a 1961 four-door Chevrolet sedan. He told the FBI that he used to own a green 1954 green Chevrolet pick-up truck, but he traded it around mid-April, 1965. The FBI noted that when Burkett was interviewed, he "trembled, perspired heavily and cried."

Burkett's then-XXXXXX, XXXXXX, told the FBI that XXXXXX was home on the night of the shooting and went to bed at approximately 8:45 p.m. Burkett's XXXXXX, XXXXXX, told the FBI that XXXXXX told XXX that he had no involvement with the murder.

The FBI also interviewed Corkern four times. By the last interview, Corkern shirked any topic related to Moore's murder. Corkern claimed that on the night of the murder, he visited his XXXXXX at 7:00 p.m. at the hospital. Corkern reported he went home for approximately 15 minutes, and then returned to the hospital with some individuals. He went home around 10:00 p.m., where he remained. Corkern denied being involved with the shooting or knowing who was involved. He admitted that he had been a Klan member, but claimed he had left because of his family.

The FBI canvassed Corkern's XXXXXX, interviewing four of them. All of them said they could not provide exact details regarding Corkern's whereabouts that night, but one XXXXXX, XXXXXX, reported seeing him around 10:00 p.m. at his house.

The FBI interviewed Dunaway three times in 1965, the first time being less than three weeks after the incident. He told the FBI that he could no longer remember where he was the night of the shooting, but believed he and his wife may have visited her parents. He claimed that he knew nothing about the shooting, and did not hear about it until the day after it happened. Dunaway admitted that he had known McElveen for about four to five years, and that McElveen would often rant about integration, becoming so worked up that he would become almost incoherent. Dunaway did not admit to ever being a member of

the Klan, but also stated that he disassociated himself from the Klan several months prior because he disagreed with the Klan leadership.

- As mentioned above, Robert (“Bobby”) Lang was considered a suspect because he was a Klan leader. (XXXXXX also claimed that Lang intended to kill James Farmer, a noted civil rights activist and co-founder of Congress of Racial Equality). Levert Strahan (deceased), who admitted to being a Klan member, reported that McElveen approached Bobby Lang to participate in attacking Moore and Rogers.

Lang told the FBI that no one asked him to participate in the shooting. Lang claimed that on the night of the shooting, he was frog hunting south of Bogalusa with XXXXXX and XXXXXX. Lang refused to allow the FBI to interview XXXXXX to corroborate this alibi. FBI agents noted that Lang appeared “quite agitated and was observed to perspire heavily.”

The FBI interviewed XXXXXX in June 1965, and he reported that on June 2, between 7:30 p.m. and 8:45 p.m., Lang and XXXXXX came to his house to pick him up to go frogging. According to XXXXXX, Lang was with them the entire night and never left. XXXXXX, XXXXXX, also told the FBI that Bobby Lang and XXXXXX came to their house to pick up XXXXXX to go frogging. XXX reported that XXX followed XXX normal routine of going to bed around 9:00 p.m., and XXX did not hear XXXXXX return.

- XXXXXX, who was a member of the XXXXXX Klan, told the FBI that XXXXXX was very concerned when Moore and Rogers became deputies and had discussed what to do. Sometime after the shooting, Russell Magee (deceased) approached XXXXXX and told him that the Klan would help McElveen defend against the charges. Magee reported that McElveen drove his truck to Tylertown to lead the police off the trail of the real killers. XXXXXX walked away from Magee because he did not want to hear anything more. XXXXXX opined that the actual killers were likely from Mississippi because it was the practice for the KKK to import members from other Klan chapters to complete a task.

The FBI interviewed Magee thirteen times during this era of the investigation. Magee claimed that on the night of the shooting, he was at home by 9:30 p.m., where he remained until the next day. He denied knowing anything about the shooting, and opined that it was not a Klan-sanctioned shooting. Magee expressed his personal belief that Moore and Rogers were shot by African-Americans whom they had come across while working as deputies, but Magee admitted that he had no personal knowledge to substantiate this claim. Magee reported that he used to be good friends with McElveen until they had

a falling out over a political matter in 1961 or 1962. Magee, however, provided \$140 towards McElveen's bail.

- XXXXXX reported that he had spoken with Ed Dubuisson (deceased) on June 4, 1965, who reported that the FBI was "after him." Dubuisson told XXXXXX that the FBI had good reason to suspect him, but did not elaborate on this remark.

Dubuisson approached federal agents 11 days after Moore's murder and told agents that he heard that they were asking about his whereabouts the night of Moore's murder. He told agents that he and XXXXXX were riding around Bogalusa the night of the murder. They heard sirens around 10:00 p.m. and tried to investigate the source. They traveled to the local café, and then went home around 10:30 p.m. Dubuisson reported that he did not hear about the shooting until the next morning.<sup>6</sup>

- The FBI also investigated the possibility that James Moore (deceased) was involved with the shooting. Moore was considered a suspect in part because shortly after the shooting, he moved away from Bogalusa. The investigation of Moore is more fully discussed *infra* since XXXXXX, who did not cooperate with the FBI investigation in the 1960s, provided a voluntary statement to the FBI in 2007 that inculpated Moore.

Despite the FBI's time-intensive efforts to investigate this matter, none of these or any other leads bore fruit. Although the FBI heard a lot of rumors about who was involved (and different individuals at that), agents were unable to develop solid, admissible evidence against any one subject. The FBI closed the investigation in October, 1967.

#### 4. Overview of FBI Investigation 1989-1991:

The FBI followed various leads during the early 1980s, but none led to anything significant. However, the FBI formally re-opened the investigation in 1989 -- designating it a "major case" and a "priority investigation" -- because there was a confluence of what appeared to be promising leads. Ultimately, none of these leads -- nor any other that was developed during this time -- panned out.

One of the promising developments was information received from XXXXXX and XXXXXX. In June 1988, an FBI agent attended a retirement lunch for the surviving victim, Creed Rogers, who reported that XXXXXX, an inmate at Washington Parish Jail, had

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<sup>6</sup> The FBI did not interview XXXXXX. XXXXXX, XXXXXX, was interviewed in 1990, and he told the FBI that he and XXXXXX were members of the KKK during the 1960s. He reported that XXXXXX was the XXXXXX, and that he never heard of any plot to kill the black deputies at Klan meetings. XXXXXX opined that McElveen drove the truck that was involved in the shooting.



information regarding the incident. The agent interviewed XXXXXX later that day, who said that he had witnessed the shooting, and that Bobby Lang (deceased), XXXXXX, and Archie Seals (deceased) were the perpetrators.<sup>7</sup> (XXXXXX and Archie Seals are XXXXXX; Bobby Lang is XXXXXX.). XXXXXX, Wilbur Seal (deceased),<sup>8</sup> reported to the FBI that Scrap Fornea<sup>9</sup> (the first person who arrived on scene) told XXXXXX and Wilbur that the shooters were Bobby Lang, Archie Roy Seals, and XXXXXX.<sup>10</sup>

In addition to the leads from XXXXXX and Wilbur Seal, the FBI received information from another witness in 1989. XXXXXX reported to the FBI that when he was at a local café in the fall of 1984, he overheard a conversation in which Earl Stringer (deceased) told XXXXXX the details of the shooting. Stringer said that he, Archie Seals, XXXXXX and a third individual (whom he did not identify) waited by the railroad track for the victims to drive by. When the deputies passed by, Stringer's car pulled out beside them and Archie Seals shot first, but did not hit anyone. Stringer then shot and saw blood spattering. Stringer, with the assistance of a KKK leader (whose name he did not provide), hid for six to twelve months after the shooting because he knew the FBI wanted to talk to him.<sup>11</sup> XXXXXX also said that three years later, in the summer of 1987, he was hauling hay with Barry "Governor" Seals and Buxie Seal when Governor said that Archie Seals, XXXXXX, and Earl Stringer were involved in Moore's murder.

At around the same time, the FBI also learned of XXXXXX, a known KKK member who had connections with all the major subjects in the investigation. XXXXXX was also a XXXXXX. In January 19XX, XXXXXX and XXXXXX, who were then-employed as XXXXXX with XXXXXX, were arrested in XXXXXX, XXXXXX and charged with armed robbery and assault XXXXXX. When the FBI learned of these charges, they immediately entertained the possibility that XXXXXX might cooperate with the Moore investigation, which, as discussed further below, he eventually did.

Although none of these leads resulted in a prosecutable case (or even a single coherent theory of who committed the crime and how), it was not for lack of effort. The FBI exploited all available resources in an attempt to break open this case. For example, agents spent a considerable amount of time with the surviving victim, Creed Rogers.<sup>12</sup> To help further jog

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<sup>7</sup> XXXXXX claimed that XXXXXX, the XXXXXX, was the mastermind behind the shooting. The FBI investigated allegations that XXXXXX had XXXXXX because he knew too much about the shooting, but that allegation was never substantiated. According to XXXXXX, XXXXXX was on lithium and tegretol. The XXXXXX opined that XXXXXX was "paranoid as hell" and "possibly schizophrenic." Dr. Charles Vosburg, a clinical psychologist, reported that XXXXXX had organic delusional disorder and temporal lobe epilepsy.

<sup>8</sup> Wilbur Seal and XXXXXX are XXXXXX.

<sup>9</sup> Scrap Fornea is Bobby Lang's uncle.

<sup>10</sup> At the time of the shooting, XXXXXX had two .22 rifles, a .38 pistol, a 12-gauge shotgun, and a .30 Enfield rifle. He drove a 1964 white Falcon and a 1965 black Chevrolet. He reported that he was at home with his wife the night of the shooting, and did not hear about it until the next day. In 1965, Archie Seals owned a 1960 or 1961 black Chevrolet pick-up truck. He claimed that on the night of the murder, he was at home with his family. In 1965, Lang owned a 1960 Corvair, four-door gray sedan and a 1954 two-door blue Chevrolet that had a metal confederate flag on the trunk. He refused to identify the number and type of weapons he owned to the FBI, but stated that they were registered and legal, and that he did not own any sawed-off shotguns or fully automatic weapons.

<sup>11</sup> Stringer was not interviewed until November 3, 1965. He denied all knowledge of the shooting and his name did not arise as a suspect in the original investigation.

<sup>12</sup> The FBI also spent a considerable amount of time with Scrap Fornea, who was essentially the only eyewitness to the murder. XXXXXX.

Rogers' memory of the incident, the FBI consulted with, and obtained the services of, a hypnotist. XXXXXX agent and Rogers flew to Texas to have Dr. Richard B. Garver, a clinical psychologist in private practice, place Rogers under hypnosis.

The FBI also sought assistance from the Behavioral Science Investigative Support Unit (BSIU) to seek psychological profiles of suspected conspirators and subjects, their assessment of the case, and interview strategies and techniques. BSIU Supervisory Special Agents ("SSA") XXXXXX traveled to New Orleans in June 1989 to provide their expertise.

Among other things, the BSIU agents provided detailed suggestions for the FBI's anticipated interview of XXXXXX, and advised which witnesses should be approached next and how. SSA XXXXXX also returned to New Orleans to consult on the interview of XXXXXX in August 1989.<sup>13</sup>

In addition, the FBI coordinated with the crew of Unsolved Mysteries to present this case to the national community. The FBI worked with the television staff for 12 to 17 hours each day for a week to accurately reenact the crime scene. In connection with the broadcast of this show, the FBI received permission to offer a \$25,000 reward to anyone who substantially assisted in an indictment or conviction. The case aired in November 1990. Approximately 35 calls were received, but none led to any major developments.

The FBI also provided numerous press releases concerning the investigation in an attempt to prod someone to come forward. Numerous fingerprints were taken and sent to the laboratory for comparison with latent fingerprints that were never identified in 1965; unfortunately, they remained unidentified.

The FBI also monitored key witnesses and subjects during this phase. They conducted in-person surveillance of numerous subjects and witness throughout this phase of the investigation, including XXXXXX, Scrap Fornea, Earl Stringer, and XXXXXX. Beginning in June 1989, the U.S. Attorney's Office, in concert with the FBI, XXXXXX. XXXXXX monitored included at various points, numbers registered to McElveen, Earl Stringer, Bobby Lang, XXXXXX, Archie Seals, and XXXXXX.

a. Recorded Communications

As mentioned above, one of the impetuses for reopening this investigation was XXXXXX, a Klan member who was XXXXXX and a XXXXXX with XXXXXX. XXXXXX, XXXXXX with Bobby Lang (deceased), XXXXXX (XXXXXX), Oscar Slade (deceased), XXXXXX, Russell Magee (deceased), XXXXXX, Archie Seals (deceased) and XXXXXX. Nothing of value was gleaned from these conversations, except, ironically, for information that

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<sup>13</sup> The FBI's operation regarding their interview of XXXXXX on August 23, 1989, is a prime example of how resource-intensive and sophisticated the FBI's investigation of Moore's murder was. The FBI created a detailed memo of their plan, including a decision tree to cover all eventualities. The FBI planned to meet with the Florida prosecutor and XXXXXX attorney to determine whether XXXXXX was willing to cooperate with the FBI's investigation. If he was, they intended to debrief him, and have agents with XXXXXX. Should XXXXXX fail to cooperate or be unable to assist the FBI investigation, the FBI intended to XXXXXX surveil Scrap Fornea and Earl Stringer to determine their location, and with the assistance of U.S. Customs Air Branch, use a helicopter to transport Fornea and Stringer to the FBI-New Orleans office for interviews later that day.

implicated XXXXXX in 1965.<sup>14</sup>

In addition to XXXXXX, the FBI XXXXXX conversations, including XXXXXX (XXXXXX), XXXXXX conversations with Bobby Lang, XXXXXX, and XXXXXX; XXXXXX conversations with Saxon Farmer (deceased; a Klan leader at the time of the shooting), J.M. Fisher (deceased; known Klan member and friends with Ray McElveen), and Robert Rester (deceased; the City Attorney for Bogalusa in 1965 and the Klan's legal advisor); and XXXXXX conversations with XXXXXX, a known KKK member.<sup>15</sup>

By the time the grand jury investigation began in 1990, the FBI had centered on XXXXXX three individuals: J.M. Fisher, Robert Rester, and Saxon Farmer. In those conversations, Farmer denied everything, and advised people to take the Fifth Amendment XXXXXX. Fisher also denied being involved, but did not provide an alibi for where he was that night. Rester, however, claimed to be involved in the shooting; this is further discussed below.

b. Grand Jury

In 1990, witnesses and subjects were served with subpoenas to testify in the grand jury: XXXXXX.

Generally, the witnesses XXXXXX.

c. Search for Weapons

The FBI unsuccessfully continued to search for the murder weapons. During this investigative era, Archie Roy Seals gave the FBI permission to cut into the concrete slab foundation on his property – something he had refused in 1966. Investigators had wanted to search Archie Seals' property in 1966 because XXXXXX (who is XXXXXX) had reported that Archie Seals had insisted that Lang pour concrete at his (Seals') home between 3:00 a.m. and 8:00 a.m. on June 3, 1965, the day after the shooting. Although he denied the weapons were beneath the foundation, Archie Seals refused to allow the FBI to run a metal detector over the foundation when they so requested in 1966. Almost 30 years later, however, Archie Seals permitted the FBI to search the foundation. The FBI did so in January of 1990, but found no weapons.<sup>16</sup>

Agents also searched for a weapon following a lead that XXXXXX had provided. XXXXXX claimed that in 1984, XXXXXX (XXXXXX) showed XXXXXX an old pump 30.06 shotgun, claiming that XXXXXX Bobby Lang used these weapons to kill the "nigger deputy." XXXXXX claimed that he and Buddy then reburied the weapons. On June 11, 1989, the FBI searched the property where the weapons were allegedly buried. No such weapons were found. The FBI interviewed XXXXXX three days later, and he claimed that someone must have moved

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<sup>14</sup> When XXXXXX, met with XXXXXX on XXXXXX, XXXXXX reminded XXXXXX that XXXXXX. XXXXXX. XXXXXX. XXXXXX.

<sup>15</sup> The FBI went to great lengths to protect their cooperating witnesses, including XXXXXX to debrief witnesses XXXXXX.

<sup>16</sup> Approximately twenty years later, XXXXXX, XXXXXX of Archie Roy Seals, reported to the FBI that Archie Roy Seals and XXXXXX, XXXXXX, said that the FBI dug up the wrong piece of concrete.

the weapon.<sup>17</sup>

The FBI's failure to find the weapons is not surprising given the wealth of conflicting and ultimately useless leads they received. For example, on August 23, 1990, XXXXXX reported that the guns were melted in the town's paper mill. XXXXXX got this information from his XXXXXX, XXXXXX, who reported that McElveen told her this. That same day, however, XXXXXX reported to the FBI that XXXXXX, XXXXXX, told XXX that McElveen told him that the weapons were thrown in Pearl River.

d. Various Theories and Leads

During this phase of the investigation, the FBI received and investigated the following leads:

- Sidney Brock (deceased) admitted to the FBI that he was the Exalted Cyclops for the Franklinton Unit of the KKK and that in 1965, he had a mole planted in McElveen's jail cell to determine what, if anything, McElveen was telling law enforcement after he was arrested. (McElveen had been arrested the night of Moore's murder and detained for nine days before being released on bond). Brock told the FBI that after the shooting, he approached Franklinton police officer XXXXXX, and asked him to arrest XXXXXX and place him in the same jail cell as McElveen.<sup>18</sup> According to Brock, he was following the orders of XXXXXX and XXXXXX, his superiors in the KKK. Despite taking such actions, Brock denied knowing who was involved in the shooting.<sup>19</sup>

Brock took a polygraph on January 25, 1991, and when told he was not completely truthful, Brock confessed that XXXXXX had recently told him that McElveen was a decoy and did not actually participate in the shooting. XXXXXX told Brock that the FBI would never be able to solve the case because the shooters were all dead.

- Also during this phase of this investigation, Levert Strahan (deceased) told XXXXXX, XXXXXX and XXXXXX, that the brush fire was purposely started to make the deputies stop. He advised that the shooters had to amend their plans for the ambush when Moore and Rogers did not get out of their car to investigate the fire. Strahan was a member of the KKK and former investigator for the Klan. At the time of the shooting, XXXXXX was XXXXXX.

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<sup>17</sup> XXXXXX also claimed that in his XXXXXX's house, he kept several notebooks/papers dating back to 1965 regarding the subjects. The FBI found five documents that related to Moore's murder, all of which were written in 1988, and none of which were of substantive value to the investigation.

<sup>18</sup> XXXXXX confirmed that he did so upon Brock's request.

<sup>19</sup> On the night of the shooting, Carruth Miller (deceased), the former police chief of the Franklinton Police Department reported there were approximately 10 to 15 cars at Brock's residence. However, Earl Magee (deceased), claimed that he was at the Brock's residence until 9:00 p.m. to 9:30 p.m., and the only visitors were XXXXXX, XXXXXX and XXXXXX.

- The FBI received two anonymous letters. The first letter suggested that the truck drove in a different direction from the direction that the original investigators suspected. On this alternate route, Saxon Farmer had property that could have been used to stash the guns and the sideboards that were missing from McElveen's truck when he was arrested. The second anonymous letter, postmarked December 12, 1989, identified McElveen and J.M. Fisher as being in the truck. According to the letter-writer, Fisher yelled, "Ray, slow down. You're going to throw us out of the truck." Through handwriting analysis, the FBI believed that XXXXXX wrote this letter, although XXXXXX denied it.<sup>20</sup>

### 1. Irene Burch

Beginning in 1989, the FBI interviewed Irene Burch (deceased) on multiple occasions because she claimed that her former husband, James Burch, killed Moore. At the time she reported this to the FBI, she was serving a 21-year sentence in a state prison for having killed James Burch. According to Burch, on the night of Moore's murder, her then-husband ordered her not to leave the house for any reason. He then left on foot, and returned two hours later. He told her that if anyone asked, she was to report that he spent the evening at home, and that if she did not, she would not live to testify about it. He also commented that the two black deputies would no longer be able to arrest white people. Later that night, he got up from bed and burned his KKK robe and hood in the furnace. The next morning, he removed white sideboards from his blue Chevrolet pick-up truck and burned them in the backyard. Burch also reported that her husband had told her on multiple occasions that McElveen's truck was a decoy.

The FBI took various steps to corroborate Burch's story, including interviewing one of XXXXXX, XXXXXX. XXX was XXXXXX years old at the time of the shooting, and XXX confirmed that XXXXXX would not let XXXXXX leave the house that night, and that he had burned his KKK uniform and sideboards the next day. XXXXXX also claimed that XXX heard XXXXXX discussing weapons with Vextor Rester (deceased), saying that "they" would never find them because they put them into a pipe and poured concrete over it. According to XXXXXX, throughout the years when XXXXXX fought, XXXXXX would threaten XXXXXX, "I'll do to you what I did to that nigger deputy." Approximately 15 years after the shooting, XXXXXX asked XXXXXX point-blank whether he had murdered Moore, and he stated that he did not but knew who did.

### 2. Robert Rester

As mentioned above, in recorded communications, Robert Rester, who was the city attorney for Bogalusa in 1965, claimed to be involved in the shooting. In one recording, Rester told Fisher that he (Rester) pulled the trigger from the back of the truck, and that Virgil Corkern and XXXXXX were involved with the crime. Rester also related this story to two XXXXXX.

The FBI interviewed Rester in 1990. Although he initially told the FBI that he did not specifically recall telling anyone that he shot Moore, he admitted that he may have said while he

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<sup>20</sup> The FBI confronted XXXXXX on multiple occasions about the letter, including one time with the handwriting expert who traveled to New Orleans to help the case agents. None of these attempts proved fruitful.

was drunk to two of his XXXXXX because he was looking for sympathy. Rester took a polygraph, during which he denied shooting the deputies and knowing who did. The polygrapher found Rester's reactions "inconclusive," determining that he was "not a fit subject for the polygraph technique in his current state" because he had been drinking 12 beers a day for the past several days.

XXXXXX.<sup>21</sup>

### 3. XXXXXX

After 1980, XXXXXX frequently arose as a potential suspect. XXXXXX was XXXXXX one of the XXXXXX of the XXXXXX the Original Ku Klux Klan when it formed in October 1963. XXXXXX claimed that he left the Klan in XXXXXX 1964 because his then-employer, the XXXXXX, pressured him to do so. The FBI interviewed XXXXXX on several occasions, but he consistently denied that he was involved with or had knowledge of the shooting. The FBI polygraphed XXXXXX on March 29, 1989. During the polygraph, XXXXXX denied taking part in the shooting, knowing who was involved in the shooting, and tampering with or destroying evidence. The polygrapher found that his responses were "indicative of deception." After being confronted with his results, XXXXXX maintained that he told the truth. He stopped the interview and left the polygraph room.

Despite all of the FBI's investigative efforts, none of these leads bore fruit. The investigation was closed on September 18, 1991.

### 5. Overview of FBI Investigation -- 1992-1996:

The FBI reopened its investigation in September 1992 because Elmo Breland (deceased), XXXXXX, claimed that he murdered Moore.<sup>22</sup> Breland told XXXXXX that he committed the crime with Archie Seals (deceased), XXXXXX and XXXXXX (XXXXXX). Breland reported that he was the captain of the Wrecking Crew, (the violent arm of the Klan), and planned the entire operation. According to Breland, XXXXXX drove the truck, while Breland pulled the trigger. Shirrell Tullos (deceased) destroyed the weapons at the local paper mill by placing them in an acid vat. Breland claimed that they had three or four decoys driving black Chevrolet trucks that night, including McElveen. According to Breland, the motivation for the shooting was that they did not want black deputies telling white people what they could and could not do. Breland described Moore as a "smart ass fuckin' nigger," while Creed Rogers was a "pretty good dude" and not the target of the assassination – he was just in the "wrong place at the wrong time." Regarding the slab that the FBI dug up at Archie Seals' house in 1990, Breland stated that he and Archie Seals laughed about how they were wasting government money because the weapons were not there.

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<sup>21</sup> On January 22, 1991, XXXXXX boasted to XXXXXX that he had fooled the FBI and federal prosecutors XXXXXX.

<sup>22</sup> Breland had a history of violence. He was convicted in 1972 of manslaughter for shooting and killing Sheldon Tynes, a white 24-year-old, in a bar on August 26, 1970. He served for approximately two and a half years in the United States Marine Corps before being dishonorably discharged in 1950. His records revealed numerous violations throughout his military career.

The FBI, in attempting to corroborate this account, spent a considerable amount of time trying to verify Breland's account of how they disposed of the weapons. Officials at the paper mill verified that there were sulfuric acid vats at the mill that anyone could access. The FBI determined, through consultation with scientific experts, that the weapons could have been destroyed in the vats. Those vats were removed in the early 1970s and were destroyed. The FBI also interviewed Tullos, who denied receiving any weapons from anyone to destroy, including Breland and Lang.

Based on this lead, investigators subpoenaed XXXXXX individuals to the grand jury.  
XXXXXX

Tapes of Breland's recorded conversations were sent to the FBI's Behavioral Science Unit for analysis in December 1994. Experts there concluded that although some aspects of Breland's account of the murder were accurate, most of it was public information. In addition, they noted that there were some inconsistencies in Breland's admissions and when pressed for specifics, Breland stumbled and avoided answering direct questions. They advised that the case agent should confront Breland with his recordings and then polygraph him.

The FBI executed this plan in July 1996. Breland initially denied ever telling anyone that he was involved in the shooting. After being confronted with his statements, he explained that he was just bragging.<sup>23</sup> He took a polygraph, which indicated deception. Breland then admitted that Saxon Farmer had told him that he was going to kill Moore and Rogers. Breland denied vehemently that he was involved in the shooting or knew who was.

#### 6. Overview of FBI Investigation from 2001:

After the Breland investigation dead-ended, the FBI continued to investigate the matter, interviewing witnesses, following leads and tips, XXXXXX. The biggest development of this era was the investigation of James Moore. In the 1960s, agents interviewed Moore seven times. Moore left Bogalusa with John Pope (deceased) shortly after the shooting, and eventually moved to Mississippi. In the 1960s, Moore denied any knowledge of the shooting. In February 1966, Moore gave the FBI consent to search his Bogalusa property. FBI agents removed a concrete slab in the patio area, but found no weapons there.

In January 2007, XXXXXX, XXXXXX, reported that in approximately 1979 or 1980, XXXXXX had told him that he and John Pope (deceased) had killed someone and buried the guns in a concrete slab at his house, but he did not identify whom they had killed. The FBI followed up with Mary Moore who was married to James Moore in 1965 and who had

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<sup>23</sup> It was not unprecedented for Breland to boast in these recordings. For example, Breland said that he was arrested in South Carolina for stabbing someone, but records show that he was arrested for forgery and uttering. Breland also claimed that the FBI in the 1960s identified him as a prime suspect, but records do not support that contention. In an internal memo dated, December 19, 1994, SA XXXXXX, the XXXXXX who had been assigned to the case since XXXX, identified Breland as the "leading candidate," but noted that he "still ha[d] reservations that Breland might be blowing steam and attempting notoriety by wanting everyone to believe that he was responsible for such a heinous act."

previously denied that he was involved in the ambush.<sup>24</sup> In March of 2007, Mary Moore (deceased) changed her account to the FBI, and said that he was involved in the murder. She reported that on the night of the shooting, James Moore came home around 11:00 p.m., and told her to tell the FBI that he was at home watching television the entire night. A few days after the shooting, she saw Pope place two guns on the patio while her husband mixed cement. Her husband then poured the cement over the guns. When her husband saw her, he ordered her to leave. She asked him about it a few hours later, and he told her that he and Pope had shot the black deputies. She reported that XXXXXX LNU may have been the driver of the truck. She did not tell this to the FBI because she was afraid of her husband and the KKK.

The FBI received permission from the then-owner of Moore's former home (the same residence that the FBI had searched in 1966) to excavate the area where the guns were allegedly poured into concrete in 1965. No weapons were found.

In addition to investigating the Moore angle, the FBI also took the following steps:

- On June 8, 2001, the FBI received information from Jerry Himelstein, Regional Director of the Anti-Defamation League, New Orleans, that XXXXXX reported seeing a rifle in a creek bed close to the shooting approximately 12 to 13 years prior. The FBI searched, but no murder weapon was found.
- In 2002, the FBI announced a \$40,000 reward for information leading to the indictment and arrest of anyone responsible for the ambush shooting of Moore and Rogers.
- On September 28, 2010, XXXXXX gave the FBI a gun barrel of what appeared to be part of a rifle that he found sometime in 1967-1970. XXXXXX gave it to the FBI because he believes that it may have been part of the murder weapon used to fire at Moore and Rogers. The weapon was sent to the laboratory but no latent prints were detected, and experts determined it was not the murder weapon.
- In October, 2010, the FBI asked XXXXXX whether XXXXXX, Bobby Lang, had given any deathbed confessions. XXXXXX reported that he had asked XXXXXX about it, but XXXXXX sighed and motioned that he did not want to talk about it. XXXXXX never asked XXXXXX about it again.
- The FBI worked with a television documentary program that devoted an episode to this incident. The program, titled "The Injustice Files: The Ghosts of Bogalusa" was aired in February 2011. No leads of value were developed from the broadcast.

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<sup>24</sup> In 1980, the FBI received a lead that Mary Moore had reported that her ex-husband, James Moore, had been involved with the murder. However, when the FBI interviewed her, she denied making such a report, and claimed that her former husband had not discussed Moore's murder or any other illegal activities with her.



In addition, the FBI continued to interview people who might know information, but those interviews generated little of value. Most of those witnesses passed along only rumors or several-degrees of hearsay to the FBI.

7. Reason for Closing:

Despite the enormous amount of resources that the FBI has devoted to solving this case, the FBI is no closer to solving it today than they were fifty years ago. Many of the subjects and witnesses have passed away, taking their secrets with them. As detailed above, the FBI has devoted significant time and resources towards solving the case, but has yet to gather credible, admissible evidence to prove beyond a reasonable doubt who committed the crime.

In addition, even if someone were to confess to having committed this crime, this case would not be prosecutable unless there was significant corroborating evidence, including physical evidence such as the murder weapon, to support any witness testimony. There is significant *Brady* information in this case because numerous people have allegedly confessed to this crime, and in addition to the above-described accounts, the FBI has gathered numerous, uncorroborated (and in many cases, uncorroborate-able) "confessions," admissions, or leads, none of which were substantiated but all of which could be used to cast reasonable doubt on any prosecution. Below is a sampling:

- On July 7, 1965, XXXXXX reported that after Moore and Rogers were hired as deputies, XXXXXX stated that the best way to get rid of the deputies was to pull alongside them while they were on patrol and shoot them.
- XXXXXX reported to the FBI on September 22, 1965 that some time that year, Dick Williams (deceased) had reported that the local Klan unit had approval to eliminate Moore and Rogers. Williams told XXXXXX he would use buckshot. XXXXXX suggested to Williams that they should just scare the deputies, but Williams said he wanted to kill them. XXXXXX reported to the FBI that he believed that Williams brought in outside Klan members to execute the shootings, and noted that Klan policy is not to disclose the identities of outside members to the local Klan when they are brought in do a task.
- In 1966, XXXXXX reported that on the afternoon of June 2, 1965, XXXXXX, XXXXXX told XXX that he and XXXXXX had to go "nigger hunting" that evening. XXXXXX asked XXX to be his alibi.

XXXXXX, however, told the FBI that he was not involved with the shooting and that he has never asked anyone to be his alibi. In addition, both of XXXXXX's XXXXXX told the FBI that XXXXXX was unstable. XXXXXX's XXXXXX reported that XXXXXX exaggerates and may know nothing about the shooting. XXXXXX told the FBI that XXXXXX had mental problems and at one time had to be committed to the state hospital for a mental illness. He reported that XXX was released in XXXX and had not been under a doctor's care since being released.

- In 1966, XXXXXX reported that XXXXXX told him that Dick Williams (deceased) had asked him (XXXXXX) to participate in the shooting. XXXXXX told XXXXXX that the day after the shooting, Bobby Lang (deceased) had called him to ask him to come over and hide his Klan robe and guns.<sup>25</sup> XXXXXX implied that he had been asked to participate in the shooting, but did not indicate whether he participated.
- On June 17, 1987, the U.S. Attorney's Office in New Orleans received an anonymous letter naming the "active participants" in Moore's murder as XXXXXX, Earl Stringer (deceased), Bobby Lang (deceased), and Vextor Rester (deceased). The anonymous writer identified XXXXXX and Perry Seals (deceased) as having knowledge of the incident.
- In 1990, XXXXXX reported that Kenneth Ikerd (deceased) had told him that his father, Billy Ray Ikerd (deceased), had said that Saxon Farmer (deceased) had organized the ambush shooting of Moore and Rogers. According to Billy Ikerd (as reported by Kenneth to XXXXXX), Farmer hired three people to do the shooting. After the shooting, they changed their tires, and gave the weapons to XXXXXX, who gave them to XXXXXX.
- In July of 1981, the FBI interviewed XXXXXX, who reported that XXXXXX, XXXXXX, was an eyewitness to the murder. XXX reported that the culprits were Bobby Lang, XXXXXX and FNU XXXXXX. XXXXXX reported that XXXXXX died in 1966 under suspicious circumstances while in the presence of his XXXXXX, XXXXXX. Because XXXXXX was concerned for his safety, he never told anyone but his XXXXXX, XXXXXX, and XXXXXX, XXXXXX, what he had seen. XXXXXX learned this information from XXXXXX, who told XXX not to tell anyone until XXXXXX had passed away, which had happened a few months prior to her contacting the FBI.
- In January 1992, XXXXXX reported to the FBI that prior to passing away, XXXXXX, XXXXXX, confessed that he was in the truck when XXXXXX pulled the trigger and killed Moore. According to XXXXXX, XXXXXX, XXXXXX, was among the people present for this confession, but Faye Strahan told agents that her XXXXXX had never made such admissions.
- XXXXXX, who had a relationship with Bobby Lang (deceased), reported that Bobby Lang, Jimmy Lang, and XXXXXX were in the back of the truck and shot at Moore and Rogers while Billy Rester drove the truck. XXX reported that McElveen was not directly involved in the shooting but was aware that it was going to take place. XXXXXX claimed that XXXXXX was the driving force behind the shooting. XXXXXX would

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<sup>25</sup> XXXXXX and Bobby Lang are XXXXXX.

not divulge XXX source of information, but implied that it was Bobby Lang.

- Kinch Miley (deceased) told XXXXXX that he (Miley) and McElveen killed Moore, and after the shooting, they went to Mississippi. XXXXXX, who was a close friend of Miley, reported this in 1989 to the FBI, at which point Miley had already passed away.
- In the original investigation, Miley had been interviewed four times by the FBI. He provided no information of value to the FBI, and claimed that he supported the hiring of Moore and Rogers because it would relieve a “troublesome burden” from white deputies. In one of the interviews, the FBI noted that he was “extremely friendly and cordial” until they asked about Klan activities, at which point Miley ended the interview.
- In 1989, XXXXXX reported that XXXXXX had told him that Kinch Miley and McElveen killed Moore.
- On November 16, 1990, XXXXXX told the FBI that XXXXXX, Glen Miley (deceased) reported that XXXXXX and Bobby Miller (deceased) told him (Miley) years ago that they had committed the murder. The FBI followed-up with Miley, who reported that sometime in the 1960s, he was at a local bar in Bogalusa when XXXXXX bragged about how he killed a “nigger.” XXXXXX did not identify whom he had killed, but over the years, Miley assumed that he was referring to Moore.
- In 1990, Doug Williams (deceased) told the FBI that in 1965 or 1966, he ran out of gas and was on the highway, close to a KKK rally. A truck driver pulled over to take him to get gas. This driver bragged that “you can kill a nigger in this state and not even get guilty for it.” As the conversation continued, Williams realized that the driver was referring to murdering Moore. At some point, he showed Williams a sawed-off shot gun. Williams described the driver as a man in his late 40s to early 50s.
- XXXXXX told the FBI in 1989 that he had had a conversation with Marshal Holloway (deceased) in 1970 or 1971 in which Holloway reported that J.M. Fisher (deceased), FNU XXXXXX (from California), Ray McElveen (deceased), Delos Williams (deceased) and Saxon Farmer (deceased) were responsible for the shooting. Holloway saw McElveen and Fisher in Varnado several days before the shooting, and believed they were checking out routes in preparation for the shooting. After the shooting, the group went to Farmer’s house where they got into two other vehicles. Holloway passed away in 1979, approximately, and he did not explain to the source how he knew such detailed information about the shooting.

- In 1990, Joseph Craft (deceased) and XXXXXX watched the Unsolved Mysteries episode about Moore's death. XXXXXX commented that XXXXXX, with whom XXX had an affair, was involved in the shooting.
- In 1990, John Quinn (deceased) reported that his deceased mother, Billy Seals, told him that one of the shooters in the back of the truck was Van Day (deceased).
- In May of 1990, William Sandifer (deceased) told the FBI that Van Day (deceased) told him that Elmer Smith (deceased) and John Hill (deceased) had killed Moore for political reasons.
- In 2001, XXXXXX wrote Oneal Moore's XXXXXX, XXXXXX, a letter claiming that XXXXXX, Elmo Breland, and Ray McElveen murdered XXXXXX. He claimed that "most of the people in Bogalusa" knew this as well. He did not elaborate in his letter how he knew this information, nor did he provide the FBI with the basis for his assertion when they interviewed him.
- In 2002, XXXXXX reported that XXXXXX, Acie Breland (deceased), was involved in Moore's murder.
- In 2002, XXXXXX reported that he believed XXXXXX, Henry Hurley Achord (deceased), may have been involved in shooting Moore and Rogers. He reported that in 1965, XXXXXX returned home very scared, and said he had been out shooting "niggers" and may have killed someone. The FBI interviewed Henry Achord, but he stated that he had never aimed a shotgun at anyone and reported that he was not in the KKK because he was "too poor" to have ever been asked to join the group.
- XXXXXX, in 2001 (to the FBI), and again in 2013 (to Detective Mike Fincher with the Lafayette Sheriff's Office), reported that Shawnee Murphy (deceased) told him that the Grand Wizard ordered him (Murphy) to carry out the shootings of Moore and Rogers. XXXXXX also self-reported that he has mental problems and is an alcoholic. The FBI interviewed Murphy in 2002, who reported that he did not even know about the murder of Moore until he saw a television program about it. According to Murphy, he was in a severe car accident in March 1965, hospitalized until June 4, 1965, and was in a body cast until August or September of that year.

This laundry list of alleged perpetrators demonstrates the virtual impossibility of prosecuting this case even if someone were to confess to the crime. All of the above (which is merely a slice of the leads that the FBI has collected over the years) could be used in any trial to cast reasonable doubt on any prosecution. This is why Breland and Rester could not be prosecuted despite the fact that the FBI had recorded "confessions" from them -- there was simply no physical evidence that backed up their accounts, and the FBI had collected significant conflicting information that other subjects had committed the crime.

Moreover, even if the FBI were able to develop sufficient evidence to prove beyond a reasonable doubt that a particular individual had killed Moore, the applicable statute of limitations would preclude prosecution under the federal criminal civil rights statutes. Prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 (“An indictment for any offense punishable by death may be found at any time without limitation.”). However, the Ex Post Facto Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. *Stogner v. California*, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnapping resulting in death when the victim is transported in interstate or foreign commerce, the facts here do not indicate that federal prosecution is available under these other statutes.

The FBI has devoted significant resources through the years in developing and pursuing several credible theories. Investigators unfortunately have been unable to gather independent corroborating information to verify any of them. No viable leads remain, and therefore, this matter should be closed.

8. Conclusion:

For the foregoing reasons, we recommend that this case be closed. Assistant United States Attorney Tracey Knight for the Eastern District of Louisiana, agrees in this recommendation.