

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 175-41-2

Date 04/18/2012

To: Chief, Criminal Section

Re: Unknown Subject(s)
Centreville, Mississippi;
Samuel O'Quinn (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

The Federal Bureau of Investigation ("FBI") initiated an investigation into the murder of Samuel O'Quinn, a 58-year old African-American businessman from Centreville, Mississippi, based on a referral of an article written in the AARP magazine dated November & December 2004. The article, entitled "Civil Rights Bus Tour," detailed O'Quinn's murder.

Henry Leventis
Trial Attorney

To: Records Section
Office of Legal Administration

The above file has been closed as of this date.

Date

Chief, Criminal Section

O'Quinn was killed by two shotgun blasts as he opened the gates of his property on the night of August 14, 1959, outside of Centreville, Mississippi. No witnesses to the shooting were identified. O'Quinn died shortly thereafter while being driven to a local hospital by his family. An investigation was conducted by state police and the FBI around the time of the shooting, but no suspects were identified.

Since the murder, different theories and speculation emerged about who killed O'Quinn and why. Local media originally reported that O'Quinn was a member of the NAACP and speculated that his murder may have been related to his involvement with that group. However, O'Quinn's XXX said that XXXX never belonged to the NAACP. O'Quinn had in fact joined the NAACP; however, internal correspondence from the NAACP indicates that his involvement was not widely known. The limited information available from the FBI's original investigation indicates that O'Quinn may have been murdered by a person or persons interested in obtaining his land and that the murder was not connected to any of his political activities.¹

Additional federal investigation did not uncover any evidence to prove who murdered Samuel O'Quinn.

Federal Review:

Beginning in the fall of 2008, the FBI initiated a review of 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 part of its review, the FBI contacted numerous Mississippi agency officials; sent letters to the SPLC and the NAACP; and conducted searches of the internet, the Mississippi Department of Archives and History, and the records of the SPLC and the University of Southern Mississippi library. On February 4, 2009, the FBI sent out a press release soliciting information about O'Quinn's murder. The release was published by local newspapers and aired on local television and radio stations.

The FBI also conducted numerous interviews with members of the Centreville community, including current and former law enforcement officers, court officials, NAACP officials, members of the local media and members of the victim's family. Two of the interviews conducted by the FBI, that of the victim's XXXX, XXXXX ("X"), and Centreville resident XXXXX ("X"), produced some second-hand information regarding possible subjects in this case.

During a May 26, 2009 phone interview, X indicated that he had been told that a black man named Willie Taplin had confessed to killing O'Quinn. According to X, Taplin was in the hospital, on his death bed, when he asked to see X's XXXX. Taplin allegedly told an unidentified

¹ The original FBI file for this matter has been lost. The above-referenced information is derived from a document obtained by the Southern Poverty Law Center ("SPLC") as a result of a FOIA request sent to the FBI in 2003.

individual that the White Citizen Council had given him a car and money to kill O'Quinn. X said that XXXXX did not go to see Taplin in the hospital. X could not identify the person or persons who conveyed that information to him.

During the same interview, X indicated that the following people may know something about XXXXX: Digger White, a court clerk with the last name X, and Clay Tucker, his father's attorney. X did not indicate why these individuals might have knowledge about XXXXXX murder.

During a May 27, 2009 interview, XXXXX denied having direct knowledge about O'Quinn's murder but indicated that X had been told that O'Quinn was killed by two black men, Frank Robinson and a man with the last name Talbin. X said that Robinson was a former military marksman. X heard that Talbin confessed to the murder before his death. X heard that O'Quinn was killed because the white people felt he was bringing about "black awareness" in the community. X could not identify the person or persons who communicated this information to him.

Based on the information provided by X and X, it appears that they are referring to the same person with the last name Taplin or Talbin. Neither man claimed to have spoken with that person directly. Moreover, both men heard that the person who allegedly admitted to murdering O'Quinn made the admission from his deathbed, just prior to his death.

In response to these interviews, the FBI attempted to locate Digger White, Clay Tucker, a former court clerk with the last name X, and Frank Robinson. On June 27, 2011, the FBI interviewed Jimmy Reese, Chief of Police of the Centreville Police Department. Reese was only six-years old at the time O'Quinn was murdered but remembered the incident because O'Quinn had bought land from Reese's family a few years before the murder. Reese had heard that Franklin Robinson murdered O'Quinn "at the behest of white men or in a dispute over a woman." Reese confirmed that Robinson died some time in the 1970's. He also confirmed that Digger White and Clay Tucker are deceased. The FBI was not able to identify a former court clerk with the last name X.

Legal Analysis

This matter does not constitute a prosecutable violation of federal criminal civil rights statutes. First, despite extensive efforts, no living subject has been identified.

Second, even if a living subject could be identified, the statute of limitations has expired. 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. _ 242, 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 involving kidnapping resulting in death, the facts of the present case do not lend themselves to prosecution under other such statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. AUSA Glenda Haynes, of the Southern District of Mississippi, concurs in this recommendation.