

THE ATTORNEY GENERAL'S
NINTH ANNUAL REPORT TO CONGRESS
PURSUANT TO THE EMMETT TILL
UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007
AND
THIRD ANNUAL REPORT TO CONGRESS
PURSUANT TO THE EMMETT TILL UNSOLVED CIVIL RIGHTS CRIMES
REAUTHORIZATION ACT OF 2016

March 1, 2021



INTRODUCTION

This is the ninth annual Report (Report) submitted to Congress pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 (Till Act or Act),¹ as well as the third Report submitted pursuant to the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Reauthorization Act).² This Report includes information about the Department of Justice's (Department) activities in the time period since the eighth Till Act Report, and second Reauthorization Report, which was dated June 2019.

Section I of this Report summarizes the historical efforts of the Department to prosecute cases involving racial violence and describes the genesis of its Cold Case Initiative. It also provides an overview of the factual and legal challenges that federal prosecutors face in their efforts to secure justice in unsolved Civil Rights-era homicides. Section II of the Report presents the progress made since the last Report. It includes a chart of the progress made on cases reported under the initial Till Act and under the Reauthorization Act. Section III of the Report provides a brief overview of the cases the Department has closed or referred for preliminary investigation since its last Report. Case closing memoranda written by Department attorneys are available on the Department's website: <https://www.justice.gov/crt/civil-rights-division-emmett-till-act-cold-case-closing-memoranda>. As additional case closing memoranda are drafted and approved, they will be made available on the website once reviewed to ensure compliance with

¹ Pub. L. No. 110-344, 122 Stat. 3934 (2008). The Till Act requires the Attorney General to conduct a study and report to Congress not later than six months after the date of enactment of the Act, and each year thereafter, regarding the Department's efforts to investigate and resolve unsolved Civil Rights-era homicides.

² Pub. L. No. 114-325, 130 Stat. 1965 (2016) extended the Till Act, including its reporting requirements, for an additional ten years.

FOIA regulations.³ Section IV of the Report provides additional information required by the Till Act, other than the statistical information provided in Section II. Finally, Section V of the Report sets forth the Department's work on conducting Till Act training and outreach.

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

A. Overview and Background

The Department's current efforts to bring justice and resolution to Civil Rights-era cold cases under the Till Act is a continuation of efforts begun decades ago. The below summary of the Department's long-standing efforts to prosecute crimes of racial violence places the Department's current efforts in their historical context.

Reconstruction Era through the 1930s

Since the Reconstruction Era (1865-1877), the Department has taken the lead in prosecuting crimes of racial violence in the United States. These efforts were hampered for many decades, however, by the lack of an effective federal anti-lynching law or other laws specifically prohibiting bias-motivated crimes. When prosecuting cases of racial violence during this era, the Department relied on the Reconstruction Era Enforcement Acts, passed in 1868, 1870, and 1871. But given the courts' restricted interpretation of these statutes, they proved to be imprecise and limited tools for addressing racial violence.

The most famous case of the Reconstruction Era arose from a mass killing of African Americans in Colfax, Louisiana, and resulted in a Supreme Court decision that severely limited the Department's ability to prosecute cases of racial violence. The defendants in that case had

³ The Department will continue to make available case closing memoranda as they are drafted, reviewed, and redacted by privacy and FOIA attorneys.

been charged by indictment and convicted of conspiring to deprive the victims of various enumerated rights, privileges, and immunities guaranteed by the Constitution. The Court, however, overturned the convictions, finding most of the indictment counts were defective because those counts charged *private* actors with depriving the victims of constitutional rights, whereas the constitutional provisions at issue placed limitations only on the conduct of *government* actors. See *United States v. Cruikshank*, 92 U.S. 542, 554 (1875).

During the post-Reconstruction Era, racial unrest – particularly in the form of lynchings as a public spectacle – increased. The problem posed by such lynchings, and the federal government’s limited ability to redress such horrific wrongs, was recognized at the highest levels of the Department when, on March 2, 1909, Attorney General Charles Bonaparte urged the Supreme Court to hold in contempt local officials and members of a mob who kidnapped and lynched an African-American man named Ed Johnson. Johnson was lynched after a mob seized him from a local jail where he was being held while he appealed his conviction. In arguing that the defendants should be held in contempt, Attorney General Bonaparte acknowledged the inadequacy of state laws to remedy the underlying violence against Johnson. “Lynchings have occurred in defiance of state laws,” he said, and further noted that state courts had made, at most, “only [a] desultory attempt” to punish the lynchers. <http://www.famous-trials.com/sheriffshipp/1064-bonaparteclosing>. See generally *United States v. Shipp*, 214 U.S. 386 (1909).

The lack of a federal anti-lynching law made it difficult for the federal government to redress acts of racial violence and, as noted by Attorney General Bonaparte, states rarely did. Partly for this reason, violence escalated through the turn of the century and continued through World War I. In 1919, as soldiers returned from war, the country was gripped by Red Summer, a

particularly violent time characterized by hundreds of instances of mob violence against African Americans and burnings of segregated residential areas. *See generally* Cameron McWhirter, *Red Summer: The Summer of 1919 and the Awakening of Black America* (Henry Holt and Company, 2011); Phillip Dray, *At the Hands of Persons Unknown*, Chapter 8 (Modern Day Library, 2002).

World War II through the 1950s

In 1939, the Department made significant advances in addressing the problem of racial violence. Attorney General Frank Murphy created a Civil Liberties Unit (shortly thereafter renamed the Civil Rights Section) in the Criminal Division of the Department of Justice. Its mission was threefold: enforcing the federal civil liberties statutes, identifying the need for additional legislation, and “invigorat[ing] . . . the federal government’s endeavors to protect fundamental rights.” <https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/07-07-1939pro.pdf>

In 1940, O. John Rogge, Assistant Attorney General for the Criminal Division, urged United States Attorneys to take a more aggressive approach to prosecuting crimes of racial violence, including the lynchings of African Americans. Attorney General Francis Biddle agreed, noting in a speech delivered during World War II that “[o]ne response to the challenge of Fascism to the ideals of democracy has been a deepened realization of the importance of these rights, based on a belief in the dignity and the rights of individual men and women.” Francis Biddle, *An Address by Francis Biddle, Attorney General of the United States Annual Conference of the National Urban League*, <https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/09-28-1944.pdf>. Soon thereafter, the Department began to investigate and attempt to prosecute more bias-motivated murders.

While Assistant Attorney General Rogge's directive demonstrated an increasing federal will to address the problem of racial violence, the federal government still lacked the necessary tools to adequately address the problem. Because there was no federal anti-lynching law, the Department could use only the Reconstruction-Era laws, then codified at 18 U.S.C. §§ 51 and 52, to prosecute acts of racial violence. Nonetheless, the Department, using only these limited tools, brought federal charges against Claude Screws, a Georgia sheriff, in 1943. Screws had ordered his deputies to arrest Robert Hall, an African-American man against whom Screws held a grudge. After arresting him, Screws and his deputies brutally beat Hall to death. Although Screws was convicted of depriving Hall of his constitutional rights while acting under color of law, his conviction was reversed because the Supreme Court determined that the instructions given during trial were inadequate. *See* <http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=5229&context=mulr>; *Screws v. United States*, 325 U.S. 91 (1945).

The Department also attempted to use the Reconstruction-Era laws to prosecute members of a mob who murdered Cleo Wright on January 25, 1942. Wright was an African-American man who, while awaiting trial for allegedly assaulting a white woman and attacking a police officer, was kidnapped from a jail cell in Sikeston, Missouri, by a mob of angry white men. The mob then burned Wright alive. Attorney General Biddle authorized a federal prosecution under the Reconstruction-Era statutes. Evidence was presented to a grand jury, but the grand jury refused to issue an indictment. The same grand jury issued an advisory report, later made public, in which it labeled the crime a "shameful outrage" and even stated that Wright had been denied "due process of law," but nonetheless found that the mob's actions did not constitute a crime under federal law. Victor W. Rotnem, *The Federal Civil Right "Not to Be Lynched,"* 28 Wash.

U. L. Rev. 57 (1943),

http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=3888&context=law_lawreview.

Victor Rotnem, who had become the Chief of the Civil Rights Section in 1941, urged the Department to argue for a more aggressive application of the Reconstruction-Era statutes that protected persons against deprivations of their rights guaranteed by the Constitution and other federal laws. Rotnem argued that, although the right to due process of law protected citizens against only those deprivations of life, liberty, or property committed without due process, by a *governmental* entity, private persons who commit lynching, like those in the mob who murdered Wright, could still be prosecuted under the Reconstruction-Era statutes. *See id.* at 62. He asserted that, by kidnapping a person from jail, defendants directly interfered with that person's right to have a state or local government try him for the crime he was accused of committing, thus denying him the right to due process of law. *See id.* Courts, however, largely did not accept these arguments, and the lack of a specific federal hate-crime law, coupled with restrictive interpretations of Reconstruction-Era statutes, dramatically limited the kinds of prosecutions the Department could undertake.

The Civil Rights Era

The Civil Rights Division was established in 1957 and, thereafter, the Department achieved greater success in prosecuting civil rights cases. The first notable success came in the case of *United States v. Price*, commonly referred to as the "Mississippi Burning" case. The case involved the 1964 murders of James Chaney, Andrew Goodman, and Michael Schwerner – three civil rights workers kidnapped and murdered during Freedom Summer, a time when civil rights organizations, including the Congress of Racial Equality (CORE), the Student Nonviolent

Coordinating Committee (SNCC), and the Congress of Federated Organizations (COFO), actively recruited students from across the nation to come to Mississippi to participate in voter registration and other civil rights-related activities. The Ku Klux Klan (Klan), which opposed the goals of Freedom Summer, responded with violence. Chaney, Goodman, and Schwerner, who had traveled to Mississippi to help with voter registration efforts, were arrested by Neshoba County Deputy Sheriff Cecil Ray Price and jailed in Philadelphia, Mississippi. The three civil rights workers later were released from custody. Deputy Price, however, coordinated their release with members of the Klan, who killed the young men, burned their car, and buried their bodies in an earthen dam. Following an investigation by the Federal Bureau of Investigation (FBI), 19 defendants were indicted. Seven of those defendants were convicted at trial and another pleaded guilty. The jury was unable to reach a verdict with respect to three additional defendants and acquitted the remaining eight defendants.

In that same era, the Department achieved convictions of two Georgia Klansmen responsible for the murder of Lieutenant Colonel Lemuel Penn, an African-American WWII veteran. The defendants, Cecil Myers and Howard Sims, believed that black men were coming to Georgia to test newly enacted civil rights laws. When they saw a car with African-American men in it, they targeted the car's occupants based solely on their race, shooting at the men and killing Lieutenant Colonel Penn. Although Myers and Sims were convicted in federal court, other defendants who were indicted with them, as part of an overarching conspiracy to intimidate African Americans, were acquitted.

In both the "Mississippi Burning" case and the case resulting from Penn's murder, the defendants challenged the Department's authority to bring federal charges. In responding to these challenges, the Department obtained important Supreme Court victories that permitted a

more expansive application of the Reconstruction-Era statutes. *See United States v. Price*, 383 U.S. 787 (1966) (establishing that private persons may act under color of law when they act in concert with state actors); *United States v. Guest*, 383 U.S. 745 (1966) (establishing that the right to interstate travel is a right that may be protected against private interference if the interference of that right is the primary purpose of a conspiracy).

Even more significantly, Congress passed the first federal hate-crime statutes in 1968: one prohibiting violent interference with housing rights (42 U.S.C. § 3631), and another prohibiting violent interference with several enumerated rights, including voting and employment activities (18 U.S.C. § 245). These statutes were important tools in the federal arsenal that, for the first time, clearly and unambiguously allowed for the federal prosecution of racially motivated murders and assaults, even when none of the defendants was acting under color of law.

Unfortunately, these new statutes alone were not transformative. Each statute originally had only a five-year statute of limitations period, meaning the government had to bring charges within five years of the crime, even when the crime resulted in death. Thus, in cases in which families were too frightened to report crimes, or in which the federal government otherwise failed to indict a case within five years, the government was barred from prosecuting the case, except in the unlikely event that another federal statute, such as interstate kidnapping or murder on federal land, applied. Moreover, not all racially motivated crimes could be prosecuted because, for federal jurisdiction to apply, prosecutors had to prove not only bias motivation, but also that a defendant had acted to interfere with one of the federally protected rights specifically set forth in the statute, such as the right to fair housing or the right to employment.

The Modern Era

More recently, Congress has passed significant legislation that has given federal prosecutors greater flexibility and authority to prosecute bias-motivated crimes. In 1996, Congress passed the Church Arson Prevention Act, which prohibits destruction and damage to houses of worship motivated by either race or religion, and which also prevents interference with the free exercise of religion. *See* Church Arson Prevention Act of 1996, Pub. L. No. 104-155, 110 Stat. 1392 (codified at 18 U.S.C. § 247). In 2018, Congress amended this law to expand the definition of religious real property to allow prosecution of more acts of destruction. *See* Protecting Religiously Affiliated Institutions Act of 2018, Pub. L. No. 115-249, § 2, 132 Stat. 3162.

In 1994, Congress amended 18 U.S.C. §§ 241 and 245 to allow the government to seek the death penalty for civil rights-related crimes resulting in a victim's death. *See* Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, § 60006, 108 Stat. 1970, 2109, 2113, 2147. Because there is no statute of limitations for death-eligible offenses, bias-motivated crimes that are committed after 1994 and result in death may now be charged even decades after the offense occurred. Congress, however, may not extend a statute of limitations that has already expired, *see Stogner v. California*, 539 U.S. 607, 632-633 (2003) (legislatures lack the constitutional power to expand the limitations period after the period has expired), and therefore these amendments do not permit the government to prosecute cases in which the statute of limitations had expired by 1994.

In 2009, Congress further enhanced the ability of prosecutors to charge defendants with committing a federal hate crime by passing the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 (Shepard-Byrd Act), now codified at 18 U.S.C. § 249. This Act eliminates the requirement to prove a defendant intended to interfere with a victim's federally

protected right, at least for race-based crimes. To secure a conviction under the Shepard-Byrd Act, a federal prosecutor need prove only that a defendant willfully inflicted death or bodily injury upon a victim, or attempted to do so with a dangerous weapon, and that the defendant acted because of the race (color, religion, or national origin) of the victim or some other person. Additionally, under the Shepard-Byrd Act, there is no statute of limitations if death results from the defendant's actions.

The federal government's increased ability to prosecute modern-day hate crimes still leaves unaddressed those cases that it was unable to prosecute in the past. Congress has stressed, through passage of the Reauthorization Act, its desire for the Department to continue its efforts to bring justice, wherever possible, to unsolved civil rights cases, extending into the decade of the 1970s. The Department has demonstrated a similar commitment to ensuring that any and all prosecutable cold cases are identified, investigated, and prosecuted.

In 2018, Congress enacted the Cold Case Records Collection Act, again stressing its desire that crimes from the Jim Crow Era not be forgotten. *See* Civil Rights Cold Case Records Collection Act, Pub. L. No. 115-426, 132 Stat. 5489. This Act establishes a collection of hate-crime investigative records within the National Archives that may be accessed and reviewed by scholars, the civil rights community, and the general public.

B. History of the Cold Case Initiative

The Department is committed to achieving justice in Civil Rights-era cold cases. In fact, as outlined above, the Department's efforts to achieve justice in these cases predate the original Till Act. As explained in prior Reports, since the passage of the Till Act, Department lawyers and FBI agents have jointly participated in a multi-faceted strategy to identify cases that might potentially be prosecuted.

The Department began its Cold Case Initiative (Initiative) in 2006. The first step of this Initiative was to have each of the FBI's 56 field offices identify cases that might warrant review. In 2007, the Department began an extensive outreach campaign to solicit assistance from the NAACP, Southern Poverty Law Center, and the National Urban League, as well as various community groups, the academic community, and state and local law enforcement organizations. The Department also conducted an aggressive media campaign, granting interviews to numerous outlets, including the New York Times, the Washington Post, the Baltimore Sun, National Public Radio, the British Broadcasting Company, 60 Minutes, Dateline, and local media outlets, in an effort to elicit the public's assistance with locating witnesses to these crimes, as well as family members of the victims. When the Department's work on the Initiative began, the Department had identified 95 matters for further review. As a result of outreach efforts since the Till Act, that number has grown to 132.

C. Past Efforts to Prosecute Cold Cases

The Department's efforts to identify and resolve Civil Rights-era cold cases (both before and since the Till Act) have resulted in two successful federal prosecutions and three successful state prosecutions.

Federal Prosecutions

The first modern federal prosecution of a Civil Rights-era cold case was the prosecution of Ernest Avants. *See United States v. Ernest Henry Avants*, 367 F.3d 433 (5th Cir. 2004). This case involved the 1966 murder of Ben Chester White, an elderly African-American farm worker. Avants and two other Mississippi Klansmen lured White to Pretty Creek Bridge in the Homochitto National Forest outside of Natchez, Mississippi. Once there, the Klansmen shot White multiple times with an automatic weapon and once with a

single-barrel shotgun. White's bullet-ridden body was discovered several days later. The murder was intended to lure Dr. Martin Luther King, Jr., to the area so that he, too, could be murdered, assaulted, or otherwise harmed. A 1967 state prosecution for murder resulted in an acquittal for Avants and a mistrial for another defendant, who is now deceased. A third defendant, also now deceased, was never prosecuted by state officials. In 1999, the Department opened an investigation into White's murder using a federal statute (18 U.S.C. § 1111) that can be used to prosecute murder on federal lands. Avants was indicted in June 2000, convicted in February 2003, and sentenced to life in prison in June 2003. He died in prison in 2004.

The second federal prosecution of a Civil Rights-era cold case was *United States v. James Ford Seale*, 600 F.3d 473 (5th Cir. 2010). This case involved the 1964 murders of two 19-year-old African Americans, Charles Moore and Henry Dee, in Franklin County, Mississippi. On May 2, 1964, James Ford Seale and other members of the Klan forced Moore and Dee into a car and drove them into the Homochitto National Forest. Mistakenly believing, without any evidentiary basis, that Dee was a member of the Black Panthers and that he was bringing guns into the county, the Klansmen beat the young men while interrogating them about the location of the weapons. In order to stop the beating, the young men falsely confessed, telling the Klansmen that guns were stored in a nearby church. The Klansmen then split into two groups: one searched the church for the guns and the other – including Seale – transported the victims to a remote location on the Mississippi River after briefly crossing into Louisiana. Moore and Dee, bound and gagged, were chained to an engine block and railroad ties, taken by Seale out onto the water in a boat, and pushed overboard to their deaths. Their severely decomposed bodies were found months later.

Seale and another Klansman, Charles Edwards, were arrested on state murder charges in late 1964, but the charges were later dropped. In 2006, the Civil Rights Division and the United States Attorney's Office for the Southern District of Mississippi re-opened an investigation into the murders. The investigation determined that the subjects had crossed state lines during the commission of the crime and, as a result, the government could prosecute the subjects under the federal kidnapping statute (18 U.S.C. § 1201). Edwards, who did not directly participate in the murders, was granted immunity and testified against Seale, the only other surviving participant. Seale was indicted in January 2007. In June 2007, Seale was convicted on two counts of kidnapping and one count of conspiracy. He was sentenced to three terms of life imprisonment. Seale's convictions were upheld after extensive appellate litigation. *See United States v. Seale*, 600 F.3d 473 (5th Cir. 2010). Seale died in prison in 2011.

State Prosecutions

The first successful, federally-assisted state prosecution under the Initiative was against Klansmen who bombed the Sixteenth Street Baptist Church in Birmingham, Alabama, on a Sunday morning in 1963. The defendants targeted the Church because it served an African-American congregation and because it had been used as a meeting place for non-violent protests against the city's segregation laws. Four young girls – Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley – were killed in the blast. Because of the code of silence among supporters of the Klan, no one was brought to justice for the murders until 1977, when Robert Chambliss was tried and convicted. *See generally Chambliss v. State*, 373 So. 2d 1185, 1187 (Ala. Crim. App. 1979). Chambliss died in 1985. Pursuant to the Department's pre-Till Act cold case process, the case was re-examined in the late 1990s and early 2000s. As a result, the United States Attorney for the Northern District of Alabama was cross-designated to serve as

the lead prosecutor in two state trials charging Tommy Blanton and Bobby Cherry with murder. Blanton was convicted in April 2001 and sentenced to four life terms. *See generally Blanton v. State*, 886 So. 2d 850, 857 (Ala. Crim. App. 2003). Blanton died in prison in 2020. Cherry was convicted in May 2002 and also sentenced to four life terms. *See generally Cherry v. State*, 933 So. 2d 377, 379 (Ala. Crim. App. 2004). Cherry died in prison in 2004.

The second successful, federally-assisted state prosecution was against one of the defendants against whom the jury failed to reach a verdict in the “Mississippi Burning” case (described in Part A). In a June 2005 trial, Edgar Ray Killen was convicted of three counts of manslaughter and sentenced to 60 years in prison. *See Killen v. State*, 958 So. 2d 172, 173 (Miss. 2007). Killen died in prison in 2018.

The most recent successful, federally-assisted state prosecution was against James Bonard Fowler in 2010. Fowler, an Alabama State Trooper, fatally shot Jimmie Lee Jackson in 1965 during a protest in Marion, Alabama. Jackson’s murder served as a catalyst for the famed 1965 march from Selma to Montgomery. *See State v. Fowler*, 32 So. 3d 21, 23 (Ala. 2009). Fowler was convicted of misdemeanor manslaughter and sentenced to six months in prison. *See <http://www.nytimes.com/2010/11/16/us/16fowler.html>*

D. Barriers to Successful Federal Prosecution of Cold Cases

Despite achieving convictions in a few Civil Rights-era cold cases, there remain significant legal limitations on the federal government’s ability to prosecute these cases. For example, the Constitution’s *Ex Post Facto* clause prohibits the government from prosecuting defendants using laws that were not yet enacted at the time a crime was committed. Thus, when the government evaluates whether it can bring a case in federal court, it must look to the statutes that existed at the time the crime was committed. As discussed above, there were no federal

hate-crime laws until 1968. Moreover, because those early laws require proof of an intent to interfere with a federally protected right, it is more difficult to obtain convictions under the 1968 laws than it would be under modern hate-crime laws, like the Shepard-Byrd Act, that have eliminated the requirement that prosecutors prove a nexus with a federally protected right. If an act of racial violence occurred before 1968, when the first federal hate-crime statutes were enacted, then the government must charge a defendant with violating a Reconstruction-Era statute, in which case it is even more difficult for the government to obtain a conviction as most charges that could be brought under these statutes would require proof that at least one defendant acted under color of law. In rare instances, as noted above in the prosecutions of Avants and Seale, the government may charge a subject with violating another federal statute, such as murder occurring on federal lands (18 U.S.C. § 1111) or kidnapping across state lines (18 U.S.C. § 1201), if facts exist to support those charges.

The government also cannot prosecute a defendant if the statute of limitations (essentially a deadline by which prosecutors must charge a crime) has expired. There is currently no statute of limitations under 18 U.S.C. §§ 241 and 245 for hate crimes resulting in death; however, as explained above, the prior, shorter limitations period was removed by an act of Congress in 1994. Before then, the limitations period for these crimes was five years. This means that if an act of racial violence that otherwise met the elements of a federal hate crime occurred before 1994, the case could not be federally prosecuted now because the then-five-year limitations period would have expired long ago.

State murder prosecutions, while not barred by these particular factors, may be barred if there was a previous trial on the same or substantially similar charges. The Fifth Amendment's protection against double jeopardy prohibits re-trial by the same sovereign for the same offense

of persons who were previously found not guilty or who were convicted but received shockingly light sentences. There is no exception to this constitutional protection, even if it now appears in modern times that the jurors, prosecutors, or even the court harbored racial prejudice.

As a practical matter, even if there is no legal bar to prosecution, there are evidentiary difficulties inherent in all cold case prosecutions; difficulties that are compounded the older the case is. First, perpetrators die, leaving no responsible party to prosecute. Second, witnesses die or can no longer be located. Third, memories fade and evidence is destroyed or cannot be located. Finally, original investigators often lacked the technical and scientific advances relied upon today, thus rendering scientific or technical conclusions inaccurate or incomplete (and the evidence on which a scientific conclusion was based may have been destroyed in the routine course of business or may have simply degraded over time). In such cases, even if a living subject exists, these evidentiary hurdles will likely render it impossible for prosecutors to prove guilt beyond a reasonable doubt. Even with our best efforts, investigations into historic cases are exceptionally difficult, and rarely will justice be reached inside of a courtroom.

II. COLD CASE STUDY AND REPORT: CASE PROGRESS SINCE THE LAST REPORT

Pursuant to sections 3(c)(1)(A)-(E) of the Till Act, the Department must report to Congress the total number of investigations opened for review under the Till Act, the number of new cases opened for review since the last Report to Congress, the number of unsealed federal cases charged, the number of cases referred by the Department to a state or local government agency or prosecutor, and the number of cases that were closed without federal prosecution. In addition, the Reauthorization Act requires the Department to report the number of cases referred by an eligible entity. This information is set forth below.

A. Total Cases Opened for Review

Pursuant to section 3(c)(1)(A) of the original Till Act, the Department provides Congress information on the number of open investigations under the Act. As discussed above, the Department's efforts to investigate and prosecute unsolved Civil Rights-era homicides predate the Till Act. During the course of the Department's focus on these matters, it has opened for review 132 matters, involving 151 known victims, and has fully investigated and resolved 119 of these matters through prosecution, referral, or closure.

B. Cases Opened Since the Last Report to Congress

Pursuant to section 3(c)(1)(B) of the original Till Act, the Department provides Congress information on the number of new cases opened since the last Report to Congress. Since the last Report to Congress in June 2019, and as of October 8, 2020, the Department has opened no new Till Act investigations but, as reported below, has continued its examination of those opened in prior periods.⁴ Since the last study period, no new Till Act cases have been reported to the Department for review.

C. Cases Unsealed Since the Last Report to Congress

Pursuant to section 3(c)(1)(C) of the original Till Act, the Department provides notice that no charged federal cases have been unsealed since the last Report.

D. Cases Referred to State or Local Authorities

⁴ During the reporting period, an eligible entity reported new information about a case that was previously prosecuted in state court. The Department is examining the information to determine whether opening the case is warranted.

Pursuant to section 3(c)(1)(D) of the original Till Act, the Department informs Congress that ten of the 132 matters opened for review have been referred to state authorities since Congress enacted the Till Act. No cases have been referred since the last Report.

E. Cases Closed Since the Last Report to Congress

Pursuant to section 3(c)(1)(E) of the original Till Act, the Department provides the following information about cases it has closed. To date, the Department has closed 107 cases without prosecution or referral to the state. (Of the 119 matters it has fully investigated and resolved, ten were referred to the state, two federally prosecuted, and the remainder were closed.) There have been no federal prosecutions since the last Report. As explained more fully in Section III below, three cases were closed, each with a written memorandum explaining the reasons for the closing, since the last Report without referral to any state.⁵ One case that was referred to us was not opened for insufficient predication that it fit into the Till Act.

In total, since the original Till Act was enacted, 61 cases have been closed due to the death of all identifiable subjects; 38 others have been reviewed but were not opened for investigation due to insufficient evidence to prove a violation of any relevant civil rights statute, most notably an inability to prove that the death of the victim was the result of violent conduct motivated by racial animus or bias as opposed to some other cause of death (*e.g.*, an accidental death or a homicide motivated by some non-racial, non-civil rights motive); and the remaining cases have been closed for a variety of other reasons, such as the inability to overcome a legal

⁵ The COVID-19 global pandemic has had an impact on the Department's ability to review and investigate cold cases. As a result of the pandemic, it has been more difficult to obtain essential information and documents from record repositories. For example, the National Archives and Records Administration has closed its Federal Records Centers, preventing attorneys from retrieving the records necessary to fully review cases.

hurdle to prosecution (e.g., double jeopardy or statute of limitations) or for a combination of reasons.

F. Chart

The Department provides the following chart to illustrate the statistics provided in subsections A through E of Section II of this Report. It lists the names of the victims, incident locations, incident dates, and closing dates (for those cases that are closed) of all cases that have been opened from the time the original Till Act took effect through February 10, 2021.

	NAME OF VICTIM	INCIDENT LOCATION	INCIDENT DATE	CLOSING DATE
1.	Anthony Adams	Salt Lake City, Utah	November 3, 1978	May 26, 2020
2.	Louis Allen	Amite County, Mississippi	January 31, 1964	May 18, 2015
3.	Andrew Lee Anderson	Crittenden County, Arkansas	August 5, 1963	April 9, 2010
4.	Frank Andrews	Lisman, Alabama	November 28, 1964	November 13, 2013
5.	Isadore Banks	Marion, Arkansas	June 8, 1954	August 2, 2012
6.	John Bennett*	Augusta, Georgia	May 11, 1970	
7.	John Larry Bolden	Chattanooga, Tennessee	May 3, 1958	April 15, 2010
8.	Preston Bolden	San Antonio, Texas	May 8, 1953	May 26, 2011
9.	James Brazier	Dawson, Georgia	April 20, 1958	April 6, 2009
10.	Thomas Brewer	Columbus, Georgia	February 18, 1956	April 6, 2009
11.	Clyde Briggs*	Franklin County, Mississippi	January 18, 1965	
12.	Hilliard Brooks	Montgomery, Alabama	August 12, 1950	April 9, 2010
13.	Benjamin Brown	Jackson, Mississippi	May 11, 1967	March 19, 2013
14.	Leonard Brown*	Baton Rouge, Louisiana	November 16, 1972	
15.	Charles Brown	Benton, Mississippi	June 18, 1957	April 16, 2010
16.	Gene Brown/a.k.a. Pheld Evans	Canton, Mississippi	1964	April 21, 2010
17.	Jessie Brown	Winona, Mississippi	January 23, 1965	April 19, 2010
18.	Carrie Brumfield	Franklinton, Louisiana	September 12, 1967	September 24, 2013
19.	Eli Brumfield	McComb, Mississippi	October 13, 1961	April 16, 2010
20.	Johnnie Mae Chappell	Jacksonville, Florida	March 23, 1964	March 20, 2015
21.	Jesse Cano	Brookville, Florida	January 1, 1965	June 3, 2011
22.	Silas Caston	Hinds County, Mississippi	March 1, 1964	May 2, 2010
23.	James Chaney	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
24.	Thad Christian	Anniston, Alabama	August 30, 1965	April 6, 2011

25.	Clarence Cloninger	Gaston, North Carolina	October 10, 1960	April 3, 2009
26.	Jo Etha Collier*	Drew, Mississippi	May 25, 1971	January 13, 2020
27.	Eddie Cook*	Detroit, Michigan	November 7, 1965	May 15, 2020
28.	Willie Countryman	Dawson, Georgia	May 25, 1958	April 6, 2009
29.	Lee Culbreath*	Portland, Arkansas	December 5, 1965	May 7, 2019
30.	Vincent Dahmon	N/A	N/A	April 12, 2010
31.	Jonathan Daniels	Lowndes County, Alabama	August 20, 1965	April 26, 2011
32.	Woodrow Wilson Daniels	Yalobusha County, Mississippi	June 21, 1958	April 12, 2010
33.	Henry Hezekiah Dee	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
34.	George Dorsey	Monroe, Georgia	July 25, 1946	January 27, 2017
35.	Mae Dorsey	Monroe, Georgia	July 25, 1946	January 27, 2017
36.	Roman Ducksworth	Taylorville, Mississippi	April 9, 1962	April 12, 2010
37.	Joseph Dumas	Perry, Florida	May 5, 1962	April 9, 2010
38.	Joseph Edwards	Vidalia, Louisiana	July 12, 1964	February 20, 2013
39.	Willie Edwards	Montgomery, Alabama	January 22, 1957	July 2, 2013
40.	James Evansington	Tallahatchie County, Mississippi	December 24, 1955	April 12, 2010
41.	Peter Francis*	Perry, Maine	November 15, 1965	October 5, 2018
42.	Phillip Gibbs*	Jackson, Mississippi	May 15, 1970	
43.	Andrew Goodman	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
44.	James Earl Green*	Jackson, Mississippi	May 15, 1970	
45.	Mattie Greene	Ringgold, Georgia	May 20, 1965	May 4, 2012
46.	Jasper Greenwood	Vicksburg, Mississippi	June 29, 1964	June 17, 2010
47.	Jimmie Lee Griffith	Sturgis, Mississippi	September 24, 1965	August 14, 2012
48.	Paul Guihard	Oxford, Mississippi	September 30, 1962	July 19, 2011
49.	A.C. Hall	Macon, Georgia	October 13, 1962	July 27, 2011
50.	Roger Hamilton	Lowndes County, Alabama	October 22, 1957	February 10, 2016
51.	Adlena Hamlett	Sidon, Mississippi	January 11, 1966	May 26, 2011
52.	Samuel Hammond	Orangeburg, South Carolina	February 8, 1968	
53.	Collie Hampton	Winchester, Kentucky	August 14, 1966	June 1, 2011
54.	Alphonso Harris	Albany, Georgia	December 1, 1966	April 12, 2010
55.	Isaiah Henry	Greensburg, Louisiana	July 28, 1954	May 21, 2012
56.	Arthur James Hill	Villa Rica, Georgia	August 20, 1965	May 18, 2011
57.	Ernest Hunter	St. Mary's, Georgia	September 13, 1958	April 6, 2009
58.	Jimmie Lee Jackson	Marion, Alabama	February 18, 1965	May 3, 2011
59.	Luther Jackson	Philadelphia, Mississippi	October 25, 1959	April 16, 2010
60.	Wharlest Jackson	Natchez, Mississippi	February 27, 1967	May 4, 2015
61.	Carol Jenkins*	Martinsville, Indiana	September 16, 1968	
62.	Alberta O. Jones*	Louisville, Kentucky	August 5, 1965	
63.	Ernest Jells	Clarksdale, Mississippi	September 20, 1963	April 16, 2010
64.	Joseph Jeter	Atlanta, Georgia	September 13, 1958	May 2, 2010
65.	Nathan Johnson	Alabaster, Alabama	May 8, 1966	April 21, 2011

66.	Marshall Johns	Ouachita Parish, Louisiana	July 13, 1960	April 22, 1010
67.	Birdie Keglar	Sidon, Mississippi	January 11, 1966	May 18, 2011
68.	Bruce Klunder	Cleveland, Ohio	April 7, 1964	April 16, 2010
69.	Margaret Knott*	Butler, Alabama	September 11, 1971	
70.	William Henry "John" Lee	Rankin County, Mississippi	February 25, 1965	May 5, 2011
71.	George Lee	Belzoni, Mississippi	May 7, 1955	June 6, 2011
72.	Herbert Lee	Amite County, Mississippi	September 25, 1961	April 16, 2010
73.	Richard Lillard	Nashville, Tennessee	July 20, 1958	April 15, 2010
74.	George Love	Ruleville, Mississippi	January 8, 1958	June 10, 2011
75.	Maybelle Mahone	Zebulon, Georgia	December 5, 1956	April 6, 2009
76.	Dorothy Malcolm	Monroe, Georgia	July 25, 1946	January 27, 2017
77.	Roger Malcolm	Monroe, Georgia	July 25, 1946	January 27, 2017
78.	Henry Marrow*	Granville County, North Carolina	May 11, 1970	
79.	Sylvester Maxwell	Canton, Mississippi	January 17, 1963	May 2, 2010
80.	Sammie L. McCullough*	Augusta, Georgia	May 11, 1970	
81.	Bessie McDowell	Andalusia, Alabama	June 14, 1956	April 9, 2010
82.	Ernest McPharland	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
83.	Robert McNair	Pelahatchie, Mississippi	November 6, 1965	May 26, 2011
84.	Clinton Melton	Glendora, Mississippi	December 3, 1955	April 12, 2010
85.	Delano Middleton	Orangeburg, South Carolina	February 8, 1968	
86.	James Andrew Miller	Jackson, Georgia	August 30, 1964	April 12, 2010
87.	Hosie Miller	Newton, Georgia	March 15, 1965	June 21, 2011
88.	Booker T. Mixon	Clarksdale, Mississippi	October 12, 1959	August 13, 2012
89.	Neimiah Montgomery	Merigold, Mississippi	August 10, 1964	April 12, 2010
90.	Charles Edward Moore	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
91.	Harriette Moore	Mims, Florida	December 25, 1951	July 15, 2011
92.	Harry Moore	Mims, Florida	December 25, 1951	July 15, 2011
93.	O'Neal Moore	Varnado, Louisiana	June 2, 1965	March 31, 2016
94.	William Moore	Attalla, Alabama	April 23, 1963	August 2, 2012
95.	Frank Morris	Ferriday, Louisiana	December 10, 1964	December 30, 2013
96.	James Motley	Elmore County, Alabama	November 20, 1966	April 12, 2010
97.	Charlie Mack Murphy*	Augusta, Georgia	May 11, 1970	
98.	Claude Neal	Greenwood, Florida	October 26, 1934	October 1, 2013
99.	Samuel O'Quinn	Centreville, Mississippi	August 14, 1959	May 4, 2012
100.	Herbert Orsby	Canton, Mississippi	September 7, 1964	April 12, 2010
101.	Will Owens	New Bern, North Carolina	March 5, 1956	April 3, 2009
102.	Mack Charles Parker	Pearl River County, Mississippi	May 4, 1959	
103.	Larry Payne	Memphis, Tennessee	March 28, 1968	July 5, 2011
104.	Clarence Horatious Pickett	Columbus, Georgia	December 21, 1957	April 12, 2010

105.	William Piercefield	Concordia Parish, Louisiana	July 24, 1965	September 16, 2013
106.	Albert Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
107.	David Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
108.	Jimmy Powell	New York City, New York	July 16, 1964	February 9, 2012
109.	William Roy Prather	Corinth, Mississippi	November 1, 1959	February 16, 2016
110.	Edwin Pratt*	Shoreline, Washington	January 26, 1969	
111.	Johnny Queen	Fayette, Mississippi	August 8, 1965	July 26, 2013
112.	Donald Raspberry	Okolona, Mississippi	February 27, 1965	May 17, 2010
113.	Donna Reason*	Chester, Pennsylvania	May 18, 1970	
114.	James Reeb	Selma, Alabama	March 9, 1965	May 18, 2011
115.	John Earl Reese	Gregg County, Texas	October 22, 1955	April 15, 2010
116.	Fred Robinson	Edisto Island, South Carolina	August 3, 1960	February 2, 2012
117.	Johnnie Robinson	Birmingham, Alabama	September 15, 1963	April 9, 2010
118.	Dan Carter Sanders	Johnston Co., North Carolina	November 18, 1946	March 5, 2019
119.	Willie Joe Sanford	Hawkinsville, Georgia	March 1, 1957	July 5, 2012
120.	Michael Schwerner	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
121.	Marshall Scott	Orleans Parish, Louisiana	January 23, 1965	May 25, 2012
122.	Milton Lee Scott	Baton Rouge, Louisiana	July 18, 1973	May 8, 2019
123.	Jessie James Shelby	Yazoo City, Mississippi	January 21, 1956	May 24, 2010
124.	Ollie Shelby	Hinds County, Mississippi	January 22, 1965	April 16, 2010
125.	George Singleton	Shelby, North Carolina	April 30, 1957	April 16, 2010
126.	Denver Smith*	Baton Rouge, Louisiana	November 16, 1972	
127.	Ed Smith	State Line, Mississippi	April 27, 1958	November 5, 2009
128.	Henry Smith	Orangeburg, South Carolina	February 8, 1968	
129.	Lamar Smith	Brookhaven, Mississippi	August 13, 1955	April 12, 2010
130.	Maceo Snipes	Butler, Georgia	July 18, 1946	April 12, 2010
131.	Eddie Stewart	Jackson, Mississippi	July 9, 1966	May 26, 2011
132.	James Stokes*	Augusta, Georgia	May 11, 1970	
133.	Isaiah Taylor	Ruleville, Mississippi	June 26, 1964	April 12, 2010
134.	Emmett Till	Money, Mississippi	August 26, 1955	December 28, 2007 (initial closing date) Re-opened
135.	Ann Thomas	San Antonio, Texas	April 8, 1969	April 15, 2010
136.	Freddie Lee Thomas	Sidon, Mississippi	August 20, 1965	June 9, 2011
137.	John Thomas*	West Point, Mississippi	August 15, 1970	April 17, 2019
138.	Selma Trigg	Hattiesburg, Mississippi	January 23, 1965	May 2, 2010
139.	Ladislado Ureste	San Antonio, Texas	April 22, 1953	April 20, 2010
140.	Hulet Varner	Atlanta, Georgia	September 10, 1966	April 6, 2009
141.	Clifton Walker	Woodville, Mississippi	February 29, 1964	October 1, 2013
142.	Virgil Ware	Birmingham, Alabama	September 15, 1963	March 29, 2011
143.	James Waymers	Allendale, South Carolina	July 10, 1965	April 15, 2010

144.	Ben Chester White	Natchez, Mississippi	June 10, 1966	October 16, 2003
145.	John Wesley Wilder	Ruston, Louisiana	July 17, 1965	May 25, 2011
146.	Elbert Williams	Brownsville, Tennessee	June 20, 1940	November 4, 2018
147.	Rodell Williamson	Camden, Alabama	May 22, 1967	May 2, 2010
148.	Mack Wilson*	Augusta, Georgia	May 11, 1970	
149.	Archie Wooden	Snow Hill, Alabama	December 25, 1967	April 20, 2010
150.	William Wright, Jr.*	Augusta, Georgia	May 11, 1970	
151.	Samuel Younge	Tuskegee, Alabama	January 3, 1966	March 28, 2011
152.	Unknown*	West Point, Mississippi	1960s/1970s	May 6, 2019

*Denotes matter referred to the Department by an eligible entity. See Section 2(2)(B)(i)(IV) of the Reauthorization Act.

G. Cases in the Study Period Referred by an Eligible Entity

Pursuant to Section 2(2)(B)(i)(IV) of the Reauthorization Act, now set forth at 28 U.S.C. § 509 (functions of the Attorney General), Unsolved Civil Rights Crimes, § 3(c)(H), the Department must report the number of cases in the study period referred by an eligible entity within the study period. An eligible entity is defined as an entity whose purpose is to promote civil rights, an institution of higher education, or another entity, determined by the Attorney General. The Department must similarly set forth the number of cases referred to it by state or local law enforcement agencies or prosecutors.

Since the last Report, no new cold cases were referred to the Department by an eligible entity.⁶ Since the Reauthorization Act was enacted in December of 2016, 23 cases were referred by an eligible entity. An asterisk on the chart indicates cases referred by an eligible entity since

⁶ As explained in footnote 4, an eligible entity provided new information with respect to a case previously prosecuted in state court. The Department is working to confirm the information and to determine whether that information warrants opening the case.

the enactment of the Reauthorization Act. The referred cases closed in prior reporting periods are discussed in the 2018 and 2019 Reports.

These referrals from eligible entities include five total matters that were reviewed by attorneys in the Cold Case Unit but never opened. One of these matters was reviewed during the current reporting period. Such unopened referrals are not included on the chart. The reasons the others were not opened were explained in the 2018 and 2019 reports.

In the current reporting period, the Department received a congressional inquiry about a Till matter made on behalf of a constituent. The information submitted, however, was insufficient to confirm a civil rights violation. The Department therefore sought information directly from the constituent, and the FBI consulted with the local authorities to obtain relevant information, but no additional information was provided or uncovered to support opening an investigation under the Reauthorization Act.

III. COLD CASE STUDY AND REPORT: SUMMARY OF CASES CLOSED SINCE LAST REPORT

Three cases have been closed since the last Report to Congress. The case closings are available on the Department's website – or will be available once the memoranda have been redacted to protect the privacy rights of witnesses and uncharged subjects. The website can be accessed here: <https://www.justice.gov/crt/civil-rights-division-emmett-till-act-cold-case-closing-memoranda>.

A. The Death of Anthony Adams

This matter was reviewed upon receipt of information from an eligible entity indicating that it might fall under the Till Act or its Reauthorization. On November 6, 1978, two friends discovered the body of Anthony Adams, a 25-year-old gay African-American man, in his

apartment in Salt Lake City, Utah. Adams had been brutally stabbed to death; his apartment was in disarray and cash was missing from his wallet. At the time, investigators from the Salt Lake City Police Department (SLCPD) found a fingerprint on the victim's television screen but were unable conclusively to identify a suspect. The SLCPD re-investigation in 2010 used new forensic techniques that resulted in a match of the fingerprint to a woman who was 16 years old and lived on the streets of Salt Lake City around 1978. However, the woman died in 2008.

The Department has closed this case without prosecution. The only possible suspect (or material witness) ever identified is deceased, and therefore cannot be prosecuted by either state or federal authorities. In addition, even if a living person was identified as responsible for Adams' death, the statute of limitations has long expired for any federal civil rights charges and there is no evidence that would support an alternate federal charge—such as murder on federal land or federal kidnapping—whose limitation has not expired. Given the findings of the SLCPD's re-investigation, referral to the state for further investigation is not warranted at this time.

B. The Death of Joe Etha Collier

This matter was reviewed upon receipt of information from an eligible entity that it might fall under the Till Act or its Reauthorization. On May 25, 1971, Jo Etha Collier, a young African-American woman and recent high-school graduate, was shot with a .22 pistol from a passing car as she walked home with friends in the predominantly black section of Drew, Mississippi.

A local investigation determined that Wesley Parks, his brother, and their cousin were driving through Drew on their way to a party after drinking heavily earlier in the evening. Parks pointed a .22 caliber pistol out the car window and fired one shot, killing Ms. Collier. The men

were arrested later in the evening and police recovered from the car a .22 pistol with one bullet missing. The police could not identify any reason for the shooting. Ms. Collier was not known to be active in civil rights matters and police reports indicate the police believed the men had not known whom they had shot.

The state charged all three men with murder. Parks was granted a severance from the other two defendants and stood trial in October 1971. He admitted drinking the night of the shooting and testified that he "very possibly fired" the gun but that he "just [didn't] remember." The jury convicted him of manslaughter and he was sentenced to 20 years' imprisonment. His efforts to overturn his conviction were unsuccessful. The state later dropped murder charges against the other two men, concluding that the jury's verdict of manslaughter in Parks's trial prevented them from pursuing accessory to murder or accomplice charges against them.

The Department closed this matter without prosecution or referral to the state. Assuming that racial motivation could be proved beyond a reasonable doubt, the case cannot be prosecuted federally, as the statute of limitations for any potential federal civil rights crime has long run. No facts would provide jurisdiction for a non civil-rights federal offense (such as murder on federal land or interstate kidnapping). Referral to the state also is not warranted. The most culpable subject was already convicted and sentenced. The Constitution's Double Jeopardy Clause prohibits the state from re-trying him for Ms. Collier's murder, and the evidence is insufficient to support an accessory to murder or accomplice charge against either of the other two men. Both have denied knowing that Parks possessed a weapon, much less that he intended to shoot Ms. Collier or anyone else. Moreover, their presence in the truck when Parks shot and killed Ms. Collier, without more, is insufficient to establish criminal liability. The government has

uncovered no evidence contradicting this version of events and the eligible entity who referred the case to the Department has provided no such information.

C. The Death of Eddie Cook

This matter was reviewed upon receipt of information from an eligible entity indicating that it might fall under the Till Act or its Reauthorization. On November 7, 1965, Eddie Cook, a 53-year-old, African-American father of three, was shot in the chest by a shotgun blast near his home in Detroit. The shot was fired from a car filled with four or five white youths. Initially, police believed the shooting was in retaliation for an incident earlier that day. Witnesses reported hearing the occupants of the car laughing as it drove away, but could not identify the car's license plate because it had been covered. The police conducted a thorough, months-long investigation, which included following up on at least one hundred tips, but were unable to identify who fired the fatal shot or any of the passengers in the car.

The Department closed this case without prosecution. No subjects involved in Cook's death were ever identified, and our review did not identify any additional participants or witnesses to his murder or any leads that would identify such witnesses. Moreover, the statute of limitations has run on all potential federal hate crimes and there is no other potential basis for federal jurisdiction. Referral to the state is not warranted, as no subjects were identified during the state's contemporaneous investigation and the federal government's most recent efforts to identify additional witnesses were unsuccessful.

IV. COLD CASE STUDY AND REPORT: REPORT ON NON-CASE SPECIFIC FACTORS

Pursuant to sections 3(c)(1)(F)-(G) of the Till Act, the Department must report to Congress the number of attorneys who worked on any case under the Till Act, as well as the number of grant applications submitted by state or local law enforcement agencies for expenses associated with their investigation and prosecution of cases under the Till Act, and the amount of any grants awarded. This information is set forth below.

A. Number of Attorneys Who Worked in Whole or in Part on Cases

Pursuant to section 3(c)(1)(F) of the original Till Act, the Department provides the following information about the number of attorneys who have worked on cold cases. At least 86 federal prosecutors have worked on cases under review as part of the Department's Cold Case Initiative and work under the Till Act. Some of these attorneys have reviewed files (many of which are extensive) and drafted memoranda explaining decisions about why a case could not be prosecuted. Others have participated with the FBI in witness interviews. Still others have participated in the prosecution of the *Seale* case. The resources required to prosecute a federal criminal case are enormous. More than 40 federal employees participated in the *Seale* prosecution alone. That number does not include the numerous retired federal employees, local law enforcement officials, or contract employees who provided additional assistance.⁷

B. Number of Grants

Pursuant to Section 3(c)(1)(G) of the original Act, the Department provides the following information regarding grants.. On March 4, 2020, the Bureau of Justice Assistance (BJA)

⁷ Between July 1, 2019, and September 30, 2020, 2,847 hours were expended by employees of the Criminal Section of the Civil Rights Division on cold case work. 1,060.5 of those hours were spent on individual case work and the rest on general cold case issues, including compliance with the Cold Case Records Collection Act. The number does not include time spent by the FBI or United States Attorney's Office community.

announced competitive grant money available to state, local, and tribal law enforcement and prosecution agencies for costs associated with the investigations and prosecutions of cold case murders that took place before December 31, 1979, and that are suspected of having been racially motivated. The grant funds also can support activities to assist victims' families and stakeholders affected by these cases. The maximum amount available to any applicant is \$300,000, and BJA anticipated that a total of \$1,800,000 would be awarded. On March 25, after the solicitation was released, BJA hosted a webinar, with assistance from the Civil Rights Division's Cold Case Unit, to explain the application process to interested entities, which drew 31 attendees. The grant application closed in May of 2020. In approximately November 2020, BJA awarded just under \$300,000 to the Maryland Office of the Attorney General to fund the investigation of over forty unsolved, racially-motivated lynchings committed in Maryland, focusing on the lynchings of three African-American men, namely Jacob Henson (murdered in Ellicott City in 1895), Matthew Williams (murdered in Salisbury in 1931), and George Armwood (murdered in Princess Anne in 1933).

C. Notifying Victim Family Members

The FBI has devoted considerable resources to locating the next-of-kin of cold-case victims, and we have successfully located family members for a victim in one of the three new cases closed during this reporting period. Generally, the Victim Witness Coordinator from the Civil Rights Division reaches out to the next of kin to alert him or her that a matter involving a loved one has been reviewed and to explain the Department's decision. This contact is followed up by a letter fully setting forth the reason a case has been closed or other action has been taken. In some cases, FBI agents and/or prosecutors have met with family members to discuss the reason a case could not be federally prosecuted. In some rare instances, the government has been

able to give family members further closure by returning property of their loved one that had been long held in evidence files.

V. IMPLEMENTATION OF THE REAUTHORIZATION ACT

The Reauthorization Act, enacted on December 16, 2016, requires, among other things, that the Department meet regularly with civil rights organizations, institutions of higher education, and Department-designated entities to coordinate information sharing and to discuss the status of the Department's Till Act work. *See* Section 2(I)(c)(3) of the Reauthorization Act, now set forth at 28 U.S.C. § 509 (functions of the Attorney General), Unsolved Civil Rights Crimes, § 3(b)(4). The Act also requires that the Department hold meetings with representatives of the Civil Rights Division, FBI, the Community Relations Service, eligible entities, and, where appropriate, state and local law enforcement agencies to discuss the status of the Department's work under this Act. *See* Section 2(2)(iii)(4) of the Reauthorization Act, now set forth at 28 U.S.C. § 509 (functions of the Attorney General), Unsolved Civil Rights Crimes, § 2(2).

As first stated in the 2018 Report and reiterated last year, the FBI has developed a Till Act training, which it can give to interested community groups with the assistance of prosecutors in the Civil Rights Division's Criminal Section. The Department of Justice's Hate Crime Initiative has developed a hate-crime webpage that contains a contact link that can be used by any community group interested in requesting a training. The page also contains information about reporting hate crimes, including Till Act crimes. In late 2019 and early 2020, the hate-crimes webpage featured a spotlight article (available at <https://www.justice.gov/hatecrimes/spotlight/civil-rights-era-cold-cases>) concerning the Department's Till Act work. The Cold Case Deputy Chief also provided members of the cold case community with information about the BJA grants, discussed above. In addition, in March

2020, the Cold Case Deputy Chief participated in a webinar, along with BJA, the FBI, and the Community Relation Service to provide information to state and local law enforcement agencies that might consider applying for a grant to engage in cold case work. This webinar reviewed the Department's cold case work and the kinds of cases the Department reviews pursuant to the Till Act and the Reauthorization Act.

VI. CONCLUSION

The Department remains committed to working with eligible entities to identify potential cases that fall under the Till Act's jurisdiction. We will devote all necessary resources to ensure that those matters are reviewed and investigated as appropriate. Our efforts in doing so are to provide transparency to family members of the victims and to provide the greater public with truthful accounts of these matters. Of course, the Department remains committed to prosecuting any cold case in which living subjects exist, and in which the law and facts, including facts supporting federal jurisdiction, warrant prosecution. Should we identify a prosecutable case for which we are unable to establish federal jurisdiction, we will lend our assistance and resources to our state and local partners to ensure that best efforts are put forth to achieve justice.