

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-33-2241

Date: _____

To: Chief, Criminal Section

Re: E.D. Morace, James Scarborough,
Tommie Lee Jones, Thor Torgersen,
XXXXXXXXXX, XXXXXXXXXXXX,
Arthur Leonard Spencer, O.C. Poissot,
XXXXXXXXXX, Wayne Reed - Subjects;
Frank Morris - Victim;
CIVIL RIGHTS

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

1. Date of the Incident: December 10, 1964
2. Synopsis of the Facts and Reasons for Closing:

It is recommended that the above case be closed because the Federal Bureau of Investigation (FBI) was unable to conclusively determine who committed the crime and the most likely suspects are all deceased. A detailed description of the FBI's investigation and the reasons for closing this case are provided below.

Patricia Sumner
Trial Attorney

To: Records Section
Office of Legal Administration

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

Date

Chief, Criminal Section
FORMERLY CVR-3 FORM CL-3

I. Case Synopsis and Predication for Investigation

At approximately 1:00 a.m. on December 10, 1964, two unidentified white males set fire to a shoe repair shop in Ferriday, Louisiana, that was owned by Frank Morris, a 51-year-old African-American man. Morris, who was sleeping in a room in the back of the shop, was awakened by the noise of breaking glass. Morris went into his shop and opened the front door of his shop, where he encountered one of the subjects holding a shotgun who ordered him back inside. The subjects broke the windows and spread a flammable liquid around the outside of the shop, and evidence indicates that the subjects may have spread the flammable liquid inside of the shop before Morris was awakened. One of the men struck a match and set the shop on fire. The fire resulted in an explosion. Morris escaped the shop but sustained burns to 100% of his body. Morris was taken to a local hospital by two local law enforcement officers. He was able to speak to investigators but could not identify the two men. Morris died at approximately 7:30 p.m. on December 14, 1964.

At the request of then-Assistant Attorney General of the Civil Rights Division Marshall Burke, the Federal Bureau of Investigation (FBI) initiated a preliminary investigation immediately to determine if any federal laws had been violated, specifically whether Morris had been involved in voter registration or other civil rights activities and whether any subjects had connections to any racist organizations. Although the FBI determined that Morris had not been involved in any civil rights activities, the FBI received some information that law enforcement officers may have been involved in the incident. Based upon this information, in January 1965, the Civil Rights Division directed the FBI to conduct a full investigation.

II. Investigative History and Reasons for Closing

The FBI immediately began an investigation into the arson of Morris's shop. FBI agents interviewed Morris three times within hours of his arrival at a local hospital. Other witnesses interviewed by the FBI included, among others, employees who worked in Morris's shop, the police officers who drove Morris to the hospital, several of Morris's family and friends, approximately 60 people who owned businesses or lived close to Morris's shop, and several known Ku Klux Klan ("KKK" or "Klan") members. The FBI conducted forensic tests on soil, debris, and a 5-gallon motor oil container obtained from in and around the burned shop, and examined a piece of a finger found near the shop. The FBI also conducted several interviews in an attempt to determine the purchaser of the 5-gallon motor oil container. None of the physical evidence collected led to the identification of any subjects.

The FBI continued its investigation but was unable to identify any viable subjects or a motive for the arson and closed the investigation in May 1965. In mid-1967, the FBI re-opened its investigation based upon information received from a confidential source in connection with another civil rights investigation in Mississippi. The other investigation, code-named WHARBOM, was into the February 27, 1967, car-bomb murder of Wharlest Jackson, which occurred after Jackson, who was African-American, was promoted to a position previously held by white men at the Armstrong Tire and Rubber Company in Natchez.¹ The Morris investigation

¹ Natchez, Mississippi, is approximately 15 minutes from Ferriday, Louisiana.

was conducted thereafter in conjunction with WHARBOM. The source from the WHARBOM case, whose identifier was XXXXXXXXX, identified four subjects as responsible for the arson of Morris's shop. Around this same time, the FBI in Louisiana was provided with information also obtained in the WHARBOM investigation from a witness who claimed that an individual, other than one of the four identified by the source, was responsible for the arson.

XXXXXXX, who was a high-level Ku Klux Klan member in Mississippi, told the FBI that Klan member E.D. Morace admitted to the source that Morace, Tommie Lee Jones, Thor Lee Torgersen, and James Lee Scarborough – also Klan members – were responsible for the arson and murder.² In November 1967, two other FBI confidential sources reported to the FBI that Morace acknowledged in a conversation that he had participated in the arson. Those sources had the identifiers XXXXXXXXXXXXXXX. The FBI interviewed Morace, Jones, Torgersen, and Scarborough, all of whom denied any involvement in or knowledge of who was responsible for the arson. The FBI was unable to uncover any independent basis to corroborate the sources' statements.

The witness who provided information to the FBI in connection with the WHARBOM investigation that related to Morris was O.C. "Cooney" Poissot. Poissot told the FBI that Frank DeLaughter, a deputy with the Concordia Parish Sheriff's Office – the parish where Ferriday was located – had made statements the night before the arson indicating that he was upset with Morris about comments Morris had made to DeLaughter in connection with repairing DeLaughter's shoes and that he was going to do something to Morris. The FBI interviewed DeLaughter who denied any involvement in the arson or any knowledge of who was responsible. The FBI was unable to uncover any corroboration for Poissot's allegations. The FBI interviewed Poissot at length about activities of the KKK because Poissot acknowledged that he had been involved with the KKK in the Ferriday area for several months in 1965. The FBI concluded that Poissot had a poor memory due to extensive drug use and that he had difficulty distinguishing between personal knowledge and hearsay.

Because the FBI was not able to independently corroborate the source information and because the FBI concluded that Poissot was a poor witness and that his information was uncorroborated, the FBI closed its investigation for the second time in early 1968. The FBI had conducted over 200 interviews, and the investigation resulted in a case file of approximately 600 pages. Ultimately, the exhaustive investigation did not definitively determine who was responsible for the arson and murder of Morris.

In 2007, the FBI re-opened its investigation as part of its Cold Case Initiative and continued its investigation after passage in 2008 of the Emmett Till Unsolved Civil Rights Crimes Act. In the course of the FBI's investigation that was re-opened in 2007, the FBI determined that Morace, Jones, Torgersen, Scarborough, and DeLaughter were all deceased. The source who first provided the lead concerning Morace (XXXXXXX) was unable to provide information to the FBI due to a stroke and other health problems, and he died in 2011. One of the other two sources who provided information implicating Morace – XXXXXXXX - was interviewed twice by the FBI, and he said that he did not recall having any information or

² XXX

knowledge about who was responsible for the Morris arson. This source stated that he did not have any reason to believe that the information that he provided in 1967 was inaccurate but that he could not recall the source of his information concerning Morace. At the time the FBI re-opened its investigation, the other source – XXXXXXXX – was also deceased, as was Poissot.

The FBI re-interviewed all of the living witnesses who had firsthand knowledge about the arson and many of the other pertinent witnesses in the case, including family members, business owners and neighbors in the vicinity of the shoe shop, law enforcement officers, community members, and former Klan members. The FBI also received information from several witnesses implicating three new subjects – XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX – and received information identifying other witnesses who claimed to have knowledge about the identity of the subjects.³ The FBI interviewed these witnesses as well as XXXXXXXX, who denied any involvement in or knowledge about the arson and died during the investigation, and conducted polygraph examinations on three witnesses. Many of the witness statements were inconsistent with the evidence and reported eyewitness accounts provided at the time of the incident. In addition, Trial Attorney Patricia Sumner was cross-designated as an Assistant District Attorney in Corcordia Parish and conducted several grand jury sessions in Corcordia Parish.⁴ Despite these extensive efforts, the investigation has produced no conclusive evidence concerning the subjects identified in the original FBI investigation, and all of those subjects are deceased. In addition, the investigation has produced no credible evidence concerning the subjects identified in the FBI's current investigation. Thus, this matter should be closed.

III. Subjects Identified in the 1960's Investigation

In its 1960's investigation, the FBI obtained information identifying E.D.Morace, Tommie Lee Jones, Thor Torgersen, James Scarborough, and Frank DeLaughter as possible subjects. In addition, the FBI received information that the two Ferriday police officers who drove Morris to the hospital were complicit in the arson because they were directed to be out of town at the time of the arson. Below we summarize all of the FBI's investigative efforts to solve the Morris arson. First, however, we summarize the FBI's interviews with Morris at the hospital and the FBI's interviews with witnesses who were with Morris at the time of the arson or who were around Morris on the evening of the arson. These witnesses provided the FBI with essential information in evaluating other witnesses' statements implicating subjects and these witnesses provided the FBI with valuable information in assessing information concerning alleged motives for the arson.

³ Soon after the FBI re-opened its investigation, the local newspaper – the *Concordia Sentinel* – began running stories about the Morris incident and other civil rights era unsolved murders. In addition, in 2008, the FBI announced through various media outlets that it was offering a \$10,000 reward for information leading to an arrest in the Morris case. Many people who contacted the FBI about providing information on the case indicated that they had read about the case in the media or were aware of the reward.

⁴ Trial Attorney Patricia Sumner was cross-designated as an Assistant District Attorney because it was unclear, based on the evidence developed in the FBI's 1960's investigation, whether any federal laws had been violated in connection with the Morris arson and murder.

Frank Morris Interviews

Frank Morris was 51 years old at the time of his murder. His mother died when he was a toddler, and he was raised by his maternal grandparents. Morris's father and step-mother lived in the Ferriday area and hired private nurses to attend to him while he was in the hospital after the arson. Morris was divorced from Edna Brown but remained in contact with her. At the time of his death, Morris was dating a woman who lived in Clayton, Louisiana, and had often stayed at her house along with XXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXX lived with family friends in Ferriday. Morris's XXXXXXXXXXXX (XXXXXXXXXXXXXXXX) lived in Las Vegas at the time. Morris was an usher at the Mercy Seat Baptist Church. Morris also sold clothes and fabrics in his shop.

Morris was interviewed by the FBI three times within hours after the incident on December 10, 1964. Two of the three interviews were recorded and transcribed. All three interviews were documented in FD-302s.⁵ Morris was heavily medicated and in severe pain, having suffered significant burns over his entire body.

The first interview with Morris took place at 6:35 a.m. and was very brief. Morris stated that he was in bed asleep and woke up when he heard glass breaking. He went from his living quarters into his shop. He said that he saw a man pouring gasoline around the place. He said that another man had a shotgun and told him "to get back in there, nigger." Morris said that he could not recognize the men. He described them as young and said that one was "real white," but he could give no further description. According to the 302, Morris stated that he thought that he had seen the men before in the Ferriday area and that he thought that they worked in Natchez, Mississippi.⁶

Morris was interviewed the second time at 9:55 a.m. Morris was initially questioned by Johnny Griffin who worked for Morris and lived in a small cottage on the same property as the shop. Griffin, and Morris's XXXXXXXX who slept in the house with Griffin, escaped unharmed.⁷ Griffin initially questioned Griffin in the hope that Morris would tell Griffin the identity of his attackers. Griffin asked Morris if he could identify the men, and Morris repeatedly said, "I don't know exactly who they was." When asked if he had ever seen the men before, Morris said, "I imagine so" and "I guess so." When asked if the men lived in Ferriday, Morris said, "I imagine they do." When asked if the men worked at the paper mill (in Natchez), Morris said "I think so, but I don't know."

⁵ According to the FD-302's of Morris's interviews, he was interviewed at 6:35 a.m., 9:55 a.m., and 10:40 a.m. Although the transcript indicates that only the 6:40 a.m. and 9:55 a.m. interviews were recorded, the substance of the FD-302 documenting the 10:40 a.m. interview appears to have been covered in the 9:55 a.m. transcript. For this reason, the 10:40 a.m. interview is not separately summarized.

⁶ One of the four pages of the transcript is illegible. This information about whether Morris knew the men may be contained on the illegible page of the transcript.

⁷ Griffin and XXXXXXXXXXXXXXXXXXXX, were not able to provide the FBI with any useful information at the time of the incident. A summary of their statements is provided below.

Morris said that the men were between 30 and 35 years of age and were "kinda small." Morris described the one man as young but with gray hair and wearing khaki pants. Morris said that he saw this man pouring gasoline around the outside of the building but did not see him pour gasoline inside the building. Morris speculated that the man must have poured gasoline inside the building because of how quickly everything caught on fire. Morris denied that the men poured gasoline on him. Morris said that he saw a car, but he could not say what kind, and he thought that there was a third man who was driving the car. Morris said that when he woke up to the glass breaking, he went to the door "to catch this joker" and that is when the second man holding a single-barrel shotgun told him to "get back in Nigger." Morris described this man as wearing a jacket. Morris said that he saw one of the men strike a match and throw it inside.

Morris's doctor, Dr. Charles Colvin, advised Morris that he was in "bad shape" and that he should provide the law enforcement officers with as much information as he could. Morris said that if he had more information that he would provide it. The interviewers in the transcripts repeatedly asked Morris if he knew his attackers and advised him that he should identify his attackers if he could. It is clear from these statements by the interviewers that they believed that Morris knew his attackers but was unwilling to provide the information.

Morris's condition deteriorated to such a degree that on the morning of December 11, 1964, the staff performed a tracheotomy in order for Morris to breathe. In that condition, Morris was not able to carry on conversation and had limited speaking ability. During the last 48 hours of his life, Morris was in a coma.

Witnesses with contact with Morris on the evening of December 9, 1964

The FBI also interviewed anyone who had or may have had contact with Morris on the evening of December 9, 1964. In addition to Griffin and Morris XXXXXXXXX, who were on the property of the shop at the time of the arson, the FBI interviewed two Ferriday police officers who transported Morris to the hospital and a third man who was in their police car; two women who may have had contact with the officers immediately prior to the arson; two young boys who worked in Morris's shop; a young man who also worked in Morris's shop; an employee of the gas station that was next door to Morris's shop who was on duty at the time of the arson; and a friend of Morris's who had visited with Morris at the shop that evening.

Johnny Griffin told the FBI that he had worked as a shoe repairman for Morris since 1959. For three years, Griffin had been living in a small cottage on the property behind the shop. Morris XXXXXXXXXXXX, who was XX years old at the time, also lived in the cottage. Sometime after 8:00 p.m. on the evening of the arson, Griffin left the shop and went to the cottage. Griffin watched television until approximately 10:30 p.m. and then went to sleep. XXXXXXXXXXXX was asleep in another room. Griffin was awakened by a loud noise and realized something was on fire. Griffin looked in XXXXXXXXXXXX's room, but XXXXXXXXXXXX had already left the cottage. Griffin could see fire inside the shop but could not see Morris. Griffin and XXXXXXXXXXXX jumped a fence at the back of the property and ran to a vacant lot. Griffin did not see anyone or any automobiles. Griffin saw a police car pull into the parking lot of the gas station next door. Griffin thought he could see Morris. Griffin heard a

minor explosion come from the shop, which he attributed to flammable materials within the shop such as cleaning fluid and turpentine. While Griffin was watching the fire, his mother appeared in the vacant lot, and he went to her house.

XXXXXXXXXX was XX years old at the time of the arson.⁸ XXXXXXXXXXXX was interviewed briefly by the FBI on December 16, 1964. XXXXXXXXXXXXXXX, who was living in Las Vegas at the time of the arson, came to Ferriday upon learning about the arson. Shortly after Morris's funeral, XXXXXXXXXXXX returned to Las Vegas with XXXXXXX. XXXXXXX and XXXXXXXXXXX were interviewed by FBI agents in Las Vegas. XXXXXXXXXXX said that he was awakened by an explosion and ran out of the small house he lived in behind his XXXXXXXX shop. Morris's shop was on fire, and Morris came running out with his clothes on fire. Morris ran down the alley to a gas station. XXXXXXX ran to XXXXXXX house, which was located nearby. XXXXXXX said that she visited XXXXXXX in the hospital before he died, but he was unable to speak. XXXXXXXXXXX said that she questioned XXXXXXX several times about the events at the shop but that he was not able to provide any useful information.

XXXXXXXXXX was XX years old at the time of the incident and had worked in Morris's shop with XXXXXXXXXXX in the evenings sweeping and cleaning the floors for approximately two weeks. XXXXXXX told the FBI that he and XXXXXXX left the shop on the night of the arson between 9:00 p.m. and 10:00 p.m. XXXXXXX said that he and XXXXXXX, at the direction of Morris, had mopped the floor with coal oil that evening. XXXXXXX said that no one came in the shop that evening, nor did Morris receive any telephone calls. XXXXXXX told the FBI that Morris "looked like something was going to happen" and that he "seemed happy about something."

XXXXXXXXXX was XX years old at the time. XXXXXXXXXXX said that the only other person in the shop with he and XXXXXXX that evening was XXXXXXXXXXX, who shined shoes, but that XXXXXXXXXXX left before XXXXXXXXXXX. XXXXXXX told the FBI that Morris "looked funny like he was going to cry" and said that Morris "didn't talk much, like he usually did."

XXXXXXXXXX was XX years old at the time of the arson and had been working in the evenings and on Saturdays at Morris's shop shining shoes for approximately XXX years. XXXXXXX said that he left the shop on the evening of the arson between 8:30 and 9:00 p.m. According to XXXXXXXXXXX, there were not any customers in the shop that evening and the only other people present were the two boys who were cleaning the floor. XXXXXXX said that Griffin had left to buy some wine and XXXXXXX was in the other building watching television. XXXXXXX said that Morris was acting normal.

XXXXXXXXXX was a long-time friend of Morris's who had stopped by the shop to visit with Morris the evening of the arson between 8:30 and 9:00 p.m. According to XXXXXXX, he and Morris had been friends for approximately 30 years, and he would stop by Morris's shop for a brief visit every evening. XXXXXXXXXXX said that Morris appeared to be in his "usual good mood" and did not appear to have anything on his mind.

⁸ In some 302s of other witness interviews, XXXXXXX is sometimes referred to as "XXXXXXXX" by those witnesses.

XXXXXXX, a station attendant at the Billups Gas Station that was next door to Morris's shop, worked from 6:00 p.m. until 6:00 a.m. on the night of the arson. XXXXXXXX told the FBI that shortly before 2:00 a.m., he heard an explosion that sounded like a pistol shot coming from the direction of Morris's shop. Almost immediately after this sound, XXXXXXXX saw a dark sedan pull out of the alley next to Morris's shop and travel quickly on the road in front of the shop. Morris came running toward the gas station. According to XXXXXXXX, Morris was not on fire, but XXXXXXXX could tell that he was badly burned. Morris was naked except for the neck band of his t-shirt and waist band of his underwear. At almost the same time that Morris arrived at the gas station, a Ferriday police car pulled into the gas station parking lot and two police officers got out. Morris said something to the effect of "take me home." According to XXXXXXXX, the officers looked "stunned." Morris was able to get in their car under his own power. XXXXXXXX obtained the telephone number for the fire department from the officers and called the number. When no one answered, XXXXXXXX called the operator and asked her to call the fire department.

Possible Motives

The FBI attempted to determine a motive for the arson. Almost every witness interviewed reported that Morris got along well with whites and blacks. Witnesses reported that a majority of his customers were white. Witnesses told the FBI that they could not think of a reason anyone would want to harm Morris.

Initially there was a report that Morris was involved in civil rights activity, but that information was incorrect. Morris had been an officer in the local chapter of the National Association for the Advancement of Colored People approximately five years before the arson but had not been involved in any civil rights activities.

The FBI also investigated whether Morris had any contact or relationship with white women that could have angered white men. Witnesses told the FBI that Morris had a religious radio program on Sundays and sometimes he would dedicate songs to couples and to individuals, some of whom were white women. Witnesses also told the FBI that when white women customers came to his shop, Morris would conduct his business with them at their cars rather than have the women come into his shop. One witness said that Morris sometimes got into the car to talk to the women. Several witnesses, however, including XXXXXXXX and Griffin who worked for Morris, told the FBI that they were not aware of Morris having any inappropriate contacts or relationships with white women.

The FBI also received some information that Morris allowed men and women to use the room in his shop for sexual liaisons. A local law enforcement officer told the FBI that a school teacher told him that he had heard "street talk" that Morris used to set up dates for whites and for blacks at his shop. The school teacher confirmed to the FBI that he had heard a rumor that Morris had been "intervening" between men and women (no further explanation is given as to the meaning of "intervening"). Another local law enforcement officer, who told the FBI that he was a former member of the KKK, said that he propositioned a waitress once in a café, and she suggested that they could use the back room at Morris's shop as a place to have sex. The law

the back seat.

When questioned the second time by the FBI, XXXXXXXX and Loftin admitted that they had failed to tell the FBI that XXXXXXXX was with them because it was against procedure to have a civilian in their police car. According to XXXXXXXX and Loftin, XXXXXXXX came upon their patrol car when he got off work. The group saw two women, whom they knew, leaving a hotel in a car, and the men decided to follow the women's car. Loftin provided the names XXXXXXXX and XXXXXXXX to the FBI as the women they followed from the hotel. Loftin told the FBI he had been XXXXXXXXXXXX. XXXXXXXX and Loftin said that after several miles, they lost sight of the car and decided to return to Ferriday. As they approached an intersection near Morris's shop, they could see what appeared to be a fire. Both XXXXXXXXXXXX and Loftin told the FBI that what they reported to the FBI the first time about seeing Morris and taking him to the hospital was correct except that XXXXXXXX was also with them when they took Morris to the hospital.

The FBI interviewed XXXXXXXXXXXX in 1965. XXXXXXXX corroborated XXXXXXXX and Loftin's account of their whereabouts prior to the arson. XXXXXXXXXXXX at the time was working as a bakery truck driver. In 1965, XXXXXXXXXXXX told the FBI that after completing his truck route, he drove into Ferriday and saw Loftin XXXXXXXXXXXX parked in XXXX patrol car near the King Hotel. He said that, as he often did, he got in the back seat of the car and began talking with XXXXXXXXXXXX and Loftin between 12:30 and 1:00 a.m. Sometime thereafter, two women whom they knew came out of the hotel, got in their car, and drove toward Vidalia. Loftin and XXXXXXXXXXXX decided to follow them. Once they were on the highway, Loftin decided to pass the women. After that, the men lost sight of the headlights of the women's car. Loftin turned the car around, and they drove back toward Ferriday to see if they could locate the women. Just before the Ferriday city limits, they decided they had missed the women again, so they again turned around and drove toward Vidalia. They drove as far as a nightclub, decided they were not going to find the women, and drove back to Ferriday.

As they approached the intersection near Morris's shop, they saw the fire. They pulled into the gas station next door to call the fire department. At that time, XXXXXXXX observed a man stumbling quickly toward them. The man appeared to be on fire and had things dropping from him. Loftin and XXXXXXXXXXXX ran toward the man to assist him and got him in the back seat of the car. XXXXXXXXXXXX said that it was at this time that he recognized the man as Morris. According to XXXXXXXXXXXX, Morris was bleeding and had skin hanging from his body, and XXXXXXXXXXXX became sick looking at him. XXXXXXXXXXXX said that Morris said something about white men pouring something, but he did not name anyone. After the officers took Morris in the hospital, they drove XXXXXXXXXXXX into town and dropped him off. XXXXXXXXXXXX went to the scene of the fire to observe what was going on.

In the 1960's, the FBI also interviewed the two women whom XXXXXXXXXXXX and Loftin said they followed out of town on the night of the arson. XXXXXXXXXXXXXXXXXXXX XX XXXXXXXXXXXXXXXXXXXX. At approximately 1:00 a.m. on the night of the arson, XXXXX left the hotel with XXXXXXXX and drove toward Vidalia. XXXXX said that as she left Ferriday, she noticed a Ferriday police car behind her. She said that she knew that it was Loftin because he

often followed her out of town when she got off work. She said that the police car followed her until she reached a nightclub near Vidalia and then it turned around.

XXXXXXXXX confirmed in 1965 that XXXXXXXX Loftin and that he would often follow them out of town in his patrol car. She said that she believed that he had followed them out of town the night of the arson, but she was not sure.

On October 25, 1967, a confidential source who was a member of the KKK told the FBI that Officer Loftin had told him that he had been given orders about where to be when on the night of the arson. The source, whose identifier was XXXXXXXX, said that this conversation took place several weeks after the arson.¹¹ The source said that, based on this conversation with Loftin, he concluded that such orders must have come from the Klan.

After the FBI received this information, the FBI interviewed Loftin again on November 8, 1967. Loftin denied ever telling anyone that he had been instructed to be out of town on the evening of the arson and denied that he was ever told to be anywhere that evening. In a prior interview in 1965, Loftin was questioned about whether he belonged to the KKK, and he emphatically denied having any association with the Klan and stated that he “wanted absolutely no part of them” and that he did not agree with their principles.

XXXXXXXXXXXXX was interviewed again by the FBI in 2007 and 2008. In 2007, XXXXXXXXXXXX told the FBI that he had no knowledge of who was involved in burning Morris’s shop. He said that he suspected James Scarborough because Scarborough had red hair and very pale skin, and XXXXXXXXXXXX had heard that Morris described one of the men as “real white.” On November 5, 2008, XXXXXXXXXXXX was interviewed after he contacted the FBI to report that some information in the *Concordia Sentinel* newspaper about the Morris incident was inaccurate. When asked to recount what happened the night of the incident, XXXXXXXXXXXX told the FBI a slightly different version of what he’d said had happened immediately prior to the officers coming upon the fire.

XXXXXXXXXXXXX told the FBI that after XXXXX Loftin had been visiting in their patrol car with XXXXXXXXXXXX for several minutes, they became bored and decided to drive to Vidalia to “get the soot” out of the engine in the car. They drove to an area in Vidalia with several nightclubs where they saw two women whom the men knew as bar maids at the King Hotel in Ferriday. While talking to the women, the officers got a call on the radio about the fire at Morris’s shop. They drove to the shop. The other events recounted by XXXXXXXXXXXX were similar to his version of his events provided to the FBI in 1965.

The FBI interviewed XXXXXXXXXXXX again on September 21, 2011, and began to question him about the differences in the version of events he recounted to the FBI in 1965 and more recently. XXXXXXXX became angry and asked to take a polygraph. The next day, on September 22, 2011, XXXXXXXX was administered a polygraph examination by Special Agent

¹¹ XXXXXXXXXXXXXXXXXXXX source file indicates that the FBI closed XXXXXXXXXXXX as a source on February 17, 1966, because he was “not reliable.” The source file also indicates, however, that XXXXXXXX began reporting information again later in 1966 and in 1967. The FBI determined in its current investigation that XXXXXXXX is deceased.

XXXXXXX of the New Orleans Division. During the pre-polygraph interview, XXXXXXXXXXXX admitted that he had attended one meeting of the KKK in the 1960's with XXXXXXXXXXXX who told XXXXXXXXXXXX that E.D. Morace was the head of the KKK and would be attending the meeting. XXXXXXXXXXXX stated that the purpose of the meeting was to discuss a private school. According to XXXXXXXXXXXX, the meeting took place at night at an old wooden building on the levee and most of the men who attended the meeting were armed with shotguns or other weapons. XXXXXXXXXXXX was unable to explain why the meeting took place at night with most of the men armed if the purpose of the meeting was to discuss a private school. XXXXXXXXXXXX indicated that none of the men at the meeting appeared to be concerned about XXXXXXXXXXXX's presence even though he was a known XXXXXXXX. XXXXXXXXXXXX said that he never told the FBI about attending this meeting of the KKK because he was embarrassed about it.

During the polygraph examination, XXXXXXXXXXXX answered "no" when he was asked, "Do you know who planned the burning of that shoe store?" XXXXXXXXXXXX also answered "no" when he was asked, "Do you know who for sure started the fire at the shoe store?" The polygrapher concluded that deception was indicated. SA XXXXXX informed XXXXXXXXXXXX of this information. SA XXXXXXX continued to question XXXXXXXXXXXX, but XXXXXXXXXXXX continued to adamantly deny any participation in the Morris arson or any knowledge of anyone who participated. XXXXXXXXXXXX also testified before the grand jury and XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

XXXXXXXXXXXX was interviewed by the FBI in 2008, and he testified before the grand jury in 2011. On October 23, 2008, which was approximately two weeks before XXXXXXXXXXXX was interviewed, XXXXXXXXXXXX told the FBI that he and the officers drove out of town to get the soot out of the engine, and he did not mention the two women. According to XXXXXXXXXXXX, they drove approximately three miles out of town and turned around. As they approached Morris's shop and the gas station next door, Morris ran toward the police car with skin hanging down from his body. XXXXXXXXXXXX said that he did not recall any conversation between the officers and Morris as they drove him to the hospital, although he recalled Morris praying out loud. When asked if it was possible that the men had followed two women out of town, XXXXXXXXXXXX said that the events happened a long time ago, and he could not recall everything. In front of the grand jury, XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

Because XXXXXXXXXXXX and XXXXXXXXXXXX's accounts of their involvement in the Morris incident were strikingly similar in 2008, XXXXXXXXXXXX and XXXXXXXXXXXX were asked whether they were in contact with each other prior to being interviewed by the FBI. XXXXXXXXXXXX denied having spoken to XXXXXXXXXXXX prior to his FBI interview although he said he had been in contact with XXXXXXXXXXXX about XXXXXXX death. XXXXXXXXXXXX denied being in contact with XXXXXXXXXXXX before or after his interview. XXXXXXXXXXXX said that the last time he had seen XXXXXXXXXXXX was at XXXXXXX's XXXXXXXXXXXX several months before his FBI interview.¹² The FBI subpoenaed

¹² XXXXXXXXXXXX said that he was aware that XXXXXXXXXXXX had died, but XXXXXXXXXXXX did not XXXXXXXXXXXX.

XXXXXXXXXX's telephone records for the period of July 2007 through November 20, 2008. The records did not show any telephone contact between XXXXXXXXXXXX and XXXXXXXXXXXX in the weeks or months leading up to their interviews. The records indicated two telephone calls between XXXXXXXXXXXX and XXXXXXXXXXXX in March 2008 and one telephone call in June 2008.

XXXXXXXXXX was reinterviewed in 2009.¹³ She said that she recalled driving home alone that night and that XXXXXXXXXXXX and Loftin followed her out of town because it appeared that a black man was following her in his vehicle. XXXXXXXX could not remember anyone named XXXXXXXX. The FBI was unable to locate XXXXXXXX.

The FBI was unable to conclusively determine whether XXXX and Loftin were in some way involved in the Morris arson. XXXX and XXXXXXXX corroborated XXX, Loftin, and XXX's accounts in 1965 that XX and Loftin followed XX out of town from the King Hotel and that Loftin was XX at the time. Although a source reported to the FBI in 1967 that Loftin made a statement to the source implicating himself in the arson, the FBI deemed that source as "unreliable." In the current investigation, XXXX and XXXXXXXXXXXX denied any involvement in the Morris arson. Although XXXXXXXXXXXX's polygraph examination indicated deception, XXXXXXXXXXXX insisted that the only information that he was not forthcoming about with the FBI was that he had attended a KKK meeting. The FBI did not develop any information in its current investigation that XXXXXXXXXXXX and Loftin were involved in the Morris arson.

Possible Subject: Frank DeLaughter

At the outset of the FBI's investigation in the 1960's, several of Morris's associates and friends told the FBI that a woman named XXXXXXXXXXXX at the hospital where Morris was treated, had stated that Morris confided in her that two Ferriday police officers had started the fire and that it was done at the request of a Concordia Parrish Sheriff's Deputy named Frank DeLaughter. The witnesses told the FBI that XXXXXX was an alcoholic and that they did not consider her information to be reliable. The FBI interviewed XXXXXX on December 16, 1964, and on January 19, 24, and 29, 1965.

In her initial interview, XXXXXXXX told the FBI that she had visited Morris in the hospital a few times but that their only conversation was about how he was feeling. She denied that Morris had told her who had set the fire and said that she did not have any knowledge about the incident. On January 19, 1964, XXXXXXXX changed her story and said that on the evening of December 10, after she assured Morris that they were alone, Morris told her that two new Ferriday police officers had set fire to his shop and that the fire was set at the direction of DeLaughter. On January 24, the FBI conducted a lengthy interview with XXXXXXXX. XXXXXXXX said that she had two conversations with Morris – one on December 10 and one on December 11. She said that in the first conversation, Morris provided her with details about the night of the arson, including statements made by the two men and what happened after the fire was started. She said that the next day on December 11 between 9:00 and 10:00 a.m. she was in Morris's room XXXXXXXXXXXX. While she was there, Morris told her that the two men who set the fire were the two XXXXXXXXXXXX and that they set the fire at the request of DeLaughter

¹³ XXXXXXXX's last name in 2009 was "XXXXXXX."

because of a run-in Morris had with DeLaughter approximately three years before. XXXXXXXX told the FBI that Morris had in the past bought shoe repair supplies from DeLaughter's wife and that on one occasion she had propositioned Morris but Morris turned her down. According to XXXXXXXX, Mrs. DeLaughter was angry that Morris turned her down and, to get back at Morris, she told her husband that Morris had made an obscene phone call to her. XXXXXXXX said that DeLaughter confronted and threatened Morris.

The FBI obtained Morris's medical records and interviewed the hospital nurses and private nurses who attended to Morris. The private nurse who was attending to Morris on the morning of December 11 said that no one changed Morris's bed linens that morning. The nurses also told the FBI that they were not aware of Morris carrying on an extended conversation with anyone. A tracheotomy was performed on Morris at 10:00 a.m. on December 11. The nurses also told the FBI that after the tracheotomy Morris was unable to talk, although he was able to briefly respond to questions.

The FBI interviewed XXXXXXXX again on January 29. When questioned about Morris's ability to speak on December 11, XXXXXXXX said that he was able to speak distinctly but that he had some difficulty breathing. XXXXXXXX stated that she was unaware of any operation performed on Morris. She said that Morris was also able to talk distinctly on December 12 and that he was able to drink juice without difficulty. The FBI also asked XXXXXXXX if she had told anyone other than the FBI about her conversation with Morris, and she insisted that she had not, other than a local priest who was present for her other FBI interviews. XXXXXXXX also said that she had recently learned that two Ferriday police officers brought Morris to the hospital, and this information made her doubt that the two police officers had started the fire.

The FBI interviewed DeLaughter. DeLaughter stated that neither he nor his wife had ever had any argument or trouble with Morris. DeLaughter said that Morris had never said anything to his wife that was insulting or insinuating. DeLaughter said that his wife had worked in a shoe store once, but she did not have any business dealings with Morris. DeLaughter told the FBI that on the night of the arson, he was instructed by the sheriff to go to the shop. He said that he arrived at the shop around 3:00 a.m. and stayed for approximately 15 minutes before going to the hospital. DeLaughter said that he talked to Morris who said that there were two men outside of his shop just before the fire. DeLaughter said that Morris did not indicate that he knew who the men were.

The FBI did not further pursue any investigation concerning DeLaughter. However, more than two years later in 1967 the FBI received information from another witness that DeLaughter was responsible for the arson. This witness – O.C. "Cooney" Poissot – had provided the FBI with information in connection with the FBI's WHARBOM investigation.

On June 13, 1967, the FBI in Natchez, Mississippi, interviewed Poissot at length about activities of the KKK in connection with the FBI's WHARBOM investigation. Poissot told the FBI that he had joined the Ferriday-Clayton Unit of the Original Knights of the KKK of Louisiana in July 1965 and that he attended weekly meetings until approximately December 1965 when he moved to Texas. According to Poissot, approximately three weeks before the Morris arson – according to Poissot, this was in early 1965 – Poissot was riding with DeLaughter

in his patrol car when DeLaughter stated that Morris had not been acting right and DeLaughter needed to give Morris “a lacing.” Poissot told the FBI that “lacing” meant a beating. Approximately three weeks later, Poissot said that he was riding with DeLaughter again, and DeLaughter stated that he did not know what he was going to do about “that nigger at the shoe shop,” but that he was going to have to do something. DeLaughter told Poissot that he had taken some shoes to Morris for repair, and that “the nigger” refused to do the work unless DeLaughter paid for the work in advance. According to Poissot, the arson occurred the next night after DeLaughter made these statements. Poissot said that DeLaughter never made any additional statements after the arson. The FD-302 of the Poissot interview does not indicate that Poissot was asked how he knew DeLaughter or whether DeLaughter was in the KKK.

After receiving this information from Poissot and having a second source (other than XXXXXXXX) that DeLaughter was involved in the arson, the FBI interviewed Mrs. DeLaughter and re-interviewed XXXXXXXXXXXX and Loftin. Mrs. DeLaughter told the FBI that she considered Morris to be a nice person and that she took her shoes to his repair shop regularly. Mrs. DeLaughter considered her husband to be friends with Morris. Mrs. DeLaughter stated emphatically that Morris had never insulted her and that she had never told her husband that he had.

XXXXXXXXXXXX Loftin told the FBI that they considered DeLaughter to be an enemy. XXXXXXXXXXXX said that he had been friendly in the past with DeLaughter until he found out “the truth about the character of DeLaughter.” No details are provided concerning this statement. Loftin described DeLaughter as being “the worst kind of human” and “a person of low moral character.” The FBI did not re-interview DeLaughter.

Based on its lengthy interviews with Poissot in connection with the WHARBOM case and about various activities of the KKK, the FBI concluded that Poissot had a poor memory due to extensive drug use and that he had difficulty distinguishing between personal knowledge and hearsay and fact and fiction. In a memorandum to FBI Headquarters dated June 16, 1967, FBI agents from Mississippi stated, “Poissot, by his own admission, has told so many stories about some of his personal activities that he now has difficulty in distinguishing fact from fiction.” For this reason, the FBI concluded that Poissot would make a “very poor witness” and that no further contact with him was necessary.¹⁴ The FBI was unable to corroborate Poissot’s allegations.

¹⁴ In March 1967, Poissot provided FBI agents in El Paso, Texas, with information about several suspected members of the KKK in Louisiana and Mississippi. Based on this information, FBI agents in Mississippi wrote a memorandum to FBI Headquarters dated March 17, 1967, requesting permission to travel to El Paso to interview Poissot. The memorandum described Poissot by stating that he associated with gamblers, thieves, and pimps; that he was a “tough talker”; and that he was “constantly on the run, hopping from job to job.” However, the Mississippi agents concluded that Poissot likely had valuable information and stated that he was potentially a valuable source. FBI Headquarters denied the Mississippi agents’ request to travel to El Paso, noting that Poissot had offered to travel to the Natchez, Mississippi, area to assist the FBI. Poissot traveled to Mississippi in June 1967 and was extensively interviewed at that time. It was after these extensive interviews that the Mississippi FBI agents concluded that Poissot would make a “very poor witness.”

In its current investigation, the FBI determined that DeLaughter and Poissot are deceased. The FBI did not develop any information in its current investigation indicating that DeLaughter was involved in the Morris arson. Based upon the unreliability of the statements of XXXXXXXX and O.C. Poissot, there is no credible evidence that DeLaughter was involved in the Morris arson.

Possible Subjects: E. D. Morace, James Scarborough, Thor Torgersen, and Tommie Lee Jones

In May 1965, the FBI closed its investigation because it had not developed any viable suspects. However, the FBI re-opened its investigation in August 1967 after obtaining information about the Morris case in connection with the FBI's WHARBOM investigation. In that case, agents contacted their confidential sources. Three sources reported information that Morace had made statements implicating himself in the arson. One of the three sources reported that Morace had implicated not only himself, but also James Scarborough, Thor Torgersen, and Tommie Lee Jones. In the 1960s investigation, the FBI was unable to independently corroborate this information. In the current investigation, the FBI determined that Morace, Scarborough, Torgersen, and Jones are deceased. In addition, the FBI determined that one of the three sources is deceased. Another of the three sources was unable to be interviewed due to health problems. The third source, who is 75 years old, was interviewed twice by the FBI in its current investigation. Although this source acknowledged making statements to the FBI in 1967 indicating that Morace implicated himself, the source stated that he did not currently have any memory of any conversations with Morace about the Morris arson.

On August 3, 1967, and again on August 5, a confidential source with the identifier XXXXXXXXX, who was a high-ranking officer of the KKK in Mississippi,¹⁵ told the FBI that Morace came to him a few days before the Morris arson and asked him to send some men from Mississippi to Ferriday to give Morris a beating because Morris, whom Morace referred to as "Old Frank," had been flirting with white women who were his customers. The source stated that Morace said that he had attempted to enlist some men from Mississippi, but they said that they would not participate without the approval of the source (presumably because of his high-level position within the Klan). According to the source, Morace wanted the beating to occur the following Thursday night because "the law" would be on the other side of the parish. The source told the FBI that he told Morace that he would not comply with his request until he had confirmed the allegations about Morris. The source told the FBI that he did not intend to verify the allegations and that he did not do anything about Morace's request. According to the source, on the Wednesday before the arson, Morace called him and said, "The rabbit hunt is off – forget about it," which the source understood to be a reference to Morace's request. A few days after Morris died, the source saw Morace in Ferriday. Morace stated that if he, Jones, Torgersen, and Scarborough were arrested, the source should get them out of jail. The source asked Morace why they had killed Morris. Morace replied that "the smart son of a bitch made us kill him." The source stated that Morace made a reference to pouring gasoline on Morris or that Morris got gasoline on him or something to that effect.

¹⁵ The source was XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

FBI records indicate that this source became a source in early 1965. The Morris case file does not indicate whether the source was questioned about why he did not provide the information about Morace sooner. However, the WHARBOM case file contains a memorandum that states that the source told the FBI that he did not provide the information about Morace to the FBI at the time of the incident because he believed that he (the source) was the only person outside of those who committed the arson who knew the identities of those who participated. The source told the FBI that he was still in fear for his life if those involved were to become aware that the source provided this information to the FBI.

After receiving this source information in the WHARBOM case about Morace, Jones, Torgersen, and Scarborough, the FBI interviewed all four men in connection with the Morris case. At the time, XXXXXXXXXXXX for the FBI. The FBI talked to him as a source about the Morris case on August 15, 1967. After additional information was received from other confidential sources in the fall of 1967 implicating Morace, the FBI interviewed Morace as a suspect in January 1968. Morace, Torgersen, and Scarborough denied any knowledge about the arson and denied participating in it. Jones refused to provide the FBI with any information about whether he was involved. A summary of these interviews is provided below.

Morace was interviewed XXXXXXXX about the Morris case on August 15, 1967. His XXXXXXXXXXXXXXXXXXXX. XXXXXXXX, he provided the following information:

Morace told the FBI that he had known Morris all of his life and that he was not aware of any reason that anyone would want to kill him. According to Morace, Morris would repair Morace's father's shoes for free because Morris knew that Morace's father was poor. Morace stated that at the time of the arson, Morace was a high-ranking officer in the Original Knights of the Ku Klux Klan and that he would had to have cleared any murder carried out by the Klan. Morace stated that he was at home in bed at the time of the arson. Morace reported to the FBI that several "complaints" about Morris had been brought to his attention prior to the arson. Those complaints included:

- 1) A KKK member complained that Morris was a member of NAACP. Morace investigated this complaint and determined that it was untrue.
- 2) A rumor was circulated that Morris allowed white prostitutes to use the back of his shop to turn tricks. According to Morace, he investigated this allegation, and it was untrue.
- 3) Morace heard that Morris was "too familiar" with white female customers who drove up to his shop because he would get into the front seat of their cars and talk to them. Again, Morace said that this allegation was untrue based on his own personal observations of Morris at his shop.
- 4) Morace heard that Morris was too familiar with white people on his radio program. Morace said that he listened to Morris's program five or six times and did not hear anything offensive.

5) There was a rumor that Morris had insulted the wife of DeLaughter. Morace said that this allegation was untrue but that DeLaughter had ordered a pair of cowboy boots from Morris and had failed to pay for them. This incident resulted in hard feelings between Morris and DeLaughter.

Tommie Lee Jones was interviewed on September 22, 1967. Jones, who lived in Natchez at the time, told the FBI that he would not confirm or deny his participation in the murder of Morris. Jones also stated that if he was arrested for this crime, officers would also have to arrest DeLaughter. Jones would not give any details about how DeLaughter may have been involved in the Morris murder.

Thor Lee Torgersen was interviewed on September 26, 1967. Torgersen also lived in Natchez at the time. Torgersen told the FBI that he had no knowledge about the identities of the persons involved in the murder of Morris.

James Lee Scarborough was interviewed by the FBI the first time on May 7, 1965, after his name was mentioned along with several others as possibly having ties to the KKK. Scarborough denied any knowledge about the murder. He told the FBI that "every time something happens to a Negro it is immediately blamed on white people." Scarborough also stated that he was opposed to integration but that he did not participate in or foster violence. Scarborough was interviewed again on September 25, 1967, after the confidential source told the FBI that he may have been involved. Scarborough again denied any knowledge of anyone who participated in the arson.

Source reporting from late 1965 indicates that Morace and Scarborough were active in the Ferriday-Clayton Unit of the Original Knights of the KKK. The group sometimes met under the name the "Concordia Parish Sportsmen Club." According to FBI sources, Jones and Torgersen were friends and were active in Klan groups in Mississippi. According to several sources who provided information to the FBI in 1967, in mid-1965 several Klansmen from the Natchez area and the surrounding areas in Louisiana formed a secret Klan group called the Silver Dollar Group. The purpose of this group was to carry out acts of violence. According to source reporting, there were approximately 10 to 15 members in the group and each member carried a silver dollar. Several sources reported that Morace, Scarborough, Jones, and Torgersen were members of this group.

On November 20, 1967, a confidential source with the identifier XXXXXXXX,¹⁶ told the FBI that a small meeting of the Silver Dollar Group was held at the Coronet Café in Ferriday the day before. XXXXXXXX stated that XXXXXXXX, Morace, and XXXXXXXX attended the meeting. According to XXXXXXXX, the group discussed the Morris incident. XXXXXXXX stated that at the time of the arson, he was living in California, and he read about the arson in a magazine. XXXXXXXX said that he read that a flame-throwing device had been used. XXXXXXXX stated that Morace then said that "something like that" had been used. Morace stated that he had built a machine that could throw a stream of gasoline 22 feet. He said that the machine could throw a mixture of gasoline and diesel fuel 32 to 38 feet. According to

¹⁶ XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

XXXXXXXX, Morace described in detail the parts of the machine. Morace also stated that gasoline and diesel fuel had been thrown on Morris. XXXXXXXX said that he would like to have seen "the Negro run from the shop" and that Morace responded that it would not have taken him long to run to the gas station. XXXXXXXX told the FBI that at the time of the incident, he heard that Scarborough, Jones, Torgersen, and Morace were responsible. According to XXXXXXXX, when Morace ran the Klan group, he ruled it with an iron hand and that he also told the Concordia Parish Sheriff's Office "how the cow ate the cabbage." The source explained this statement further by stating that when Morace told the officers that he wanted them to go fishing, they went fishing and knew that they were not to be around the area when Morace wanted them to go fishing.¹⁷

On November 20, 1967, a confidential source with the identifier XXXXXXXX¹⁸ described the same November 19 meeting of the Silver Dollar Group that was described by XXXXXXXX. XXXXXXXX stated that XXXXXXXX, Morace, and XXXXXX attended the meeting. According to XXXXXXXX, XXXXXXXX stated that he was living in California at the time of the arson but was aware of it because he saw an article about it in "Grit" magazine. The article stated that Morris was held at gun point and was shot with a flame thrower. XXXXXXXX laughed about the incident and XXXXXXXX stated that he would like to have been watching and laughing as Morris tried to get out of the building. Morace stated, "Don't laugh, that's about the way it happened." Morace then described a machine about 30 inches in length, 12 inches in width, and 12 inches in depth, which had a 6 or 12 volt battery and automatic starter that could spray five gallons of gasoline in five minutes. Morace indicated that he had been in possession of the machine for a couple of years and that he had it for a Silver Dollar Group project, but the machine could not be used for the project because it was in need of repair. According to XXXXXXXX, XXXXXXXX asked Morace, "What did the SOB do?", which was a reference to what Morris had done to cause Morace to burn him. Morace laughed in response but did not say anything. Morace said that Morris finally made it out of the shoe shop and commented, "You should have seen him run to that service station." XXXXXXXX told the FBI that at the time of the incident he and others believed that Morace, Torgersen, Scarborough, and Jones were responsible. According to XXXXXXXX's source file, he also told the FBI in this meeting that the group discussed who among the KKK members might be an informant for the FBI. XXXXXXXX told Morace that someone told XXXXXXXX that Morace was an informant. Morace stated, "If anybody thinks I am pimping, I'll go get a Negro right now."

After the FBI received this information from XXXXXXXX and XXXXXXXX implicating Morace, the FBI interviewed Morace on January 22, 1968, as a suspect. Morace stated that he had no information about the death of Morris. He said that his father used to take him to Morris's shop when he was young. He said that he has never had any hard feelings

¹⁷ Although XXXXXXXX reported in November 1967 that Morace made these statements implicating himself in the arson, when contacted by the FBI on September 19, 1967, XXXXXXXX told the FBI that on September 16, he had discussed the Morris incident with Morace and Morace denied having any knowledge about the incident. Morace also denied having any knowledge about whether Jones was involved in the murder. Morace told the source that he was home on the night of the arson.

¹⁸ XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

toward Morris and did not know of any reason that anyone would want to hurt him. Morace stated that at the time Morris was killed, Morace was in a high enough position in the KKK that he should have been consulted if the Klan was behind Morris's death. Morace stated that he was not consulted and that if he had been, he would have opposed any violence toward Morris.

In its current investigation, the FBI was unable to interview confidential source XXXXXXXX because of his deteriorated health, and he later died. In addition, the FBI agent who received the information from XXXXXXXX about Morace is also deceased. XXXXXXXX is also deceased. XXXXXXXX was interviewed twice by the FBI.

On XXXXXXXX, 2012, the FBI interviewed XXXXXXXX. XXXXXXXX told the FBI that he recalled hearing that "Red" Glover, E.D. Morace, and a man named Scarborough were responsible for the fire. XXXXXXXX recalled hearing that someone drove by the shoe shop in a truck and sprayed gasoline in the street, which pooled at the curb. Gasoline was also probably poured from the street to the shop. Shortly thereafter, an unidentified individual then drove by the shop and threw a lit cigarette or match on the gasoline, igniting the shop. XXXXXXXX also heard that the motive for the burning was related to how Morris had talked to a white person's wife or daughter. The wife or daughter brought some shoes to Morris's shop to be repaired, and Morris may have said something inappropriate to this unidentified female. XXXXXXXX could not recall the source of any of this information regarding the Morris incident, but he advised that he probably heard someone bragging about having a part in the burning. He said that he could not recall who he heard talking about the Morris incident.¹⁹

XXXXXXX acknowledged that he was a member of the KKK in the mid-60s but denied ever being a member of the Silver Dollar Group, a small radical group of KKK members formed in the mid-1960's in the Natchez area. XXXXXXXX said that he and others formed the United Klans of America as a way to purge radical or violent individuals from their organization. XXXXXXXX identified the following as members or possible members of the Silver Dollar Group: XXXXXXXXXXXXXXXXXXXX Red Glover XXXXXXXXXXXXXXXXXXXX. XXXXXXXX remembered a meeting in which XXXXXXXX approached the source and asked him to be in the Silver Dollar Group, but XXXXXXXX declined. According to XXXXXXXXXXXXXXXX, who was also a Klan member, were more interested in organizing a voting bloc than committing violent acts against blacks.

XXXXXXX was re-interviewed on XXXXXXXX, 2013. XXXXXXXX stated that he and XXXXXXXX became sources for the FBI after several violent events that were attributed to the KKK took place. XXXXXXXX stated that at the time, he was a life-long resident of Natchez and had known XXXXXXXX for several years. XXXXXXXXXXXXXXXXXXXX he was a high-ranking officer of the United Klans of America for the state of Mississippi and that he XXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXX stated that he and XXXXXXXX did not agree with violence; that they were truthful with the FBI when they provided information; and that they never tried to trick or mislead the FBI.

XXXXXXX was asked about the statements he made to the FBI in 1967 about Morace

¹⁹ In this 2012 interview, XXXXXXXX was not specifically asked about the statements he made to the FBI in 1967 about Morace and the Morris arson.

and the Morris incident, and he stated that he did not recall the particular conversation with Morace but that his statements to the FBI in 1967 were truthful. With respect to his statement to the FBI that Morace denied being an FBI informant and stated that he would “get a Negro,” XXXXXXXX stated that he did not recall this conversation but that he is sure that Morace used a derogatory form of the word “Negro” instead of the word Negro.

XXXXXXX was also asked about other information he reported to the FBI, including specific information about the Silver Dollar Group, which, according to the source, was formed in the early months of 1965 and included among its members Morace, Scarborough, Torgersen, and Jones.²⁰ XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX which he described as the “mean” group of the KKK or the “demolition” group. XXXXXXXX said that he recalled XXXXXXXXXXXX at the time he joined the group. XXXXXXXX stated that he could not recall everyone who was a member of the Silver Dollar Group but that at the time he provided the specific names to the FBI, he was being truthful.²¹ When asked why he joined the Silver Dollar Group if he was opposed to violence, XXXXXXXX stated that he was in the Silver Dollar Group for a short period of time and that he got out of the group when he realized what the group was about. When asked why he told the FBI in 2012 that he was never a member of the Silver Dollar Group, XXXXXXXX stated that he did not recall telling the FBI in 2012 that he was not a member of the Silver Dollar Group.²²

Based upon its interviews with XXXXXXXX, the FBI was unable to conclusively determine that Morace, Scarborough, Torgersen, and Jones were responsible for the arson of Morris’s shop. However, given that three sources separately reported in 1967 that Morace made statements implicating himself in the arson, the evidence strongly suggests that Morace was involved in the arson of Morris’s shop and Morris’s resulting death. In addition, XXXXXXXX’s statement that Morace had asked some men from Mississippi to assist Morace in carrying out violence against Morris is corroborated by the fact that Jones and Torgersen were both from

²⁰ Information that the source reported about the Silver Dollar Group is contained in the XXXXXXXX’s confidential source file, not the FBI’s Morris investigation case file.

²¹ In addition to reporting that he, Morace, Scarborough, Torgersen, and Jones were members of the Silver Dollar Group, XXXXXXXX reported in 1967 that the following people had attended meetings of the Silver Dollar Group beginning in early 1965: XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, Raleigh “Red” Glover, XXXXXXXXXXXX Kenneth Norman Head, and XXXXXXXXXXXX.

²² XXXXXXXX’s source file indicates that he told the FBI in April 1967 that he was not a member of the Silver Dollar Group. However, beginning in August 1967, XXXXXXXX began providing the FBI with detailed information about the Silver Dollar Group. When asked in 2013 why he told the FBI in April 1967 that he was not a member of the Silver Dollar Group, XXXXXXXX stated that he lied, but he could not recall why he lied about being in the Silver Dollar Group. The FBI began investigating the death of Wharlest Jackson in February 1967 and was still investigating his death in April 1967 at the time the FBI asked XXXXXXXX if he was a member of the Silver Dollar Group. At the time of his death, Jackson was working at Armstrong Tire and Rubber Company in Natchez. He was fatally wounded when he left for home at the end of his shift and his truck exploded as he tried to start it. XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX the time of Jackson’s murder.

Natchez.

IV. Subjects Identified in the FBI's Current Investigation

In 2007, the FBI re-opened the Morris investigation as part of the Civil Rights Era Cold Case Initiative. The FBI re-interviewed all of the living witnesses who had firsthand knowledge about the arson and many of the other pertinent witnesses in the case, including family members, business owners and neighbors in the vicinity of the shoe shop, law enforcement officers, community members, and former KKK members. In connection with the FBI's investigation, Criminal Section Trial Attorney Patricia Sumner was admitted pro hac vice to the State Bar of Louisiana and was designated as an Assistant District Attorney for Concordia Parish by District Attorney Brad Burget. Several grand jury sessions were conducted.²³ Not all witnesses interviewed by the FBI, however, testified before the grand jury.

As previously noted, soon after the FBI re-opened its investigation in 2007, the local newspaper – the *Concordia Sentinel* – began running stories about the Morris incident and other civil rights era unsolved murders. In addition, in 2008, the FBI announced through various media outlets that it was offering a \$10,000 reward for information leading to an arrest in the Morris case. The FBI interviewed many people who contacted the FBI and indicated that they had information about the Morris incident. Several of these witnesses indicated that they had read about the case in the media or were aware of the reward.

The FBI received information from several witnesses implicating three new subjects – Arthur Leonard Spencer, XXXXXXXXXXXX, and Wayne Reed. The FBI thoroughly investigated these allegations, but the investigation did not produce any credible evidence of these subjects' involvement in the Morris arson.

Newly Identified Subject: Arthur Leonard Spencer

The FBI received information from XXXXXXXXXXXXXXXXXXXX Arthur Leonard Spencer ("Leonard Spencer") that Spencer had admitted to burning the shop with O.C. "Cooney" Poissot. The FBI received these allegations from XXXXXXXXXXXXXXXXXXXXXXXXXXXX in the late-1960's when XXXXXXXXXXXXXXXXXXXXXXXXXXXX; from XXXXXXXXXXXXXXXXXXXXXXXXXXXX; and from XXXXX XXXXXXXXXXXXXXXXXXXX. The FBI interviewed the XXXXXXXXXXXX Spencer several times as well as several other XXXXXXXXXXXX Spencer and XXXXXXXXXXXX Poissot. XXXXXXXX and XXXXXXXX voluntarily took a polygraph examination, and the FBI polygraph examiner concluded that both XXXXXXXX and XXXXXXXX were showing signs of deception. The FBI was unable to corroborate these allegations or to corroborate any connection between Spencer and Poissot. In addition, many of the statements attributed to Spencer and Poissot about the Morris arson by XXXXXXXXXXXX are contradicted by the evidence in this case. The FBI interviewed Spencer, and he denied the allegations, and he denied knowing a person named Cooney Poissot. Spencer died in 2013. Poissot died in 1992.

²³ Grand jury sessions in Concordia Parish are recorded on cassette tape only. The Concordia Parish District Attorney's Office does not transcribe the recordings. Louisiana state law requires that all matters occurring before the grand jury be kept secret.

XXXXXXXXXXXXXXXX, who lives in XXXXXXXX, Louisiana, called the FBI on July 1, 2009, to report that he had information about the Morris case. XXXXXXXX said that he had become aware of the FBI's investigation recently because of newspaper articles provided to him by XXXXXXXX. XXXXXXXX stated that Spencer told XXXXXXXX in 1968 or 1969 when they worked together that Spencer blew up a tire shop in Tallulah, Louisiana, in 1964. In addition, XXXXXXXX said that Spencer said that he and "Cooney" Poissot and two other unknown individuals had set fire to Morris's shop. According to XXXXXXXX, Spencer said that Morris was not supposed to be in the shop and that they were surprised to find him there.

The FBI interviewed XXXXXXXX again on XXXXXXXX, 2009. In that interview, XXXXXXXX said that the first time he became aware of the Morris shoe shop arson was when Spencer admitted to him in the late 1960's that he had been involved in the arson. XXXXXXXX said that he (XXXXXXX) was a XXXXXXXX at the time of the Morris arson in 1964. XXXXXXXX also told the FBI that XXXXXXXX had told him recently that Poissot admitted to her that he was involved in burning down Morris's shoe shop and a black-owned business called Moses' Tire Shop in Tallulah. XXXXXXXX described Spencer as a "thug" and said that he had been involved in criminal activity, including drugs.

On August 12, 2009, XXXXXX called the FBI again and spoke about the Morris incident. XXXXXXXX stated that he recalled the information disclosed by Spencer after XXXXXXXX recently provided him with newspaper articles about the Morris case. XXXXXXXX also stated that he recalled being at XXXXXX house and hearing Poissot tell XXXXXXXX that he and Spencer were involved in burning down the Moses' Tire Shop. On October 27, 2009, XXXXXXXX again called the FBI to talk about the Morris case. XXXXXXXX again stated that Spencer had told him about burning down Morris's shop with Poissot. XXXXXXXX stated that he believed that Spencer mentioned someone firing a weapon at or into the shop. XXXXXXXX also stated that Spencer XXXXXXXX had been charged in connection with stealing a lawn mower from XXXXXXXX and that the lawn mower had been found on Leonard Spencer's property.

On January 19, 2011, XXXXXXXX called the FBI again about the Morris case. XXXXXXXX stated that the FBI should not consider any information received from XXXXXXXX about the Morris case to be reliable because much of XXXXXX information came from XXXXXXXX. However, XXXXXXXX stated that XXXXXXXX' information was reliable. XXXXXXXX re-iterated that the information he had provided to the FBI was very reliable because it had come directly from Spencer. XXXXXXXX stated that he did not know Spencer to associate with too many people when he was around Spencer in the 1960's and that perhaps Spencer's children could place Spencer and Poissot together. XXXXXXXX also alleged that Spencer had molested XXXX when XXXX was young.

On January 20, 2011, XXXXXXXX called the FBI again about the Morris case. XXXXXXXX stated that XXXX had contacted him and told him that XXXXXXXX had been interviewed recently by a reporter from the *Concordia Sentinel* and that after this interview Spencer came to his house and told him everything about the murder of Morris.

XXXXXXXX was interviewed by the FBI again on October 3, 2011. He re-iterated the allegations about Spencer admitting to him that he and Poissot and others were involved in

and that Spencer threw gasoline around the shop while Poissot shot at the shop with a sawed-off shotgun.

According to XXXXXXX, Poissot became a family friend in the early 1970's, and he was a truck driver who stopped in XXXXXXX truckstop in Tallulah. Poissot on a number of occasions asked XXXXXXX to drive him to Atlanta, Georgia, and back to Louisiana. XXXXXXX said that she found out later that Poissot was transporting drugs. During one of these trips, Poissot told XXXXXXX the exact same story that Spencer had told her several years before about burning the shoe shop.

On November 1, 2010, the FBI interviewed XXXXXXX again. XXXXXXX said that she had spoken to *Concordia Sentinel* newspaper reporter Stanley Nelson after he contacted her in approximately March or April 2010. XXXXXXX said that she had seen Spencer on July 4, 2010, at XXXXXXXXXX house and that she showed him a newspaper article written by Nelson about Poissot. Spencer told XXXXXXX, "I don't know this man."

On October 3, 2011, the FBI again interviewed XXXXXXX. In this interview, XXXXXXX described Poissot as a long-time family friend and said that he had been around even before XXXXXXX Spencer. XXXXXXX, however, was unable to explain how Spencer may have known Poissot or what kind of relationship they had. XXXXXXX explained that because Poissot was a truck driver, he was often gone for long periods of time, and he must have been gone during XXXXXXX Spencer. XXXXXXXXXXXXXXX, Spencer, Poissot came XXXXXXX. During a visit, Poissot asked about XXXXXXX, and when Poissot learned that Spencer XXXXXXX, he said that he had known Spencer in the past and that they had burned a black man in the 1960's at his shoe shop. When asked whether she discussed with Poissot how he knew Spencer, XXXXXXX said that she did not recall asking Poissot for details about how he knew Spencer. XXXXXXX could not recall ever seeing Spencer and Poissot together. XXXXXXX stated that she was aware that XXXXXXX had also spoken to the FBI and that he had told her if Spencer was indicted, he (XXXXXXX) would receive the reward money. XXXXXXX stated that often times XXXXXXXXXXX did not tell the truth.

On November 4, 2011, XXXXXXX consented to take an FBI polygraph examination. Before the examination began, XXXXXXX stated that she had discussed taking the polygraph examination with someone in law enforcement and she was agreeing to take the polygraph because she knew that it could not be used against her. XXXXXXX stated that she had talked to XXXXXXX the day before about his polygraph. When SA XXXX asked XXXXXXX about the conversation, she stated that she was not going to discuss it. XXXXXXX re-iterated the allegations about Spencer telling her in the late 1960's that he and Poissot had burned a shoe shop and "killed that nigger." XXXXXXX also re-iterated that Poissot told her several years later the same story that Spencer had told her about burning up a shoe shop. While discussing these events with SA XXXX, XXXXXXX commented several times that she did not need the reward money because she had a job and money. XXXXXXX also stated that Spencer XXXXXXXXXXXXXXXXXXXXXXX. XXXXXXX was asked, "Did you lie today in your statement regarding the murder of Frank Morris?" and "Did you lie in your written statement today to the FBI regarding the murder of Frank Morris?" XXXXXXX answered "No" to both questions. SA XXXXX informed XXXXXXX that she was failing the polygraph. XXXXXXX

became angry, stated that she did not care, and asked to leave. SA XXXX disconnected the equipment, and XXXXXXX left the interview room.²⁵

On December 14, 2010, the FBI interviewed XXXXXXXXXXXXXXXX. XXXXXXX stated that several times throughout his childhood he heard XXXXXXX talk about someone named “Marcy” being “the nigger they burnt up.” According to XXXX, he heard XXXXXXX talk about this incident with Poissot. XXXXX said that Spencer later told him that he, Poissot and two other men went in two cars to the shop and burned it down. XXXX alleged that he and one of XXXXX were molested by Spencer. On XXXXXXX, 2011, XXXX was interviewed again and stated that XXXXXXX came to his house about a year ago and asked to talk to him. Spencer told XXXXX that two men had come to talk to him who said that they were reporters but that Spencer believed that they were from the FBI. Spencer again told XXXX that he had been involved in burning down a shoe shop and that he was the only one of the people involved who was still alive. XXXXX declined to take a polygraph examination.²⁶

On October 4, 2011, the FBI interviewed XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXX said that approximately a year prior, Spencer came to their house and asked to talk to XXXX. XXXXX cooked lunch for XXXX and Spencer. While she was cooking, XXXXX said that she heard Spencer say that he was the only one of the group still living, although she did not hear the rest of the conversation. XXXX told her later about his conversation with Spencer. XXXXXXXXXXX had recently XXXXXXX because he XXXXXXX and that she decided that she was XXXXXXXXXXXXXXXX.²⁷

On August 19, 2009, the FBI interviewed XXXXXXXXXXX. XXXXXXX said that she did not have much contact with Spencer growing up and that she was aware from XXXXXXX that he had been abusive. XXXXXXX said that he was not a good person. XXXXXXX was XXXXXXXXXXX. XXXXXXX said that she had heard from XXXXXXX (XXXXXXX) that XXXXXXX and Poissot were involved in the KKK and that they told her that Spencer and Poissot were involved in the shoe shop arson. On October 3, 2011, the FBI interviewed XXXXXXX again. XXXXXXX stated that she was very close to Poissot as a child and that she attended his funeral in Texas when he died. XXXXXXX said that she does not have any way of knowing whether the allegations made by XXXXXXX and XXXXXXX are true. XXXXXXX also said that both XXXXXXX and XXXXXXX have a tendency to stretch the truth. On November 10, 2011, XXXXXXX told the FBI that she believed that Spencer and Poissot knew each other because of their employment as truck drivers.

On December 14, 2010, the FBI interviewed Leonard Spencer in Rayville, Louisiana, where he was working and living at the time. Spencer stated that he had never heard of the shoe shop in Ferriday being burned until a reporter, whom he believed to be an FBI agent, came to his house and asked him about the incident. Spencer stated that he had never heard of a man known

²⁵ XXXXXXX testified before the grand jury. XXXXXXX acknowledged that she had been informed that the polygraph examination indicated that she was not being truthful.

²⁶ XXXXX also testified before the grand jury. XXXXX was incarcerated at the time.

²⁷ XXXXXXX also testified before the grand jury.

weighed approximately 300 pounds. Second, the statements attributed to Spencer and Poissot by XXXXXXXX are contradicted by the evidence in the case. XXXXXXXX claimed that Spencer and Poissot said that they went to Morris's shop in a truck and that Poissot shot into the shop with a sawed-off shotgun. At the time of the arson, Morris and XXXXXXXXXXXX (Morris's shop) reported seeing a car leaving the scene, not a truck, and there is no evidence that anyone shot into the shop. Moreover, Morris reported that one of the men had a shotgun, not a sawed-off shotgun. Third, even assuming Poissot made any statements in the 1970's indicating that he was involved in the Morris arson, these statements are not reliable, given the FBI's assessment that he could not separate fact from fiction. Fourth, XXXXXXXXXXXXXXXX are biased witnesses, given the level of abuse they reportedly endured from Leonard Spencer. Fifth, XXXXXXXX and XXXXXXXX both failed polygraph examinations and during their examinations voluntarily raised the topic of the reward money being offered in the case. This information suggests that XXXXXXXX and XXXXXXXX's motivation for providing information to the FBI was the reward money. In addition, XXXXXXXX also lacks credibility because she was not able to explain how Spencer and Poissot knew each other, even though she claimed that Poissot was a long-time family friend and XXXXXXXX Spencer. Moreover, XXXXXXXX claimed that she allegedly learned in the 1970's of a connection between Poissot and Spencer when Poissot told her about being involved in a murder with Spencer, yet she never asked Poissot for details about how he knew Spencer. Finally, Poissot's family members – including several wives and children – had no knowledge of Leonard Spencer or of Poissot's alleged involvement in the Morris arson. In addition, two of Spencer's ex-wives also told the FBI that they did not know Poissot and that they were not aware of Spencer's alleged involvement in the Morris arson.

Newly Identified Subject: Wayne Reed

The FBI interviewed XXXXXXXXXXXXXXXXXXXXXXXX for many years in Ferriday and who knew Morris. XXXXXXXX Morris in the hospital, although Morris XXXXXXXX.²⁸ XXXXXXXX told the FBI that a friend of his had disclosed to him recently in a telephone conversation that a friend of hers stated XXXXXXXX was in the KKK and had admitted to being involved in the Morris incident along with Scarborough. XXXXXXXX revealed that the Klan member was Wayne Reed XXXXXXXXXXXXXXXX.²⁹ XXXXXXXX initially declined to provide the name of his friend who told him about XXXXXXXX Wayne Reed. XXXXXXXX eventually identified XXXXXXXX as the friend with whom he had discussed the Morris incident.

XXXXXXXXXXXXXXXXXXXXX and has the last name XXXXXXXX, was interviewed by the FBI. XXXXXXXX told the FBI that XXXXXXXX Wayne Reed XXXXXXXX and in approximately 1964, Reed joined the KKK and became a different person. XXXXXXXX learned that Reed had joined the KKK from XXXXXXXX and never discussed the KKK with XXXXXXXX. Jimmy Scarborough would take XXXXXXXX to the KKK meetings. XXXXXXXX said that she and Reed XXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXX said that XXXXXXXXXXXXXXXX never said anything to her about being involved in the Morris incident and that she had no information that he was

²⁸ XXXXXXXX was interviewed several times by the FBI during its investigation in the 1960's.

²⁹ XXXXXXXX also testified before the grand jury.

involved. XXXXXXXX also denied ever telling anyone that XXXXXXXX claimed to have been involved in the Morris arson. XXXXXXXX said that XXXXXXXX Reed's funeral when XXXXXXXX was in XXXX grade, but she could not recall the exact year.

XXXXXXXXXXXX told the FBI that XXXXXXXX is the XXXXXXXXXXXXX and that they have known each other since XXXXXXXXXXXX. XXXXXXXX said that after seeing articles in the *Concordia Sentinel* about the re-opening of the Morris investigation, she discussed the Morris incident with XXXXXXXX and with XXXXXXXX. XXXXXXXX said that XXXXXXXX told her one of the reasons XXXXXXXXXXXX was because he was in the KKK. XXXXXXXX said that XXXXXXXX never said that Reed had been involved in the Morris incident. XXXXXXXX said that she had never told XXXXXXXX that XXXXXXXX said that XXXXXXXX was involved in the Morris incident, although she discussed the Morris case generally with XXXXXXXX.³⁰

There is no credible evidence that Reed was involved in the Morris arson.

Newly Identified Subject: XXXXXXXXXXXX

XXXXXXXXXXXX of Natchez, Mississippi, contacted the FBI on June 22, 2009, to report that she had information about the Morris incident. XXXXXXXX told the FBI that she had been a caregiver for XXXXXXXX since approximately February 2009. According to XXXXXXXX, after seeing articles in the *Times-Picayune* and the FBI's website about the re-opening of the Morris investigation, she discussed the Morris incident with XXXXXXXX. XXXXXXXX told the FBI that XXXXXXXX said that XXXXXXXXXXXX had been involved in the arson. According to XXXXXXXX, XXXXXXXX said that the shop was burned because Morris was having a relationship with a white woman who was the XXXXXXXX. XXXXXXXX could provide no further information about her conversation with XXXXXXXX and any connection between XXXXXXXXXXXX and XXXXXXXXXXXX. XXXXXXXX told the FBI that XXXXXXXXXXXX, when she XXXXXXXX, and she recalled XXXXXXXXXXXX talking about the incident, saying something to the effect of "we burned it down." When the FBI re-interviewed XXXXXXXX on XXXXXXXX, 2010, she said that when she was young, XXXXXXXXXXXX told her something about the Morris incident, although she was not able to provide details about XXXXXXXXXXXX's statements.³¹

XXXXXXXXXX told the FBI that XXXXXXXXXXXX in Vidalia, Louisiana, from XXXXXX.³² XXXXXXXX said that he went to school with XXXXXXXXXXXX and Thomas Loftin. XXXXXXXX said that he knew XXXXXXXXXXXX but not his brother XXXXXXXXXXXX. XXXXXXXX said that XXXXXXXXXXXX, but he had never heard that they dated a black man. XXXXXXXX told the FBI that he did not have any information about who burned Morris's shop. XXXXXXXX said that XXXXXXXX is deceased. XXXXXXXX was served with a subpoena to testify before the grand jury. XXXXXXXX reported that XXXXXX had recently fallen and broken his hip and was hospitalized. The FBI also interviewed XXXXXXXX and XXXXXX. XXXXXX said that she had never heard either of XXXXXX speak of the Morris incident.

³⁰ XXXXXXXX also testified before the grand jury.

³¹ XXXXXXXX also testified before the grand jury.

³² Vidalia is between Ferriday and Natchez.

There is no credible evidence that XXXXXXXXXXXX was involved in the Morris arson.

V. Additional Investigative Steps Taken by the FBI in the 1960's Investigation

General Allegations of KKK Involvement

While the FBI was investigating the arson in the 1960's, the FBI learned that two African-American men who lived in Ferriday had received threatening phone calls. XXXXXX XXXXXXXXXXXXXXXXXXXXXXXX told the FBI that on the evening of December 10, 1964, she answered the telephone and a male caller asked for her husband. When she told the caller that XXXXXXXX was not home, the caller stated, "You tell XXXXXXXXXXXX that his black ass will be next" and hung up. XXXXXXXXXXXX, who worked at a local funeral home, told the FBI that on the night of December 16, 1964, between 12:30 a.m. and 4:00 a.m., the telephone rang multiple times. On all but three of the times that XXXXXXXX answered the phone, the caller hung up. On three of the calls, the caller stated, "You're next" and hung up. XXXXXXXX did not recognize the voice. These threatening calls suggested that African-American men in Ferriday were being targeted by someone or by a group of people.

In addition to the threatening phone calls, the FBI received reports from some law enforcement informants that Ku Klux Klan members had talked about the Morris arson; no other details about the "talk" were provided in the file. In addition, some African-American witnesses speculated that the KKK was behind the arson, although no one was able to provide any information establishing the KKK's involvement. The FBI interviewed the following individuals with possible ties to the KKK, but they did not provide any useful information and claimed to have no knowledge about the arson:

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XXXXXXXXXXXX

Physical Evidence Collected and Analyzed

The Ferriday Fire Department, which consisted of Chief Noland Mouelle, a single paid employee named W.H. "Junior" Harp, and several volunteers, attempted to extinguish the fire at Morris's shop. According to Harp, he received a telephone call at approximately 1:15 a.m. reporting the fire. Harp instructed his wife to call Chief Mouelle and the volunteers. According to Harp, he arrived at the scene at approximately 1:25 a.m. Witnesses stated that during the fire, they heard a loud explosion. Chief Mouelle concluded that the build-up of heat inside the shop blew out the windows. In addition, eventually the walls and the roof of the shop collapsed.

Deputy State Fire Marshall C.W. Pharis conducted an investigation of the arson. Pharis

said that the fire caused so much damage that he could not determine where the fire started in or around the shop, and he was unable to determine the source of the fire or whether an accelerant may have been used. Investigators collected samples of the soil around the shop as well as debris from in and around the shop. In addition, investigators located a 5-gallon container inside the shop.

1. Soil and debris samples

The FBI laboratory in Washington, D.C., tested the debris found inside and around the shop and soil samples. The testing revealed that the soil samples and some of the debris from inside of the building close to the windows contained small quantities of flammable liquids that “corresponded generally to a petroleum mixture characteristic of kerosene or a light fuel oil,” according to the lab report. Debris taken from inside Morris’s bedroom within the shop contained a petroleum product that was characteristic of Varsol, which is a highly flammable solvent that can be used in paint thinner or other cleaning fluids. The 5-gallon container had approximately 1/6 of an ounce of an oil having properties of motor oil. The motor oil did not, however, have any traces of petroleum products that were found in the soil samples or the debris.

2. 5-gallon oil can

The 5-gallon container found inside the rubble of the shop was determined to be an oil can of the Skelly Oil company, which was based in Tulsa, Oklahoma, and El Dorado, Kansas. FBI agents showed the can to XXXXXXXXXXXXXXXXXXXXXXXX Morris, and neither of them recalled seeing the container in the shop before. XXXXXXXX told the FBI that on the evening of the fire, he was directed by Morris to purchase a 1-gallon container of coal oil and that he used some of the coal oil to clean the floors of the shop. Griffin, who worked for Morris, told the FBI that Morris had in the shop two full gallon cans of cleaning fluid, at least one gallon of turpentine, and eight to 10 gallons of rubber cement.

The FBI conducted several interviews to determine who had purchased the 5-gallon oil can, but were not successful. Witnesses told the FBI that 5-gallon oil cans were purchased primarily by farmers and contractors who used tractors and other large machinery. An official of the Skelly Oil Company in Kansas identified for the FBI the 10 “jobbers” or fuel middlemen in Louisiana to whom the company had sold 5-gallon oil cans in 1964, as well as the specific number of cans purchased by date. The FBI interviewed employees of 9 of the 10 companies and asked for the identities of purchasers of 5-gallon oil cans of Skelly Oil in 1964. Representatives of three of the companies said that it would not be possible to determine who had purchased individual 5-gallon oil cans because thousands of receipts would have to be reviewed and many purchases made in cash would not reflect the identity of the purchaser. Some representatives of companies were able to identify individuals, rather than other companies, who had purchased 5-gallon oil cans in 1964. The FBI interviewed the individual purchasers, all of whom denied any knowledge of the Morris incident.

The FBI also interviewed the owner of Skelly Oil Distributors, which was located in Winnsboro, Louisiana, approximately 45 miles from Ferriday. The owner told the FBI that his company did not keep a record of sales of 5-gallon cans and that his company had approximately

3,000 dealers and individual customers to whom he sold oil. In addition, he said that his company did not have an outlet in Ferriday.

3. Remains of a finger

Witnesses told the FBI that XXXXXXXXXXXXXXXXXXXX in Ferriday, had found a piece of a finger around Morris's shop after the arson. XXXXXXX initially told the FBI on December 16, 1964, that she did not have any information related to the Morris incident but when questioned further about the remains of a finger, she provided to the FBI agents what appeared to be the remains of a finger. When the FBI re-interviewed XXXXXXX on January 27, 1965, about the finger, she told the FBI that some children in the area had brought it to her attention, and that it was found approximately 20 feet from the shop. The FBI sent the remains of the finger to the FBI laboratory for analysis. The remains were sufficiently intact to be fingerprinted.

The FBI laboratory concluded that the specimen was possibly a finger and likely came from an adult male, "possibly Negroid." The report stated that due to the poor condition of the specimen, which was described as "dried and dark," no blood typing tests could be performed. No bone or muscle tissue was present. Debris found under the fingernail consisted of fibers, hair particles, sand, silt, paint chips, cinders, and carbon material consistent with grinding wheel debris.

It is unclear whether the human finger remains were those of Morris. A nurse who treated Morris told the FBI that he was missing the tip of one of his fingers but said that the bone was still present. Another witness who visited Morris in the hospital told the FBI that Morris appeared to be missing some skin off of one of his fingers, but the witness could not recall which finger.

The evidence collected in the investigation and sent to the FBI laboratory was returned to the New Orleans Division of the FBI in late-1965.

VI. New Leads Pursued by the FBI in the Current Investigation

XXXXXXXXXXXX

The FBI interviewed XXXXXXXXXXXXXXXXXXXX Morris and XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX.³³ At the time of the arson, XXXXXXX was XX years old and was living in Ferriday with family friends. XXXXXXX was not interviewed by the FBI in the mid-1960's. XXXXXXX told the FBI that on the night of the arson she heard a loud explosion and sirens, but she did not get up to investigate. The next day a friend came to her house and told everyone that Morris's shop had burned and that he was in the hospital.

XXXXXXXX told the FBI that she had recently spoken to a close friend with whom she

³³ The FBI also re-interviewed XXXXXXXXXXXX. He was not able to provide any additional substantive information about the incident. XXXXXXXXXXXX in the XXXXXXX state prison system.

had grown up with in Ferriday. She said that she and her friend talked for a long time and discussed, among other things, the Morris arson. XXXXXXXX told the FBI that her friend said that on the night of the arson, she witnessed two men get out of a green car and enter Morris's shop. The friend heard a loud noise coming from the shop, and she ran away because the noise scared her. XXXXXXXX stated that her friend may have recognized the men. XXXXXXXX was reluctant to provide the FBI with the identity of her friend, but eventually told the FBI that her friend's name was XXXXXXXXXX.

XXXXXXXXXX was interviewed by the FBI at her residence in XXXXXXXXXX. XXXXXXXX said that she lived in Ferriday until XXXX. At the time of the arson, XXXXXXXX XXXXXXXXXXXXXXX the street from Morris's shop. On the night of the arson, she was awakened by a loud explosion, and she went outside with her parents where they saw Morris's shop on fire. XXXXXXXX saw Morris run from his shop with his clothes on fire to the nearby gas station. According to XXXXXXXX, someone hosed Morris down with a water hose. XXXXXXXX said that she has no knowledge about who was responsible for the arson but that she has heard many rumors over the years about the incident. XXXXXXXX also had no knowledge about any vehicles that may have been at the scene.

XXXXXXXXXX

XXXXXXXXXX visited the FBI office in Monroe, Louisiana, in order to report information about the Morris case. XXXXXXXX said that he was XX years old at the time of the arson and lived with his family near Morris's shop. On the night of the arson, XXXXXXXX left his house to see what was on fire and saw Morris lying on the ground on fire and saw a gas station attendant pour water on him. XXXXXXXX stated that Morris stayed on the ground until the ambulance that transported black people came and picked him up. According to XXXXXXXX, a friend of XXXXXXXX's father – XXXXXXXX – was inside of Morris's shop when it was set on fire. XXXXXX managed to escape from the shop unharmed and hid under XXXXXXXX's family's house. XXXXXX got their attention by banging on the floor. XXXXXXXX's father called XXXXXXXX to come pick him up. According to XXXXXXXX, XXXXXX took XXXXXX to Monroe because local police officers wanted to kill XXXXXX.

The FBI interviewed XXXXXXXXXXXXXXXX who is deceased. XXXXXX was approximately XX years old at the time of the arson. XXXXXX told the FBI that XXXXXXXX told him on his deathbed that he was crossing a street near Morris's shop on the night of the arson and saw a white vehicle parked nearby. XXXXXXXX said that he did not see the occupants of the vehicle, did not see who set the shop on fire, and never saw the shop on fire. A week or two after the arson, the XXXXXX house was shot at. XXXXXXXX met with local law enforcement officers DeLaughter, Bill Ogden, and Ferriday Police Chief Bob Warren in a police car outside their home. According to XXXXXXXX, the law enforcement officers told him that he should move his family away from Ferriday because "they" thought he saw something. XXXXXX said that he did not know who "they" referred to. According to XXXXXXXX, law enforcement officers moved XXXXXXXXXX to a hotel in Natchez, and he later moved to Arkansas.

VII. Conclusion

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes or Louisiana state laws. The FBI was unable to conclusively determine who was responsible for the Morris arson and murder, despite conducting a thorough investigation in the 1960's and again more recently in connection with the Cold Case Initiative. As discussed above, the FBI conducted an extensive investigation in the 1960's and more recently into numerous theories as to who was responsible for the arson of Morris's shop and his murder. None of the allegations were supported by sufficient credible or corroborated evidence. However, given that three sources separately reported in 1967 that Morace made statements implicating himself in the arson, the evidence strongly suggests that Morace was involved in the arson of Morris's shop and Morris's resulting death. Even if this constituted sufficient evidence to bring charges and convict, Morace is deceased and cannot be prosecuted. Similarly, possible subjects Jones, Torgersen, Scarborough, DeLaughter, Loftin, Poissot, Spencer, Glover, and Reed are all deceased and cannot be prosecuted. XXXXXXXXXXXX and XXXXXXXXXXXX are the only two still-living individuals implicated in any fashion with Morris's murder, and there is insufficient evidence to establish the involvement of either of them beyond a reasonable doubt. Both of them denied being involved, and there are no witnesses who have stated that XXXXXXXXXXXX and XXXXXXXXXXXX were involved.

Even if we believed we could have established the identity of those responsible beyond a reasonable doubt, the applicable statute of limitations precludes prosecution of any individual 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 other statutes. Although, under state law, a viable subject could still be prosecuted for murder, there is no credible evidence to establish beyond a reasonable doubt the identity of the person or persons responsible.

Based on the foregoing, this matter should be closed. William Flanagan, Counsel to the United States Attorney for the Western District of Louisiana, concurs in this recommendation.