

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-40-2154

JUL 12 2011

Date \_\_\_\_\_

To: Chief, Criminal Section

Re: Joe David Watson, Sr. (Deceased),  
Marion Ray (Deceased),  
Robert Lee Rainer, Sr. (Deceased)  
XXXXXXXXXX  
Belzoni, Mississippi - Subjects;  
George Lee (Deceased) - Victim  
CIVIL RIGHTS

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

**Case Synopsis**

On May 7, 1955, at about 11:45 p.m., Reverend George Lee, an African-American minister active in voter registration drives, was shot and fatally wounded in the face, while driving on Church Street in Belzoni, Mississippi. As a result of the shooting, the victim crashed his car into the house of neighborhood resident XXXXXXXXX. Following the crash, the victim

\_\_\_\_\_  
Cristina Gamondi  
Attorney

To: Records Section  
Office of Legal Administration

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

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Chief, Criminal Section

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exited his car, and a taxi that was driving by stopped to assist Lee and transported him to a nearby hospital where, upon arrival, staff determined that he was deceased. Eyewitnesses on Church Street indicated that the shooters were traveling in a convertible that was initially following the victim's car and then passed it on the right side and sped away. The majority of the witnesses stated that they heard two shots, and a few heard three shots.

The FBI initiated an investigation on May 9, 1955, at the request of the Department of Justice. The FBI interviewed numerous witnesses in an effort to identify the perpetrators and to determine whether the victim had been shot because of his voter-registration activities, in particular, because he had refused to remove his name from the voter registration lists.<sup>1</sup>

The FBI also conducted forensic tests, determining that Lee had been shot with #3 buckshot, and that the fatal shot was fired after the shooters' convertible pulled in front of Lee's car.

The FBI eventually identified two men, Marion Edward Ray and Joe David Watson, as possible suspects. The investigation produced a large amount of circumstantial evidence against Ray and Watson. First, XXXXXXXX stated that, shortly before the shooting, he saw a convertible closely following the victim's car, and XXXXXXXX later identified the passenger of the convertible as Watson. Moreover, Ray owned a convertible that matched the description of the vehicle identified by the eyewitnesses and, shortly after the shooting, he had the car painted a different color. Further, several witnesses stated that they saw Watson and Ray together in Ray's convertible on the evening of the shooting. Watson owned a 20-gauge shotgun that was loaded with #3 buckshot when he provided it to the FBI when he was first interviewed on June 3, 1955.<sup>2</sup> Additionally, Ray had been seen purchasing shotgun shells on the night of the shooting. Watson and Ray gave conflicting statements concerning their whereabouts and activities that night, and Watson's statements were contradicted by other witnesses, including Watson's XXXXXXXX. Additionally, Belzoni Police Department (BPD) Chief N. L. Nichols told the FBI that he overheard Watson, while standing in a group of people, stating that if he could get someone to drive, he would kill Lee, and two other prominent African-American Belzoni citizens, XXXXXXXX<sup>3</sup>, and Gus Courts. Courts was the president of the local chapter of the NAACP and he and Lee had registered 92 African-American voters in the county. Courts was shot and non-fatally wounded on November 25, 1955.<sup>4</sup> Finally, Watson and Ray had reputations for being wild, aggressive, and

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<sup>1</sup> The FBI conducted a separate but related investigation during which agents interviewed all 19 African-Americans whose names had been stricken from the voter registration lists at the time.

<sup>2</sup> Watson claimed that he purchased the #3 buckshot sometime after the victim's death.

<sup>3</sup> XXXXXXXXXXXXXXXXXXXX where Lee's body was brought after his death. He was contacted twice by the FBI but said that he had no relevant information.

<sup>4</sup> At the Department's request, the FBI conducted a limited investigation to determine whether Courts had been shot because he had refused to remove his name from the list of registered voters. The FBI reportedly conducted "additional investigation but only that which



Rainer, Sr. died on January 7, 1993.

The FBI also conducted an investigation starting in 2008 and, among other things, interviewed XXXXXX.; three witnesses identified through a documentary on the case XXXXXXXXX, one of Ray's XXXXXX; and XXXXXX of the man who sold a convertible to Ray. Ultimately, no concrete evidence was uncovered linking either Rainer, Sr. or XXXXXX. to the murder or even to Watson and Ray.

### **1955 Investigations:**

The NAACP initiated an investigation on May 9, 1955, when XXXXXXXXXXXXXXXX called the Birmingham branch and stated that he had assisted in the Coroner's Inquest and surmised from some of the jurors' comments that they intended to "white-wash" the case as a car accident.<sup>7</sup> NAACP investigators arrived in Belzoni on May 12, 1955, the day of Lee's funeral. To the extent that witnesses gave statements to the NAACP that were materially inconsistent with their subsequent FBI accounts, they will be discussed.

The FBI opened a preliminary investigation into the shooting on May 9, 1955, after Congressman Charles Diggs contacted the White House and requested a federal investigation.<sup>8</sup> On May 24, 1955, the Civil Rights Section of the Department's Criminal Division requested a full field investigation.<sup>9</sup> Following are the results of that investigation.

### **Eyewitnesses**

The shooting took place at around 11:45 p.m., as the victim drove north on Church Street past the intersection with Lowry Street. Several people told the FBI that they saw at least part of the shooting.<sup>10</sup> XXXXXX, XXXXXX, XXXXXX, XXXXXX, and XXXXXX resided on

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<sup>7</sup> Jurors' comments included that the loud sounds heard by witnesses could have been those of tires blowing out; the lead fragments in the victim's jaw could have been fillings; and that a scantling from the house Lee crashed into could have struck him in the jaw and killed him. XXXXXXXX also detailed his findings and allegations in a letter, dated May 11, 1955, to then Attorney General Herbert Brownell.

<sup>8</sup> The local "investigation" in 1955 was conducted by Humphreys County Sheriff I. J. "Ike" Shelton, who initially told the FBI that the victim died as a result of a car accident and there was no evidence of a shooting. Shelton was the target of 1953 federal investigation because he refused to allow African-American would-be voters to pay poll taxes. A grand jury failed to indict but, apparently in fear of a second one, he started allowing the poll taxes.

<sup>9</sup> On that same date, the Civil Rights Section requested a limited investigation into allegations of conspiracy to coerce African-Americans to remove their names from voter registration lists.

<sup>10</sup> A few of the witnesses were first interviewed by the FBI within days of the shooting. The large majority of the witnesses were interviewed by the FBI in late May or early June 1955.

Church Street.<sup>11</sup> Additionally, XXXXXX, and XXXXX were visiting the residents or otherwise nearby. The majority of the eyewitnesses stated that they saw the victim's car followed by a convertible,<sup>12</sup> and that the convertible passed the victim's car to the right, and then sped away as the victim's car crashed into the house of XXXXXX. XXXXXXXX identified the convertible as a Ford, XXXXXXXX thought it was either a Ford or a Mercury, more likely a Mercury. XXXXXXXXXXXX said that the convertible's top was down and witnesses XXX and XXXX said that it was up. XXXXXXXXXXXX stated that XXX thought the convertible had only one occupant, XXXXXXXX stated that witness XXX saw two men in the front and one in the back; and XXXXXXXX saw two men in the front. Witness XXXXXXXX was able to describe the driver as in his thirties and wearing a hat, while XXXXXXXX said that XX could not describe the occupants. XXXXXXXXXXXX could not see the car's occupants.

XXXXXX said that XXXX was asleep in XXX room at the front of the house on Church Street. At about 11:30 p.m., XXX was awakened by what XXX thought was the sound of an argument between XXX neighbors. XXXX went to the window and saw the headlights of (the victim's) approaching car. XXXX noticed that a convertible was immediately behind it. The victim's car was just south of the intersection with Lowry Street when XXXX saw what XXX believed to be a muzzle flash and simultaneously heard what appeared to be a shotgun blast, followed by the sound of a tire blowing out. Lee's car continued through the intersection and the convertible started to drive around the right side of Lee's car. The two cars were next to each other when XXXX heard what XXX thought was a second gunshot. XXXXX started toward XXX front door just as Lee's car crashed into her house, essentially destroying it. XXX was knocked down and did not see but heard the second car speeding away. XXXX believed that the body of the convertible might have been dark in color but XXX was not sure. XXXX also believed that the convertible's top was down. XXXX reportedly told the NAACP that the occupants of the convertible were white, but XXX told the FBI that XXX did not see the occupants and denied that XXX had ever told anyone XXX had.<sup>13</sup>

XXXXXX, who lived across Church Street from XXXXXXX, was interviewed by the FBI on June 2, 1955, and stated that XXX was walking home and heard loud sounds but did not witness the shooting.<sup>14</sup> XXXXXXX was re-interviewed on June 28, 1955, and admitted being with

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<sup>11</sup> Church Street residents XXXXXXXXXXXXXXX and XXXXXXX were interviewed by the FBI on June 28, 1955, but none offered any relevant information.

<sup>12</sup> XXXXXXXX described the shooters' car as smaller than the victim's, but the other witnesses specified that it was a convertible. Additionally, XXXXX stated that XXX did not see the shooters' car but XXXXXXX, who was with XXX, told XXX it was a convertible.

<sup>13</sup> Sometime in 1956, XXXXXXX filed a civil suit against the victim's estate, alleging that the victim was driving in a negligent manner. According to Humphrey County Chancery Clerk's records, the court ruled in favor of the victim's widow.

<sup>14</sup> XXXXXXX told the NAACP that XXXXXXX indicated that XXX knew who was in the shooters' car but would not talk about it. According to XXXXXXX, XXXXXXX moved out of Belzoni on May 9, 1955. However, by June 2, 1955, the FBI was able to locate XXX at a

XXXXXX in XXX car parked at the intersection of Lowry and Church Streets at the time of the shooting. XXXX and XXXXXX were sitting facing each other and talking. XXX heard what XXXX believed was one gunshot. XXXX glanced out of the back window of the car and saw the rears of two cars driving north on Church Street. One of the cars was a convertible and it appeared to be on the right side of the street. The convertible's top was down. XXXXX thought it had a single occupant but could not describe the person. Immediately after the two cars passed the intersection, XXX heard a loud rumble. XXXXX jumped out of XXXXXX's car and walked up Church Street where XXXX saw that Lee's car had struck Blair's home.

XXXXXXXX confirmed that XXX and XXXXXX were in XXX car, which was parked on Lowry Street, about 50 west of the intersection with Church Street.<sup>15</sup> XXX sat in the driver's seat, facing west toward Church Street. XXXXXX sat on the front passenger seat, with XXX back to the door, facing XXXXXX. At about 11:45 p.m., XXX heard a loud noise, apparently coming from the south on Church Street. XXXXXX said it sounded like a gunshot, but XXX told XXXX it was likely a car backfiring. Ten to fifteen seconds later, they heard another sound, this time clearly a gunshot. Simultaneously, there was another sound, like that of a tire being blown out. XXXXXX said that XXX saw two cars immediately behind XXX car. XXXX quickly looked over XXXX shoulder and was able to see the rear of the victim's car as it drove by, but XXXXXX was not in time to see the other car. XXXXXX commented to XXX that it was a convertible. XXXXXX opined to the FBI that XXXXXX could not have given the convertible more than a fleeting glance; that fact, along with the darkness and distance, would have made it unlikely that XXXX could have identified any occupant of the car.

XXXXXX, who lived three houses south of XXXXX's house, stated that XXX was in bed when, at about 11:45 p.m., XXX heard the first shot. XXXXX told the NAACP that XXX then heard two shots followed by a crashing sound. XXXX told the FBI that, after hearing the first shot, XXXX got out of bed and went to the front door. XXXX saw the victim's car swerve to XX side of the street, jump the curb, and then crash into XXXXX house. XXXX also saw a 1953 Ford Convertible with the top up pass Lee's car on the right side. XXXX could not see the Ford's occupants. When the convertible was slightly ahead of the victim's car, XXXX heard a second loud noise. XXXX did not see a muzzle flash and stated that the shot was not as loud as one from a shotgun, so XXX surmised it was from a pistol or rifle.

XXXXXXXX stated that XXX and XXXXXX were sitting on the porch of the residence of XXXXXX (across the street and several houses to the south of XXXX's house). XXXX saw two cars approaching from the south. Lee's car was moving slowly to the left of the center line. The second car, a late model Ford or Mercury convertible with the top up, was moving fast and XXX

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different address in Belzoni. At the time, XXXX stated that XXXX had never moved out of Belzoni and that XXXX had planned to change XXX address prior to the shooting.

<sup>15</sup> Both XXXXXX and XXXXXX were re-interviewed by the FBI on June 29, 1955, and both stated that they recalled seeing XXXXXX's car parked where he said it was. XXXXXX stated further that XXX saw XXXXXX and XXXXXX alight from the car immediately after the shooting.

thought it might hit the first car. The second car pulled to the right of the victim's car and, when they were about even, XXXXXXXX heard a gunshot. By the time the two cars reached the intersection of Church and Lowry Streets (where the XXXXXXXX house was located), the convertible was about 50 to 75 feet ahead of the victim's car. It was then that XXXXXXXX heard a second shot. XXXXXXXX stated that the shooters' car was two-toned and XXX thought that it was a Mercury because of the loud sound of its motor. In XXX first FBI interview on May XX, 1955, XXX stated that XXX saw "more than one white man" in the car, but not the exact number nor whether there was anyone in the back seat. In XXX later FBI interviews, XXX stated that XXX saw two men in the front seat and one man in the back, and that the driver appeared to be in his 30s and was not wearing a hat. XXXX could not see the other two men well enough to describe them. XXXX did not see any muzzle flashes.

XXXXXXX confirmed that XX was with XXXXXXXX, sitting on porch of the home of XXXXXXXX. Like XXXXXXXX, XXXXXXXX stated that, as the convertible passed Lee's car, XXXXXXXX heard a loud noise. XXXXXXXX stated that the noise sounded like a tire being blown out. Although XXX was not certain, XXX believed that the shooters' car passed to the right of Lee's car. The convertible then pulled ahead and XXXXXXXX heard another loud sound and saw a muzzle flash in the rear of the convertible. XXX stated that, at the time of the first shot, the shooters' car was next to Lee's; at the time of the second shot, the shooters' car was about 1.5 car lengths ahead of Lee's. Lee's car then drove off the street. XXXXXXXX ran into the house and did not come out again. The convertible had a light-colored top that was up. XXX could not say anything more about either car and did not see either car's occupants.

XXXXXXX confirmed that XXXXXXXX and XXXXXXXX were on the front porch of XXX house at the time of the shooting. XXXX also thought XXXXXXXX was in the front yard. XXXXXXXX was in bed, in the front room. At about 11:45 p.m., XXXXXXXX heard what XXXX thought was a gunshot. XXXX got up and headed to the front door. Before XXXX reached it, XXXXXXXX came running through it and past XXX, pushing XXX back. XXXXXXXX exited the door and saw XXXXXXXX still sitting on the porch, but XXX no longer saw XXXXXXXX. XXXX saw Lee's car moving slowly on Church Street and then entering the intersection with Lowry Street, in front of XXXXXXXX's house. XXXX also saw a car that was smaller than Lee's about 50 to 75 feet ahead of Lee's car; the smaller car was also traveling at a moderate speed. XXXXXXXX stated that XXX heard what XXX thought was a second shot *before* seeing the two cars. After the second shot, the victim's car swerved and crashed into XXXXXXXX's house while the smaller car sped away.

XXXXXXX told the FBI that he was standing near the front porch of XXXXXXXX's home, talking to XXXXXXXX and XXXXXXXX.<sup>16</sup> XXXX had just started to walk away and was in the front yard when he heard what sounded like a gunshot to the south. XXX saw Lee's car followed by a Ford 1946 or 1947 convertible.<sup>17</sup> Immediately after the first shot, the convertible passed Lee's

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<sup>16</sup> Neither XXXXXXXX nor XXXXXXXX mentioned talking to XXXXXXXX but, as previously noted, XXXXXXXX did state that XXXXXXXX was in XXXX yard at the time of the shooting.

<sup>17</sup> In his first FBI interview, XXXXXXXX stated that XXX did not recognize the shooters' car

car on the right. At that point, the two cars were almost level with XXXXXX's house. XXXXXX heard a second shot. XXXX did not see a muzzle flash and thought that the cars were about parallel at the time of the second shot. XXXX stated that there were two men in the front seat of the convertible but XXXX could not see whether they were white or African-American. The convertible had a dark body and a light top which was up. XXXX had never seen the car before or since the shooting.

#### **Other relevant witnesses**

XXXXXX stated that XXX was sitting on XXX front porch on Fisk Street, near the intersection with Third Street, when XXXX heard what sounded like three gunshots. Three or four minutes later, a 1946 or 1947 Ford five-passenger coupe turned off Church Street onto Third with the tires squealing. XXXXXX could not tell how many people were in the car or whether they were white or African-American. Shortly afterwards, XXXX saw a 1940s gray Ford Convertible turn east off Church at a high rate of speed.

XXXXXX, who lived on Church Street, stated that XXX left work at XXXXXXXX at 9:30 p.m. or later, and walked home. XXXX sat on the porch for a while and eventually went to bed. About 20 minutes later, XXX heard a shot (that sounded like a pistol shot) about a half block south of XXXXXXXX. Shortly thereafter, XXX heard a second shot (this time from a shotgun) immediately in front of XXX house. As soon as XXXXXX heard the first shot, XXX jumped out of bed, put on XXX trousers, and exited the house at about the same time as the victim crashed XXX car into XXX's house. XXXXXX stated that the victim who was known as a very slow driver was driving at high speed immediately before the crash. XXXXXX was the first to reach Lee's car and opened the right front door. XXXX saw that Lee was bleeding heavily and gasping for breath. XXXXXX went to XXXXXX's house and asked XXX to call an ambulance. When XXX returned to Lee's car, Lee was standing outside it leaning against the side. XXXXXX then saw a taxi, driven by XXXXXX, approaching and flagged it down. XXXXXX placed the victim in the back seat and got in the front en route to the hospital. On arrival, when the hospital staff came to remove Lee from the back seat, they told XXXXXX that Lee was dead. XXXXXX stated that the victim made no statements en route to the hospital but appeared to be gasping for air throughout the trip.

Taxicab driver XXXXXXXXXX confirmed that he transported the victim and XXXXXX to the hospital and that the victim did not say anything during the trip.

#### **Relevant background witnesses**

A number of witnesses, including the victim XXXXXXXXX, gave statements to the FBI concerning background events, in particular, whether or not the victim was threatened in connection with his voter-registration activities.

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but thought it was a black Ford with a white top.

XXXXXXX the victim's XXXXX, stated that XXXX and the victim were registered voters and had paid poll taxes without great difficulty for two years prior to the shooting. XXXX stated further the victim had not mentioned any threats to have XXX name removed from the list of registered voters. However, XXX did tell XXX that several people (whom XXX did not identify by name) had suggested that XXX curtail XXX activities for the NAACP. Moreover, about a month before the shooting, the victim told XXX that an unidentified person had warned him that if "they" were able to get XX out of the way, "they" could deal with the others. XXXXXX assumed that the victim was referring to members of the Citizens Council. XXX also mentioned that, sometime during the year preceding the shooting or the year before that, an unidentified white man left a note at the door of the Lee's store (that was immediately adjacent to XXXX home) stating something to the effect that the victim was trying to be "so damn smart" and that "they were going to whip him."

XXXXXXX stated that on the day of the shooting, the XXXXXXXX of Greenwood visited XXXXXXXX between 2:00 pm and about 4:00 to 5:00 p.m. XXXXXXXX subsequently told XXX that the victim told XXX that pressure had been applied on the victim as a result of his voting activities. Among other things, Lee told XXXXXXXX that "someone from the courthouse" had told him to take his name off the registration lists but he had refused.

XXXXXXX stated that XXX spoke to the victim in front of the Ben Franklin Store in downtown Belzoni between 11:15 and 11:30 p.m. on the night of the shooting. XXXXX stated that Lee told XXXX that times were getting critical because the white people were angry. Lee reportedly said that "some white men from the court house" had come by his office that day and tried to get him to tear up his poll tax receipt and that Lee had replied that he would rather die first. XXXXXXXX said that Lee did not identify the men but XXXXXXXX understood that there were two or three men. In his first FBI interview, XXXXXXXX also said that a woman, who was *not* XXXXXXXX, told XXX that XXX had seen the shooting and that Ray fired the shots from a XXXXXXXX convertible, while another man drove. In his second interview, XXXXXXXX said that XXX was at the scene after the shooting, in a crowd of about 100 people, when an unidentified woman said that the shooters were two white men in a Ford convertible.

XXXXXXXXXX confirmed XXXXXXXX's account that XX visited Lee in Lee's store for two hours on the morning of May 7. Lee told XXXXXXXX that "not long" before, "a man" called Lee and asked him to remove his name from the voter registration list. Lee reportedly told the person that he would not do so. Lee did not mention any threats, however.

XXXXXXXXXXXX, told the FBI that XX arrived at the scene shortly after the shooting and did not witness it. XXX stated that XXX and several other members of the NAACP had been approached in the months prior to the shooting and warned that if they did not take their names off the list of registered voters they would be subjected to economic pressures. XXXXXXXX had heard "talk" that the same had happened to the victim, but XXX stated that the victim, who was a very good friend, never told XXXXXXXX that XXX had been threatened.

XXXXXXXXXXXX told the FBI that about a year before the shooting, Lee told him that he had been subpoenaed to testify in a federal grand jury focusing on whether African-Americans in

Humphreys County had been deprived of the right to pay poll taxes. When Lee returned from testifying, Sheriff Shelton reportedly accused Lee of trying to put him in jail and Lee replied that he was only being a good citizen. Shelton's response was "Well, I'll see you later." XXXXXX said that Lee never mentioned being pressured concerning his voting registration.

XXXXXXX member of the Belzoni NAACP, told the FBI that XXX had no information indicating that the victim had been asked to remove XXX name from the list of registered voters. According to XXXXXX, Lee once told XXX that an unidentified white man had approached Lee and asked Lee to suggest to another, unidentified African-American man, that he (the other man) remove his name from the list.

XX all stated that they and the victim were long-standing friends and that the victim never mentioned being threatened. Additionally, XXXXXX and WXXXXXX both stated that they saw the victim at his store, starting at 10:00 p.m., on the night of the shooting.. XXXXXX stated that Lee mentioned his wife was sick that day; he and Lee left the store at the same time, sometime between 11:00 and 11:15 p.m.. XXXXXX said that he left around 10:45 p.m. and Lee did not discuss his activities that day.<sup>18</sup>

### **Physical and medical evidence**

#### The victim's car

On May 10, 1955, an FBI case agent examined the victim's car in the presence of XXXXXX and XXXXXXXXXXXXXXXXXXXXXXXX. The car was re-examined on June 3, 1955. The left side of the windshield was shattered around a large hole. The agent noted a considerable amount of blood on the steering wheel and bits of flesh scattered in the interior. The bloodstains were on the right side of the car: the interior surface of the right front and right rear windows, the upholstery above the right front door, and on the right center post. The agent found five dents, consistent with shotgun scatter pattern, on the left front fender and hood. Three of the dents were 1/4-inch in depth, and the other two "barely made an impression." The agent also found a tear just below the tread on the right side of the left front tire. The tire was flat and the inner tube had a hole corresponding to the tear. Shelton told the agent that when he examined the car shortly after the shooting, he recovered three pellets from the inner tube of the left front tire. According to the FBI report describing the examination, it was apparent that the hole in the tire could not have been caused by a shot coming at an angle from the left of the car. That hole and the two depressions on the left side of the bumper reportedly could only have been caused by shots coming from directly in front of the left side of the car.

#### The victim's body

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<sup>18</sup> The victim's XXXXXX told the FBI that XXXXXX told XXX that Ray and Bob Rainey (Rainer) were alleged to have been involved. When XXXXXX was XXXXX interviewed, XXX did not mention either Ray or Rainer.

Shortly after the victim's death, his body was examined at the funeral home by two African-American doctors: XXXXX (from XXXXXX) and XXXXX (XXXX). XXXXX had been the Lee family physician for three years prior to the victim's death. It was noted that the left side of the victim's jaw was badly mutilated. XXXXXXXXXXXX probed the wound and recovered six large and two small pellets that appeared to be lead from the victim's facial wounds. XXXXXXXXXXXX opined that the victim's wounds were consistent with a shotgun blast.

A local Coroner's Inquest was held at about 1:00 p.m. on May 8, 1955. Dr. C.R. Hogue, who examined the victim's body for the inquest, in the presence of XXXX, opined that the victim's facial wound had been caused by a shotgun shot, fired at very close range. He stated that he could not make a definitive statement until the FBI lab conducted its tests. In fact, according to XXXXXX, the verdict was withheld until the metal particles found in the victim's wounds at autopsy were tested.

XXXXXXXXXXXXXXXXXXXX, assisted the Coroner in the postmortem examination of Lee's wounds and opined that Lee had been shot with buckshot. He stated further that the wounds he observed were inconsistent with the theory put forth by one member of the Coroner's Jury that a "scantling" from XXXXXX's house struck the victim in the face and killed him.<sup>19</sup>

#### Results of the FBI Lab tests and the Coroner's Inquest

The three pellets found by Shelton in the left front tire of Lee's car, as well as three small pieces of flesh from the victim's facial wounds and metal fragments recovered therefrom, were submitted to the FBI Laboratory (the Lab) for testing and, on May 18, 1955, the Lab issued a report of its findings. First, although the metal fragments from the front tire were considerably deformed, they were determined to be most similar to #3 buckshot. Second, the metal fragments recovered from the victim's wounds were extremely mutilated and varied in weight so they could not be definitively identified as buckshot or fragments of buckshot. However, based on the weight of the six large fragments, they could have been #3 buckshot. Three, the Lab did not find any GSR on the flesh samples, however, the report posited three possible reasons for the absence of GSR, including the gun being fired at a sufficient distance (or so close that the powder entered the underlying tissues) and that the powder could have been "detached" from the samples sometime between the shooting and the Lab examination.<sup>20</sup>

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<sup>19</sup> XXXXXX detailed his findings in a letter, dated May 11, 1955, to then Attorney General Herbert Brownell. He was interviewed by the FBI on May 31, 1955, and iterated his opinion as stated in his letter.

<sup>20</sup> XXXXXXXXXXXX, claimed that on May 8 or 9, he found a pellet on the floor of the victim's car, immediately behind the driver's seat. The pellet was submitted to the FBI Lab to determine whether it was similar to the other pellets recovered from the victim's face and the front left tire and whether it was consistent with #3 buckshot.

In a report, dated June 30, 1955, the FBI Lab stated that the pellet submitted by XXXXXX

On May 19, 1955, the day after the Lab issued its report, the Coroner's Jury rendered its verdict that the victim died as a result of a hemorrhage and probably asphyxiation from the face wound; the cause of the facial wound was ruled undetermined.

#### The shotgun

XXXXXXXXXXXX, told the FBI that on an unknown date (which XXX somehow associated with Lee's death), at about 3:00 a.m., XXX saw Belzoni Patrolmen J.W. Frazier and XXXXXXXX stop a pea green pickup occupied by two young white men. The patrolmen took a single-, long-barreled shotgun from the two men.<sup>21</sup>

Patrolman J.W. Frazier confirmed that he and XXXXXX found a pickup truck parked across railroad tracks with two young white men asleep in it. They awakened the men and told them that they could not park in that location. They determined that the men had a 12-gauge shotgun. The gun was not loaded but one of the men had several shells in his pockets. The officers had the young men drive to another location where the officers called Sheriff Shelton. Upon Shelton's instructions, Frazier took the gun to his house. The next morning one of the young men showed up with a note from Sheriff Shelton and received the gun back. Frazier said these events could have occurred on the morning following the shooting, but he could not be sure.

XXXXXX had a notebook with the young mens' names, XXXXXX and XXXXXXXXX. XXX stated that XXX was certain that the incident did not happen on May 8, rather, sometime in January or February. Agents examined the notebook and noted that the page referring to XXXXXXXX was undated, but later pages were for entries several weeks prior to the victim's death.

Sheriff Shelton also recalled the incident and, like XXXXXX, maintained that it did not happen on May 8.

#### **Evidence against Watson and Ray**

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was very mutilated and deformed but consistent in weight with #3 buckshot. In the notes section of the report, but not the typed "results of examination," the report stated that the pellet found by XXXXX was similar to the eight pieces of lead previously submitted (from the victim's face and car).

<sup>21</sup> The FBI learned of XXXX's identity from XXXX who, in turn, claimed to have heard it from XXXX. XXXX was one of the witnesses discussed among the "relevant background witnesses" in this memorandum. XXXX provided the names of several witnesses to the FBI, including XXXXXXXX, and XXXXX. Those witnesses's statements are discussed in later sections of this memorandum.

The FBI first became aware of Watson and Ray on or about May 31, 1955, when Roy Wilkins, Executive Secretary of the NAACP in New York, contacted the FBI's New York office and reported "hearsay" learned from the Jackson, Mississippi, NAACP that Ray (whom Wilkins referred to as "W. E. Wray") was the shooter and Joe Watson was with Ray at the time.<sup>22</sup>

XXXXXX of the Birmingham NAACP was interviewed by the FBI on May 31, 1955 and stated that the NAACP had received information from the Belzoni NAACP representative, XXXXX, that two white men, Ray and Watson, fired the shots that killed the victim.<sup>23</sup>

#### Ray's and Watson's accounts

The FBI interviewed Marion "Peck" Ray twice on June 3 and once on June 4, 1955. He stated that he was a member of the Belzoni Citizens Council. He stated further that he bought a 1946 or 1947 Mercury convertible from XXXXXX, around the first of May, 1955.<sup>24</sup> He had the body of the convertible painted red and the top black on May 29, 1955, weeks after the shooting. Although he showed the car to the agents, he claimed that he had no bill of sale or other proof of ownership.

Ray stated that on the evening of May 7, 1955, he drove XXXXX into town so XXX could go to a movie. Ray stated that sometime around 8:00 or 9:00 p.m., he purchased a box of .22 long rifle cartridges, for his son's rifle, at Jimmie Lee Gook's store. At about 9:00 or 10:00 p.m., he got in Watson's pickup truck along with a man named XXXXX and they drove to a bootlegger to purchase alcohol. Ray stated that XXXXX bought the whiskey and claimed that he had stopped drinking following a prior accident in which he had been involved and did not drink that night.<sup>25</sup> After returning to town, Ray stood at the intersection of Jackson and Hayden Streets and "visited" with various other men, including to BPD officers (presumably Frazier and XXXXXXXXX), until about 11:00 p.m. when XXXXXX exited the movie theater and they drove home.

In his first June 3 interview, Ray denied that he was ever in his convertible on the night of

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<sup>22</sup> A memorandum dated June 7, 1955, from Warren Olney, III, then Assistant Attorney General for the Criminal Division, to the Director of the FBI, states that a Washington, DC, NAACP representative reported to the Department that XXXXXXXXXX, had information that "W. E. Pete Wray" was the shooter and Joe Watson was in the car with Wray.

<sup>23</sup> XXXX was interviewed by the FBI and provided the names of witnesses XXXXXX and XXXXXXXX, whose statements will be discussed later in this memorandum. XXX also stated that XXXXXXXX and XXXXXXXX had reportedly seen Ray in his convertible on the night of the shooting. Both witnesses were interviewed by the FBI and neither mentioned seeing Ray.

<sup>24</sup> Ray did not mention the original color of the convertible. However, XXXXXXXXX, said it had a green body and a yellow top.

<sup>25</sup> As will be discussed later XXXXXXXX claimed that Ray did drink alcohol that night.

the shooting, except to drive to and from town. In his second interview that day, he initially iterated that he had only been in the car during the drive to and from Belzoni. He then conceded that he was twice in the car to move it to a better parking spot. Ray stated that Watson was in the convertible during the first move, but he did not remember Watson being there during the second move. He denied that they drove to the bootlegger's in the convertible. In the second and last move, he parked the car in front of Turner's Drug Store and claimed that he entered the store and spoke to the owner shortly before 11:00 p.m.

He always kept a .38 caliber pistol in the glove compartment of his (gravel) truck and he also owned a .12 gauge shotgun.

Joseph Watson, Sr. was also interviewed by the FBI on June 3, 1955 and, like Ray, admitted that he was a member of the Citizens Council. Watson was "vague and evasive" concerning being in Ray's convertible on the night of the shooting. However, he eventually admitted that he and Ray drove around Belzoni in Ray's convertible and purchased whiskey from a bootlegger, later identified as XXXXXX, contradicting Ray's account denying that they had gone to a bootlegger's in Watson's pickup truck. Like Ray, Watson stated that XXXXXX was with them that night, but that they dropped XXXXXX off at his residence shortly after the whiskey purchase. Watson also stated that they "cruised" various areas and may have been on Church Street at some point that night, but he denied either participating in or witnessing the shooting. He also claimed that, on the night of the shooting, he drove his XXXX home from work. XXXXXX worked at the XXXXX that closed at about midnight.<sup>26</sup>

At the time of the FBI interview, Watson had a fully-loaded .38 caliber revolver under his shirt. He explained that he stated that he was always armed because he had shot a man in self-defense years prior, and the man had been gunning for him.

Watson also said that he always had a sawed-off, 22.5-inch barreled, 20-gauge shotgun under the seat of his black International pickup truck.<sup>27</sup> He claimed that, on the night of the shooting, XXXXXXXX had the truck. Watson stated that XXXXXX was also in town and eventually parked the truck near Turner's Drug Store, where Watson eventually found him. Watson denied that he moved the 20-gauge shotgun from the truck to Ray's convertible at any time that night.

Watson provided the shotgun to the FBI agents, who determined that it was loaded with two #3 buckshot shells. Additionally, a box under the seat in Watson's truck contained an additional five #3 buckshot shells and nine #8 buckshot shells. Watson stated that he had purchased the buckshot at Scroggins' Hardware Store after May 7, 1955.

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<sup>26</sup> Another witness, XXXXXXXXX of Lee's, stated that XXX was parked in front of the Piggly-Wiggly at 11:30 p.m. and confirmed that the store was open.

<sup>27</sup> As noted, Watson's pickup truck was black. The pickup truck observed by XXXXXXX and occupied by the two young men, XXXXX, was reportedly pea green and, therefore, not Watson's truck.

Watson had been a suspect in the shooting into the home of an African-American family, somewhere near Belzoni some years prior. Watson stated that he had been charged with the shooting, but he denied having been involved in the incident and ultimately nothing was proved..

#### Witness statements concerning the night of the shooting

Both Ray and Watson stated that XXXXX was with them for sometime during the drive on the night of the shooting and was present when they purchased the whiskey. The FBI interviewed XXXXXX on June 3 and 4, 1955. XXXXXX, whom the FBI report described as “a drunkard and entirely unreliable as to character,” admitted that he had once ridden with Ray and Watson in Ray’s convertible and they had purchased alcohol on that occasion. He could not be certain of the date, but he thought that it was on May 6, i.e., the night *before* of the shooting. XXXXXX stated that, after purchasing the alcohol, Ray had dropped him off at his “room” and he had gotten drunk. XXXXXX contradicted Ray’s account, stating that Ray had been drinking as well. At one point, XXXXXX described Ray and Watson as “the type that would do it.” XXXXXX also told the FBI that they were “on the right track” and later that they were “on the wrong track.” XXX also said that even if XXX knew the identity of the perpetrators XX would not reveal it because XX had to continue living in Belzoni. XXXXX claimed that XXX roommate, XXXXXX could verify that XXXXXX was in their room on the night of the shooting.

On June 6, 1955, XXXXXXXX told the FBI XXX thought that, on the night of the shooting, XXXXXX was drunk in bed when XXXXXXXX returned home at about 7:30 p.m. XXXXXXXX stated that XXX could not be certain of the date, however.

Ray’s XXXXXXXX confirmed that Ray drove XXX to town to see a movie and picked XXX up at the corner of Jackson and Hayden at around 11:00 p.m. XXXX also corroborated XXX claim that XXX had stopped drinking.

Ray’s XXXXXXXX stated that XXXX was home from college on the night of the shooting and babysat XXXXXXXX. XXXXX stated that XXXXX returned home around 11:00 p.m.<sup>28</sup>

XXXXXXX stated that XXX had a contract with Ray for Ray to haul dirt for him. XXXXX stated further that XXX had spoken with Ray on numerous occasions, but XXX could not confirm that XXX saw Ray on the night of the shooting.

Watson’s XXXXXXXX was interviewed by the FBI on June 23, 1955. XXXX stated that XXX did not learn of the victim’s death until May 8, 1955, when XXXX and XXXXXXXX went to Belzoni (they lived about 8 miles out). XXXXXXXX stated that both XXX and XXXXXXXX went to Belzoni at about 8:00 a.m. on the day of the shooting: XXXXXXXX, “hung around town all day,” while XXXXXXXX went to work. That evening, XXXXXXXX, drove XXXXXXXX pickup truck to Midnight, Mississippi, for a date with a woman named XXXXX. XXXXXXXXX drove around

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<sup>28</sup> XXXXXXXX was interviewed by the FBI in 2009.

until about 10:30 p.m. and then XXX drove her home. XXXX returned to Belzoni where XXXXX picked up Watson and XXXXXX, and all three went home. XXXX was not certain of the time, but XXX thought XXX picked up XXXXXX at about 11:00 p.m. and they arrived home around midnight.<sup>29</sup>

XXXXXX did not recall specifically *seeing* XXXXXX shotgun in the pickup truck, but XXX knew it was there because XXXX pushed it back under the driver's seat with XXX foot. XXXX stated that XXX knew nothing of XXXXXXXX and Ray buying shotgun shells on May 7 or at any other time. XXXX stated further that the last time XXX looked at XXXXXX shotgun closely, it contained #8 shells. XXXXXXXXXX did not specifically recall seeing Ray on the day or evening of the shooting.<sup>30</sup>

XXXXXXX was interviewed by the FBI on June 30, 1955, and stated that XXX had dated XXXXX, but XXX was no longer dating XXX. XXXX did not remember what XXX was doing on the night of the shooting nor whether XXX was with XXXXX. As a rule, however, XXX did not date on Saturday nights, therefore felt rather certain that XXX was not with XXXXXX on the Saturday of the shooting. XXXXX stated that when XXX and XXXXXX went on dates, they rode in XXXXX pickup, but XXXX had never seen any weapon in the truck and XXXXXX had never mentioned any.

The FBI interviewed Watson's XXXXXXXXXX on June 6 and June 7, 1955. In XX first interview, XXXX stated that XXX got off work at the XXXXXXXXXX sometime between 11:30 p.m. and midnight. At that time, Watson was in his pickup truck, parked across the street from the XXXXXX. XXXXXXXXXX confirmed that XXXXXX drove XXX straight home. XXX stated that XXXX had seen XXXXX riding in a convertible with Ray either on the night of the shooting or the night before. The convertible was headed east on Jackson Street. XXXXXXXXXX saw the convertible return the way it had gone about 15 minutes later; the car then parked in front of Turner's Drug Store.

In his second interview, XXX said that when XXX exited the XXXXXXXXXX, he saw XXXXXXXXX, in the pickup truck across the street. Watson was not in the truck, instead, he was standing in front of a store at the intersection of Jackson and Hayden Streets, talking to two Belzoni night policemen (Frazier and XXXXXXX) and several other people. XXXXXXX did not pay attention to Watson and, several minutes later, shortly before midnight, XXX saw Watson and Ray in Ray's convertible with the top down, driving east on Jackson. At the time, Watson was driving. Ten or fifteen minutes later, the two men returned in the convertible (this time Ray might have been the driver) and parked in front of Turner's Drug Store. Watson exited, walked to the pickup, got in and drove XXXXXXXXXX.

XXXXXXX stated that XXX did not know whether or not XXXX shotgun was in its usual

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<sup>29</sup> It is unclear why the 8-mile trip took one hour.

<sup>30</sup> The FBI interviewed Watson's XXXXXXXXXXXXXXX, on June 8, 1955, but XX had no relevant information to provide.

place, under the seat of the pickup, on the night of the shooting.

XXXXXX opined (outside of his signed written statement) that Watson was a “bad man” and a coward, who did not like African-Americans. XXXX also opined that Ray acted tough but was not really.<sup>31</sup>

BPD Patrolmen J.W. Frazier and XXXXXXXXXXX, both members of the Citizens Council, were both on duty in Belzoni on the night of the shooting. Frazier denied that he ever saw Watson and Ray together that night. He may have seen Watson before 9:00 p.m., but was not sure.<sup>32</sup> XXXXXX, who was reportedly “openly hostile” during his FBI interview, said that he may have seen the two men together on the corner of Jackson and Hayden but XXX could not recall at what time, and specifically denied talking to either of them between 11:30 p.m. and midnight on the night of the shooting.

XXXXXXXX, bootlegger and XXXX where Ray, Watson, and XXXXXX claimed XXXXX on the night of the shooting, stated that XXX knew Ray, who occasionally brought XXXX to buy whiskey from XXX, however XXX did not think Ray himself had ever bought alcohol from XXX. XXX had never seen Watson in XXXXXXX and was not even sure that XXX knew who he was. XXXXXX, on the other hand, bought alcohol from XXX whenever he had sufficient funds. However, XXX could not say whether he did so on the night of the shooting.

XXXXXXXX Watson’s XXXXXX XXXXX, stated that XXX recalled Watson and XXXXXX returning home on the night of the shooting. XXXX did not turn the light on and look at the clock so XXX did not know exactly what time they returned but they normally came home before midnight.

XXXXXX told the FBI that, sometime after 11:30 p.m. on the night of the shooting, XXX was in XXX truck parked on Third Street with XXXXXXX. They had been parked for about 10 minutes when they heard three shots. Three minutes or less later, XXXXXX saw a Ford convertible turn onto Third Street from Church at a high rate of speed. There were four white men in the car: two in the front and two in the back. XXXXXX did not recognize the men. XXX stated that the convertible, which appeared to be a 1950 model or older, had a medium green lower half and the top was down. According to XXXXXXX, the car was identical to Ray’s convertible.

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<sup>31</sup> The FBI interviewed XXXXXXXXXXXX. (XXXX and Watson’s XXXXXXXX) on June 7, 1955, but XX claimed to have no knowledge of the shooting or any relevant information.

<sup>32</sup> XXXXXX opined to the FBI that Frazier knew a great deal more about the victim’s death that he reported knowing.

XXXXXX confirmed that XXX knew as in a pickup with XXXXX (whom XXX only knew as XXXXX) at the time of the shooting. XXXXX added that XXXXX was also in the truck. XXXXX stated that XXX heard one shot, followed shortly thereafter by two more. XXXX said that XXX also saw the convertible and it appeared to be a green "Mercury Ford." Unlike XXXXX, XXXXX stated that there were three men in the car: the driver and two in the back seat. XXXXX could not tell if the men were white or African-American. XXXXX stated that XX had seen the same car parked next to the Turner Drug Store earlier in the day. At that point, there were three white men in the car and a fourth, heavysset, white man was leaning on the driver's side of the of the car, talking to the three other men. XXXXX had seen the heavysset man before and knew him to be a Belzoni resident, but XXXX did not know the man's name.

XXXXXXXXXX told the FBI that XXX was not in XXXXX's pickup truck at the time of the shooting and did not see a convertible. XXXXX was walking along Third Street and heard two shots but did not pay attention to them because hearing gunshots on Saturday night was not unusual. XXXX walked to XXXXX's house and it was there that XXXXX and XXXXX picked him up 20 minutes after the shots.

XXXXXXXXXX was interviewed by the FBI on June 2 and August 9, 1955. XXX stated that XXX and XXXXXXXXXXX, drove into Belzoni on the night of May 7, 1955. Sometime between 11:00 and 11:30 p.m., XXXX saw the victim's car closely followed by a 1952 green Mercury convertible. XXXXX said XXX had seen the car about a week prior at XXXXXXXXs garage and considered buying it. Although XXXXX then took a different road, he again saw Lee's car stopped at an intersection, and the convertible had stopped very close behind Lee's car. XXX had seen the convertible about a week prior at XXXXX's Garage. XXXXX did not pay attention to the driver, but noted that the passenger was either kneeling or standing on the front seat. The person was wearing a blue short-sleeved sport shirt. According to XXXXX, the passenger was Ray's XXXXXX. When questioned as to how XXX recognized the passenger, XXXXX said that XXX was not personally acquainted with Ray's XXXXXX, but had seen the passenger, who XXX knew to be employed as a painter and drive an International pickup truck, several times before. The FBI case agents arranged for XXXXXXX to point the individual out<sup>33</sup> and he identified Watson as the passenger in the convertible.<sup>34</sup>

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<sup>33</sup> XXXXX stated that the passenger could be seen "at any time" at the corner of Jackson and Hayden Streets (the corner), talking to officers. The FBI had XXXXX drive by the corner on his way to work. When the FBI then contacted XXXXX at XXX workplace, XXX said that XXX had seen the passenger standing at the corner, wearing a white striped, short-sleeved shirt, and khaki pants. An agent went to the corner and saw Watson, standing there, wearing the same clothes described by XXXXX. Through additional "arrangements," not detailed in the relevant FBI report, XXXXX subsequently "pointed out" Watson to two case agents.

<sup>34</sup> XXXXXXXXXXX stated that in second part of August 1955, XXXXXXX, member of the Citizens Council, told XX he had files on each African-American registrant and that XXXXX intended to cancel their registrations or "run them out of the county." XXXXX stated that XXXXX told XX that the FBI had an African-American witness who had seen two men following the victim on the night of the shooting (likely XXXXX, according to the FBI report),

XXXXXX confirmed XXXX's account of the convertible closely following the victim, but the only thing XXX could say about the occupants of the convertible was that they were white.

XXXXXX was interviewed on June 2, 1955, and XXX stated that XXX was in XXXXX's store (XXXXXX Grocery) at about 8:30 or 9:00 p.m. on the night of the shooting. According to XXXXX, Ray was wearing light blue sharkskin pants and a light blue long-sleeve sport shirt.<sup>35</sup> XXXXX saw Ray approaching the check-out, carrying a large box of shotgun shells which XXXXX surmised were either .16 or .20-gauge shells. XXXXX left the store and the area before Ray reached the counter. XXX stated that XXX did not see Ray's gravel truck or Ray's convertible parked in the area.

XXXXXX was interviewed by the FBI on June 2 and 3, 1955. XXXX denied on both occasions that XXX sold #3 buckshot or any shotgun shells on May 7, 1955.<sup>36</sup>

BPD Chief N.L. Nichols told the FBI that on May 7, 1955, at about 10 p.m., just before he headed home from work, he saw Ray and Watson in Ray's Mercury convertible, which was "high in front and low behind." When the convertible stopped at a red light near Nichols, Nichols asked Ray where he got the car and Ray said he bought it. Nichols opined that Ray appeared to have been drinking and, the next day, Ray told Nichols that he had drunk corn whiskey the night before and that the alcohol had "played hell with his ulcers." According to Nichols, XXXXXXXX was present when Nichols talked to Ray and XXXXXXXX said to Nichols that he did not think Ray had been drinking.

XXXXXX was interviewed by the FBI on March 8 and 16, 1956, and stated that XXX had been drinking with a white man, XXXXXXXX, on February 3, 1956. XXXXX said that XXX was worried because XXX was in XXX car behind the shooters' car on the night of the shooting and knew to whom it belonged and who its occupants were. XXXXX told XXX that XXX would reveal XX information if two African-American witnesses, XXXX and XXXXX, would back him up. In fact, XXXXXXXX asked XXXXXXXX to contact XXXXXXXX and convince him to provide information.<sup>37</sup>

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but that the witness "would never testify to that."

<sup>35</sup> XXXXXXXX's description of Ray's shirt is consistent with XXXXXXXX's description of the convertible's passenger, later identified as Watson, not Ray.

<sup>36</sup> XXXXX was interviewed twice because the FBI had not yet interviewed XXXXX at the time of XXXXX's first interview, and therefore did not know that XXXXX had seen Ray buying shotgun shells from XXXX on the night of the shooting. Moreover, it should be noted that Ray, himself, admitted buying ammunition in XXXX's store on the night of the shooting.

<sup>37</sup> As mentioned in a prior footnote, XXXXXXXX was interviewed the second time after his name was provided to the FBI by XXXXXXXX. XXXXXXXX is discussed further in the section pertaining to the XXXXXXXX.



individual.” According to XXXXXX, it had been proved conclusively that, several years earlier, Watson had driven to XXXXXX’s farm and, without provocation, fired his shotgun into the home of XXXXXXXX’s African-American tenants. XXXXXXXX also said that Watson on occasion drove his pickup truck at high speed in an attempt to run over pedestrians. XXXXXX stated that he could not say that Ray was inherently bad, but Ray was “ignorant” and completely dominated by Watson.

### Physical evidence

The FBI contacted the owners/employees of six other stores. XXXXXXXX stated that they had not sold any shotgun shells since the end of hunting season in February 1955; XXXXXXXX and XXXXXXXX specified that they could not recall selling any #3 buckshot since the end of hunting season. Additionally, XXXXXXXX of XXXXXX Store both stated that did not recall selling any shotgun shells to Watson and Ray in the prior several months.<sup>41</sup>

Watson’s shotgun was submitted to the FBI Lab to be test-fired with #3 buckshot to determine the approximate distance between the shooter and the victim’s car such that the buckshot would have created a pattern about 24 inches in diameter as was found on the victim’s car. The FBI Lab issued a report on June 30, 1955. According to the report, both barrels of Watson’s shotgun had been fired since it was last cleaned. The report stated further that the gun was test-fired with 20 gauge, #3 buckshot and it produced a 24-inch diameter pattern when fired from a distance between 13 and 18 yards (more frequently at 18 yards). The gun was also test-fired from distances of 13, 14, 15, and 18 yards at metal plates consistent with the thickness of the painted sheet metal hood of the victim’s 1950 Buick. At 13 yards, most of the shots passed through. At 14 and 15 yards, the bullets did not pass through the metal but created dents approximately 1/4-inch in depth, i.e. similar to at least three of the ones found on the victim’s Buick. At 18 yards, the bullets also created 1/4-inch deep dents and one shot passed through. The handwritten portion is more specific and presumably more contemporaneous with the tests, but it is impossible to determine whether it is in fact more accurate. The FBI Lab report noted that high-velocity shot shells were used for the tests and that lower-velocity shells would have penetrated less or if they were shot at an angle.<sup>42</sup>

XXXXXXXXXX stated that he sold his 1947 Mercury convertible with a green body and yellow top to Ray on or about May 1, 1955.

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<sup>41</sup> Watson claimed that he bought the #3 buckshot that FBI agents found loaded in his shotgun at the time of his FBI interview at XXXXXXXX store.

<sup>42</sup> Watson contacted Sheriff Shelton to get his shotgun back. On June 29, 1955, Shelton informed the FBI of Watson’s request. XXXXXXXXXXXXXXXXXXXXXXXXXXXX for the shotgun and it was returned to Watson on April 5, 1956.

### Evidence against the Rainers

The FBI received an anonymous letter, postmarked May 25, 1955, in Silver City, Mississippi. The letter stated that the victim was killed by the man who operated a service station in Belzoni (right at the end of the river bridge), and that the man's name was "Bob Rainer, Jr." The letter stated further that Rainer had two unidentified African-American men in the car with him; one of those men was driving the convertible and Rainer was standing in the car at the time of the shooting; the other man was also in the car. According to the letter, the two African-American men worked for Rainer at the service station. The letter stated that the convertible belonged to Rainer but he had not been seen in it since the night of the shooting. The writer concluded by stating that he was withholding his name "until a later date." XXXXXX of Mound Bayou, Mississippi, reportedly received another anonymous letter, also postmarked May 25 and from Silver City. The letter was almost identical in substance, except that it stated that a red convertible was involved.

According to a May 13, 1955, memorandum, from XXXXXXXXX of the Birmingham NAACP, who participated in the NAACP investigation, two names "came up from several sources." One was that of an African-American man: XXXXX "or something similar," who was a tractor driver on the farm of a man named XXXXXX.<sup>43</sup> The second was of "Rainey," who reportedly "ran the gas station across the river." One report was that Rainey's "child" said something to the effect that his father was "out getting some n.rs" on May 7. Two unidentified people who spoke with the NAACP stated that Rainey was the shooter. As mentioned previously, XXXXXXXX was interviewed by the FBI on May 31, 1955, and iterated XXX findings. XXX also stated that XXX learned through XXXXXX representative and primary source of XXX information, that the person XXX had previously known as "Rainey" was actually Ray.<sup>44</sup>

Robert Lee Rainer, Sr., and XXXXXXXXX, were interviewed separately by the FBI on June 3, 1955.<sup>45</sup> Rainer, Sr. confirmed that he ran "Bob's Service Station" at the north end of the Yazoo River Bridge in Belzoni. He stated that he had only one African-American employee: XXXXXX. He stated that he closed the service station sometime between 11:30 pm and midnight and was the last to leave. XXXXXX had left sometime earlier; and XXXX had driven a trailer-truck home sometime after XXXXXX's departure. Rainer, Sr. stated that he traded his 1954 Ford convertible (that was white with a black top) to Bryan Motor Co., as part payment for a

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<sup>43</sup> As will be mentioned later, an African-American man named XXXXXX did indeed work for XXXXXX but had no connection to Rainer.

<sup>44</sup> XXXXXX did not explain exactly how XXX "learned through" XXXXXXXX that Rainey was Ray, nor is it otherwise clear since Rainer and not Ray ran the service station. Moreover, as mentioned in a prior footnote, XXXXXX himself was interviewed on June 1, 1955, by which time XXXXXXXX had told the FBI that "Rainey" was actually Ray. XXXXXX was apparently not asked about "Rainey."

<sup>45</sup> On June 7, 1955, Rainer, Sr. contacted the FBI and complained that the agents had told XXXXXX that he had been accused of participating in a murder.

dump truck. Rainer, Sr. showed the case agents a bill of sale, dated April 16, 1955, showing the trade transaction. He volunteered that someone had told him that his convertible had been seen in connection with the murder, but he assumed the person was joking.

XXXXXX stated that XXXXX at the time of the murder; XXX stated that XXX was told by XXXXX that XXXXX had seen XXX drive a gravel truck on Church Street about 30 minutes prior to the shooting.<sup>46</sup>

XXXXXX denied having participated in the shooting or having any knowledge of who the perpetrators might have been. XXXXX both also denied that XXXXX knew anyone named XXXXXXXX.

In January 1956, XXXXXXXX, a member of the Belzoni NAACP, who was previously mentioned among the "background witnesses," traveled to Washington and gave a statement to the FBI. XXXXX stated that XXX had been told by XXXXXXXX, a member of the Humphreys County Civil League, that on the night of the shooting, "Bob Raney" had driven a car to the Belzoni Oil Works (BOW) and left it with the night watchman, stating that the car had "raised hell" that night.

XXXXXXX denied that XXX told XXXXX that Rainer, Sr. had driven a car to the BOW on the night of the shooting. XXXXX stated that XXX was not in Belzoni that night.

Similarly, XXXXXXXX at the BOW stated that no car was left at the works that night and no car was ever left with XXXX by Rainer.

The FBI also identified and interviewed an African-American man named XXXXXXXX who stated that XXX had only ever worked for XXXXXXXX entire life. XXXXXXXX specified that XXX had never worked for Rainer. XXXXXXXX, whose statement is summarized in the section of this memorandum concerning Watson and Ray, confirmed that XXXXXXXX had only worked for him. XXXXXXXX stated that XXX was acquainted with Lee and knew Watson and Ray by sight but had seen none of them on the night of the shooting.<sup>47</sup>

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<sup>46</sup> XXXXXXXX lived on XXXXX Street and his statement is discussed in the "other relevant witnesses" section of this memorandum. XXXXXXXX was interviewed before the Rainers and therefore not asked specifically to confirm any portion of their accounts, such as whether he had seen Rainer, Jr. driving on XXXXX Street that night. XXXXXXXX did state that he left the gas station at about 9:30 p.m.

<sup>47</sup> XXXXXXXXXX told the FBI that XXXXXXXXXX reported rumors that XXXXXXXX was involved in the murder. XXXXXXXX said that he plied XXXXXXXXXX with alcohol and "grilled him" and determined that XXXXXXXX did not participate in the shooting. XXXXXXXX also reported to the FBI that he had received an anonymous call on May 14, 1955, and that the caller said, "We got Reverend Lee last week, now it's your turn."

**2008 - 2010 Federal Investigation:**

In the fall of 2008, the FBI initiated a review of the circumstances surrounding the victim's death, pursuant to the Department of Justice's "Cold Case" initiative and the "Emmett Till Unsolved Civil Rights Crime Act of 2007," which charges the Department of Justice to investigate "violations of criminal civil rights statutes . . . result[ing] in death" that "occurred not later than December 31, 1969." The FBI interviewed three witnesses identified through a documentary on the case; XXXXXXXXXXXX who sold a convertible to Ray; XXXX. The FBI also retrieved from the National Archives and Records Administration (NARA) the 1955 FBI file relating to the incident; contacted Mississippi law enforcement officials; conducted searches of the Southern Poverty Law Center (SPLC) records, Mississippi Department of Archives and History (MDAH) and the University of Southern Mississippi library records; and sent letters to both the SPLC and the NAACP requesting information. Additionally, FBI agents solicited information about the case at two forums (one at Jackson State University in March 2009 and one in Belzoni in May 2009). At both events, a TV One program titled "Murder in Black and White," featuring a documentary on Lee's murder, was screened. The FBI also solicited information via a press release that was published in local newspapers. Moreover, the FBI also sought information concerning civil rights era racially-motivated homicides during the Veterans of the Mississippi Civil Rights Movement conferences in March 2009 and March 2010.

The case agent contacted XXXXXXXXXXX and film-maker, who provided a copy of a documentary he had filmed on the case. The documentary, featured, among others, three civilian witnesses: XXXXXXXXXXX, and XXXXXXXX. XXXXXX and XXXXXX stated that they had not been interviewed by the FBI in 1955.

The FBI interviewed XXXXXXXXXXX, in May 2009. He stated that he was XX years old at the time of the murder. On the evening of May 7, 1955, he was outside his house with XXXXXXX and XXXXXXX). XXXXXXX was on the front stairs and heard the sound of squealing tires. XXXXXXX turned and saw Lee's car driving north on Church Street, followed by a "yellowish" colored convertible. The convertible sped up and started to pass to the right of Lee's car. As it did so, its wheels jumped the curb. The two cars were two houses north of XXXXXXX's residence when XXXXXXX heard two shots. The convertible sped away and Lee's car crashed. XXXXXXX stated that the convertible was occupied by four individuals, whom XXXXXXX could not identify. XXXXXXX stated that he and XXXXXXX ran to Lee's car and were the first to reach it. XXXXXXX opened the driver's door and saw that Lee's face was covered in blood. XXXXXXX heard a loud pop from the car and ran home. XXXXXXX told his mother that the convertible was similar to the car of FNU Hodges, the "milk man" for whom XXXXXXX's brother and brother-in-law worked. XXXXXXX slapped her son and told him never to make that comment again.

XXXXXXXX stated that on the night of the murder, XXX and XXXXXXX, were out driving around Belzoni with their male friend "B" in "B's" car. At some point, they were driving north on Church Street when a dark-colored car made a left turn onto Church from Pecan Street. The car was traveling at about 10 miles an hour and zig-zagging. The car then crashed into XXXXXXX home. "B" stopped his car, and XXXXXX ran to the crashed vehicle, opened the

driver's door, and saw that the driver was Lee. Badly injured and bleeding, Lee exited the car and started walking toward May's grocery. XXXXXX did not recall seeing any other car nor hearing gunshots prior to the crash.

XXXXXX also stated that XXX had heard a rumor that a man named Bob Rainey (presumably Rainer), who owned a service station, had been involved in the murder. Rainey reportedly had a reputation for cruelty to his wife. XXX could not identify the source of the rumor.

XXXXXXXX (XXXXX Grocery) located across the street from and slightly to the north of XXXXXX's home, where the victim crashed his car. XXX told the FBI case agent that XXX had given a statement to the FBI in 1955 and that he could find all the relevant information therein.

XXXXX was, in fact, interviewed by the FBI in 1955. According to the 1955 FBI summary of XXX account, XXX stated that, on the night of the shooting, XXXXXX and heard a loud crash at about 11:30 or 11:45 p.m. XXXXX exited the store and saw that Lee's car had crashed into XXXXX's house. XXX said that XXX was certain that no one in the store heard any gunshots or other sounds other than the crash itself.<sup>48</sup>

In 2009, XXXXXX stated that, on the night of the shooting, two of XXXXXXXX came from the back of the store and told XXXX that had heard gunshots. XXX looked outside and saw Lee's car crashed into XXXXX's home. Lee exited the car and walked towards XXXXXX. XXXXXXXX stated that he flashed a Freemason "distress signal." XXXXXX, whose father was a Freemason, stated that there were white and African-American Freemasons in Belzoni. When asked how XXXX interpreted Lee's signal, XXXXXX could not because the signal was not the kind an African-American Freemason would give. XXXXXX also stated that XXX had seen the convertible and that there were two men inside. XXX did not recognize the driver, but XXX did recognize the passenger, who was holding a shotgun, as the son of the operator of a service station. XXX also specified that it was the owner's son, and not the owner himself, who operated the service station. Thus, it seems unlikely that XXX could have been referring to XXXXXXXX, because there is no indication that XXXXXX at the time, operated the service station, or that he had any sons. XXXXXX also claimed to have provided the name of the passenger to the FBI in 1955, but it is not mentioned in the FBI summary. Moreover, since XXX arrived at the front of the store after the crash, it seems unlikely that XXX would have seen the convertible.

The FBI case agent interviewed XXXXXXXX, one of Ray's XXXXX, and the XXXXXXXX.<sup>49</sup> XXXXXXXX stated that XXX recalled hearing that the victim was killed but

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<sup>48</sup> XXXXXXXX, whose statement is summarized in the section of this memorandum pertaining to Watson and Ray, told the FBI in 1955 that XXXXXX told him that XXX heard the sound of the victim's car crashing and ran outside.

<sup>49</sup> All of Ray's XXXXXXXX were alive in 2009. XXXXXX stated that XXXXX was XX in 2009 (and therefore about XX in May 1955); XXXXXXXX was XX in 2009 (and therefore about

XXXX did know much about the events and XXX family rarely talked about it afterwards. XX. XXX recalled that XXXX were out for the evening and XXX was home watching XXXXX. XXXXXX could not remember what car XXXXXX had taken that evening, but thought it might have been the convertible. XXXXXX stated that the convertible was mostly driven by XXX and not XXXXXXXX. XXXX confirmed that the car was painted red sometime after Lee's death but added that the repainting had nothing to do with the shooting. XXXXXX said that XXX liked the color red and wanted the car painted another color, although XXX could not recall, who initially came up with the idea.

XXXXXX stated that Watson was one of Ray's "associates." In fact, the Watsons' were the Rays' neighbors and had similarly-aged children. XXXXXXXX a number of XXXXX's "associates": Joe Higdon (former Humphrey County Chancery Clerk), former Sheriff Shelton, former BPD Chief Nichols, former BPD Officer Frazier, and former Humphrey County Supervisor John Bridgers.

The FBI ran computer records checks on Higdon, Shelton, Nichols, and Frazier; and interviewed Bridgers's XXXXXXXX; and thereby determined that all five men are deceased.

The FBI interviewed XXXXXXXX who sold the convertible to Ray. XXXXXX said that the XXXXXXXXs, Watsons, and Rays lived in Brooklyn, a small community just outside Belzoni. XXXXXX grew up and went to school with Watson's and Ray's children. XXX had heard rumors around Brooklyn that Watson and Ray were involved in Lee's murder. XXX said that he would XXXXXXXXXXXX. XXXXXX had no specific knowledge as to what might have motivated them but stated that they had a "wild reputation" and did not need much motivation to shoot someone. XXXXXXXX said that XX had never heard rumors linking the Rainers with the murder. Although XXXXX went to school with the Watsons and the Rays, the Rainers did not live in Brooklyn and XXXXXXXX knew of no connection between the Rainers and the other two men.

As mentioned previously, the FBI interviewed John Allen Bridgers. Bridgers stated that he knew Ray and Watson but had never spoken to them about the Lee murder.

The FBI contacted XXXXXXXX, the XXXXXXXX. XXX was aware that Watson had been under investigation for violating someone's civil rights. XXXX did not recall XXXXX mentioning anyone named Ray or Rainey, or mentioning anything about the murder.

The FBI case agent interviewed XXXXXXXX who stated that, on May 7, 1955, XXX worked at one of XXXXXXXX and that, sometime in the evening, XX drove XXXXXXX home in

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XX in May 1955); and XXXXXXXX, was XX in 2009 (and therefore about XX at the time of the murder). The contemporaneous FBI reports stated that XXXXXXXX presumably XXXXX was XXXXX; and "XXXXXX was XX. XXXXXXX stated in 2009 that XXX doubted that any of XXXXXXXX would have any more information that XXX, concerning the victim's death.

XXX truck and then drove to XXXXX home.<sup>50</sup> XXXXX owned a white convertible with a white top that XXXXXXXX but was not close friends with them. XXX stated that XXXXXXXX had any issues with African-Americans voting. XXXXXXXX did business with and employed African-Americans.

The FBI obtained Watson's and Ray's death certificates. Watson died on February 1, 1975 and Ray died on January 25, 1976. According to a public records search, Rainer, Sr. died on January 7, 1993.

The FBI contacted Humphrey County Sheriff J. D. Roseman. The HCSD conducted searches of its records for any information concerning the Lee murder but found none.

Additionally, Roseman solicited information from various Belzoni senior citizens and HCSD employees. HCSD employee XXXXXXXX stated that former HCSD Sheriff Joseph David Jones (who succeeded Shelton and is also now deceased) commented to XXX that he knew all about the murder but was going to keep it to himself. According to XXXXXXXX, Sheriff Jones was a good friend of XXXXXXXX.

The FBI interviewed XXXXXXXX. XXXXX confirmed that XXX and Sheriff Jones had been close friends, but XXX stated that Jones had never mentioned the murder to XXX. XXX was familiar with Watson, Ray, and Rainer but had no knowledge of any of their involvement in the murder.

The FBI contacted the Humphrey County Circuit Clerk's Office. A search of the records revealed that Watson had a multiple-count burglary conviction in January 1966. Watson was sentenced to five years in prison. The records indicated that there were four additional cases associated with Watson but the corresponding files could not be located. The Clerk's Office had no records pertaining to the shooting.

The FBI also contacted Humphrey County Justice Court Judge Thomas R. Gammons and officials at the Mississippi Attorney General's Office and determined that none of those offices had records pertaining to the shooting.

An FBI search of SPLC records found several records relevant to the victim's death, including a partial and redacted copy of the 1955 FBI file, various news accounts, and other documents (that were already part of the 1955 FBI file). As of the date of this memorandum, the letter to the NAACP has also yielded no information.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights

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<sup>50</sup> In his 1955 interview, XXXXX did not state that he drove XXXX home that night and XXXXXXXX told the FBI that XX walked home.

statutes. First, although there is a significant amount of evidence linking Watson and Ray to Lee's murder, they cannot be prosecuted because they are deceased.

Second, the government cannot prosecute Rainer, Sr. because he too is deceased. Moreover, despite a thorough investigation by the FBI both in 1955 and more recently, there is a lack of concrete or reliable evidence linking either Rainer, Sr. or XXXXXXXXXXXX, who is still alive, to the murder.

Third, prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 242, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the *Ex Post Facto* Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. AUSA Robert Coleman, Northern District of Mississippi, concurs in this recommendation.