

CIVIL RIGHTS DIVISION  
Notice to Close File<sup>1</sup>

File No. 144-73-4749

Date \_\_\_\_\_

T0: Chief, Criminal Section

Re: Perry Dean Ross (Deceased),  
Joe Simpson (Deceased), Subjects;  
Mayflower, Texas;  
John Earl Reese (Deceased) - Victim  
CIVIL RIGHTS

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

**I. Synopsis**

On October 22, 1955, John Earl Reese, a 16-year-old African-American youth, was shot and killed in rural Longview, Texas, by a Caucasian man opposed to the integration of public schools. According to media reports, Reese was dancing with friends in a café when he was fatally injured by the gunfire sprayed from a car passing on the highway. Two other patrons of the café, XXXXXX, XX, and XXXXXX, XX, suffered minor gunshot wounds. That same night, gunmen targeted additional locations where any victims were likely to be African-American. At one location, XXXXXX was praying at XXX bedside at XXX

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Karla Dobinski  
Attorney

To: Records Section  
Office of Legal Administration

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

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*Date*

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*Chief, Criminal Section*

home when bullets came through the Venetian blinds and bullet fragments sprayed XXX face. Investigators found seven bullets, one embedded in a bedpost. At another, windows were shot out of a local school. And at yet another, mailboxes were damaged by bullet spray.

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<sup>1</sup> Memorandum amended June 22, 2021.

The Texas Rangers investigated, interviewing over 300 potential witnesses. Eventually, on February 2, 1956, Perry Dean Ross and Joe Simpson were indicted for committing Reese's murder. The district attorney dismissed the charges against Simpson in exchange for Simpson's testimony against Ross at trial. On April 23, 1957 a state jury found Ross guilty of murder and sentenced Ross to a two to five year suspended sentence.

## **II. Federal Investigation**

On November 18, 2008, the Federal Bureau of Investigation (FBI) opened an investigation into the circumstances surrounding the victim's death. This investigation was opened pursuant to the Department of Justice's Cold Case initiative, which focuses on civil rights era homicides that occurred no later than December 31, 1969. As part of its investigation, the FBI obtained several court records concerning the local investigation. The FBI investigation revealed that this incident did not involve kidnaping, nor did it occur on federal property or have any nexus to federal explosive statutes.

Further investigation revealed that both subjects charged in the original criminal case are deceased. The FBI investigation secured a copy of a death certificate (Volume 19, Page 598) for Perry Dean Ross from Panola County, Texas, which lists January 8, 1976, as the date of death. The FBI investigation also secured a copy of a death certificate (#98-020943) for Joe Simpson from Maricopa County, Arizona, which lists June 30, 1998, as the date of death.

A records search showed that in 1956, the FBI and the then Civil Rights Section of the Criminal Division of the Department of Justice opened a file regarding the shooting and monitored the local prosecution. Documents show that J. Edgar Hoover, the Director of the FBI, was in contact with the District Attorney of Longview, Texas, during the local investigation. In an effort to determine whether any federal jurisdiction attached, the matter was referred to the Postal Service because the shooters also had damaged some mailboxes. However, the Department concluded that there was no federal jurisdiction.

## **III. Additional Investigation**

The incident was described in a contemporaneous news account in the March 6, 1957, edition of Time Magazine as follows:

In an unpainted, poster-plastered little hut of a cafe outside the Gregg County seat of Longview in East Texas, a handful of teen-age Negroes drank soda pop, danced to the music of a beat-up jukebox, chattered happily just because it was Saturday night.

Suddenly, the cheerful inside noises were smeared by the snarl of a car outside, a sputtering of shots ("like a string of firecrackers," said one witness) and a scream.

As Perry Dean Ross of nearby Tatum, the driver of the car, put it later in his signed confession: "I held the steering wheel with my left hand and laid the gun (a Mossberg .22 automatic rifle) across the left door. I was going about 85 miles per hour at the time and I fired nine shots into the cafe." One of the slugs entered the head of a 16-year-old Negro, John Earl Reese, who died the next morning. Two others struck and wounded a pair of Negro girls, 13 and 15. That was 18 months ago.

Last week Triggerman Ross, 22, was finally brought to trial in Longview (pop. 38,900) for the murder with malice of the young Negro. Before a jury of twelve East Texans, all whites, his lawyers argued that Ross, who had had several beers, had not been bent on murder. Said one of them: "This boy wanted to scare somebody and keep the niggers and the whites from going to school together now that's the truth about it." He appealed to the jury to "call it a bad day and let the boy go on in life." District Attorney Ralph Prince, who let 15 months go by before pressing the indictment, argued less forcibly that the jury should give Ross a jail sentence that will deter others from committing a similar crime." The jury retired at 4:55 p.m. 90 minutes later it was back with its verdict: guilty of murder, without malice. The jury's recommended sentence: five years, suspended. Killer Ross was turned loose.

#### IV. Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes because of the death of the subjects and the lack of evidence of additional or unknown subjects. In addition, 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 kidnaping resulting in death, the facts of the present case do not lend themselves to federal prosecution under other federal statutes. Finally, the Gregg County District Attorney informed the FBI that the law of double jeopardy would bar any further charges by their office.

Accordingly, this matter should be closed. The United States Attorney's Office for the Eastern District of Texas concurs with this recommendation.