

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-32-5142

Date SEP 24 2013

To: Chief, Criminal Section

Re: Unknown Subject(s)
Franklinton, Louisiana;
Carrie Brumfield (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

On September 12, 1967, Carrie Brumfield, an African-American shipyard worker, was found shot to death in his car on a deserted rural road near Franklinton, Louisiana. Brumfield had died of a single .22 caliber revolver gunshot wound to the chest.



Cristina Gamondi
Attorney

To: Records Section
Office of Legal Administration

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

9-24-13

Date


Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

In 2007, the Federal Bureau of Investigation (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."

In June 2007, the FBI interviewed one of Brumfield's (b)(7)(C) who stated that the victim, who worked at a ship yard in Mississippi, had been murdered by one of his co-workers. The victim had given the killer a ride home, and the killer robbed him and shot him. The murderer had later been arrested in Louisiana, for the killing of a white man, and confessed to also killing Brumfield, and a number of other individuals in Louisiana and Mississippi. (b)(7)(C) stated that the murderer, whose name he could not remember, died in an unidentified Louisiana prison some years prior to the interview. More significantly, he stated that the murderer had not been motivated by the victim's race.¹

(b)(7)(C) also stated that he closely followed the investigation into the murder. At one point, then Washington Parish (b)(7)(C) told him that (b)(7)(C) had initially thought that the victim had committed suicide, but because the victim's hands were under the steering wheel, (b)(7)(C) ultimately concluded that Brumfield had been murdered.

In September 2009, the FBI re-contacted (b)(7)(C) who stated that he had no information or evidence that he had not provided in his June 2007 interview.

The FBI also contacted the Washington Parish Sheriff's Office (WPSO) and determined that the WPSO file on the murder (#467) was empty.

¹ On October 26, 1967, about a month and a half after the murder of Carrie Brumfield, (b)(7)(C) (b)(7)(C) of Lucedale, Mississippi, was arrested in Franklinton for the murder of Toye McKelvin during the robbery of McKelvin's general merchandise store. Like Brumfield, McKelvin had been shot with .22 caliber bullets. On November 12, 1976, (b)(7)(C) who, along with (b)(7)(C) had reportedly escaped from the Louisiana State Penitentiary where (b)(7)(C) was serving time for murder, shot and killed Motley County, Texas, Sheriff Jalmar Wilson (who was not in uniform), and shot and wounded (b)(7)(C) (b)(7)(C) was reportedly 28 and from Mount Hermon, Louisiana, not far from Franklinton. Earlier that day, (b)(7)(C) and (b)(7)(C) had (b)(7)(C) robbed an Amarillo service station. (b)(7)(C) and (b)(7)(C) were indicted on charges of capital murder, attempted murder, aggravated robbery, and unauthorized use of a motor vehicle. (b)(7)(C) pled guilty (and was sentenced to a (b)(7)(C) total of 60 years) and testified in (b)(7)(C) trial. (b)(7)(C) was convicted and sentenced to death. The Texas Court of Criminal Appeals overturned (b)(7)(C) sentence and ordered a new trial on the grounds that the trial judge failed to instruct the jury that Carter's accomplice testimony that (b)(7)(C) knew that Wilson was a law enforcement officer, required corroboration. (b)(7)(C) was given a life sentence on the reduced charge of murder with a deadly weapon; the sentence also covered charges of aggravated robbery in Carson County, and robbery with a deadly weapon in Potter County. According to a 2013 article, (b)(7)(C) is still serving his sentence. Although speculative, it is possible that (b)(7)(C) was referring to (b)(7)(C) as the serial murderer responsible for Carrie Brumfield's murder.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. The Emmett Till Act applies to civil rights violations based on the victim's race and where one or more of the perpetrators was acting under color of law. The murder of Carrie Brumfield occurred prior to the passage of the Civil Rights Act of 1968, and it did not occur within the territorial jurisdiction of the United States. Accordingly, in order to establish federal jurisdiction at the time, the government would have been required to prove either that law enforcement was involved (under 18 U.S.C. § 242) or that two or more individuals conspired to deprive the victim of his civil rights (under 18 U.S.C. § 241). Further, at the time, a five-year statute of limitations was applicable to civil rights violations even when the victim was murdered.

Here, there is a lack of evidence to indicate either that the unidentified subject was acting under color of law, that more than one individual was involved, or that the unidentified subject was motivated by the victim's race.

(b)(7)(C) Moreover, according to the victim's [redacted] the murderer died long ago in prison, therefore, even if the subject had been identified, there were sufficient evidence to prove a violation of the applicable statutes, and the five-year statute of limitations were not applicable, the government could not prosecute a deceased subject.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. AUSA Emily Greenfield, Eastern District of Louisiana concurs in this recommendation.