



U.S. Department of Justice
Civil Rights Division

RM:PF:CC
144-33-2263

Criminal Section - PHB
350 Pennsylvania Avenue, NW
Washington, DC 20530

APR 22 2010

(b)(7)(C)

Monroe, LA 71202

Dear (b)(7)(C)

We are writing to inform you that the Department of Justice and the Federal Bureau of Investigation (FBI) recently conducted a review of the circumstances surrounding the deaths of your (b)(7)(C) Albert and David Pitts, on July 13, 1960. We regret to inform you that we are unable to proceed further with a federal criminal investigation of this matter because the men responsible for the deaths of your (b)(7)(C) Zennie Fuller and William Fuller, are deceased. Please accept our sincere condolences on the loss of your (b)(7)(C)

Over the last 50 years, the Civil Rights Division of the Department of Justice has been instrumental in bringing justice to some of the nation's most disturbing civil rights era crimes. Today, the Division continues to use its resources and expertise to identify, locate, and, where possible, prosecute those responsible for committing racially-motivated crimes committed more than 40 years ago.

In 2006, the FBI began its "Cold Case Initiative" — a comprehensive effort to identify and investigate racially-motivated murders committed decades ago. Toward that end, each of the 56 FBI field offices searched their "cold case files" to identify incidents which might be ripe for investigation. In February of 2007, the FBI announced the next phase of the initiative, which includes a partnership with the National Association for the Advancement of Colored People (NAACP), the Southern Poverty Law Center (SPLC), and the National Urban League to assist the FBI in identifying additional cases for investigation and to solicit their help. In October 2008, the "Emmett Till Unsolved Civil Rights Crime Act" ("Emmett Till Act") became law giving the Department of Justice additional tools to investigate "violations of criminal civil rights statutes . . . result[ing] in death" that "occurred not later than December 31, 1969."

The federal review concerning the deaths of your (b)(7)(C) was begun pursuant to the Cold Case Initiative and the Emmett Till Act. This review was conducted by FBI Special Agents and an experienced "cold case" civil rights prosecutor. We have now concluded that review and wish to inform you in writing of our findings.

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As part of its review of the circumstances of the deaths of your brothers, the FBI interviewed (b)(7)(C) of Zennie Fuller and (b)(7)(C) of William Fuller. The FBI also conducted thorough searches of various internet and other resources; contacted a number of Louisiana law enforcement officials, an SPLC investigator, and two Monroe hospitals.

According to our review, on July 13, 1960, your (b)(7)(C) Albert Pitts and David Pitts, and three other men, Marshall Johns, Ernest McPharland, and Willie Charlie Gibson, were shot by their employer, Zennie (aka Robert) Fuller, with a shotgun. According to contemporaneous newspaper accounts, your brothers and Marshall Johns died immediately, while Mr. McPharland and Mr. Gibson were critically wounded. Mr. McPharland reportedly died in the hospital of a head wound on the night of July 14, 1960. Mr. Gibson eventually recovered, but may now be deceased.

Zennie Fuller's (Mr. Fuller) (b)(7)(C) was in the house at the time of the shooting and was interviewed by the FBI on January 31, 2008. (b)(7)(C) stated that Mr. Fuller owned a septic tank installation service and employed your (b)(7)(C) and the three other men he shot. At the time of the shooting, Mr. Fuller was greatly in arrears on his employees' wages.

(b)(7)(C) told the FBI that on the morning of July 13, 1960, (b)(7)(C) was awakened by the sound of shotgun fire. (b)(7)(C) then saw his (b)(7)(C) standing outside with a shotgun and your (b)(7)(C) Mr. Johns, and Mr. McPharland lying on the ground. According to (b)(7)(C) two or three of the men on the ground were not yet dead. At that point, William Fuller (Mr. William Further), Mr. Fuller's son, shot the dying men in the head with a pistol, to "finish them off." Mr. Fuller then walked into the house, drank some coffee, and called Ouachita Parish Sheriff Bailey Grant, a close friend of his. According to (b)(7)(C) said, "(b)(7) this is Robert. You better get down to my house. I just shot five niggers." (b)(7)(C) opined to the FBI that Mr. Fuller, who was an extremely violent man, "snapped" when he saw your (b)(7) and the other men arrive at work that morning. (b)(7)(C) opined further that Mr. Fuller, who eventually became a Grand Dragon of the Ku Klux Klan, shot the five men because they were African-American. (b)(7)(C)

According to contemporaneous newspaper accounts, Mr. Fuller claimed that he shot your (b)(7)(C) and the other men in self-defense when they attacked him with knives and curved hoochie hooks. According to Mr. Fuller, the five men were angry with him because, the day prior to the shooting, July 12, 1960, he had struck Mr. Gibson for cursing at him. Mr. Fuller reportedly told responding officers that on the morning of July 13, 1960, your (b)(7)(C) and the three other men drove to his home and asked him to "come on down the road and talk a minute." When Mr. Fuller refused, one of the men swung three times at him with a knife. Mr. Fuller stated that he retreated to his truck, rapidly pulled out a shotgun, and fired it several times, reloading more than once.

According to newspaper accounts, one of the men, likely Mr. Gibson, reportedly admitted to one of Mr. Fuller's (b)(7)(C) that he and the other four men had intended to "hurt Mr. Robert" that morning. The newspaper accounts also stated that when deputies arrived at the scene they found several knives near the bodies and one of the wounded men still clutching a knife in his hand.

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(b)(7)(C) told the FBI that (b)(7)(C) heard several additional details of the incident over the years. (b)(7)(C) heard that his (b)(7)(C) had threatened to kill Mr. Gibson unless he gave an account consistent with Mr. Fuller's claim of self-defense. (b)(7)(C) also heard that his (b)(7)(C) put knives in the hands of the men they had shot to support Mr. Fuller's account. (b)(7)(C) stated that (b)(7)(C) recalled seeing the knives in the hands of the dead men and recognized the knives as coming from (b)(7)(C) house. (b)(7)(C)

Mr. Fuller was taken into custody after the shooting and held on an "open charge" pending the results of the investigation. Neither Mr. Fuller nor Mr. William Fuller were ever indicted, however.

In addition to the findings described above, the federal investigation determined that Mr. Fuller died on March 7, 1987, and Mr. William Fuller died on November 6, 2005.

After careful review of this incident, we have concluded that the now deceased Mr. Zennie Fuller and Mr. William Fuller acted alone when they shot and killed your (b)(7)(C) and therefore, we have no choice but to close our investigation.

We regret that we cannot be of further assistance to you. Again, please accept our sincere condolences for the loss of your (b)(7)(C)

Sincerely,

Paige M. Fitzgerald
Deputy Chief in Charge of the Cold Case Initiative