

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-32-5143

Date MAY 21 2012

To: Chief, Criminal Section

Re: Unidentified Subjects,
Orleans Parish Prison,
New Orleans, Louisiana - Subjects;
Marshall Scott, Jr. (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

On January 23, 1965, Marshall Scott, Jr., an African-American laborer, died while in his solitary confinement cell at the Orleans Parish Prison (OPP) in New Orleans, Louisiana. According to Scott's death certificate, he died as a result of "confluent brochopneumonia."

--The FBI interviewed Scott's (b)(7)(C) in July 2007. (b)(7)(C) stated that (b)(7)(C) believed that (b)(7)(C) had been beaten to death, and that (b)(7)(C) suspicion was based on the (b)(7)(C) fact that (b)(7)(C) saw bruises on Scott's body when (b)(7)(C) received it for burial. (b)(7)(C) stated that



Cristina Gamondi
Attorney

To: Records Section
Office of Legal Administration

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

5-21-12

Date


Chief, Criminal Section

(b)(7)(C) no one had ever told [redacted] that (b)(7)(C) was beaten and [redacted] knew of no one who may have any (b)(7)(C) evidence to substantiate her allegations.

(b)(7)(C) [redacted] stated that [redacted] hired an (b)(7)(C) [redacted] to sue the City of New Orleans, but the suit did not go forward. According to (b)(7)(C) [redacted] worked with city officials to "cover up" any misconduct.

Federal Review

In the fall of 2008, 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." The FBI case agent interviewed (b)(7)(C) [redacted] and obtained Scott's death certificate. The FBI case agent contacted various Louisiana government officials and the Southern Poverty Law Center (SPLC); and conducted searches of the internet, law enforcement databases, and of the *New Orleans Times-Picayune*.

The FBI case agent contacted the SPLC, and was told that the SPLC had no record concerning Scott, and did not classify him among the casualties of the Civil Rights Era.

The FBI case agent contacted officials at the OPP and the Jefferson Parish Central Lockup Records Division (JPCL), but neither agency maintained records from the 1960s. Moreover, OPP, JPCL, and Orleans Parish Coroner's Office officials all stated that their records were destroyed by Hurricane Katrina in 2005.

Searches of the internet, law enforcement databases, and the *Times-Picayune* revealed no relevant information.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. (b)(7)(C) [redacted] provided no evidence or leads to substantiate [redacted] allegations that [redacted] (b)(7)(C) [redacted] was beaten. The FBI investigation revealed no evidence at all concerning (b)(7)(C) [redacted] death aside from his death certificate, which stated that he died of pneumonia.

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