

CIVIL RIGHTS DIVISION

Notice to Close File

File No. DJ 144-19M-1759

Date: 'JUL 05 2012

To: Chief, Criminal Section

Re: Willie Joe Sanford

CIVIL RIGHTS

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

1. Date of the Incident: March 1, 1957
2. Synopsis of the Facts and Reasons for Closing:

On March 1, 1957, the water-logged, naked body of Willie Joe Sanford was raised from Limestone Creek, a few miles from Hawkinsville, Georgia. His hands had been tied, his body had been wired to undergrowth in the creek and the victim's skull had been fractured by a blunt instrument and he had been stabbed numerous times.



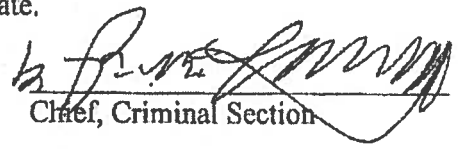
Daniel H. Weiss, Trial Attorney

To: Records Section
Office of Legal Administration

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

7-5-12

Date



Chief, Criminal Section

FORMERLY CVR-3
FORM CL-3

Case Synopsis

According to a number of articles in the Baltimore, Maryland *Afro-American* newspaper, on March 1, 1957, the water-logged, naked body of Willie Joe Sanford, the victim, was raised from Limestone Creek, a few miles from Hawkinsville, Georgia. The victim was a 24-year-old sawmill worker. His hands had been tied over his head and his body had been wired to undergrowth in the creek. The victim's skull had been fractured by a blunt instrument and he had been stabbed numerous times in the chest, stomach and back. An autopsy determined that the victim, who had been missing since February 2, 1957, had likely been in the creek for about 30 days.

According to an *Afro-American* article, Eva Mae Randall, the victim's sister, identified his body. Ms. Randall reportedly identified her brother from his shoes and from a surgical scar on his abdomen. The victim had been shot one year before by a white man and the scar resulted from the surgery to remove the bullet. The shooter had been released after spending one night in jail. Ms. Randall passed away in August 2011. The Federal Bureau of Investigation (FBI) interviewed Ms. Randall's [REDACTED] in April 2012, [REDACTED] [REDACTED] reported that [REDACTED] had no information regarding the shooting incident and that [REDACTED] never mentioned any events believed to be connected to [REDACTED] demise. No further information could be developed regarding the identity of the shooter.

The local investigation into the victim's apparent lynching was led by Oconee Circuit Solicitor J. Wade Johnson and included four Pulaski County Sheriff's Office (PCSO) officers, four Georgia Bureau of Investigation agents, and two doctors.

Solicitor Johnson presented the matter to a Pulaski County grand jury. According to Johnson, the grand jury heard from about 15 witnesses, i.e. "anyone remotely connected to the case," but recessed without indicting anyone. A close friend of the victim, Arthur King, who reportedly had been with the victim shortly before his death, was jailed as a "material suspect," starting in mid-February, 1957. King was held in a jail in Macon, Georgia, 50 miles away from Hawkinsville, reportedly for "his own safety." Once the grand jury failed to indict anyone, King was released from jail. Pulaski County Sheriff Andrew Hill was quoted as saying that since the investigators had found "no evidence in the case," it was unfair to hold King any longer.

Solicitor Johnson, who reportedly initially characterized the murder as a lynching, retracted that opinion in the press, stating that had the murder been motivated by the victim's race, "it would not have been concealed" and the victim would have been "riddled with bullets." Nevertheless, Johnson conceded, if reluctantly, that his investigation had led him to conclude that the victim had been murdered by two white men. Newspaper accounts report that the solicitor's conclusion was based upon the fact that two different weapons were used – a blunt instrument that fractured the victim's skull and a sharp implement that was plunged into his chest, stomach, and back numerous times. The solicitor further opined that it would be difficult for one person to truss up a man, hold him under water and tie him to the bottom of a creek. However, the perpetrators were never identified.

Federal Review

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 located and interviewed Eva Mae Randall, the victim's sister, on several occasions. Ms. Randall advised that Arthur King was a family friend, a close friend to her brother, and got him a job at the cotton mill. King was married to Lizzie Mae King. After the victim was missing, Randall and King tried to locate him. King later notified Randall that the Bleckley County Sheriff's Office had contacted him and told him of finding a body believed to be that of Willic Joe Sanford. Randall was transported by the sheriff to Pulaski County, where the body was found, and she identified the victim's body as that of her brother. According to Randall, King was placed in custody in Fulton County for his own safety, but later returned to Cochran, Georgia to live and work. According to Ms. Randall, King is deceased. Ms. Randall stated that she did not believe that anyone involved in her brother's death, whether as a witness or perpetrator, would still be alive.

The FBI was able to confirm that Arthur King was deceased. A review of death certificate records revealed that King died of an apparent heart attack on April 24, 1973. King's wife was also deceased; she died on October 31, 1999. FBI special agents interviewed Danny Mathis, Coroner of Bleckley County, who advised that there were no coroner's reports dating back to 1957. A copy of Sanford's death certificate was obtained and it indicates that the cause of death was "strain and hemorrhage from multiple stab type wounds to abdomen, chest and head."

The FBI reviewed the Pulaski County grand jury docket for March 1957, but it did not provide any details concerning the identities of the 15 witnesses who reportedly testified in the victim's case. Through contact with the Pulaski County Clerk of Court, the FBI determined that Solicitor J. Wade Johnson is deceased. The FBI contacted officials at PCSO and the GBI, but neither agency had any records relevant to the victim's death. Additionally, according to a PCSO official, the adjacent Bleckley County Sheriff's Office would not have had any records either.

In November 2008, the FBI contacted Timothy Vaughn, Pulaski County District Attorney, who opined that the likelihood of prosecuting the victim's murder was extremely remote.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, despite both a contemporaneous investigation and the recent Federal review, the perpetrators of this heinous murder have never been identified, and, as opined by the victim's sister, it is likely that they are deceased.

Second, 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 statutes 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 kidnapping 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 Brent Gray, Northern District of Georgia, concurs in the recommendation.

Concurrence

Agree _____
Disagree _____

Comments: