



U.S. Department of Justice
Civil Rights Division

MK:PF:CG
144-32-5143

*Criminal Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

MAY 21 2012

(b)(7)(C)

New Orleans, LA 70127

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 death of your (b)(7)(C) Marshall Scott, Jr. We regret to inform you that we are unable to proceed further with a federal criminal investigation of this matter because the applicable five-year statute of limitations has expired and because, even if not barred by the statute of limitations, there is insufficient evidence to prove a violation of the relevant federal criminal civil rights statutes, beyond a reasonable doubt. 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 your (b)(7)(C) death 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.

cc: Records Chrono Gamondi T. 05/16/12

As part of its review of the circumstances your (b)(7)(C) death, the FBI case interviewed you and obtained Mr. Scott's death certificate. The FBI case agent also contacted various Louisiana government officials and the SPLC; and conducted searches of the internet, law enforcement databases, and of the *New Orleans Times-Picayune*.

(b)(7)(C) According to our review, your [redacted] died on January 23, 1965, while in his solitary confinement cell at the Orleans Parish Prison (OPP) in New Orleans. His death certificate stated that he died as a result of "confluent bronchopneumonia."

(b)(7)(C) As you know, [redacted] the FBI that (b) believed that your [redacted] was beaten to death, (b)(7)(C) and that your suspicion was based on the fact that (b) saw bruises on his body when (b) received it for burial.

The FBI case agent contacted the SPLC, and was told that the SPLC had no record concerning your (b)(7)(C). The FBI case agent also 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.

After careful review of this incident, we have concluded that we cannot proceed further with a federal criminal investigation of this matter because there is insufficient evidence to prove a violation of any federal criminal civil rights statute beyond a reasonable doubt, and because the applicable five-year statute of limitations has expired. Accordingly, 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 on the loss of your (b)(7)(C).

Sincerely,

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