

David L. Norman
Assistant Attorney General
Civil Rights Division

January 5, 1973

Jeffrey R. Whieldon
Attorney
Criminal Section

JRW:flh
DJ 144-32M-9

Unknown Subjects, Deputies, East
Baton Rouge Parish Sheriff's Office,
East Baton Rouge Parish, Louisiana;
Denver Allen Smith (Deceased), Leonard
Douglas Brown (Deceased) - Victims
Summary Punishment
CIVIL RIGHTS

Summary of Evidence

On November 17, 1972, the Deputy Attorney General requested the Federal Bureau of Investigation to conduct a full investigation into the deaths of the above-named victims during a confrontation with law enforcement personnel on November 16 at Southern University in Baton Rouge, Louisiana. As of this date some 1,408 pages in three reports dated December 1, 8 and 15, have been submitted to this Division and have been carefully read and analyzed by this attorney and Research Analyst Marjorie L. Jones. Another report is expected sometime after the first of the year.

The purpose of this memorandum is to set forth in summary fashion the important background facts and all evidence developed to date which may be pertinent to the determination of who fired the fatal shot and why.

cc: Records
Chrono
Murphy
O'Connor
Whieldon

file
mg

BACKGROUND

In the early morning hours of November 16, 1972, East Baton Rouge Parish deputies executed four arrest warrants for leaders of Students United, a radical campus organization which had been the group mainly responsible for the many weeks of demonstrations, boycotts and class disruptions at Southern University, Baton Rouge (SUBR). This group, with the support of many students, had urged the resignation of the President of SUBR, Leon Netterville (black, age 66) and a "laundry list" of other demands for such things as student participation in university affairs, improved facilities, dismissal of some faculty members, etc. Louisiana State Board of Education officials agreed to the merit of some demands but refused to accept any resignations, including that of the President, under pressure.

On November 9, 1972, seven warrants had been issued for the arrests of leaders of Students United. Two were executed on November 9, but those students were later released. Arrests of the other five were postponed after an agreement by Students United to discontinue the disturbances. However, they were not discontinued and a decision was made by university security officials on November 15 to execute the remaining warrants. Four of the five were located and taken into custody.

After learning of the arrests, several hundred students assembled at the Administration Building at approximately 7:30 a.m. The students were led by Ricky Hill and Nathaniel Howard, two leaders of Students United. At 9:00 a.m., several students were given permission to enter and talk to Netterville, who was in his office. However, others pushed their way past security guards and entered. The students talked briefly to Netterville about the arrested students. Netterville indicated he was leaving to attend a board meeting and he would find out why the students were arrested but would not be coerced into

arranging for their release. While getting into his car he was confronted by Howard and again asked about the arrested students. He told Howard he was going to a Board meeting but would call the Sheriff to see what could be done. He then left, under a security guard escort. Leaders Howard and Hill convinced the students to remain in the building until Netterville returned. 1/ However, many students confirm the statement made over and over by Howard and Hill that they were not there to take over the building.

Meanwhile, at the request of President Netterville, Mr. James Hunt, Director of Administrative Services, 2/ had called the Sheriff, informing him of the need for law enforcement personnel and that Netterville and a security guard were being held hostage. At that time both had barricaded themselves in a room because of the increasing number of students who had entered the building. However, they were not hostages. It should be noted that many deputies went to the campus under the mistaken belief that the security guard was still hostage. However, it appears that the Sheriff and others in charge were well aware that there were no hostages being held.

In response to the above request for aid, Sheriff Al Amiss of East Baton Rouge Parish ordered his deputies to Ryan Airport where they would assemble and move onto the campus. Under a pre-arranged plan, a tactical squad of the Louisiana State Police was also requested to come to the campus.

1/ Although some students claim Netterville told them to remain there until his return, this is denied by Netterville and other school officials present and seems highly unlikely.

2/ One of his responsibilities is campus security.

Upon the arrival of deputies at Ryan Airport, certain orders were given the men by Sheriff Amiss, Major Fred Sliman and Chief Deputy Gene Rives. They were told that the students had taken over the Administration Building and that a security guard was being held hostage. Amiss advised them that they would be dealing with students and he did not want anyone injured or abused in any way. He also told Sliman that he wanted the black deputies integrated among the white deputies so they would not be together in one group. Sliman handled administrative details and instructions.

Sliman advised the Bureau that when he arrived at the airport he was informed that the President had gotten out of the building but a security guard was still inside. He also advised that most of the men who reported were already assigned to squads in which they had been detailed to the campus on October 31, 1972. There was no confrontation at that time.

Instructions issued by Sliman were only basic and were similar to those issued on the several prior occasions they had assembled in anticipation of going onto the campus. The instructions were that no rounds of live ammunition were to be carried or loaded into the chambers of shotguns or rifles except on orders of the squad leader, given through Amiss, Rives or Sliman; that there was to be no firing except on direct order of either Amiss, Rives or Sliman; that loading of tear gas was discretionary with the men; that they were not to overreact to abuse and not to do anything to hurt the students; that nightsticks were not to be used unless absolutely necessary for self defense or to control students; and that no more than two .30 caliber carbines were to be carried in any one squad. They were also advised not to use deadly force except to protect themselves or another deserving person.

Most of the men had ammunition and tear gas in their possession which had been issued to them on previous alerts and which they had not returned. One shotgun is the issue per two-man car and the ammunition utilized is carried by deputies as their needs require. Some deputies had personally owned shotguns as well. Generally the deputies kept the loads that were already in their shotguns, although some reloaded or rearranged the ammunition. 3/ According to interviews, the deputies in the suspect squads (2, 3 and 4) who had shotguns carried either all buckshot or all tear gas loads. No one who had just buckshot admits to firing his weapon. A few deputies may have had tear gas and buckshot in their weapons so that the gas would fire first, but these deputies were not in the area from which the fatal shot came.

THE CONFRONTATION

After assembling, the deputies and state police proceeded in a convoy to the SUBR campus. The state police armored vehicle known as "Big Bertha" led the column. After entering the campus the column met Mr. Hunt who had a few words with Chief Rives. They then proceeded to a position on College Avenue directly in front of the Administration Building. (See Diagram #1). The men dismounted from their vehicles and formed in their respective squads.

At this time (approximately 10:30 a.m.) Sheriff Amiss, utilizing the public address system in "Big Bertha," made an announcement to the crowd of 200-300 students gathered in front of the Administration Building that they

3/ It should be noted here that a few deputies who were interviewed stated that an order was given not to carry live ammunition in the shotguns. However, there is no other indication that such order was ever given.

had five minutes to disperse and that if they did not do so there was a possibility that they would be arrested. The majority of those in front of the Administration Building began to disperse at this time. A countdown of the time was then given each minute over the public address system. At the end, however, a group of perhaps 100 students remained. Students in that group of 100 or so state that Howard, Hill or another leader Herget Harris told them to stay and not leave. This was also heard by some of the state police who had moved up next to the steps.

At the expiration of the five minutes Amiss left "Big Bertha" and walked out to where three of his squads (Squads 2, 3 and 4) had assembled on the lawn in front of the Administration Building steps. Meanwhile, the tactical unit of state police that was present had gone to the northeast corner of the building backed up by the Sheriff's riot squad (Squad 1). (See Diagram #1). Amiss stepped in front of his squads and again made an announcement that the students disperse and vacate the building. 4/

It was at this time also that Captain Rudolph Ratcliff began to converse with the students on the steps and told them to disperse. Prior to this, the state police tactical squad had cleared the steps of the Academic Building on its way up to the corner of the Administration Building. (See Diagram #1).

Ratcliff claims to have been subjected to profane language and insults during this effort. It became obvious to him that the students would not cooperate so he turned

4/ There were a large number of students in the building at this time as well. A few of them came out at the time of the confrontation, the remainder came out afterwards.

to his men stating it may be necessary to use gas. Apparently this statement was misinterpreted by Lieutenant Crow as an order to gas, for Crow ordered his men to put on masks and simultaneously rolled a gas canister into the demonstrators. A student wearing a helmet liner (either Herget Harris or Ricky Hill) threw it back over the heads of the state police where it exploded in mid-air, covering the Tactical Unit with gas. (See Photograph #1).

Immediately after Crow rolled the first canister he pulled the pin on a second and tossed it into the students. The second one went off simultaneously with the first, which had been thrown back. He then threw a third, which the same individual again picked up but as he started to throw it, it went off. Crow advised that by the time he threw the third canister most of the students had begun to run south from the steps.

Most of the members of the Tactical Unit and Squad 1 of deputies were unable to further participate in gassing and did not observe any pertinent events. Many there were overcome or could not see until the gas cleared. They then saw the two students down on the sidewalk. Most could not get their masks on in time to avoid being overcome. Then they found the masks to be full of gas.

It should be noted that it had been decided amongst Chief Rives, Major Sliman, Captain Ratcliff and Major Thomas Bradley that if tear gas had to be used it would be the LSP Tactical Unit and Squad 1, as the wind was coming from the north.

At this point, gas shells were launched by the state police from "Big Bertha." The first shot apparently hit the top of the facade of Administration Building and bounced out over the heads of the deputies in the skirmish line in front of the steps. (See Photograph #3).

At this time gas was fired or thrown in the direction of the students at the front of the Administration Building from numerous sources. A gas gun owned by the Sheriff's Office was fired several times, shots were fired from "Big Bertha," and several deputies in Squads 2, 3 and 4 admit firing tear gas cartridges from their shotguns and throwing canisters. It was during this confusion and gassing that Denver Smith and Leonard Brown were shot and killed by one round of Number Four buckshot.

During this time, deputies in Squads 2, 3 and 4 were ordered to fall back some and put masks on. Most did not have the opportunity to do so prior to their masks filling with gas. Some deputies who were overcome by the gas ran back towards College Drive. (See Photographs #4 and #5). Other deputies stayed in the area of the palm tree, which appears in the diagrams and photographs.

Some, for example Deputy Robert Potts, remained well to the front of most of the deputies in Squads 2, 3 and 4. Lt. Carr, who was in charge of Squad 2 ordered his men to lock and load. Several then fired gas, according to personal interviews. Most of the deputies in Squad 2, however, moved at this time north, away from the palm tree.

DEAD AND INJURED STUDENTS

Smith and Brown, according to television films viewed by the Bureau and this attorney, were about the last students to run south from the steps of the building. They were running side by side when pellets from apparently one round of Number 4 buckshot struck each in the head, felling them to the sidewalk. (See Diagrams #1 and #2). Brown died instantly, while Smith died twenty minutes after being received at the hospital. The fatal shots to each were pellets that traversed the brain, causing massive hemorrhaging.

Neither Brown nor Smith were known to have been actively involved in the campus disturbances and boycotts. Both were known to be quiet, average students. Prior to running from the area of the steps it is believed that Smith may have been seated on the ground. Brown had last been seen by a fellow student going into the building as the gas began.

Two other students were allegedly wounded at different times and locations following the shooting of Smith and Brown. Leonard Jackson and James Jackson (no relation) were apparently hit by tear gas cartridges. Leonard Jackson was near the NROTC Building northwest of the Administration Building when hit by a shot probably fired by Lt. Crow (LSP) to disperse students. James Jackson was allegedly hit near College Drive but it is not known by what object or who fired. Neither was seriously injured. It should be noted that a large number of gas shells were fired after the confrontation as well, to disperse groups of students. Since neither of the Jacksons was seriously injured and it is not believed that such incidents constitute prosecutable violations of a federal statute, no further reference to them will be made.

THE EVIDENCE

The Federal Bureau of Investigation has interviewed hundreds of persons and analyzed films and photographs in an attempt to pinpoint the source of the shot which killed Smith and Brown. In general it can be said that there has been no specific information developed which identifies the person who fired the fatal shot. No deputies in Squad 1 and no state police officers in the Tactical Unit could provide any specific information on a possible subject. None of them even saw the victims go down.

The deputies in Squads 2, 3 and 4 could also provide no concrete information on a specific subject who might have shot the victims. Some did indicate

they saw the victims go down and may have heard a sharper report at that time. At best, however, all they could say was the direction down the line from which it might have come. No one admits observing any deputy firing what might have been the fatal shot, nor having any subsequent knowledge of possible suspects.

Other witnesses, including students, faculty members, job recruiters and additional law enforcement personnel, provide only general information without specific identification of a subject. 5/

Careful analysis by the Bureau, however, has limited the suspects to the few deputies who were in the area of the palm tree at the time of the shooting. 6/

We shall now go into some detail concerning the narrowing of suspects by the Bureau. Diagram #2 represents the approximate scene at the time of the shooting. First, the Bureau has located the estimated position of victims when they were hit by pellets. This has been done through analysis of films of the victims falling and a re-creation of that scene by agents and the original photographer. (See Photograph #6).

5/ Note that one student and two recruiters claim that a deputy with sergeant stripes fired a shot just as the students went down. This will be discussed further, infra.

6/ Note that victims were hit with #4 buckshot, a standard load of EBRPSO, and from a direction where only deputies in Squads 2, 3 and 4 could have been standing. Also, in view of the evidence that no shots were fired at that time at the front of the building except by those deputies, we are able to conclude that one of those deputies (many of whom admit firing, but only tear gas) fired the fatal shot.

The Bureau also discovered three impressions on the east side of the Administration Building at the southeast corner. Although it could not be determined that such impressions were made by shotgun pellets, tracings of lead were found, consistent with the composition of buckshot pellets. They are also consistent with marks that could have been produced by spherical projectiles, such as buckshot. The analysis is that the impressions appear to have been produced by projectiles traveling approximately parallel to the ground and on an angle from a point north of the impact area. The minimum angle north of the impact area at which these projectiles could have been traveling, due to the presence of a shrub with no markings thereon, was found to be approximately three degrees. (See Diagram #3).

Two other impressions were found in this general area, but it was not possible to determine what could have produced these impressions. They were not produced by projectiles traveling at the same velocity as the other three.

It was then determined by Bureau analysis (See Photograph #6) that the only angle where the heads of the two agents simulating the positions of Smith and Brown fell within the area previously designated as the impact area on the east wall of the Administration Building was that located in a line approximating the direction of the large palm tree directly east of the Administration Building.

This narrows the possible angle of fire to somewhere within the shaded area appearing on Diagram #3 minus the 3° minimum angle shown by the dotted lines. If the exact position of the heads of the victims at the time they were struck could be established, a very precise line of fire could be determined. However, since victims were running at the time, causing minor head movement, no positive determination can be made. In the films it appears

as if victim Brown was faced approximately straight ahead or due south and that victim Smith was turned slightly towards the Administration Building at the time each was struck. The angle of entry on Brown was determined by the pathologist to be either on a perpendicular to the side of his head (that is, a line running east to west) or within 10 degrees on either side thereof. The paths of the pellets in the head of victim Smith are on a line approximately 45 degrees from a perpendicular (east to west) to the side of his head.

Of course, a slight change in the direction each victim's head was facing at the time he was struck could considerably alter the total angle in which the origin of the shot must have been located. It could not vary much beyond the right hand edge of the shaded area shown in Diagram #3 or the impact area would no longer fall in a line with the victims' heads.

This then was the approach and method of analysis used by the Bureau to aid in determining an identifiable subject. 7/ While this was underway, the Bureau also analyzed photographs, including those attached hereto, as well as two sequences of television film, one showing the students with the victims being hit and the other showing the deputies. Both were being photographed from south to north. Through careful coordination of the films and pictures and by overlapping persons or events, a good reconstruction of the scene was possible. Those who analyzed the films (several field agents, the television photographers, the exhibits man and the ballistics man)

7/ It should be noted that although the reports to date do not reflect the precise reasoning, it has been continually indicated that evidence of only one live shot at this location exists. This is presumably in view of the close proximity of the victims, the fact that they each appeared to have been struck at the same moment and the total number of pellets recovered or accounted for (approximately 20 out of the 27 which are contained in a #4 buckshot cartridge).

were able to follow movements of many of the deputies in the pertinent areas. 8/ Some with shotguns were seen to go out of the relevant areas. Others remained there and often their interview descriptions were inconsistent with their cinematic activities. This was brought out to some of them in second interviews, but generally the attitude was "well, that is how I remember it." Occasionally some additional activities are admitted to but none which indicate guilt. Although it has been determined that the motion pictures show some deputies at the time of the shooting, those near the palm tree are not visible or are cut off at the right edge of the film. The photographs do not capture the precise moment of the shooting. (Photograph #4 is just before and Photograph #5 is just after).

Through such analysis of the photographs, and sometimes with the help of the deputy in identifying himself and others, the Bureau has identified all deputies appearing in the skirmish line in Photograph #1. Their movements were followed in subsequent photographs and on film. As stated above, some possible suspects go out of the pictures and therefore their position at the time of the shooting is unknown. 9/

8/ This attorney has seen the films once and the technique has been carefully explained but he has not yet observed them for purposes of such an analysis. Therefore, the conclusions concerning each deputy's location are those of the Bureau.

9/ Interviews have been highly unsuccessful in locating deputies with any precision at the time of the shooting apparently because of the confusion, breaking of ranks and inability (or unwillingness) to recall.

THE SUSPECTS

Nine deputies were determined to be suspects by the Bureau, mainly because of their location and movements in the moments just before and just after the shooting. (See Photograph #5 and Diagrams #2 or #3). It should be emphasized, however, that most of these determinations with relation to identity and location at pertinent times are merely a matter of educated guesswork. Of course the only suspects are those carrying shotguns. The suspects vary as to what they say their activities were during the confrontation and as to what their shotgun load was and whether they fired. Some admit to firing gas but state with certainty that that is all they had in their weapon. Some who say they had only gas, deny firing. Those who had only buckshot of course deny firing also. 10/ It should be noted that most deputies in Squads 2, 3 and 4 had little or no previous riot training.

In addition to the six names which appear in Diagrams #2 and #3, who are placed within the area from which the shot came, three other suspects were established. They are Deputies Jarreau and Caffarel and Lt. Carr, all of Squad 2. Although they do not appear in photographs at the time of the shooting as identifiable, they all were apparently relatively near the palm according to interviews. As a matter of fact,

10/ Since mistake is a possibility in this case it should be noted here that there are various ways this could have happened here. The deputy may truly have forgotten how his weapon was loaded or not actually have known since it was in many cases loaded from other occasions. Of course, in interviews they all indicate certainty. He may also think he knew his load but honestly mistook the live round for a tear gas cartridge. Apparently the resemblance is striking. Nevertheless no one admits to this possibility.

of course, they may be the two deputies in front of the palm who are, to date, unidentifiable. In addition Carr admits to two and Caffarel admits to three gas shots towards the area of the Administration Building. Of course both are certain they only had gas shells in their weapons. 11/ Jarreau had double-ought and number four buck in his gun, admits chambering one or the other but denies firing. He also places himself behind the palm after he had seen victims lying on the walk. He denies seeing them fall.

All nine suspects were asked to submit voluntarily to a polygraph examination. Four (Jarreau, Ryals, Caffarel and Johnson, who is black) did so and the results do not show them to have been deceptive. Deputy Cambre refused nastily, according to the Bureau, and Carr, Potts and Story also refused. As of this writing Deputy Wall is consulting with his attorney in efforts to decide whether to submit to the examination. This Division has not yet received any written report of these results or any information as to the questions asked. Of course, if the guilty party does not know he did it then no deception would apparently be shown.

According to Bureau experts, however, there is a very noticeable difference in the amount of recoil when discharging a round of buckshot as opposed to a tear gas cartridge. Of course, it can be argued that in such confusion or panic, one might not realize the difference or might not recall it later. Then, too, several of these deputies had never fired tear gas cartridges and may not have known what a difference there was. If the live round was not fired intentionally it is still hard to believe that knowledge of or by the guilty party does not exist with each deputy recalling each shot that was made, the

11/ A recent conference between Sheriff Amiss and U.S. Attorney Gonzales pointed up that Carr had "pangs of remorse" in that he believes he fired a third shot from the hip (he only admitted to two in interviews). He believes it was gas, however, and does not recall the students falling with relation to his shots. Carr is in the process of preparing an additional statement through his attorney. He had already refused a polygraph examination.

direction fired and possibly seeing students fall at that moment and with the great amount of soul-searching that has undoubtedly been done. Again, of course, there is no way to prove this fact.

It should be mentioned that the movie film which was shot did not have a sound track. However, a co-reporter of one of the cameramen did tape record some of the incident. At one point during the noise and confusion, the words "I got him, I got him" are distinctly heard. Cameraman Baptiste cannot identify it as himself or his partner. No other identification, even by sheriff's personnel, has been made to date.

Evidence through interviews pointing to possible suspects has also been developed. None has been particularly helpful. A black student named Hillard and two job recruiters (probably black) identify a sergeant as one who fired several times towards where the students were seen falling. Hillard says each time he fired he put the expended cartridge in his pocket. Hillard followed him around as did a faculty member and he was identified as Ticey (Tycey). (A sergeant in charge of Squad 1). It was also discovered that he only had a carbine. Nevertheless Hillard and the recruiters all say the sergeant they saw was in the area of Squads 2, 3 and 4, not where Squad 1 was located. Further they all see shotgun shells being ejected. The only possible suspect who is a sergeant and had a shotgun is Ryals, but his also had a launcher attached and one of the recruiters claimed the one being fired did not. Ryals denies firing anything. This attorney recalls some other officer or deputy indicating that someone was wearing a shirt with sergeant's stripes even though he was not one. Efforts will be made to determine who this might have been.

Some of the black deputies present that day have indicated in interviews that they have discussed the matter at great length. A few were much more candid than most white deputies. All white deputies deny any knowledge of who might have done it or having heard information one way or the other. One black deputy stated that he heard the focus of the investigation had narrowed to a deputy who is normally assigned to the Narcotics Division and owns his own shotgun. This description fits only one deputy, Robert Watts.

Evidence has developed that Watts advised that he had no buckshot, leaving it all at the airport, and had only two rounds of tear gas in his weapon which he fired on orders of Lt. O'Connor (Squad #4) after the students were down. Watts, however, is identified by a black deputy named Crawford who arrived after the shooting as being a deputy who handed him a shotgun to hold saying it had two rounds of gas and two of buckshot. Watts was apparently trying to free his hands to throw canisters which he carried. Efforts to re-interview Watts and confront him with the inconsistency will be made if such investigation does not appear in the next report.

Again, with reference to these suspects and the nine listed above, no concrete evidence has yet been developed. Further, at this point in the investigation, identification of a subject does not appear likely. It is also not known what Carr's re-interview may show, what Watts may say concerning the inconsistency, or what specific results the polygraph examinations may show. Analysis of the files will continue in an effort to point up inconsistencies or any leads which could develop a subject.

LOCAL ACTION

The investigation by the state commission headed by the Attorney General turned up similar results to those of the Federal Bureau of Investigation. That commission has indicated that it narrowed the suspects to about six

who were located in one area. It is unknown at this stage in the investigation whether this was a totally independent finding and whether it was based on the same or different evidence. No contacts by this Division with the Attorney General of Louisiana have yet been made. Also, according to reports of a few weeks ago, the newly elected Parish Prosecuting Attorney has agreed to present evidence to a grand jury sometime after he is sworn in.

RECOMMENDATIONS

Until the final reports are completed no definitive recommendations can be made. Nor can any additional requests for investigation be initiated until all reports are in. It is not known by the Bureau Civil Rights Desk man what the remaining investigative reports will contain.

It can probably be safely said, however, that further narrowing of suspects through analysis of physical evidence or interviews is highly unlikely. This attorney, however, does intend to analyze the films and photographs with the guidance of those who have made the determinations to date. Hopefully such analysis will provide us with the certainty the Bureau has of the results of its analysis to date and perhaps turn up some additional facts not yet noted.

It would be this attorney's recommendation that if the state does proceed with its grand jury, that this Department should offer its files for examination and provide all assistance possible. The state appears to have acted in good faith throughout its investigation of this matter and, assuming they continue to do so, we should willingly offer information we have gathered. If a subject can be identified, clearly a state prosecution would be the more appropriate vehicle since proving intent herein without clear evidence would be an insurmountable obstacle. The state has open such prosecutive alternatives as negligent homicide, manslaughter, assault with a deadly weapon, etc.

If the state does not intend to proceed in good faith or does not do so, then an investigative federal grand jury may be appropriate. It would permit us to take the testimony of all deputies under oath, confront them with inconsistencies, carefully analyze films and photographs with their assistance, make efforts to identify persons in films and photographs and the voice on the tape recording, and confront possible subjects with lie detector test results, if they should prove of any value. Further, of course, there is the value implicit in a federal grand jury inquiry of allaying the doubts and fears and resolving the unanswered questions in the minds of many Americans. Perhaps even a report in the Chicago tradition which would condemn the deployment of such poorly trained officers in a confrontation situation should be considered.



ASSISTANT ATTORNEY GENERAL
WASHINGTON
1/8/73

TO: Dave Norman
FROM: Bill O'Connor

Attached is the interim long form detail summary on Baton Rouge. I think the analysis is good, but the recommendations are premature in view of the pending FBI reports.

I'll obtain and forward a further analysis when FBI reports are complete.

T. 2/6/73
ReT. 2/8/73
ReT. 2/12/73
JSPBEN: MWH: JRW: bmp
DJ 144-32M-9

16 FEB 1973

1-18-73

Senator Alan Cranston
Senate Office Building
Washington, D. C. 20510

Dear Senator Cranston:

This is in reply to your correspondence enclosing a letter from Howard I. Reese, City Manager, Davis, California, concerning the federal investigation into the deaths of two students at Southern University. Please excuse my delay in responding.

This matter is currently under investigation by the Federal Bureau of Investigation. Upon completion of that investigation the matter will receive our careful consideration and such action will be taken as the circumstances warrant.

Although we do not yet have all the reports in this matter, I should point out that according to Department of Justice regulations all reports of investigations are confidential and are therefore not available for public distribution. For this reason, I am unable to honor your request for a copy of the investigative report.

Your enclosure is returned herewith.

Sincerely,

cc: Records
Chrono
Hubbard
Whieldon
Pete Mark
Pres. Unit

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

PLEASE EXPEDITE

THIS MAIL SHOULD BE

ACKNOWLEDGED WITHIN 48 HOURS

RECEIVED 3

United States Senate

WASHINGTON, D.C. 20510

JAN 19 2 23 PM '73

DEPT. OF JUSTICE
MAIL ROOM
OROM

January 18, 1973

To: Department of Justice
Congressional Liaison
Washington, D. C.

410 DEPT. OF JUSTICE
MAIL ROOM
OROM

JAN 23 4 14 PM '73

Enclosure from: Howard L. Reese
City Manager
City of Davis
226 F Street
Davis, California 95616

Re: May we have a copy of the report for this gentleman?

I forward the attached for your consideration.

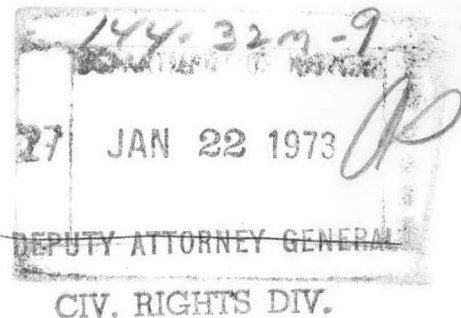
Your report, in duplicate, along with the return of the enclosure will be appreciated.

Sincerely,

Alan Cranston
Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att: Martha Weisz/lh



RECEIVED 3

United States Senate

WASHINGTON, D.C. 20510

JAN 19 2 23 PM '73

DEPT. OF JUSTICE
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ORON

January 18, 1973

To: Department of Justice
Congressional Liaison
Washington, D. C.

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✓ Enclosure from: Howard L. Reese
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City of Davis
226 F Street
Davis, California 95616

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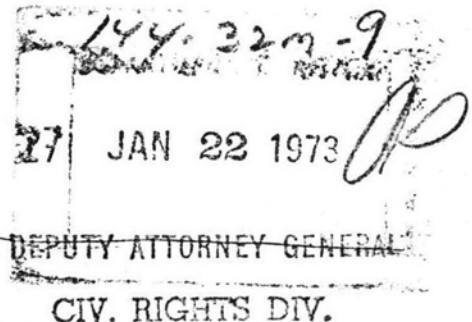
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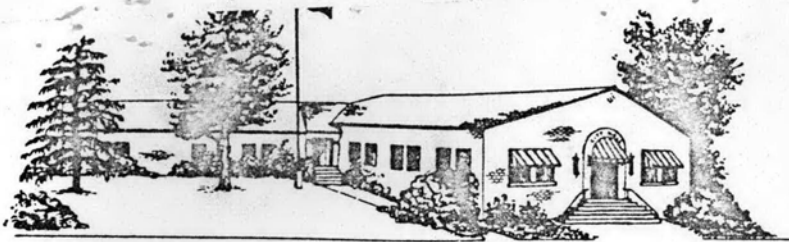
Sincerely,

Alan Cranston
Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att: Martha Weisz/lh





CITY OF DAVIS

226 F Street Davis, California 95616
(916) 756-3740

December 27, 1972

*Subject
Re: May we
have a copy
of the report
for this
gentleman*

The Honorable Alan Cranston
2102 Senate Office Building
Washington, D.C. 20510

Dear Senator Cranston:

Recently, the Davis City Council considered the incident which occurred in Louisiana involving the shooting death of two students. By unanimous action, the Davis City Council respectfully requests that Congress call for a full and complete investigation of this incident. The Davis City Council also respectfully requests that, following the investigation, a full and complete disclosure of all of the facts be made available to the public.

Respectfully,

HOWARD L. REESE
City Manager

HLR:ny

United States Senate

COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510
OFFICIAL BUSINESS



U. S. S.

January 19th, 1973

Dear Mr. Norman: Greetings and best wishes.

Thank you very much for your very encouraging letter and enclosure of the 16th, Instant relative to the investigation into the deaths of two young men at Southern University in Baton Rouge, Louisiana on November 16th, 1972. I shall give yours the broadest circulation possible because the matter is of great interest to our community.

Thank you very much.

Very truly yours,

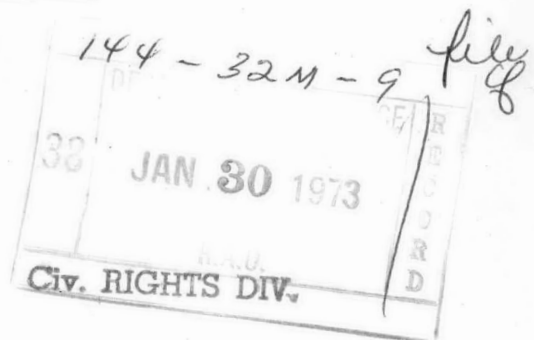
Kieran James Maurietta

Kieran James Maurietta, Universal
Chairman, Universal Youth Defense
Association, Inc.; etc.

OPERATIONS AND MANAGEMENT

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Kieran James Maurietta
Continental Apt. No. 13
795 Bellflower Blvd.
Long Beach, Calif. 90815



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V I A A I R M A I L, please

David L. Norman, Esq.,
Assistant Attorney General, Civil Rights Division
Department of Justice
Washington, D.C. 20530

(Air Mail)

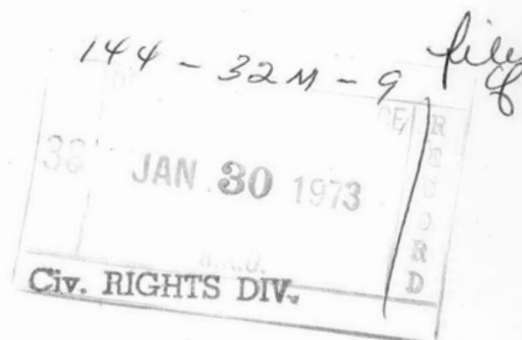
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From
Director
Federal Bureau of Investigation
To
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JAN 29 1973

- ☐ The Attorney General
☐ The Solicitor General
☐ The Deputy Attorney General
☐ Assistant Attorney General

USTICE

ON

- ☐ Director, Bureau of Prisons
☐ The Pardon Attorney
☐ Chairman, Parole Board
☐ Assistant Attorney General for Administration
☐ Immigration and Naturalization Service
☐ Bureau of Narcotics and Dangerous Drugs
☐ Law Enforcement Assistance Administration
☐ Director, Office of Budget and Accounts
☐ Director, Office of Administrative Services
☐ Director, Office of Personnel and Training
☐ General Litigation Section, Civil Division
☒ Office of Records Operations and Management

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ENTS Correspondence Control Unit
EANS, Internal Security Division

Att.: ☐ Antitrust Div. ☐ Civil Div. ☐ Civil Rights Div.
☐ Criminal Div. ☒ Internal Security Div.
☐ Community Relations Service

- ☐ A. No further action will be taken in this case in the absence of a specific request from you.
☐ B. Please advise what further investigation, if any, is desired in this matter.
☐ C. For your information, I am enclosing a communication regarding the holder of a diplomatic or international organization visa.
☒ D. For your information.
☐ E. Please note change in caption of this case.

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January 23, 1973
January 22, 1973
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cc: ☐ Attorney General ☐ Deputy Attorney General ☒ Civil Rights Div.
☐ Antitrust Div. ☐ Civil Div.
☐ Criminal Div. ☐ Internal Security Div.

ord Levy, Civil
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Although the restraining order encompassed the entire campus, it only listed 23 students that were active in the campus disruption during November, 1972. Dr. Sims stated that he did not recall all the names listed on the restraining order.

Dr. Sims stated that he anticipated no further disruption or violence of any type as SUNO was now operating as normal.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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20	JAN 29 1973
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INTERNAL SECURITY DIV	
Civil Section	

1*



UNITED STATES DEPARTMENT OF JUSTICE

1-23-73

FEDERAL BUREAU OF INVESTIGATION

New Orleans, Louisiana
January 23, 1973

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JAN 30 1973

In Reply, Please Refer to
File No.

INT. SEC. DIV.

DEMONSTRATION OF BLACK STUDENTS
SOUTHERN UNIVERSITY, NEW ORLEANS,
LOUISIANA, NOVEMBER 1, 1972

Correspondence Control Unit
Internal Security Division

---Chief, IAU

---Analysis

---Evaluation

---Special Lit.

---Registration

---Criminal

---Appeal/Civil

---Security

Return to

Dr. Asa Sims, Dean of Academic Affairs, Southern University, New Orleans (SUNO), advised on January 23, 1973 that classes on the SUNO campus resumed on January 22, 1973 without student disruption or boycott. He advised approximately 1,500 students were now attending classes and registration would continue through January 26, 1973 with approximately 400 additional students expected to enroll by that time.

Dr. Sims advised approximately 2,700 students attended the SUNO campus the previous semester and of that number approximately 300 were dropped from the rolls for one semester for failure to maintain proper academic average. Among these was Wanda Butler, an active participant in the November, 1972 campus disorder.

Dr. Sims advised that Judge S. Sanford Levy, Civil District Court, New Orleans, issued a permanent injunction on January 22, 1973, forbidding any student at SUNO to disrupt classes, unlawfully occupy buildings, misuse of facilities or equipment and in general preventing the normal operation of the university.

Although this restraining order encompassed the entire student body, it specifically listed 23 students that were active in the SUNO campus disruption during November, 1972. Dr. Sims stated he could not recall all the names listed on the restraining order.

Dr. Sims stated that he anticipated no further disruption or violence of any type as SUNO was now operating as normal.

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INTERNAL SECURITY DIV.	
Civil Section	



**National Board
of the
Young Women's
Christian
Association
of the U.S.A.**

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New York, N.Y. 10022
212/753-4700
Cable: Emissarius, N.Y.

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Vice President
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Mrs. John W. O'Nan

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**Mr. David L. Norman
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D.C. 20530**

Dear Mr. Norman:

Mrs. Claytor, President of the National Board YWCA, has asked me to thank you for responding to our letter of December 8th, concerning the death of two students at Southern University.

We appreciated receiving the copy of the Department of Justice statement on the investigation by the FBI. We are glad to know that the investigation is under way, and trust that the findings will be given prompt attention and action which will lessen the chance of similar confrontations with tragic results in the future.

Most sincerely yours,

Jean M. Whittet
**Jean M. Whittet
Director
Public Policy Center**

JMW/eq

*file
Hsu*

February 2, 1973

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...in the
struggle
for peace
and justice,
freedom
and dignity
for all
people

144 - 32M - 9

DEPARTMENT OF JUSTICE

38 FEB 6 1973

CIV. RIGHTS DIV.

National Board, YWCA
600 Lexington Avenue
New York, N.Y. 10022

ONE
IMPERATIVE:
ELIMINATE
RACISM



Mr. David L. Norman
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D.C. 20530

United States Department of Justice

UNITED STATES ATTORNEY

MIDDLE DISTRICT OF LOUISIANA

BATON ROUGE, LOUISIANA 70801

February 28, 1973

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ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO INITIALS

DMG:crb

Mr. J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division
Department of Justice
Room 1232, TODD Building
Washington, D. C. 20530

Re: Southern University Incident,
November 11, 1972

Dear Mr. Pottinger:

We have received an official request from the District Attorney of the 19th Judicial District, Mr. Ossie Brown, requesting generally that we make available our files relative to the unfortunate deaths of two students at Southern University on November 16. A copy of that request is attached hereto.

As a result of this incident, a great deal of publicity and conspicuous effort was made by the FBI and a thorough and extensive investigation was had. Many agents were in town, hundreds of interviews were conducted and, whether we like it or not, the local news media gave a lot of exposure to the fact that the FBI was making such an extensive investigation. Additionally, the press has made many statements and speculations, almost all of which have been erroneous, about the results of the investigation and the contents of the FBI files. It is obvious to the ordinary citizen that the Justice Department expended a great deal of money in attempting to make a thorough finding of fact with regard to this incident. In view of this expense and in view of the erroneous publicity about what the files contain, I think it would undermine the confidence of the people in this area in the sincerity of the Justice Department probe to, in effect, bury and restrict the results of that investigation to the confines of the Department of Justice. Therefore, I recommend that these files be made available to the State grand jury for their use in what I believe to be a legitimate and sincere state inquiry into the matter.

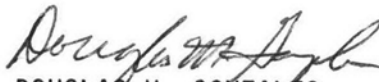
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3/12/73

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MAR 9 1973
R.A.U.
CIV. RIGHTS DIV.

Mr. J. Stanley Pottinger
Page 2
February 28, 1973

Both the State Attorney General, Mr. William Guste, and the District Attorney, Mr. Ossie Brown, are personally presenting evidence to the State grand jury and I believe the realities of the situation would insure that this grand jury will be fairly conducted in accordance with the highest principles of the administration of justice. I am a personal acquaintance of the foreman of this grand jury; I know him to be an honorable man and have confidence in his ability to insure that an impartial and thorough inquiry will be had. For this reason also, I recommend that these files be made available to the State authorities.

Very truly yours,


DOUGLAS M. GONZALES
UNITED STATES ATTORNEY

Enclosure

cc District Attorney
19th Judicial District
Parish of East Baton Rouge
Baton Rouge, Louisiana 70821

Attorney General
State of Louisiana
Baton Rouge, Louisiana 70804

Mr. S. M. Kadair
Foreman, State Grand Jury
1450 Kenmore Street
Baton Rouge, Louisiana 70808



OSSIE BROWN
DISTRICT ATTORNEY

Nineteenth Judicial District

EAST BATON ROUGE PARISH

OFFICE OF THE DISTRICT ATTORNEY

Baton Rouge, Louisiana

February 20, 1973

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FEB 21 10 05 AM '73

233 ST. FERDINAND STREET
UNITED STATES TELEPHONE (504) 348-6621
MIDDLE DISTRICT OF
LOUISIANA

Honorable Douglas Gonzales
United States Attorney
Federal Building
Baton Rouge, Louisiana

Re: Southern University Probe

Dear Mr. Gonzales:

The East Baton Rouge Parish Grand Jury is preparing to investigate the Southern University incident which occurred on November 16, 1972, in its entirety.

Our investigation is to encompass events prior to the deaths which occurred, the deaths and the subsequent events.

A formal committee was constituted by Attorney General William Guste which made certain purported findings. A black peoples committee of inquiry informally established, made an investigation in findings of its own.

I know that the United States Government made a thorough investigation of the happenings at Southern University. I have requested both of the other agencies to make available to me their reports and findings. I would be deeply appreciative if the United States Government could make available any information and reports which would be helpful in our investigation by the East Baton Rouge Parish Grand Jury. If this can be done, will you please accept this as a formal request for copies of such reports or memoranda and supporting evidence, photographs and so forth.

Any suggestions which you would like to offer in the conduct of this investigation would be appreciated and is invited.

Thanking you for your usual cooperation and with warmest regards, I remain

Very truly yours,

OSSIE BROWN
District Attorney

OB/bg

T. 3/9/73

Acting Director
Federal Bureau of Investigation

12 MAR 1973

JSP:KWO'C:jbb
DJ 144-32M-9

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Unknown Subjects, Deputies, East
Baton Rouge Parish Sheriff's Office,
East Baton Rouge Parish, Louisiana;
Denver Allen Smith (Deceased),
Leonard Douglas Brown (Deceased) - Victims
Summary Punishment
CIVIL RIGHTS

On March 9, 1973, this Division received the enclosed request and recommendation from United States Attorney Douglas Gonzales, regarding the proposed availability of the FBI reports on SUBR to the state grand jury. Assuming that appropriate procedural safeguards are established, I would be inclined to permit the state prosecutor and grand jury to have access to this material, in order to provide it with the best opportunity for discharging its law enforcement function in the light of all available knowledge of this matter. Before this matter is resolved, however, I should like the benefit of the Bureau's view on the proposed disclosure. I understand that the matter is urgently before the state grand jury, so our prompt response is sought by the United States Attorney.

cc: ~~Records~~
Chrono
USA, Baton Rouge, Louisiana
O'Connor
Murphy
Gardner
Whieldon

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO INITIALS

DMG:crb

UNITED STATES ATTORNEY
MIDDLE DISTRICT OF LOUISIANA
BATON ROUGE, LOUISIANA 70801

February 28, 1973

Mr. J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division
Department of Justice
Room 1232, TODD Building
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Rec. LAC
3/9/73

Mr. J. Stanley Pottinger
Page 2
February 28, 1973

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UNITED STATES ATTORNEY

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19th Judicial District
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Baton Rouge, Louisiana 70821

Attorney General
State of Louisiana
Baton Rouge, Louisiana 70804

Mr. S. M. Kadair
Foreman, State Grand Jury
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OSSIE BROWN
DISTRICT ATTORNEY

Nineteenth Judicial District
EAST BATON ROUGE PARISH
OFFICE OF THE DISTRICT ATTORNEY
Baton Rouge, Louisiana

February 20, 1973

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233 ST. FERDINAND STREET
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF
LOUISIANA
TELEPHONE (504) 348-6621

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United States Attorney
Federal Building
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OSSIE BROWN
District Attorney

OB/bg

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