

T. 12/21/73

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

JAN 2 1974

Mr. Ossie Brown
District Attorney
Nineteenth Judicial District
East Baton Rouge Parish
233 St. Ferdinand Street
Baton Rouge, Louisiana 70801

Re: Incident at Southern University,
Baton Rouge, November 16, 1972

Dear Mr. Brown:

Please refer to your prior correspondence with Mr. Pottinger regarding this matter. As I advised in our recent telecon, we are at a point in our investigation work in this matter at which it becomes critical to us to know what statements have been made by law enforcement officials who have appeared before your grand jury.

You have advised me that the grand jury has pretermitted the matter; however, we have still to determine our course of action. Accordingly, please consider this letter a formal request from this Department to your office for the transcripts of testimony taken in the above matter before the local grand jury.

cc: ✓ Records
Chrono
Gonzales - U.S. Attorney
Murphy
Gardner
Whieldon
O'Connor

If you can properly provide us with the material requested, please advise me and I shall arrange for appropriate means of transmittal to preserve the secrecy of the transcripts. If, however, you feel you cannot properly provide the material to us under Louisiana statutes, your prompt advice to that effect is requested so that we may take such other action as may be appropriate to secure the facts.

Sincerely,

K. WILLIAM O'CONNOR
Deputy Assistant Attorney General
Civil Rights Division



1/14/74

ict

SH

ORNEY

TO: Frank Allen (whoever has SUBR)
Bill Gardner

233 ST. FERDINAND STREET
TELEPHONE (504) 348-6621

FROM: *Bill* Bill O'Connor

Let's discuss soon.

RECEIVED
JAN 9 3 59 PM '74
DEPT. OF JUSTICE
MAIL ROOM
ORON

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Jury of East Baton Rouge
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persons having confidential access to information concerning grand jury proceedings, shall keep secret the testimony of witnesses and all other matters occurring at, or directly connected with, a meeting of the grand jury. However, after the indictment, such persons may reveal statutory irregularities in grand jury proceedings to defense counsel, the district attorney, or the court, and may testify concerning them. Such persons may disclose testimony given before the grand

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DEPARTMENT OF JUSTICE		RECORDED
JAN 10 1974		
O.R.O.M.		
RIGHTS DIV.		



OSSIE BROWN
DISTRICT ATTORNEY

Nineteenth Judicial District
EAST BATON ROUGE PARISH
OFFICE OF THE DISTRICT ATTORNEY

Baton Rouge, Louisiana

January 7, 1974

233 ST. FERDINAND STREET
TELEPHONE (504) 348-6621

Mr. K. William O'Connor
Deputy Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D.C. 20530

RECEIVED 4
JAN 9 3 59 PM '74
DEPT. OF JUSTICE
MAIL ROOM
FROM

Re: Incident at Southern University,
Baton Rouge, November 16, 1972

Dear Mr. O'Connor:

In my conversation with you by telephone with reference to the Southern University matter, I advised you that the Grand Jury of East Baton Rouge Parish had pretermitted the matter. In our state, a Grand Jury can only do three things: (1) Return a true bill, (2) return not a true bill, or (3) pretermitt the matter investigated. The above matter was pretermitted, which means that it is open for future study and hearing of evidence already received and any additional evidence which may come to the attention of the Grand Jury. The Grand Jury proceedings in Louisiana are secret and only when permitted by the Court in rare circumstances can the testimony of the Grand Jury be made public. Article 434 of the Louisiana Code of Criminal Procedure specifically provides for the secrecy of Grand Jury meetings. It states that members of the Grand Jury, all other persons present at a grand jury meeting, and all persons having confidential access to information concerning grand jury proceedings, shall keep secret the testimony of witnesses and all other matters occurring at, or directly connected with, a meeting of the grand jury. However, after the indictment, such persons may reveal statutory irregularities in grand jury proceedings to defense counsel, the district attorney, or the court, and may testify concerning them. Such persons may disclose testimony given before the grand

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CIVIL RIGHTS DIV.		

Mr. K. William O'Connor
Page 2
January 7, 1974


jury, at any time when permitted by the court, to show that a witness committed perjury in his testimony before the grand jury. A witness may discuss his testimony given before the grand jury with counsel for a person under investigation or indicted, with the district attorney, or with the court. Any person who violates the provisions of this article shall be in constructive contempt of court.

Because of this legal prohibition, I must respectfully deny your request for the transcript of testimony taken in the above matter before the local Grand Jury since the matter is still under investigation and because the law requires that such testimony be kept secret. As requested by you in your letter received by me January 7, 1974, this is to advise that I cannot provide you with the material requested.

As I stated to you by telephone, this office is willing to do anything that it can in the interest of justice to see that justice is done in this as in all other matters. However, I cannot disobey the law of the State of Louisiana in furnishing Grand Jury testimony.

Trusting that you can appreciate my position and with kindest regards and best wishes, I remain

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ossie Brown", with a long horizontal flourish extending to the right.

OSSIE BROWN
District Attorney

OB/bg

cc: Honorable Elmo E. Lear
Honorable Donovan W. Parker
Honorable John Covington
Honorable Daniel LeBlanc
Judges, 19th Judicial District

Nineteenth Judicial District
East Baton Rouge Parish

OFFICE OF THE DISTRICT ATTORNEY

233 ST. FERDINAND STREET

Baton Rouge, Louisiana 70801



OSSIE BROWN
DISTRICT ATTORNEY



Mr. K. William O'Connor
Deputy Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D.C. 20530

No: _____

Section: _____

19th JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

IN THE MATTER OF
THE NOVEMBER, 1972
EAST BATON ROUGE PARISH
GRAND JURY INVESTIGATION OF
THE SOUTHERN UNIVERSITY INCIDENT

MEMORANDUM OF LAW IN SUPPORT OF MOTION

The United States of America, by Motion filed with this Court, seeks a release to its custody of the transcript of the minutes of the East Baton Rouge Parish Grand Jury investigation of the Southern University matter, for use in its investigation to determine whether there have been violations of federal law.

I

There exists as to grand jury proceedings a general rule of secrecy. The five reasons usually expressed to justify the necessity for secrecy are (1) to prevent the flight or escape of persons who are about to be indicted, (2) to insure the utmost freedom in deliberation by the grand jurors by preventing interference from outside persons, (3) to prevent subornation of perjury and tampering with prospective witnesses, (4) to encourage free disclosure by persons who

have information regarding the commission of crimes, and (5) to protect an innocent accused from unlawful accusations. See e.g., United States v. Amazon Industrial Chemical Corp., 55 F.2d 254, 261 (D. Md. 1931); People v. Di Napoli, 27 N.Y. 2d 229, 234 (1970). This principle is well-settled in Louisiana law, as well. See e.g., Hewitt v. Webster, 118 So.2d 688 (1a. App. 1960); State v. Terrebonne, 256 La. 385, 236 So.2d 773 (1970).

Whatever the reasons given for maintaining the rule of secrecy in grand jury matters, there are circumstances when strict secrecy must yield to a greater necessity. The Motion before this Court is a request for permission to inspect the minutes by the Department of Justice through its attorneys. It is not a request for general public disclosure, nor is it a request on behalf of potential defendants or private civil litigants. The reasons for secrecy and the underlying policy will not be breached by permitting disclosure to the Department for use in the investigation of possible criminal violations. None of the information gathered from inspection of these minutes will be disclosed, except in judicial or grand jury proceedings under the supervision of a Court.

The District Attorney of East Baton Rouge Parish has previously indicated to Movant that the parish grand jury's investigation is complete and no further action is contemplated

at this time. It cannot be asserted that allowing inspection of their minutes by the Department of Justice for a limited purpose will disrupt or interfere with their investigative processes.

II

There are, unfortunately, no Louisiana court decisions which have considered this precise issue; however, courts in other jurisdictions have allowed inspection when the need arises out of a legitimate law enforcement need.

A. New York

The Attorney General of the United States, in the New York case of In Re Attorney General of the United States, 291 N.Y.S. 55, 160 Misc. 533 (1936), made a request of that Court, similar to the Motion before this Court, to release a grand jury transcript for use in the investigation of a federal criminal offense. In granting the Attorney General's request, the Court explained why it was necessary and proper to relax the rule of secrecy in such a case:

It would be a sad commentary upon the administration of justice if a court of criminal jurisdiction should thwart, or attempt to hinder, a co-ordinate department of government in the administration of justice. There should be co-operation between the Federal and State governments to the utmost limit possible. Neither State lines nor alien agencies should be utilized to deprive those charged

under Federal and State law with the duty of enforcing penal laws of every opportunity and facility to discharge their obligations to the fullest extent possible.

* * *

Reasons which might well preclude an examination of such minutes by private individuals may well be abortive when raised against an inspection by public officials to enable them more efficiently to discharge the obligations of their office.

No private interest is here sought to be served. The information is not desired to aid a private litigant. The grounds herein set forth for keeping inviolate the proceedings mentioned do not exist. The purpose of the inspection is to facilitate and make efficient the administration of justice by the Federal government. 291 N.Y.S. 5, 160 Misc. at 537.

Other New York cases express similar opinions in the matter of disclosure of grand jury testimony for legitimate law enforcement purposes. See e.g. Dworetzky v. Monticello Smoked Fish Co., 256 App. Div. 772, 12 N.Y.S.2d 270 (1939):

It is clear that minutes of a grand jury may be ordered to aid in the enforcement of law, but not to serve any private interest or to aid any private litigant.... 12 N.Y.S.2d at 273.

People ex rel. Sawpit Gymnasium, 60 N.Y.S.2d 593 (1946):

The cloak of secrecy surrounding the proceedings of a grand jury has always been preserved and protected

by the Courts, with few exceptions.... There is, however, ample authority for an inspection of minutes of the grand jury by a person, other than a defendant, when the purpose of the inspection is to facilitate and make efficient the administration of justice.... Such an inspection is permitted when the application is made by a law enforcement agency and is in the public interest. 60 N.Y.S.2d at 594.

B. Illinois

The Illinois courts have reached similar results with regard to disclosure. See People v. French, 61 Ill. App. 2d 439, 209 N.E.2d 309 (1965); People v. Johnson, 311 Ill. 2d 602, 203 N.E.2d 399 (1964). In the French case, the court noted, "Most certainly the veil of secrecy is not impenetrable. It is not an end in itself, but a means to further justice by permitting the Grand Jury to function most efficiently. When the ends of justice require it, the testimony of a grand jury may be disclosed." 209 N.E.2d at 507.

C. Florida

In the case of State v. Tillett, 111 So.2d 716 (Fla. App. 1959), the Florida court of appeals in a civil case rejected plaintiff's attempt to obtain grand jury minutes for a civil proceeding, but concluded that inspection of grand jury minutes may be allowed in the enforcement of law, even though such disclosure may not be made to serve private interests or to aid private litigants in civil actions.

D. Federal Courts

On occasions when the necessity has arisen, federal courts have made available to state and local prosecuting officials the minutes of federal grand jury proceedings to aid in local law enforcement.

1. In Re Bullock, 103 F. Supp. 639 (D.C. 1952): The District of Columbia Commissioners requested disclosure of a police officer's testimony before a federal grand jury investigating police misconduct and corruption. The court in granting the disclosure to that body noted,

In cases of this nature, the sole question to be resolved is which policy shall be served to bring about justice, the one requiring secrecy or the other permitting disclosure.... Where public interest is superior to the purpose of the secrecy of grand jury testimony, the latter protection will be disregarded and the minutes divulged within limits prescribed by law. To do otherwise would be an abuse of discretion and injurious to the public interest. 103 F. Supp. at 642 - 643.

2. In Re Grand Jury Proceedings, 4 F. Supp. 283 (E.D. Pa. 1933):

It is sufficient to say that the rule of secrecy has long since been relaxed by permitting disclosure whenever the interests of justice require. The determination of this

matter rests largely within the jurisdiction of the court whose grand jury is convened.... The rule of secrecy ... yields to the general consideration whether the ends of justice will be furthered by the disclosure. In every case, the court is called upon to balance two policies, the one requiring secrecy, the other disclosure.
4 F. Supp. at 284.

3. In Re Petition for Disclosure of Evidence, 184 F. Supp. 38 (E.D. Va. 1960): The court granted a state prosecutor access to a federal grand jury's records. The court concluded in granting the petition that none of the purposes for secrecy is applicable to such a disclosure to a state prosecutor. In addition, the court noted that since public officials may be involved, there are compelling public policy reasons for disclosure, and such a disclosure would be in the interest of justice.

Examining all the various cases cited and discussed, it would appear that some general principles can be discerned. As a general proposition grand jury testimony is secret and should not be disclosed. However, there are recognized exceptions to this rule. In determining whether the situation calls for disclosure, the court must balance the reasons for secrecy against the need for disclosure. Where the need involves a legitimate law enforcement function, disclosure of a limited nature should outweigh the need for secrecy, particularly in situations which may involve public officers.

On the other hand where the request for disclosure is to serve private interests or aid private litigants, the need for secrecy generally outweighs a general public disclosure.

Movant in this case believes that this petition fulfills the necessary elements which merit a relaxation of the strict rule of secrecy and compel disclosure: (1) the disclosure is for a limited purpose and does not include general dissemination to the public, (2) the disclosure is for use in a legitimate law enforcement function of an agency of the United States Government, (3) the disclosure will not interfere with or prejudice the activity of the grand jury, (4) the disclosure is in the public interest and in furtherance of the administration of justice.

III

A pertinent statute enacted by the legislature, while it is not dispositive of the issue of disclosure, provides some useful insight into the legislative intent with regard to disclosure to other law enforcement agencies. Section 3 of Title 44 of the Louisiana Statutes Annotated, part of the Public Records Act, specifies a limitation or exception to the disclosure of public records. The statute excepts disclosure of records or information held by the Attorney

General and other state law enforcement agencies which relate to criminal litigation, internal security, and confidential investigations. However, paragraph D of this section provides:

Nothing in this section shall be construed to prevent any and all prosecutive, investigative, and law enforcement agencies from having among themselves a free flow of information for the purpose of achieving coordinated and effective criminal justice.
LSA - R.S. 44:3(D) (1972).

While this statute is not specifically applicable to grand jury proceedings*, it is pertinent as a statement of legislative intent: even though records of prosecutive, investigative, and law enforcement agencies are excepted from the Act, the Act is not to be construed to thwart the free flow of information to sister law enforcement agencies. Nothing could be a clearer expression of legislative intent. To read Article 434 as prohibiting disclosure of grand jury minutes to aid in the enforcement of criminal statutes by the Department of Justice would defeat the clear expression of the will of the legislature expressed in Section 3 of Title 44. As a further example of legislative intent in this matter, the legislature in 1972 amended Article 434 of the Code of Criminal Procedure to add a new section:

* Article 434 of the Louisiana Code of Criminal Procedure, pertaining to grand jury proceedings, does not prohibit the court from ordering disclosure.

B. Whenever a grand jury of one parish discovers that a crime may have been committed in another parish of the state, the foreman of that grand jury, after notifying his district attorney, shall make that discovery known to the attorney general. The district attorney or the attorney general may direct to the district attorney of another parish any and all evidence, testimony, and transcripts thereof, received or prepared by the grand jury of the former parish, concerning any offense that may have been committed in the latter parish, for use in such latter parish. LSA - C. Cr. P. Art. 434 (B) (1972).

This amendment to Article 434 is most certainly designed to allow the free flow of information to other law enforcement agencies within the state. It allows the district attorney of a particular parish to forward the secret proceedings of that grand jury to the state attorney general or to the district attorney of a neighboring parish. Absent this provision in the statute, a district attorney could not, under the terms of Section A of Article 434, disclose the testimony of the grand jury to any person who was not an authorized person present in the Grand Jury. To create a situation which would inhibit any prosecutor or grand jury from acquiring information relating to violations of law would certainly not be in the public interest. By the same token, to prevent a federal agency from acquiring evidence presented to a state grand jury would have the same anomalous result. In construing the two statutes together, the court must conclude that the Legislature did not intend to forbid

the court from permitting grand jury testimony from being made available to federal or other law enforcement agencies.

WHEREFORE, premises considered, movant respectfully requests that the Motion be granted.

Respectfully submitted,

J. STANLEY POTTINGER
Assistant Attorney General

DOUGLAS GONZALES
United States Attorney

JEFFREY R. WHIELDON
Attorney
U.S. Department of Justice

MICHAEL H. CORLEY
Attorney
U.S. Department of Justice

TO THE CLERK:

Please serve the following parties:

1. The Attorney General of the State of Louisiana
2. The Honorable Ossie Brown, District Attorney, East Baton Rouge, Louisiana

No. _____

Section: _____

19th JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

IN THE MATTER OF
THE NOVEMBER, 1972
EAST BATON ROUGE PARISH
GRAND JURY INVESTIGATION OF
THE SOUTHERN UNIVERSITY INCIDENT

MOTION FOR RELEASE AND INSPECTION OF GRAND JURY MINUTES

TO THE HONORABLE JOHN COVINGTON, JUDGE OF THE 19th JUDICIAL
DISTRICT COURT:

Now comes the United States of America, and petitions
this Court for an Order permitting release and inspection of
the transcribed minutes of the November, 1972 East Baton Rouge
Parish Grand Jury investigation of the deaths of Denver Smith
and Leonard Brown, occurring on November 16, 1972, at Southern
University, East Baton Rouge Parish, State of Louisiana.

In support of this Motion, movant avers that:

I

The Department of Justice is conducting an investigation
to determine whether a violation of the laws of the United
States -- specifically Sections 241 and 242 of Title 18,
United States Code -- occurred on November 16, 1972, at

Southern University. This investigation has included the examination of all available evidence relating to the deaths of two students at Southern University -- Denver Smith and Leonard Brown, and will, if it is deemed appropriate, lead to the continuance of that investigation by a federal grand jury.

II

In order for the Department to make a full and complete investigation of the incident it is necessary that it have access to all evidence relevant to a determination of whether a violation of federal law occurred. A significant part of such evidence is contained within the proceedings before the East Baton Rouge Parish Grand Jury which investigated the events that occurred at Southern University on November 16, 1972.

III

On November 29, 1972, the East Baton Rouge Parish Grand Jury was impaneled by this Court for the purpose of investigating certain alleged criminal offenses occurring within East Baton Rouge Parish, Louisiana. Beginning in or about March, 1973, this grand jury, assisted by representatives of the East Baton Rouge Parish District Attorney's Office and the State Attorney General's Office, questioned some 67

witnesses and examined other evidence concerning possible violations of state law in connection with events occurring on November 16, 1972 at Southern University.

IV

The testimony given before this grand jury was recorded by an authorized reporter, and it is our belief that this reporter's verbatim notes have already been reduced to transcribed minutes. After consideration of the evidence which it received, the grand jury unanimously pretermitted the entire investigation. As of this date, no "true bills" of indictment and no "no bills" have been returned by this grand jury with respect to the Southern University investigation.

V

It is movant's belief that transcribed minutes of the grand jury's investigation are presently in the custody of the District Attorney of East Baton Rouge Parish. On January 2, 1974, a formal request was made by letter from this Department to the East Baton Rouge Parish District Attorney for permission to inspect the transcript of testimony and other evidence received by the grand jury during its investigation of the events at Southern University. On January 7, 1974, this request for inspection was denied by the East Baton Rouge Parish District Attorney, citing Article 434 of the Louisiana Code of Criminal Procedure.

VI

Evidence has been presented to the East Baton Rouge Parish Grand Jury which may be relevant to violations of federal law. It is, therefore, incumbent upon the Department of Justice to discover and examine this evidence.

WHEREFORE, movant petitions this Court, after due proceedings, to order release to its custody, under such terms and conditions as the Court deems appropriate, the full and complete portions of the transcript of the proceedings of the East Baton Rouge Parish Grand Jury convened on November 29, 1972, which relate to the investigation of the events occurring at Southern University, for use in the Department's official investigation, and in any subsequent proceedings brought by the Department of Justice to enforce the laws of the United States.

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division
U. S. Department of Justice
Washington, D. C. 20530

DOUGLAS GONZALES
United States Attorney for the
Middle District of Louisiana
Federal Building
Baton Rouge, Louisiana

JEFFREY R. WHIELDON
Attorney
U. S. Department of Justice
Washington, D. C. 20530

MICHAEL H. CORLEY
Attorney
U. S. Department of Justice
Washington, D. C. 20530

T. 2/7/74

K. William O'Connor
Deputy Assistant Attorney General
Civil Rights Division

FEB 11 1974

JRW:ryh
DJ 144-32M-9

Jeffrey R. Whieldon
Attorney, Criminal Section

Southern University -
Baton Rouge, Louisiana
Conversation with United States Attorney Gonzales

On February 7, 1974, Doug Gonzales returned a call I had made to him on January 28, 1974, at which time I requested certain information essential to our Motion to Produce Parish Grand Jury Minutes, e.g., name of local judge, whether the minutes were transcribed, etc.

In today's conversation Gonzales advised that the best judge to address the motion to was Covington, as he had previously told me. He also wanted to know if he would see the Motion before it is filed. I said most certainly and that, in fact, we desired him to sign it and, if oral argument is necessary, for him to move our special appearance since he is our local representative and a member of the Louisiana bar. He seemed to agree that all of this was satisfactory. He also wants to be sure we advise Ossie Brown prior to filing the Motion. I said we would and that I believed Ossie already knows our intentions to do so from conversations he has had with you.

Doug went on to advise that within the last week he received some interesting third-hand information. A TV reporter from station WBRZ (Baptiste's station---the film and tape man) named John Spain told Gonzales that one John Camp, formerly a local newsman, now in Florida,

cc: Records
Chrono
Gardner
Whieldon

(who Gonzales knows personally) told Spain that:

1. He had learned that Cambre and Potts took lie detector tests from FNU Carroll (polygraph man with EBRPSO now with Ossie's office and the one who gave a polygraph to Wall) and flunked. Camp was going to break the story but Carroll put the "whammy" on it since he (Carroll) was now with Ossie and it wouldn't look good.

2. Bob Courtney, a radio newsman with WJBO, had interviewed Cambre and other deputies and that Cambre allegedly broke down and cried and said, "I killed the two niggers but it was a mistake" or words to that effect. Gonzales first quoted it to me as, "So what if I killed the two niggers," but believes the other is more correct because his (Gonzales') impression at the time was that the admission was both inculpatory ("I did it") and exculpatory ("it was a mistake" - therefore no specific intent).

Gonzales intends to personally contact Camp for verification of this information since he knows him and since he (Gonzales) is upset that Camp apparently told Spain that he (Camp) had talked to Gonzales about the incident when in fact he has not. I agreed this was all right but recommended no contact with Courtney at this time, to which Doug readily agreed.

Gonzales questions the reliability of a lot of this information for various reasons. He also said the local media are trying to "out-scoop" each other on this case.

He will get back to us re his contact with John Camp.

T. 2/8/74

K. William O'Connor
Deputy Assistant Attorney General
Civil Rights Division

FEB 11 1974

Jeffrey R. Whieldon
Attorney, Criminal Section
Civil Rights Division

WLG:JRW:hdt
DJ 144-32M-9

Southern University Baton Rouge, Louisiana
Log of Audio and Visual Evidence

*John
2/8/74*

The following is a list of the movie films, still photographs, diagrams and tape recordings that have been prepared and/or procured by the FBI. Note that we do not have copies of a substantial number of still photographs taken by the state police or know their subject matter or the location of originals. Location of original movie film and tapes is also unknown. The New Orleans Field Office is currently in the process of cataloging this evidence for us and determining the locus of originals. Suffice it to say, however, that based on discussions with agents and the desk man, I believe those photographs and films we do have in our files are the only ones pertinent to the time of the shooting.

cc: Records ✓
Chrono
Gardner
Whieldon

<u>Description</u>	<u>Source</u>	<u>Location</u>
1. 100 feet of color newsfilm	WAFB-TV	Copy: FBI, Wash., D.C. Original: Either New Orleans Field Office, U.S. Marshal or TV station.
2. 200 feet color newsfilm	WAFB-TV	Copy: FBI, Washington, D.C. Original: Either New Orleans Field Office, U.S. Marshal or TV station.
3. 250 feet color film	WRBT-TV	Copies: FBI, Washington, D.C. Originals: Either New Orleans Field Office, U.S. Marshals or TV station.

<u>Description</u>	<u>Source</u>	<u>Location</u>
4. 500 feet color film	WBRZ-TV (Baptiste)	Copies: FBI, Wash., D.C. Originals: Either New Orleans Field Office, U.S. Marshals or TV station.
5. 6 still color photographs of victims falling taken from WBRZ-TV film	WBRZ-TV (Baptiste)	Copies: Criminal Section
6. 5 different diagrams of scene locating deputies and movement of officers	Horace Heafner, FBI Exhibits Section	Copies: Criminal Section Originals: FBI Exhibits Section, Wash., D.C.
7. Tape recording - "I got 'em, Gene"	WBRZ-TV	Copies: FBI, Sound Laboratory George Verven Originals: Unknown at this time

<u>Description</u>	<u>Source</u>	<u>Location</u>
8. 11 still black and white photographs of deputies prior to shooting	Louis Goodman Student, Southern University of Baton Rouge	Copies: Criminal Section Originals: Louis Goodman
9. 7 photographs of Denver Smith autopsy	Charles Babin Baton Rouge Police Dept.	Copies: Criminal Section Originals: Unknown at this time
10. 38 black and white photographs including key photos attached to prosecutive memorandum	Warren Knight La. State Police	Copies: Criminal Section has only ten Originals: Unknown at this time; Assumed to be Louisiana State Police
11. 5 photographs of Leonard Brown autopsy	Kenneth Fowler	Copies: Criminal Section Originals: Unknown at this time

	<u>Descriptions</u>	<u>Source</u>	<u>Location</u>
12.	31 still photographs	James Wagmire La. State Police	Copies: Unknown at this time Originals: Assumed to be La. State Police
13.	26 - 16mm frames taken from film of WRBT-TV	WRBT-TV	Copies: Unknown at this time Originals: New Orleans Field Office, U.S. Marshal or TV station
14.	Simulated film of students falling	Baptiste WBRZ-TV	Copies: Unknown at this time Originals: Assumed to be New Orleans Field Office
15.	Blow-ups of key Louisiana State Police photographs (Warren-Knight) which are attached to prose- cutive memorandum	Warren Knight La. State Police	Copies: Exhibits Section, FBI, Wash., D.C. Originals: Assumed to be La. State Police

T. 2/11/74

K. William O'Connor
Deputy Assistant Attorney General
Civil Rights Division

FEB 11 1974

William L. Gardner
Deputy Chief
Criminal Section

WLG:ljr

DJ 144-32M-9

Southern University -
Baton Rouge Shootings

The attached package contains three items:
(1) the Motion for Release of Grand Jury Minutes; (2)
the log of audio and visual evidence; and (3) a
memorandum of a telephone conversation Whieldon had
with Gonzales last week.

(1) If you approve, the Petition for Grand
Jury Minutes is ready for Pottinger's signature.
Jeff has discussed it with Gonzales and he will
assist us in whatever way possible. We will, of course,
apprise Ossie Brown of our actions at the appropriate
time.

(2) We can have our audio and visual evidence
gathered on reasonable notice and are prepared to
discuss with you and Stan for whatever consultation
with the experts which have been used in Kent State
that you feel is appropriate.

(3) The hearsay and double hearsay conversations
affirming our suspicions that Cambre may be our subject
should certainly be pursued. I concur in awaiting the
results of the conversation between Gonzales and Camp
before deciding what further action in that respect is
necessary.

cc: Records ✓
Chrono
O'Connor
Murphy
Gardner
Whieldon

TO THE HONORABLE, THE JUDGES OF THE
NINETEENTH JUDICIAL DISTRICT COURT WITHIN AND
FOR THE PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA

The East Baton Rouge Parish Grand Jury empaneled November 29, 1972, submit this final report for your consideration.

This Grand Jury met Fifty-six (56) times. Of the Twenty-seven (27) cases submitted by the District Attorney's Office, One Hundred Nineteen true bills and Four (4) no true bills were returned. Three (3) matters were pretermitted;

- a) Southern University investigation, b) Investigation of alleged improper influence on the "Schwegmann Liquor Bill",
- c) Investigation of the East Baton Rouge Parish Sheriff's Office.

SOUTHERN UNIVERSITY INVESTIGATION

The Grand Jury, assisted by the East Baton Rouge Parish District Attorney's Office and the Attorney General's Office, questioned Sixty-seven (67) witnesses -- law enforcement personnel, students, university administrators, public officials and private citizens. All documentary and physical evidence available was studied. The Grand Jury sought to answer two questions: What violations of law occurred?; Who committed the violations? The Grand Jury unanimously pretermitted the entire investigation.

In the future, should a similar tragedy occur, it is suggested that one single investigative agency immediately conduct an indepth investigation to prevent delay and confusion.

W. G. Times

**SOUTHERN U. DEATHS
SPUR INQUIRY BY U.S.**

The Washington Star-News

WASHINGTON, Feb. 15—The Justice Department has gone into the Louisiana courts to press an investigation into the deaths of two students at Southern University on Nov. 16, 1972.

In a motion filed with the 19th Judicial District Court in Baton Rouge, yesterday, the department asked for permission to inspect the transcript of the East Baton Rouge Parish grand

jury, which conducted an investigation of the two deaths but returned no indictments.

The decision to go to court meant that the Federal Government had assumed the major role in two cases involving the shooting of students — at Southern University and at Kent State University in Ohio, where four students were killed in 1970.

The two Louisiana students, Denver Smith and Leonard Brown, were shot and killed in a confrontation between students and the state police and sheriff's deputies.

Whieldon

To:

Murphy - 1038

Publication

FOIA # 50904 (URTS 16300) DocId: 70104888 Page 32

116/74

Whildon



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, FEBRUARY 14, 1974

CR

The Department of Justice asked a Louisiana court today for permission to inspect the transcript of a state grand jury investigation of the deaths of two students at Southern University on November 16, 1972.

A motion seeking permission to inspect the minutes of the East Baton Rouge Parish grand jury was filed in the 19th Judicial District Court in Baton Rouge.

Assistant Attorney General J. Stanley Pottinger, head of the Civil Rights Division, said the transcript is necessary "for a full and complete investigation by the Justice Department."

"The Civil Rights Division is reviewing all relevant evidence to determine whether federal civil rights laws were violated by the fatal shootings," he said.

###

3/29/74

2-21

MAR 29 1974

JSP:JRW:ryh
DJ 144-32M-9

Mr. John P. Adams
Director
Department of Law, Justice and
Community Relations
Board of Church and Society of
The United Methodist Church
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Adams:

This is to acknowledge receipt of your letter supporting this Department's action in seeking the transcript of the state grand jury proceedings investigating the Southern University shootings. We apologize for the delay in responding.

Your interest in writing to express your views in this matter is appreciated.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Whieldon

By:

JEFFREY R. WHIELDON
Attorney
Criminal Section

CIVIL RIGHTS DIVISION

() AAG - **J. Stanley Pottinger**

() DAAG - K. William O'Connor

() DAAG - Frank M. Dunbaugh

() DAAG - James P. Turner

() Administrative ()

(✓) Criminal ()

() Education ()

() Employment ()

() Housing ()

() Institutions
& Facilities ()

() Planning, Leg.
& Appeals ()

() Title VI ()

() Vo. & PA ()

() Other ()

()

RETURN TO: () Correspondence Unit

() Section Docket Clerk

()

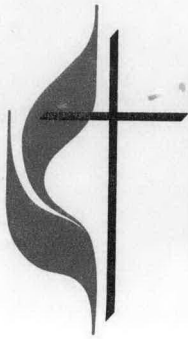
INDEX TITLE: _____

STATE: _____ CITY: _____

COUNTY: _____

CROSS REF: _____

REMARKS: _____



**Board of
Church
and
Society of The United Methodist Church**

February 21, 1974

Mr. Robert A. Murphy
Chief, Criminal Section
Civil Rights Division
U.S. Department of Justice
550 H. Street, N.W.
Washington, D.C. 20530

RECEIVED
FEB 25 2 11 PM '74
DEPT. OF JUSTICE
MAIL ROOM
ORON


Dear Mr. Murphy:

Recently, I noticed a news release which stated that the Civil Rights Division of the Department of Justice was attempting to review the transcript of the East Baton Rouge Parish Grand Jury to ascertain any necessity for action by the Department of Justice in reference to the shooting and killing of students at Southern University on November 16, 1972.

This initiative by your office is one which we wish to support, for we believe that some of the same kinds of questions which have shadowed the previous investigative reports on the Kent State shooting have also affected the conclusions which were reached about the shooting at Southern University.

We can understand that the responsibility which you are attempting to assume in relationship to the Southern University incident is a serious one, but I believe that the attention which you are giving to it communicates a much-needed concern for the civil rights of college students in this era. We commend you for the work which you are doing.

Sincerely,


John P. Adams, Director
Dept. of Law, Justice and
Community Relations

JPA:cjr

144-32M-9	
DEPARTMENT OF JUSTICE	
20	FEB 26 1974
O.R.O.M.	
CIV. RIGHTS DIV.	
RE	CORD

FOIA # 50904 (URTS 16300) DocId: 70104888 Page 36



**Board of
Church
and
Society of The United Methodist Church**

100 MARYLAND AVENUE, N.E., WASHINGTON, D. C. 20002



Mr. Robert A. Murphy
Chief, Criminal Section
Civil Rights Division
U.S. Department of Justice
550 H. Street, N.W.
Washington, D.C. 20530

From
Director
Federal Bureau of Investigation
To

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

RE:

- ☐ Antitrust Div.
☐ Civil Div.
☐ Civil Rights Div.
☒ Criminal Div. (DOJ)
☐ Internal Security Sec.
☒ General Crimes Sec.
☐ Special Litigation Unit

- ☐ Director, Bureau of Prisons
☐ The Pardon Attorney
☐ Chairman, Parole Board
☐ Assistant Attorney General for Administration
☐ Immigration and Naturalization Service
☐ Drug Enforcement Administration
☐ 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
☐ 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.
☐ F. Pursuant to your inquiry, attached information is being furnished.
☐ G. Investigation is continuing.

- cc: ☐ Attorney General ☐ Deputy Attorney General ☐ Civil Rights Div.
☐ Antitrust Div. ☐ Civil Div.
☒ Criminal Div.
☒ Int. Sec. Section
☐ General Crimes Section
☐ Special Litigation Unit

Enc. 2
Bufile:

END PAGE ONE

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.

144-32M-9
DEPARTMENT OF JUSTICE
FEB 26 1974
CRIM-GEN. CRIME SEC.

2/21/74

TO DIRECTOR, FBI
FROM CLEVELAND

DEMONSTRATION TO INDICT PRESIDENT RICHARD M. NIXON AND
FORMER OHIO GOVERNOR JAMES A. RHODES FOR THEIR PART IN THE
SHOOTING AT KENT STATE UNIVERSITY, FEBRUARY 25, 1974, CLEVELAND,
OHIO. IS-MISC.

SOURCE

ON FEBRUARY 21, 1974, [REDACTED] WHO HAS FURNISHED RELIABLE
INFORMATION IN THE PAST, ADVISED A DEMONSTRATION IS SCHEDULED TO
TAKE PLACE AT 4:30 PM, FEBRUARY 25, 1974 IN FRONT OF THE WILLIAMSON
BUILDING, SUPERIOR AVE., CLEVELAND, OHIO. THE DEMONSTRATION IS
BEING CALLED BY TED DOSTAL, CLEVELAND ACTIVIST AND FORMER MEMBER
OF THE WORKERS WORLD PARTY (WWP) AND FORMERLY ASSOCIATED WITH
THE DEFUNCT GROUP, YOUTH AGAINST WAR AND FASCISM (YAWF).

WORKERS WORLD PARTY (WWP)

THE WWP WAS FOUNDED IN 1959 BY INDIVIDUALS
WHO DISAGREED WITH POLICIES OF THE SOCIALIST WORKERS
PARTY (SWP). THE WWP DISSIDENTS ADVOCATED UNCONDITIONAL
END PAGE ONE

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144-32M-9
DEPARTMENT OF JUSTICE
FEB 26 1974
CRM-GEN. CRIME SEC.

PAGE TWO

SUPPORT OF THE SOVIET UNION AND BUILDING OF A REVOLUTIONARY PARTY GEARED TO THE OVERTHROW OF CAPITALISM. MORE RECENTLY, WWP HAS CALLED FOR PEACEFUL SOLUTIONS TO SINO-SOVIET BORDER DISPUTES; HOWEVER, THE WWP GENERALLY SUPPORTS THE PEOPLE'S REPUBLIC OF CHINA IN ITS IDEOLOGICAL DIFFERENCES WITH THE SOVIET UNION.

THE SWP HAS BEEN DESIGNATED PURSUANT TO EXECUTIVE ORDER 10450.

YOUTH AGAINST WAR AND FASCISM (YAWF)

THE YAWF IS THE YOUTH GROUP OF THE WWP.

THE PURPOSE OF THE DEMONSTRATION IS TO CALL FOR THE INDICTMENT OF PRES. NIXON AND FORMER OHIO GOVERNOR JAMES RHODES, WHO WAS IN OFFICE DURING THE SHOOTINGS AT KENT STATE UNIVERSITY (KSU), KENT, OHIO, MAY, 1970.

THE WILLIAMSON BUILDING PRESENTLY HOUSES THE FEDERAL GRAND JURY INQUIRING INTO THE SHOOTINGS AT KSU. THE GRAND JURY WILL BE MEETING ON FEBRUARY 25, 1974.

END PAGE TWO

PAGE THREE

SOURCE COULD NOT PROVIDE AN ESTIMATE OF THE NUMBER OF DEMONSTRATORS, HOWEVER, NO VIOLENCE OR DISRUPTIVE ACTIVITY IS PLANNED.

U.S. SECRET SERVICE, CLEVELAND PD, AND U.S. MARSHAL, CLEVELAND, ADVISED OF ABOVE.

FEBRUARY 21, 1974

TO DIRECTOR
FROM BOSTON

PROPOSED DEMONSTRATION AGAINST U.S. MARINE CORPS (USMC) RECRUITERS
BOSTON UNIVERSITY (BU), 2/22/74, SPONSORED BY CONCERNED STUDENTS
AGAINST MILITARY RECRUITING - INTERNAL SECURITY

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED THIS DATE THAT CONCERNED STUDENTS AGAINST MILITARY RECRUITING PLANNED TO PROTEST THE APPEARANCE OF USMC RECRUITERS ON BU CAMPUS, 2/22/74. THIS ORGANIZATION IS NOT FURTHER IDENTIFIED. THE DEMONSTRATORS PLAN A NON-OBSTRUCTIVE SIT-IN AT 195 BAY STATE RD., BOSTON, MASS., THE LOCATION WHERE USMC RECRUITERS WILL BE INTERVIEWING STUDENTS. DEMONSTRATION TO BEGIN 9 A.M. SCHEDULED TO END 3 P.M.

NAVAL INVESTIGATIVE SERVICE SPECIAL AGENT PETER SEGERSTEN, WEYMOUTH, MASS. AND SERGEANT JAMES LYNCH, INTELLIGENCE DIVISION, BOSTON P.D. ADVISED THIS DATE.

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.

T. 3/29/74
JSP:JRW:bbg
DJ 144-32M-9

2-25-74

144-32M-9

8 APR 1974

Honorable Charles B. Rangel
House of Representatives
Washington, D. C. 20515

Dear Congressman Rangel:

Thank you for your correspondence supporting this Department's action in seeking to inspect the transcript of the proceedings of the state grand jury which investigated the killing of two students at Southern University on November 16, 1972. I apologize for the delay in responding.

As you may by now be aware, the state judge has denied our motion to inspect such minutes because of Louisiana statutes which protect the secrecy of grand jury proceedings. We are, however, continuing to evaluate and analyze all available evidence in this matter in order to determine what further federal action, if any, should be taken.

Your interest in writing to express your views is appreciated.

Sincerely,

cc: Records
Chrono
Pottinger
Corres. Unit
Whieldon
Peterbark

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

[Handwritten notes and signatures]
3/29/74
JSP
4/3

144-011-32

PLEASE EXPEDITE

THIS MAIL SHOULD BE
ACKNOWLEDGED WITHIN 48 HOURS

CHARLES B. RANGEL
19TH CONGRESSIONAL DISTRICT
NEW YORK

230 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: 202-225-4365

GEORGE A. DALLEY
ADMINISTRATIVE ASSISTANT

Congress of the United States
House of Representatives
Washington, D.C. 20515

February 25, 1974

Stanley J. Pottinger
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Washington, D.C.

Dear Mr. Pottinger:

I applaud your action announced in your press release of February 14, 1974 asking the Louisiana court for permission to inspect the transcript of a state grand jury investigation of the deaths of two students of Southern University on November 16, 1972.

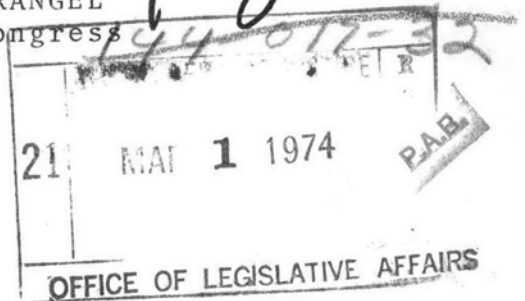
The killings at Southern have been a tremendous concern to the Black community. We have been disturbed at the circumstances of the killing and of the grand jury investigation which followed. Evidence seemingly connecting the killings with precipitous action by the National Guard troops was ignored by the grand jury and its findings appeared to be contrary to the evidence uncovered during the investigation.

I am pleased that the Civil Rights Division of the Department of Justice has initiated this study of the state grand jury action. I hope that you will keep me informed of developments in this investigation.

Sincerely,

Charles B. Rangel
CHARLES B. RANGEL
Member of Congress

CBR:gb



rem
ing. Ing.
exp.
Views

DISTRICT OF COLUMBIA

DISTRICT OFFICE:
144 WEST 125TH STREET
NEW YORK, NEW YORK 10027
TELEPHONE: 212-866-8600

MRS. VIRGINIA L. BELL
DISTRICT ADMINISTRATOR

DEPT. OF JUSTICE
PLEASE RESPOND TO
OFFICE CHECKED:
☒ WASHINGTON
☐ NEW YORK

Congress of the United States

House of Representatives

Washington, D.C. 20515

OFFICIAL BUSINESS



Stanley J. Pottinger
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Washington, D.C.

T. 2/28/74

FEB 28 1974

Director
Federal Bureau of Investigation

JSP:WLG:JRW:ryh
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

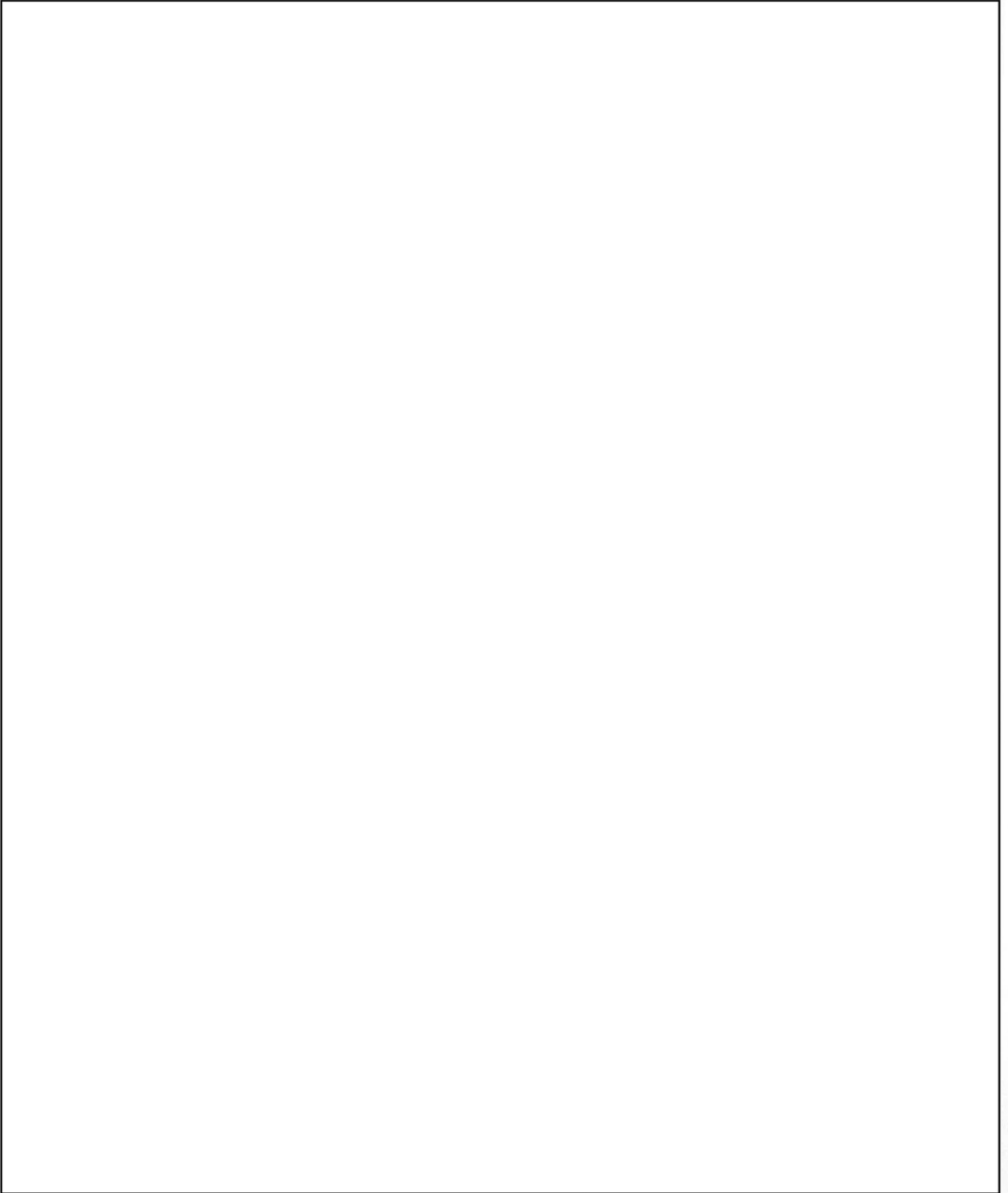
Reference is made to your memorandum in the above-captioned matter dated January 25, 1974, enclosing one copy of a letterhead memorandum dated January 22, 1974 at New Orleans.

With a view towards the possible presentation of evidence in this matter to a federal grand jury and in order to have the originals of various films, photographs, tapes, etc., available for further analysis, please conduct the following additional investigation:

cc: Records
Chrono
Murphy
Gardner
Whieldon

USA - Baton Rouge, La.

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury



FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

- 3 -

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury