



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

T. 3/15/74

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

MAR 15 1974

WLG:ljr

William L. Gardner  
Deputy Chief  
Criminal Section

DJ 144-32M-9

Telephone conversation of Friday,  
March 15, 1974 with United States  
Attorney Doug Gonzales

*WLG  
3/15/74*

Doug Gonzales told me today that Judge Parker turned down our request to review the East Baton Rouge Parish Grand Jury transcripts. Gonzales said the appellate procedure is to apply to the Louisiana Supreme Court for a writ of certiorari and that if the writ is granted the question would be heard on the merits. He wanted to know whether we were going to appeal, as he was getting several questions from the press. I said we would not appeal and he said he felt we wouldn't be successful anyway. We then discussed the possibility of someone asking him whether we would subpoena the grand jury transcripts and we decided to answer such questions, if they were asked, by saying that the entire SUBR matter was still under review and evaluation by the Division, including what further steps should be taken.

I informed Gonzales that some experts were going to review our audio and visual evidence and that following that we would be focusing our attention on the question of whether to convene a grand jury. He knew the Kent State matter was under review at the present time, and said that if indictments were returned in Kent State he would be barraged with questions about Southern. He accordingly asked that we have a coordinated approach between possible action in Southern and announced action in Kent State. I assured him that we would be in touch at all times in order to handle such problems in the most efficient and logical manner.

cc: Records ✓ Gardner  
Chrono Allen  
Pottinger Whieldon  
Dillon Murphy

4/3/74

APR 3 1974

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

Jeffrey R. Whieldon  
Attorney, Criminal Section

JRW:ryh  
DJ 144-32M-9

Southern University, Baton Rouge, Louisiana  
Meeting with Dr. Ray Nickerson on April 1, 1974

On April 1, 1974, a meeting was held from approximately 10:45 a.m. until 2:00 p.m. in the Assistant Attorney General's Conference Room. Present at this meeting with Dr. Ray Nickerson were Bill O'Connor, Bill Gardner, F.B.I. SA's Neil Shanahan of Philadelphia and Civil Rights Desk man Jack Lawn and this attorney. The purpose of the meeting was to discuss the possibility of an accoustical analysis by Dr. Nickerson's firm of a tape recording made by Henry Baptiste, WBRZ-TV, on November 16, 1972, at Southern University.

Initially, I debriefed Dr. Nickerson on the background of the incident with which we are concerned and displayed various diagrams and photographs as visual aids in conjunction with such explanation.

The group that was present then viewed the film taken by Baptiste on November 16, 1972 wherein the two deceased students are seen fleeing the front of the Administration Building and then falling to the ground, apparently hit by one round of Number 4 buckshot. Neil Shanahan described for Dr. Nickerson the various scenes of the movie as well as the method of analysis whereby the Bureau narrowed the location and identity of a possible suspect.

cc: Records  
Chrono  
Gardner  
Murphy  
Whieldon

The two-minute segment of tape made by Baptiste was then played several times for Dr. Nickerson and the transcript and analytical report of the tape made by George Verven of the Bureau's sound lab was displayed to him.

A copy of the movie taken by station WAFB-TV, Channel 9, showing the line of deputies at the time of the shooting was also run for Dr. Nickerson. Shanahan described the method of determining time of shooting when the different film frames are coordinated.

A discussion then followed, primarily between Mr. O'Connor and Dr. Nickerson, concerning what types of information we would hope to gather from an analysis by Nickerson's firm. It was determined by Mr. O'Connor with the advice of this attorney, that we would like to learn, if possible, the following information from an accoustical analysis:

1. The words being said by the various parties, especially the phrase which the Bureau has determined to be "I got 'em, I got 'em, Gene." At least one method that would be employed to this end is the playing of such tape for several parties with no knowledge of the incident or of what we now believe is said on the tape.

2. The number of feet away from the recorder that the speaker of "I got 'em" may have been located, at least giving a maximum or minimum distance at which he could have been standing.

3. Whether any of the discharges on the tape are identifiable as being from a .37 mm tear gas launcher, a shot gun firing gas cartridges of the type used that day or a shotgun firing Number 4 buckshot. We would particularly like to learn whether the discharge or discharges immediately prior to the words "I got 'em" could be buckshot discharges or whether they could at least be eliminated as being such.



Dr. Nickerson advised he did not know how much of this requested information could be developed by his firm, but believed that all of these were at least possible, although he did not guarantee any positive results. He stated that within a week he would discuss the project with others at his firm, using photos, diagrams and the tape provided (See index of items provided Nickerson at end of this memorandum), and get back to Mr. O'Connor concerning the feasibility of the project that was outlined.

Any specific or technical information regarding type or make of equipment, those already determined to have said some things on the tape, the types of shells used, etc., will be provided by this attorney to Dr. Nickerson as soon as possible. Dr. Nickerson has this attorney's telephone number for any specific questions.

Items provided to Dr. Nickerson are as follows:

1. An 8 x 10 black-and-white aerial photo of the area in front of the Administration Building taken by the F.B.I.
2. Five 8 x 10 black-and-white photographs taken by Captain Warren Knight, Louisiana State Police, of the deputies in front of the Administration Building before and after the shooting. The L.S.P. numbers appearing on the reverse of these photographs are 19, 20, 21, 22, 25.
3. An 8 x 10 black-and-white photo taken by SUBR student Louis Goodman after the shooting, showing photographer and tape recording man Baptiste in foreground.

4. A xerox copy of the F.B.I. laboratory report on the pertinent tape recording, including their analysis of the words contained thereon.

5. A reel-to-reel copy of the tape recording made from the Bureau's laboratory copy, by George Verven. The recording contains this two-minute sequence eight times over.

6. A xerox copy of a campus diagram showing the movement of EBRPSO deputies and state police prior to the incident. Prepared by Horace Heffner, Bureau Exhibits Man.

T. 4/3/74

APR 3 1974

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

WLG:ljr

William L. Gardner  
Deputy Chief  
Criminal Section

DJ 144-32M-9

Shooting at SUBR

This is submitted in response to your request of April 1, 1974 for my recommendation respecting further action and an appropriate timetable in this matter. I recommend the following:

1. Doug Gonzales should be contacted as early as possible, preferably by you because you have discussed the subpoena question with him recently, and directed to issue a grand jury subpoena to Ossie Brown for the East Baton Rouge Parish grand jury transcripts. If Gonzales does not want his name on the subpoena we should use Whieldon's. Gonzales should be asked how many grand juries are presently convened in his district and for how long. We need to ascertain whether it would be more feasible to utilize a sitting grand jury for our investigation or whether a special grand jury should be convened. We should and can be prepared to litigate the subpoena ~~of~~ the grand jury transcripts upon the filing of a Motion to Quash, which is likely. There are considerable research materials available on that question as a result of the Kent State litigation.

2. In the event Gonzales informs us that for "good reason" utilizing the existing grand jury is inexpedient and the convening of a special grand jury is required, Whieldon and I should call upon Judge West to set up a special grand jury.

cc: Records ✓      Murphy  
Chrono              Gardner  
O'Connor            Whieldon

3. We should target the week of May 20th for the commencement of grand jury proceedings. Subpoenas should be issued on or before the 6th of May. Generally, the past grand jury plan submitted by Whieldon should be followed. This timetable will permit witness lists and question outlines to be prepared well in advance of May 20.

4. While I did not leave the meeting of Monday, April 1, 1974, with the Bureau and Dr. Nickerson overly optimistic about obtaining conclusive and admissible information on audio analysis of our tape, I believe we should pursue the matter with BB&N. If the initial feasibility proposal we receive by them early in the week of April 9 indicates that further analysis is appropriate, they could commence that work immediately. In the event they were to proceed, they would have ample time before the end of May in which to provide us with their results. Also, we should forward to the ESL people as quickly as possible a copy of the film showing the deputies shooting to see whether any of the smoke can be removed.

5. With respect to staffing, the matter has been assigned in the section to Whieldon since the day the investigation was commenced. I believe he can and should assume the major responsibility for handling the grand jury proceeding and should have the assistance of at least one other attorney from the section and a research analyst. I also believe that a case of this complexity and sensitivity requires supervision at at least the section level and I would propose to handle that responsibility myself.



4/3/74

APR 3 1974

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

JRW:ryh  
DJ 144-32M-9

Jeffrey R. Whieldon  
Attorney, Criminal Section

Southern University, Baton Rouge, Louisiana -  
Gathering of Evidence

Attached is a copy of an F.B.I. request sent out on February 28, 1974, requesting the Bureau to obtain certain evidence and other information desired by J. Stanley Pottinger and set out in his File Memorandum of February 15, 1974. Note that the request indicates the matter should be expedited and information furnished as gathered. Although I have been in continual contact with desk man Lawn the only report received has been one containing photographs of student Le Boeuf. Lawn has orally advised this attorney that shotguns, State police photographs and film have been obtained and did forward copies of said photographs and film. However, no written reports to this effect or concerning other requested matter have been provided.

Much of my time has been spent in making efforts to locate the original of the film taken by station WAFB-TV which shows deputies at the time of the shooting. You may recall that this is the film which broke at key points prior to our showing to JSP on February 15. It had also apparently been broken and spliced several other times. Lawn has continually advised that the U.S. Marshal (who obtained all original film by subpoena on November 21, 1972) did not have this particular one but did have all others.

cc: Records  
Chrono  
Murphy  
Gardner  
Whieldon

On April 1, 1974, U.S. Attorney Gonzales advised this attorney that he was told by the U.S. Marshal that the original of this film was signed out of that office by local Resident Agent Elmer Litchfield months ago and apparently never returned. Gonzales mentioned that agents do this often in his district when such evidence is needed in an investigation. He did not indicate whether he authorized it, however. (Note that Lawn or the field must have know this after they contacted the marshal but have never so advised this attorney.)

Meanwhile two copies of a "copy" we received on April 1, retrieved by the Bureau from Ossie Brown's files, are being made here in Washington.

It had always been assumed that the WAFB-TV film which we had, and which was broken and spliced numerous times, was only a copy as written on the container was the statement that this was a copy of the original obtained by S.A. Whomsley on November 20, 1972, the day before subpoenas were issued. Our F.B.I. reports also reflect that Whomsley obtained a copy on that date and the original was retained in the custody of the TV station until the next day. Also the same designation by Whomsley appears on the container of the other copies we have. We know these are copies as the marshal does have those originals.

The locus of the original is still unknown but we are making every effort to track it down as soon as possible. I might note that such continuous efforts to obtain a viewable, intact copy of the WAFB-TV film were made by this attorney since I had always been under the impression that a "light" specialist was to be present at the meeting, first set for March 25 and then

held on April 1. Only when I walked in did I become aware that only a "sound" man would be present.

I do take full responsibility, however, for not having insisted that technical information requested of the F.B.I. on February 28 be available at the time of this meeting. To date, however, desk man Lawn has not received orally or in writing any reports containing the requested information. It will be obtained as soon as possible and whatever is pertinent to Dr. Nickerson's analysis will be furnished to him.

4-13-74

T. 5/22/74  
JSP:FDA:bmp  
DJ 144-32M-9  
~~DJ 144-41-1597~~

~~DJ 144-57-338~~  
~~DJ 144-67-630~~

144-32M-9A

6 JUN 1974

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

Dear Congressman Rangel:

This is to reply to your letter of April 13, 1974, inquiring into the Department's actions with regard to three incidents at colleges involving shootings by law enforcement officers. The actions taken with regard to these incidents are:

(1) South Carolina State College (1968) - An investigation was conducted into this incident by the Federal Bureau of Investigation. The results of that investigation were presented to a federal grand jury, but the grand jury refused to indict any law enforcement officers. However, the Attorney General, at that time, authorized and directed that informations be filed charging law enforcement officers with misdemeanor violations of the civil rights statutes. The officers charged were those who admitted in statements that they fired their weapons at students. At their trial, all officers were acquitted.

(2) Jackson State College (1970) - Following this incident an extensive investigation was conducted by the Federal Bureau of Investigation and by a federal grand jury. However, sufficient information was not developed upon which to base a prosecution under the federal criminal civil rights statutes. We have answered previous inquiries on this incident, and in replying to one of these from President James Cheek of Howard University, former Attorney General Richardson explained our views on this incident. A copy of his letter is enclosed for your information.

cc: Records (4)  
Chrono  
Durham  
Pottinger

Murphy  
Allen  
Gardner  
Corres. Unit

Criminal Section

FAR  
5-23-74



**(3) Southern University (1972) - An investigation has been conducted by the Federal Bureau of Investigation and the results of this investigation are currently being presented to a federal grand jury in Baton Rouge, Louisiana.**

**I hope that this is sufficient for your purposes, and I hope that you will feel free to correspond further if you need additional information.**

**Sincerely,**

**J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division**

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

APR 24 3 49 PM '74  
U.S. JUSTICE  
ROOM 3M  
April 13, 1974

COMMITTEES:  
JUDICIARY  
DISTRICT OF COLUMBIA

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

MRS. VIRGINIA L. BELL  
DISTRICT ADMINISTRATOR

PLEASE RESPOND TO  
OFFICE CHECKED:  
 WASHINGTON  
 NEW YORK

Mr. Stanley Pottinger  
Assistant Attorney General  
for Civil Rights  
550 11th Street, N.W.  
Washington, D.C. 20530

Dear Mr. Pottinger:

In view of the recent action taken in Ohio in the Kent State affair, a major question looms—what about the killings and bloodshed at South Carolina State College (1968), Jackson College (1970), and Southern University (1972)?

I would appreciate your assistance in providing me the Justice Department's action relating to these three colleges and whether or not any additional action is anticipated.

Sincerely,  
*Charles B. Rangel*  
CHARLES B. RANGEL  
Member of Congress

CBR:kl

144-3211-9  
144-51-38  
REC-1  
21 APR 24 1974  
OFFICE OF LEGISLATIVE AFFAIRS  
CIV. RIGHTS DIV.

T. 4/25/74  
JRW:ryh  
DJ 144-32M-9

APR 25 1974

Mr. Douglas M. Gonzales  
United States Attorney  
707 Florida Boulevard  
Room 322  
Baton Rouge, Louisiana 70801

Dear Mr. Gonzales:

At a meeting on April 24, 1974, J. Stanley Pottinger, Assistant Attorney General, authorized this Division to go forward at this time with plans to present evidence in the S.U.B.R. matter to a grand jury in your district as soon as all arrangements can be made. It was also decided not to pursue further our proposal to issue a subpoena for the minutes of the East Baton Rouge Parish grand jury, at least until after evidence has been taken by a federal grand jury. If it should develop that the need then arises to issue a subpoena, we can re-evaluate our respective positions.

Since it is my understanding that the term of the sitting grand jury ends on May 10, 1974, and that there may be other matters which would justify its extension, I hereby request that its life be extended for a period of time which will allow attorneys from this Division and from your office, if so desired, to present to it a limited amount of evidence, taking from 5-10 days. We would propose that the presentation of evidence begin on or about May 20, 1974, holding sessions each day, and be concluded by the first of June. A witness list will be prepared here (and any ideas you may have in this regard are invited) and hopefully subpoenas can be issued on or about May 6 in order to allow enough lead time for service to be made and for witnesses to arrange transportation to Baton Rouge.

cc: Records  
Chrono  
Murphy  
Gardner  
O'Connor  
Whieldon

If you do not believe the present grand jury can be extended or that the timetable set out above cannot be accommodated, please advise immediately and other arrangements can hopefully be worked out.

Do not hesitate to call me if any questions or problems arise. Your cooperation with our Division in this matter has been and will continue to be deeply appreciated.

Sincerely,

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



~~Hand~~ DJ file

5/7/74

MAY 7 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  
CIVIL RIGHTS

JSP  
by  
RAM  
5/7/74  
  
JRW  
5/7/74

Reference is made to your memorandum in the above-captioned matter dated April 23, 1974, enclosing sheets of contact prints from the Louisiana State Police.

Evidence in this matter will be presented to a federal grand jury for one week beginning May 20, 1974. It will be necessary to have certain agents who have worked on the case available for testimony.

Special Agent Neil Shanahan of Philadelphia has conferred with the Department here in Washington several times in this matter. His presence here on Thursday to review our files and in Baton Rouge during the week of the grand jury is hereby requested.

Special Agent Howard Kennedy of St. Louis administered polygraph examinations to various members of the East Baton Rouge Parish Sheriff's Office. His presence to give testimony in this regard is therefore requested.

cc: Records  
Chrono  
Murphy  
Gardner  
Whieldon  
USA - Baton Rouge, Louisiana

Special Agent Horace Heafner, F.B.I. Exhibits Section, Washington, D.C. has prepared numerous diagrams which will be introduced at the grand jury. His presence for this purpose is also requested.

Exact dates and time for appearances at Baton Rouge will be worked out in advance between the agents involved and Departmental attorneys.

5/1/74

MAY 1 1974

Director  
Federal Bureau of Investigation

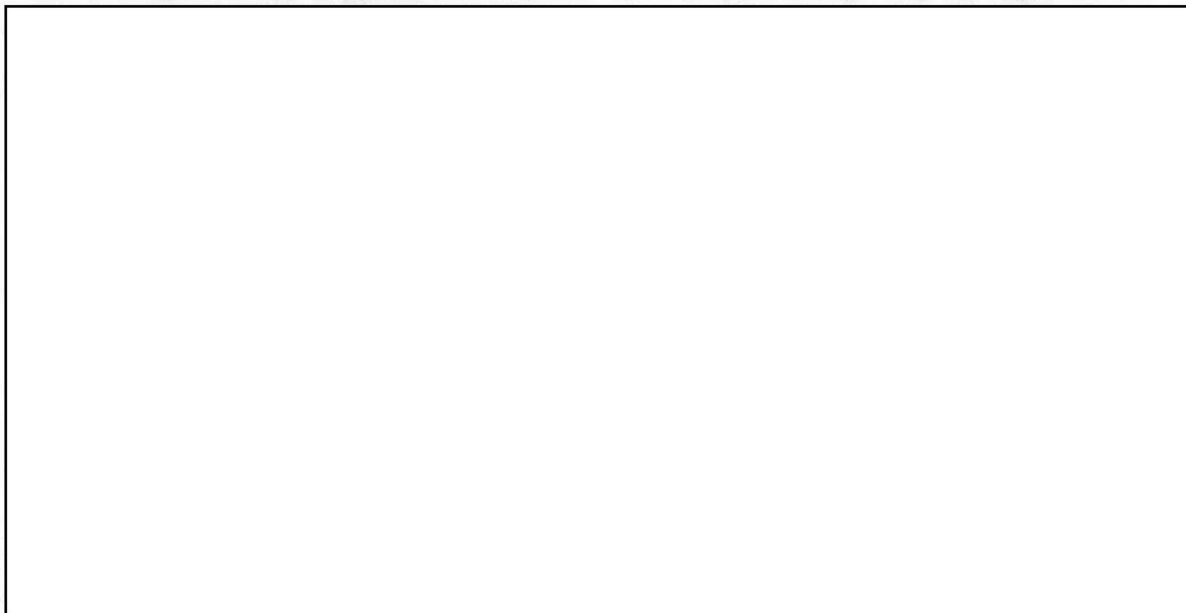
J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

JSP:WLG:JRW:ryh  
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  
CIVIL RIGHTS

Reference is made to your memorandum in the  
above-captioned matter dated April 23, 1974, enclosing  
sheets of contact prints from the Louisiana State  
Police.

In view of the fact that evidence in this matter  
will be presented to a federal grand jury in late May  
or early June, please conduct the following investigation:



cc: ✓ Records      Murphy      O'Connor  
Chrono            Gardner      Whieldon      USA - Baton Rouge, La.

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

JSP  
by  
RAM  
5/1/74  
*[Signature]*  
5/1/74



This request should be expedited and all results should be furnished to this Division and the United States Attorney's office, Baton Rouge, as soon as they are obtained.

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



T. 5/6/74  
JSP:EWM:ryh  
DJ 144-32M-9

MAY 8 1974

Mr. Ernest W. McIntosh, Jr.  
Attorney, Criminal Section  
Civil Rights Division  
Department of Justice  
Washington, D.C. 20530

Dear Mr. McIntosh:

*fam*  
*5/7/74*

As an attorney and counselor at law, you are hereby specially retained and appointed as Special Attorney, under the authority of the Department of Justice and in that connection you are specifically directed to file informations and to conduct in the Middle District of Louisiana any kind of legal proceedings, civil or criminal, including grand jury proceedings, and proceedings before committing magistrates which United States Attorneys are authorized by law to conduct, with specific reference to alleged violations of Sections 241, 242 and 245 of Title 18 of the United States Code and other related crimes in and around Baton Rouge, Louisiana.

You are to serve without compensation other than the compensation you are now receiving under existing appointment.

Please execute the required oath of office and forward a duplicate thereof to the Civil Rights Division, Department of Justice.

BY DIRECTION OF THE ATTORNEY GENERAL

cc: ✓ Records  
Chrono  
O'Connor  
Murphy  
McIntosh

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division

CIVIL RIGHTS DIVISION

- ( ) Assistant Attorney General
- ( ) Deputy Assistant Attorney General - 1st
- ( ) Deputy Assistant Attorney General - Ed. & Em.
- ( ) Deputy Assistant Attorney General - Cr. & Ho. & Vo.
- ( ) Administrative ( ) \_\_\_\_\_
- (  ) Criminal ( ) W Whieldon
- ( ) Education ( ) 1048
- ( ) Employment ( ) \_\_\_\_\_
- ( ) Housing ( ) \_\_\_\_\_
- ( ) Vo. & PA-PF ( ) \_\_\_\_\_
- ( ) Title VI ( ) \_\_\_\_\_
- ( ) Appeals ( ) \_\_\_\_\_
- ( ) Legislation ( ) \_\_\_\_\_
- ( ) Other ( ) \_\_\_\_\_

RETURN TO: ( ) Correspondence Unit  
 ( ) Editorial Unit  
 ( ) Section Docket Clerk

INDEX TITLE: \_\_\_\_\_  
 STATE: \_\_\_\_\_ CITY: \_\_\_\_\_  
 COUNTY: \_\_\_\_\_  
 CROSS REF: \_\_\_\_\_

REMARKS: \_\_\_\_\_

RECEIVED  
 MAY 9 2 54 PM '74

DATE: 5/8/74

Mr. Jeff Whieldon

... in the vicinity of ...  
 ... ambulance came to ...  
 ... order was somewhat ...  
 ... point that additional ...  
 ... memorandum dated \_\_\_\_\_  
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 ... investigation and no further action concerning  
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 ... ly directed by the Department.  
 ... sire any further investigation.  
 ... rmation and you will be advised of further

*File  
 [Signature]  
 5/30/74*

144-32M-9  
 DEPARTMENT OF JUSTICE  
 page 104 of 12/15/72 report  
 on 5/6/74 MAY 10 1974  
 O.R.O.M.  
 CIVIL RIGHTS DIV.

CIVIL RIGHTS DIVISION

- ( ) Assistant Attorney General
- ( ) Deputy Assistant Attorney General - 1st
- ( ) Deputy Assistant Attorney General - Ed. & Em.
- ( ) Deputy Assistant Attorney General - Cr. & Ho. & Vo.
- ( ) Administrative ( ) \_\_\_\_\_
- (  ) Criminal ( ) W. Sheldon
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- ( ) Housing ( ) \_\_\_\_\_
- ( ) Vo. & PA-PF ( ) \_\_\_\_\_
- ( ) Title VI ( ) \_\_\_\_\_
- ( ) Appeals ( ) \_\_\_\_\_
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- RETURN TO: ( ) Correspondence Unit  
( ) Editorial Unit  
( ) Section Docket Clerk

INDEX TITLE: \_\_\_\_\_

STATE: \_\_\_\_\_ CITY: \_\_\_\_\_

COUNTY: \_\_\_\_\_

CROSS REF: \_\_\_\_\_

REMARKS: \_\_\_\_\_

UNITED STATES GOVERNMENT

# Memorandum

RECEIVED  
MAY 9 2 54 PM '74  
DEPT OF JUSTICE  
MAIL ROOM

TO : Assistant Attorney General

DATE: 5/8/74

**CIVIL RIGHTS DIVISION**

FROM : Director, FBI

Att: Mr. Jeff Whieldon

SUBJECT: **BATWO**

Reference is made to \_\_\_\_\_ memorandum dated \_\_\_\_\_  
(your file \_\_\_\_\_).

There is enclosed one copy of the report of Special Agent \_\_\_\_\_  
dated \_\_\_\_\_ at \_\_\_\_\_.

A.  This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B.  The investigation is continuing and you will be furnished copies of reports as they are received.

C.  The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D.  Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E.  Please advise whether you desire any further investigation.

F.  This is submitted for your information and you will be advised of further developments.

G.  This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H.  This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

*File  
5/30/74*

Enc. 1

NOTE: Attached is amended page 104 of 12/5/72 report which you requested on 5/6/74

144-32M-9	
DEPARTMENT OF JUSTICE	
MAY 10 1974	
O.R.O.M.	
CIVIL RIGHTS DIV.	
RECORDED	



NO 44-4719

8

students plus a large number of observers. He stated that some gas canisters were tossed in the vicinity of this large group, and it was dispersed.

He said that eventually ambulances came to the scene, removed the bodies, and order was somewhat restored. He said it was at about this point that additional students earlier mentioned filed out of the Administration Building and proceeded south.

Deputy WEBER said the events of that day moved quickly, and he had "no concept of time." He said the noise and gas seemed "allaround me."

He noted he saw no empty shotgun hulls on the ground, and he noticed no one picking any up off the ground. He said he did not retrieve any shotgun hulls and did not notice any organized cleanup activities on the part of law enforcement officers or anyone else.

Deputy WEBER said he is of the belief the two students were shot by accident. He noted he further believes the person responsible is probably aware of his act but there has been no speculation as to the identity of this person responsible. He said he personally does not know the identity of the person and suspects no one in particular.

The following physical description was obtained from interview and observation:

Name	STEVE A. WEBER
Race and sex	White male
Date of birth	November 16, 1944
Place of birth	Baton Rouge, Louisiana
Height	6 feet 2½ inches
Weight	190 pounds

T. 5/6/74  
JSP:WLG:ryh  
DJ 144-32M-9

MAY 8 1974

Mr. William L. Gardner  
Attorney, Criminal Section  
Civil Rights Division  
Department of Justice  
Washington, D.C. 20530

Dear Mr. Gardner:

As an attorney and counselor at law, you are hereby specially retained and appointed as Special Attorney, under the authority of the Department of Justice and in that connection you are specifically directed to file informations and to conduct in the Middle District of Louisiana any kind of legal proceedings, civil or criminal, including grand jury proceedings, and proceedings before committing magistrates which United States Attorneys are authorized by law to conduct, with specific reference to alleged violations of Sections 241, 242 and 245 of Title 18 of the United States Code and other related crimes in and around Baton Rouge, Louisiana.

You are to serve without compensation other than the compensation you are now receiving under existing appointment.

Please execute the required oath of office and forward a duplicate thereof to the Civil Rights Division, Department of Justice.

BY DIRECTION OF THE ATTORNEY GENERAL

cc: Records  
Chrono  
O'Connor  
Murphy  
Gardner

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division

T. 5/8/74

MAY 8 1974

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

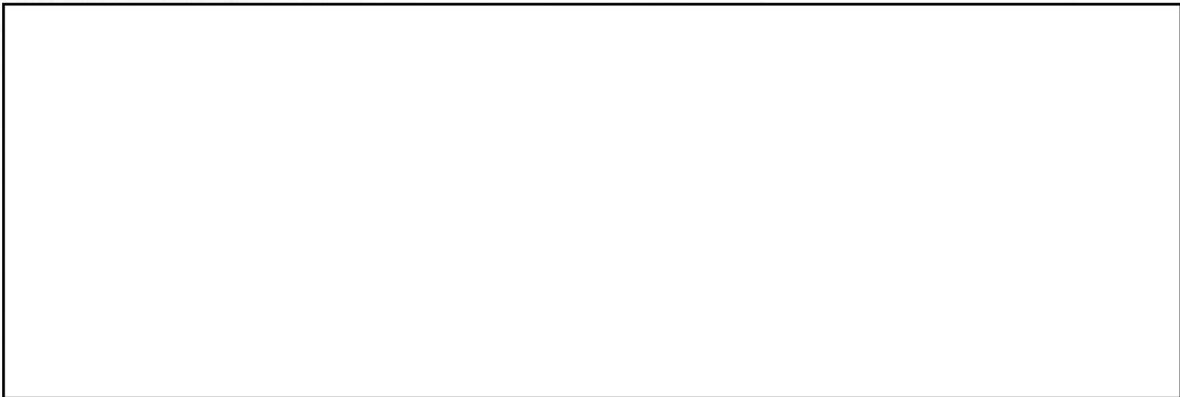
EWM:bbg  
DJ 144-32M-9

Ernest W. McIntosh  
Attorney  
Criminal Section

You will find attached our memorandum requesting immunity for eight individuals. If the request is granted and the situation arises, it is our purpose to seek the order compelling these people to testify only after careful deliberation and analysis. If any of these individuals decide to take the fifth amendment, immunity would only be granted if investigation indicates that an individual has testimony which can significantly aid the Grand Jury.

cc: Records ✓  
Chrono  
O'Connor  
Murphy  
Gardner  
McIntosh

*EMM*  
*5/8/74*  
*grw*  
*5/8/74*  
*RCM*  
*5/8/74*



4. All of the above mentioned individuals have no Federal Bureau of Investigation number.

5. All of the above mentioned individuals are subjects in a Federal Grand Jury proceeding concerning the killings of two students on November 16, 1972 at Southern University in Baton Rouge, Louisiana.

6. None of the subjects are presently incarcerated.

7. On Monday, May 20, 1974, the Federal Grand Jury for the Middle District of Louisiana will hear testimony concerning the killing of two students at Southern University on November 16, 1972. The above mentioned individuals were all in an area from where the fatal shot could have been fired.

I request that you approve this request to seek this order compelling the above mentioned individuals to testify. Their testimony is essential in the government's effort to pin point the person who fired the fatal shot.



T. 5/8/74

MAY 8 1974

Henry E. Petersen  
Assistant Attorney General  
Criminal Division

JSP:EWM:bbg  
DJ 144-32M-9

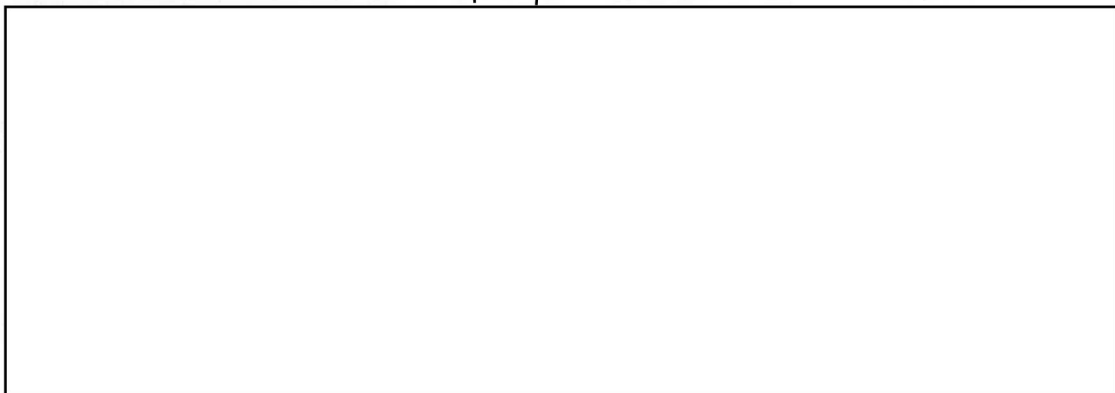
J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division



This Division wishes to apply for a court order



before a Federal Grand Jury for the Middle District of Louisiana. That Grand Jury will hear testimony on May 20, 1974 concerning possible violations of 18 U.S.C. §241 and 242. Therefore, approval of the Attorney General is requested pursuant to Departmental Memo No. 595 and 28 C.F.R. §0.175.



cc: Records ✓  
Chrono  
O'Connor  
Murphy  
Gardner  
McIntosh

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

*JSP*  
*5/8/74*  
*EWM*  
*5/8/74*  
*Cam*  
*5/8/74*

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

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

DATE: MAY 8 1974

FROM : Ernest W. McIntosh  
*EMM*  
Attorney  
Criminal Section

EWM:bbg  
DJ 144-32M-9

SUBJECT:

You will find attached our memorandum requesting immunity for eight individuals. If the request is granted and the situation arises, it is our purpose to seek the order compelling these people to testify only after careful deliberation and analysis. If any of these individuals decide to take the fifth amendment, immunity would only be granted if investigation indicates that an individual has testimony which can significantly aid the Grand Jury.

50 Moulton Street  
Cambridge, Mass. 02138  
Telephone (617) 491-1850

TWENTY FIFTH  
ANNIVERSARY



Bolt Beranek and Newman Inc.

9 May 1974

Mr. Jeffrey R. Whieldon  
Attorney, Criminal Section  
Civil Rights Division  
United States Department of Justice  
Washington, D.C. 20530

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

Dear Mr. Whieldon:

Enclosed are the seven photographs that you loaned to me concerning the Southern University incident. As you suggested, I will retain the tape and diagram. If you should decide that any of the analyses that we proposed would be useful for you, let us know.

Sincerely,

*Raymond S. Nickerson*  
Raymond S. Nickerson  
ftm  
Enclosures ✓

RRR

DEPT. OF JUSTICE  
MAIL ROOM  
FROM  
MAY 14 1 49 PM '74

RECEIVED 1

*Files  
JRW  
5/30/74*

CERTIFIED \_\_\_\_\_

DOCKETS

MAY 14 1974

REGISTERED 45537

144-32M-9  
DEPT. OF JUSTICE  
20 MAY 14 1974  
O.H.O.M.  
CIV. RIGHTS DIV.  
RECORD

CIVIL RIGHTS DIVISION

- AAG - **J. Stanley Pottinger**
- DAAG - K. William O'Connor
- DAAG - Frank M. Dunbaugh
- DAAG - James P. Turner
- Administrative  \_\_\_\_\_
- Criminal  W. D. Hillman
- Education  1048
- 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: \_\_\_\_\_



UNITED STATES GOVERNMENT

# Memorandum

DISPATCHED

MAY 13 8 32 PM '74

DATE 5/13/74  
DEPT. OF JUSTICE  
MAIL ROOM  
OROM

TO : Assistant Attorney General  
CIVIL RIGHTS DIVISION

FROM : Director, FBI

SUBJECT: BATWO

Reference is made to your memorandum dated 5/7/74  
(your file DJ-144-32M-9). **WLG:JRW**

There is enclosed one copy of the ~~report of Special Agent~~ XXXXXXXXXXXXXXXXXXXX an LHM  
dated 5/10/74 at New Orleans.

A.  This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B.  The investigation is continuing and you will be furnished copies of reports as they are received.

C.  The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D.  Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E.  Please advise whether you desire any further investigation.

F.  This is submitted for your information and you will be advised of further developments.

G.  This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H.  This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. 1

*[Handwritten signature]*  
5/30/74



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No. 44-4719

New Orleans, Louisiana

May 10, 1974

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

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Reference is made to a memorandum dated May 1, 1974, from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, to the Director of the Federal Bureau of Investigation, captioned as above.

On May 6, 1974, Ossie Brown, East Baton Rouge Parish Attorney, Baton Rouge, Louisiana, advised that he took his present office in January, 1973, and that the shooting of the two students at Southern University had occurred in November, 1972. He stated his predecessor, Sargeant Pitcher, Jr., had conducted an investigation concerning this incident, but that he was unaware of the exact nature of this investigation. Brown stated when he took office in January, 1973, he conducted no administrative investigation; he brought all of the witnesses from Pitcher's investigation before a grand jury in East Baton Rouge Parish, and the results of this grand jury are secret.

Brown stated that recently, Judge Donovan Parker, 19th Judicial District of the State of Louisiana, ruled that

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.

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

---

Louisiana law prohibits a court from ordering release to Federal officials of evidence received by the East Baton Rouge Parish Grand Jury. Brown stated he has nothing in his possession concerning the incident at Southern University which would not fall under this ruling. He stated also he is not in possession of any reports or documents from the Louisiana Attorney General's Office, or from the Special Commission of Inquiry, William J. Guste, Jr., Chairman.

On May 7, 1974, C. James Gelpi, Assistant Attorney General, State of Louisiana, Attorney General's Office, Baton Rouge, Louisiana, furnished two copies of the report of the Attorney General's Special Commission of Inquiry on the Southern University Tragedy to the FBI. He stated that neither the Attorney General's Office nor the Special Commission of Inquiry, William J. Guste, Jr., Chairman, have possession of pertinent material or information which would be available to the FBI. He stated that all information in their possession had been turned over to the East Baton Rouge Parish Grand Jury and the evidence and results of this grand jury are secret.

On May 6, 1974, Robert C. Williams and Robert S. Eames, 1635 North Boulevard, Baton Rouge, Louisiana, law partners, and former members of the Black People's Committee of Inquiry, advised that they are not in possession of witness statements, investigative reports, or other documents relating to the shooting of Denver Smith and Leonard Brown.

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

---

Williams advised he does not know for sure if a transcript of the Black Peoples Committee of Inquiry hearings were made or not; if transcripts were made they possibly have been sent to California. Williams did not know who in California would be in possession of these transcripts.

On May 7, 1974, Etta K. Hearn, Attorney at Law, 1028 Swan Street, Baton Rouge, Louisiana, advised she has recently turned over to two United States Department of Justice Attorneys from Washington, D. C., whose names she does not recall, all of the documents and reports pertaining to the shootings at Southern University. She stated; however, that she has a copy of the transcripts of the Black People's Committee of Inquiry, which she did not turn over to these Departmental Attorneys and that this transcript is approximately 500 pages long. She stated that she does not wish to furnish a copy of this transcript to the FBI or the United States Department of Justice and she is going to donate it to the Southern University Law School in Baton Rouge, Louisiana. She advised; however, that D'Army Bailey, a past member of the Black People's Committee of Inquiry and a former City Councilman in Berkeley, California, and presently residing in Berkeley, California, has in his possession a copy of the transcripts of the Black People's Committee of Inquiry.

On May 7, 1974, Cheryl Forbes, presently residing at 1409 Snipe Street, Baton Rouge, Louisiana, advised that



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

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Herbert Brunswick is presently residing at 1049 Osprey Street, Baton Rouge, Louisiana. Forbes advised she has no idea as to the current residence or whereabouts of Veronica Fontenett. She advised that Veronica had married recently and she does not know if Fontenett is her maiden name or married name. She stated that she believes Veronica's husband is presently serving in the United States Army. She advised that Horace Allison had recently moved to Austin, Texas, and is employed there with an architectural firm; however, she does not know the name of this firm.

5/13/74

MAY 14 1974

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

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

**Jeffrey R. Whieldon**  
**Attorney, Criminal Section**

**Southern University, Baton Rouge, Louisiana**

**Tentative Grand Jury Witness**  
**List and Expected Testimony**

WLB  
5/13/74  
Ram  
5/14/74

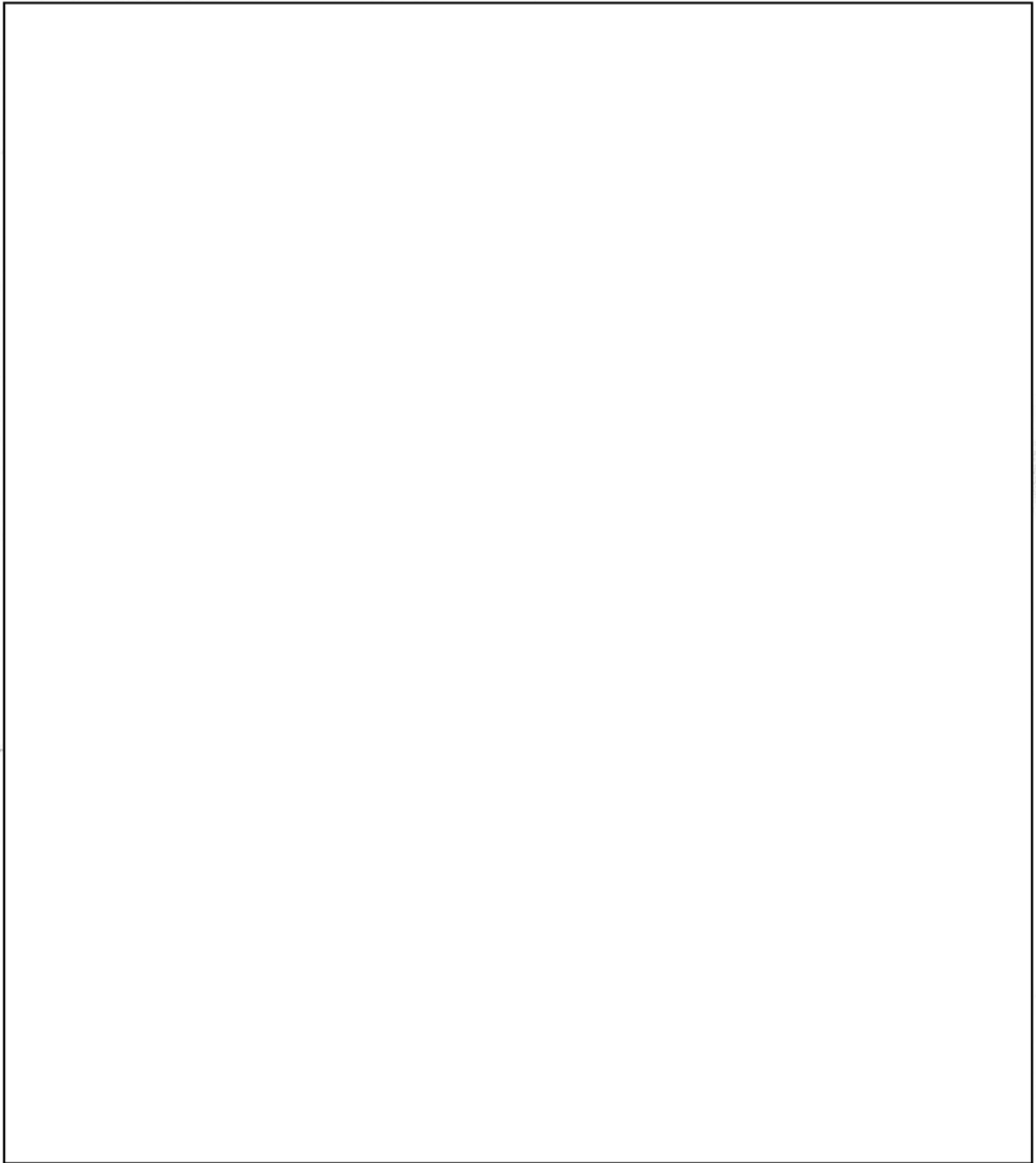


cc: Records  
Chrono  
Gardner  
Murphy  
Whieldon

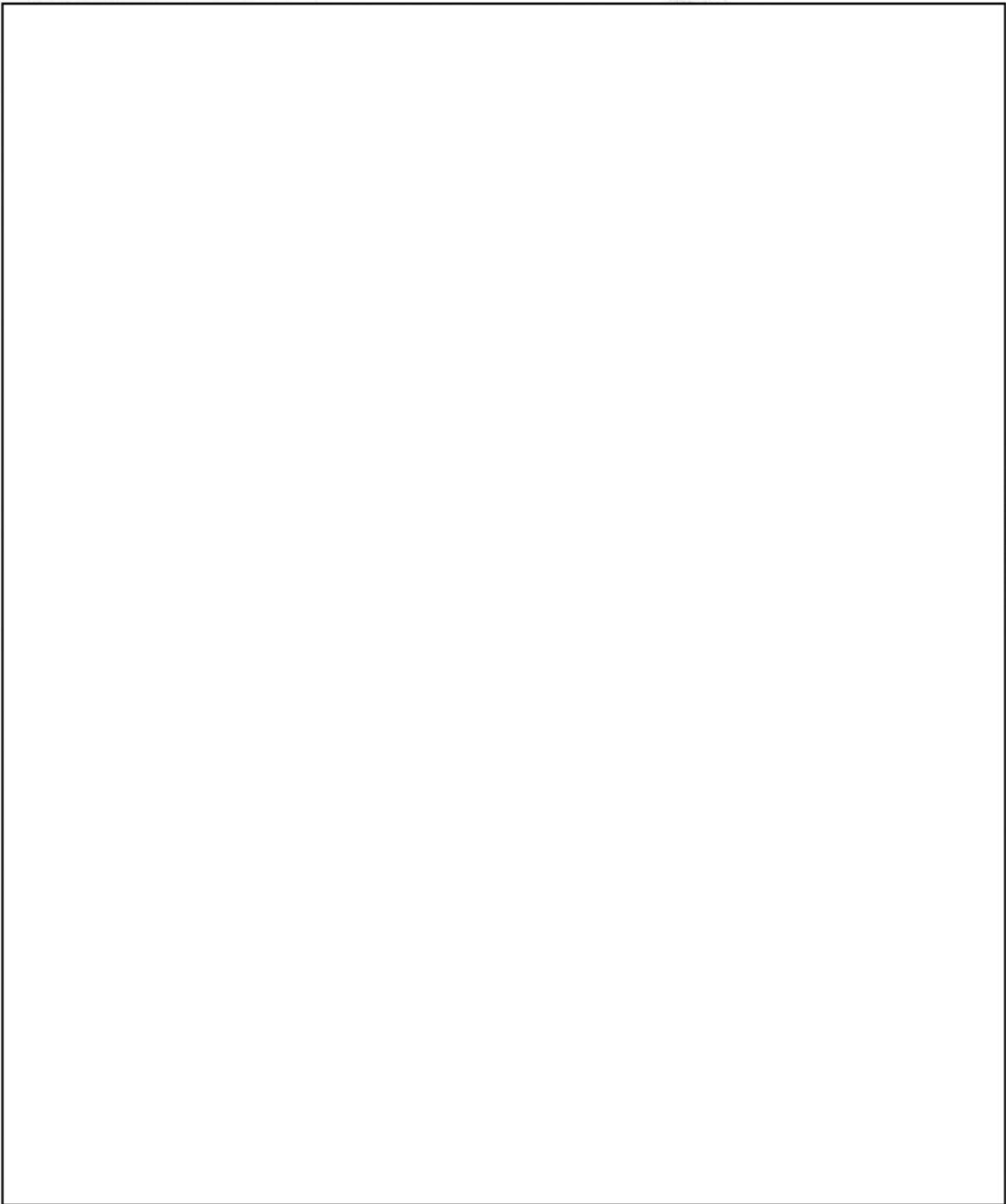
FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury



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

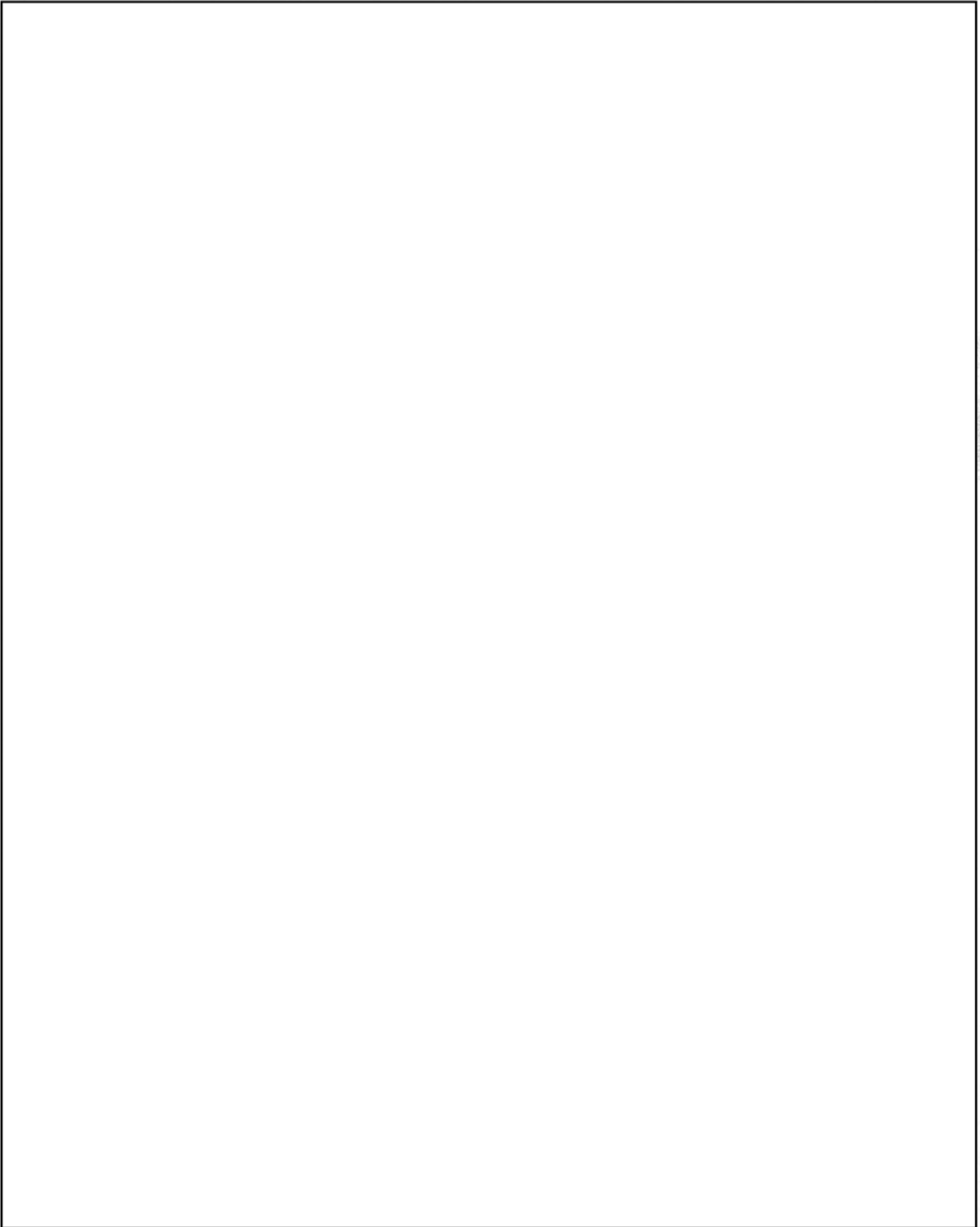


FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

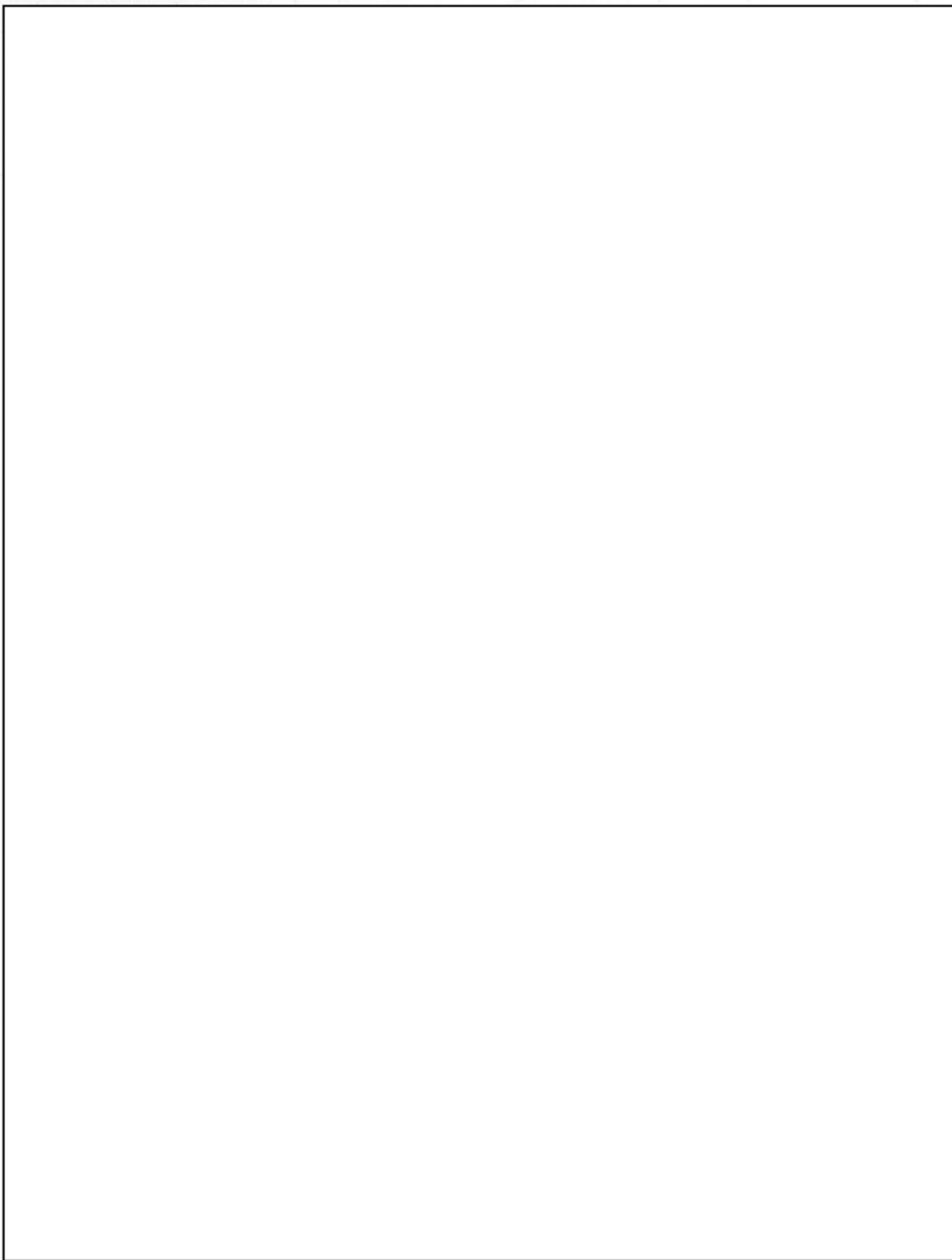


FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

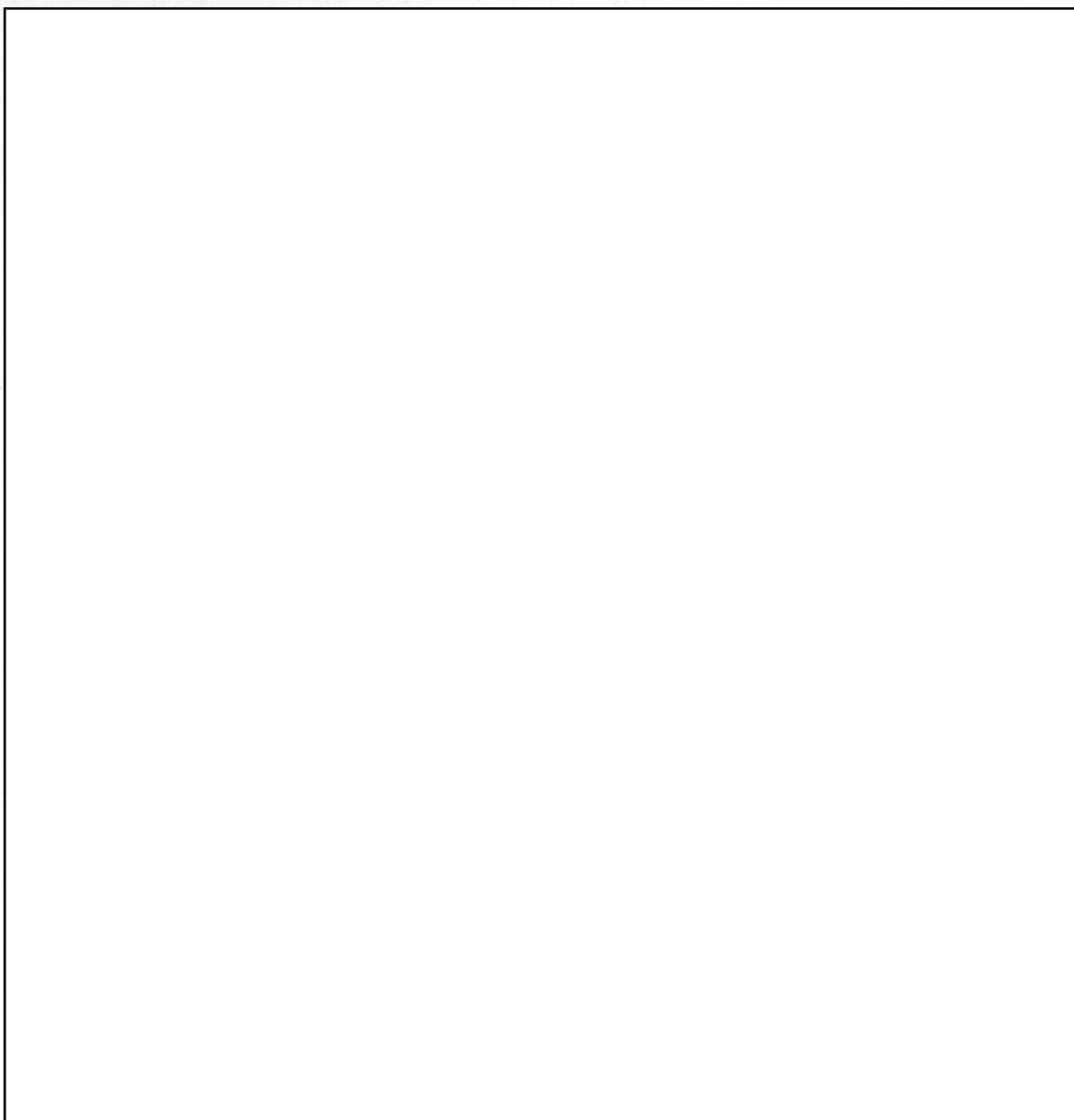




FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury



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



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



CIVIL RIGHTS DIVISION

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

( ) DAAG - K. William O'Connor

( ) DAAG - Frank M. Dunbaugh

( ) DAAG - James P. Turner

( ) Administrative ( ) \_\_\_\_\_

(  ) Criminal ( ) AW [signature]

( ) Education ( ) 1048

( ) 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: \_\_\_\_\_



UNITED STATES GOVERNMENT

# Memorandum

RECEIVED 1

MAY 21 11 30 AM '74

TO : Assistant Attorney General

DATE: 5/20/74

DEPT. OF JUSTICE  
MAIL ROOM  
OROM

**CIVIL RIGHTS DIVISION**

FROM : Director, FBI

SUBJECT: **UNSUBS, 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 my memorandum dated 5/13/74  
(your file \_\_\_\_\_).

There is enclosed one copy of ~~the report of Special Agent~~ an LHM  
dated 5/17/74 at New Orleans San Antonio

MAY 22 5 19 PM '74  
DEPT. OF JUSTICE  
MAIL ROOM  
OROM

RECORDED

A.  This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B.  The investigation is continuing and you will be furnished copies of reports as they are received.

C.  The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D.  Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E.  Please advise whether you desire any further investigation.

F.  This is submitted for your information and you will be advised of further developments.

G.  This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H.  This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

*John  
Grew  
5/30/74*

✓  
Enc. 1

144-32M-9  
DEPARTMENT OF JUSTICE  
20 MAY 22 1974  
O.R.O.M.  
CIV. RIGHTS DIV.  
RECORD



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Antonio, Texas  
May 17, 1974

In Reply, Please Refer to  
File No.

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

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Investigation, Austin, Texas, disclosed that Horace Allison left Austin, Texas, on March 1, 1974. Allison left a forwarding address of 2828 Brook Street, Lake Charles, Louisiana, and the following telephone contacts at Lake Charles: 436-3987 and 436-9751.

-1\*-

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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.