

UNITED STATES GOVERNMENT

# Memorandum

TO : Assistant Attorney General  
CIVIL RIGHTS DIVISION

DATE: 5/20/74

FROM : Director, FBI

SUBJECT: **BATWO**

RECEIVED 1  
MAY 21 11 29 AM '74  
DEPT. OF JUSTICE  
MAIL ROOM  
OROM

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

There is enclosed one copy of the report of Special Agent ~~XXXXXXXXXXXX~~ an LHM  
dated 5/16/74 at Los Angeles

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. 19

NOTE: Also enclosed are 18 photographs taken by  
Cyril Le Boeuf.

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

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

*File*  
*3/21/75*



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION  
Los Angeles, California  
May 16, 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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Enclosed for the Department of Justice and the United States Attorney, New Orleans, are one copy each of 18 photographs taken by Cyril Le Boeuf, Jr. during the disturbance at Southern University.

Cyril Le Boeuf, Jr. was interviewed at his place of employment at which time he provided copies of the photographs he took during the disturbance. Interview set forth as follows:

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.

## FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/16/74

CYRIL LE BOEUF, JR., residence address 4245 Don Tomaso Drive, Apartment 2, Los Angeles, California, was interviewed and he provided the following information:

LE BOEUF has recently received the negatives of the photographs he took during the disturbance at Southern University, Baton Rouge, Louisiana, on November 16, 1972. The negatives consist of 18 printable photographs and two clear negatives, numbers 2 and 20, which are not printable.

LE BOEUF advised that these negatives had been in a hiding place at his mother's residence and she was unaware of their location until he contacted her and requested that she send them to him in Los Angeles for release to the FBI. LE BOEUF requested that all negatives be returned to him when there is no longer a need for them.

FOIA(b)(6)

Interviewed on 5/10/74 at Downey, California File # Los Angeles 44-2657  
by SA HOWARD W. PECOT/dmg Date dictated 5/16/74

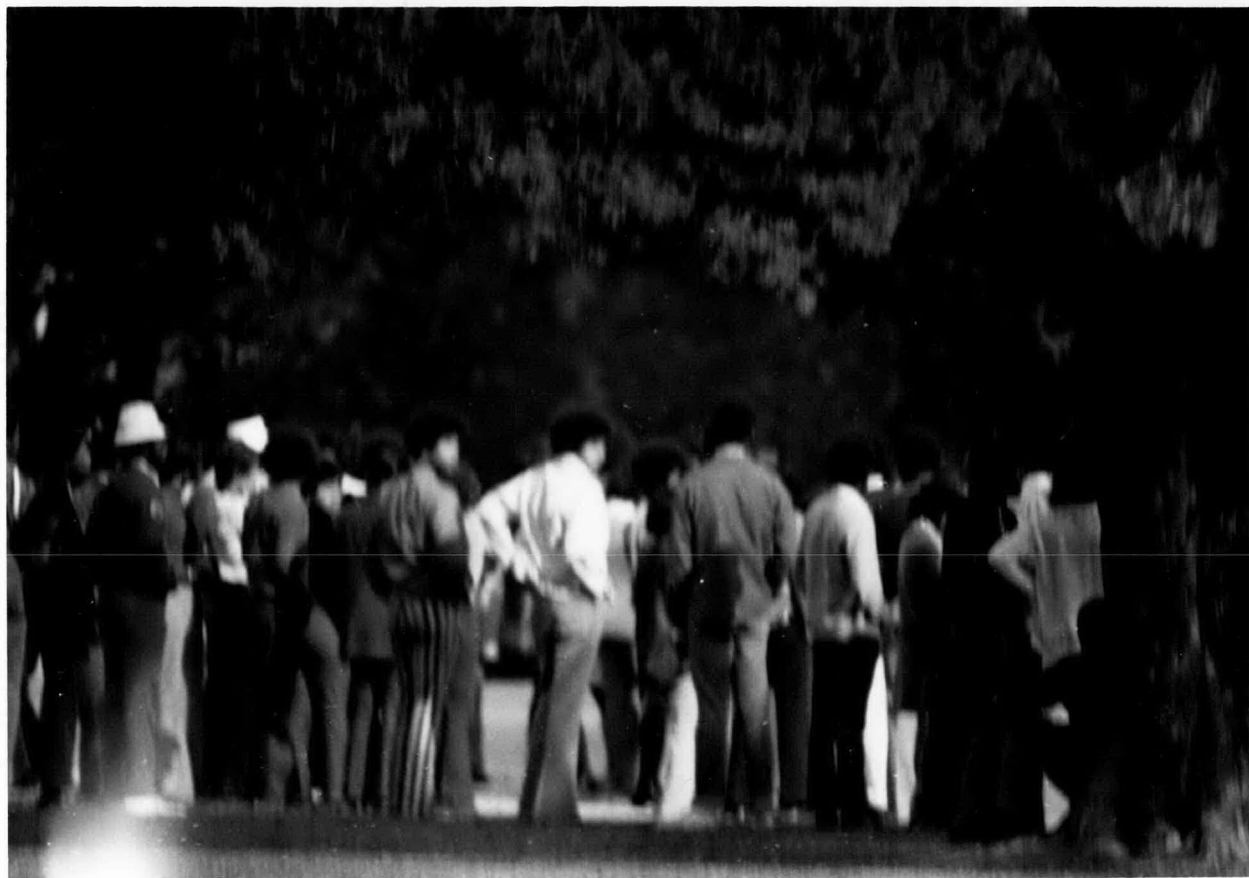
This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURES

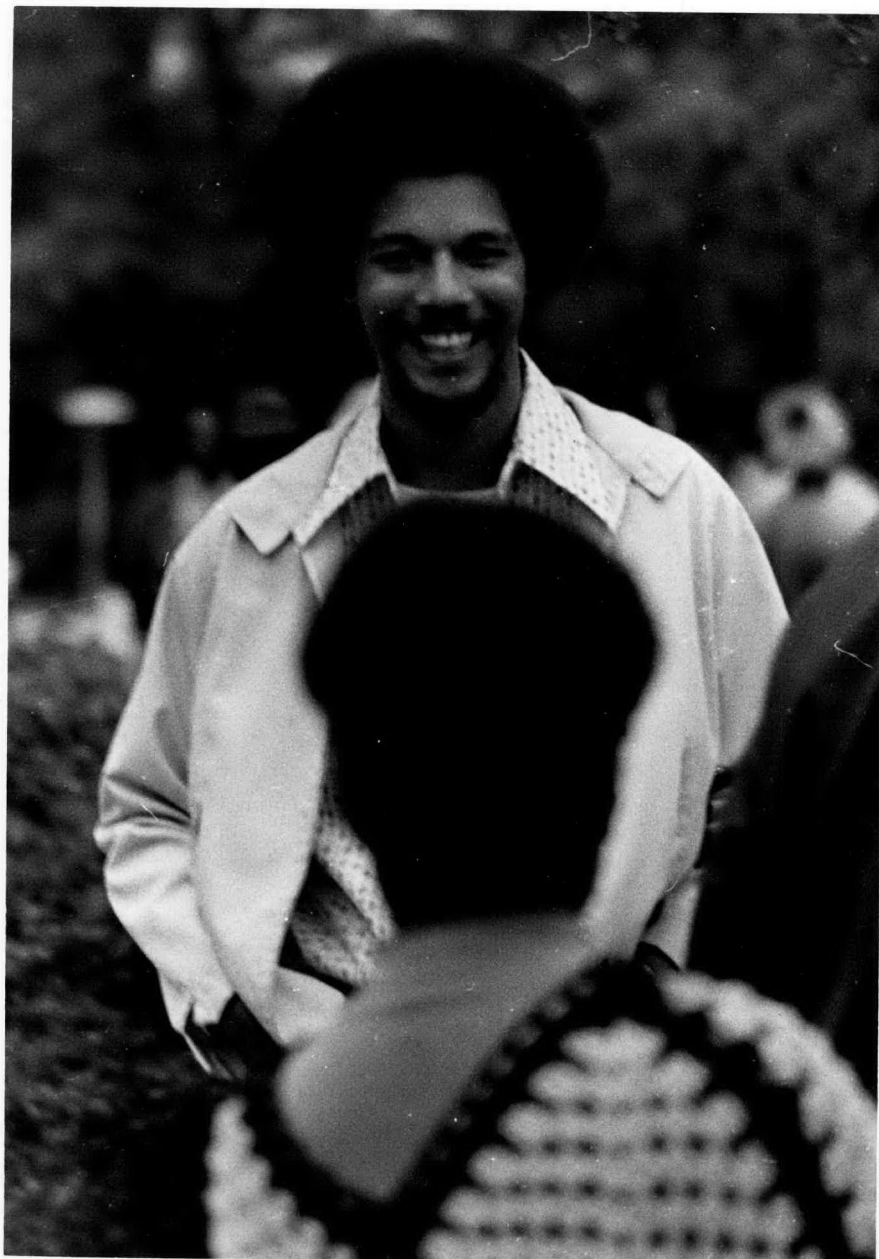
DEPARTMENT OF JUSTICE

18 PHOTOS





1



3



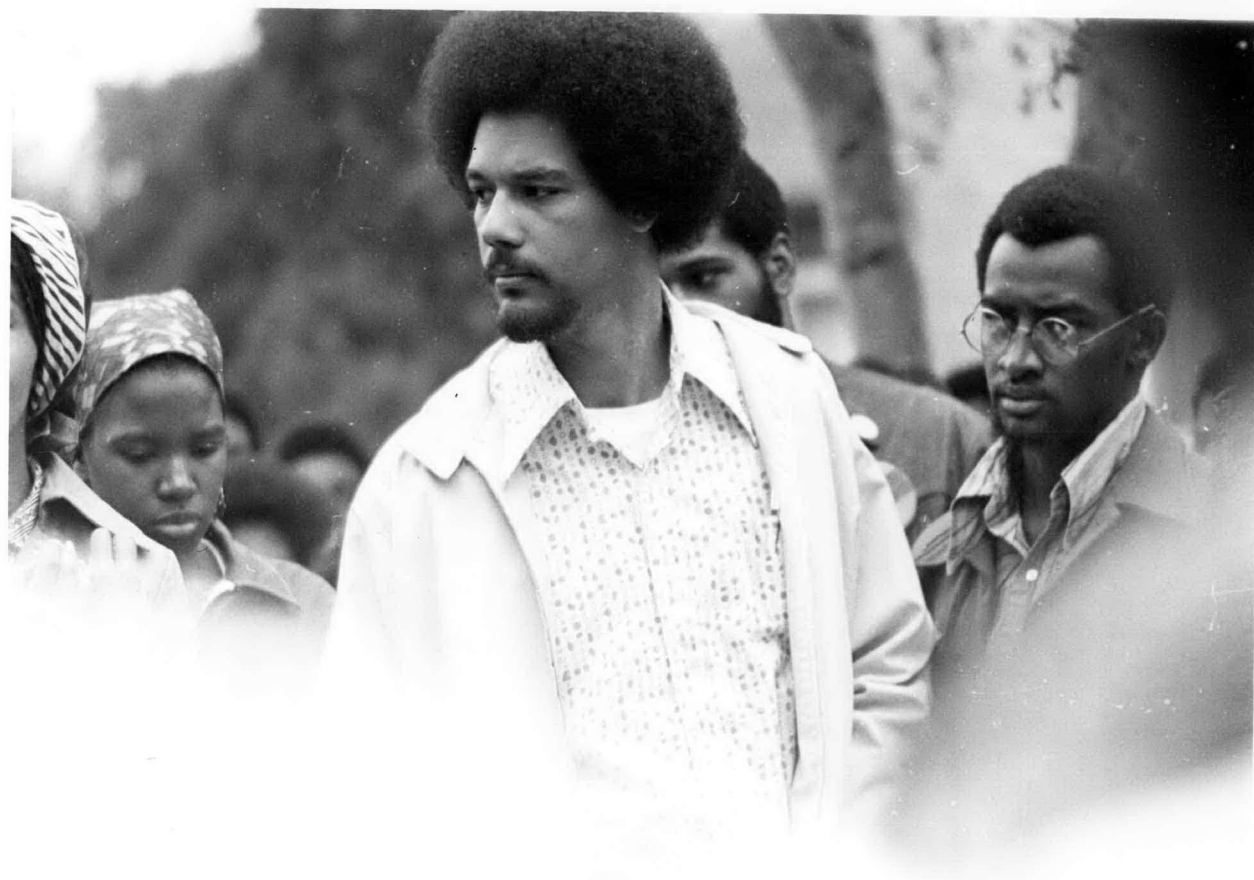
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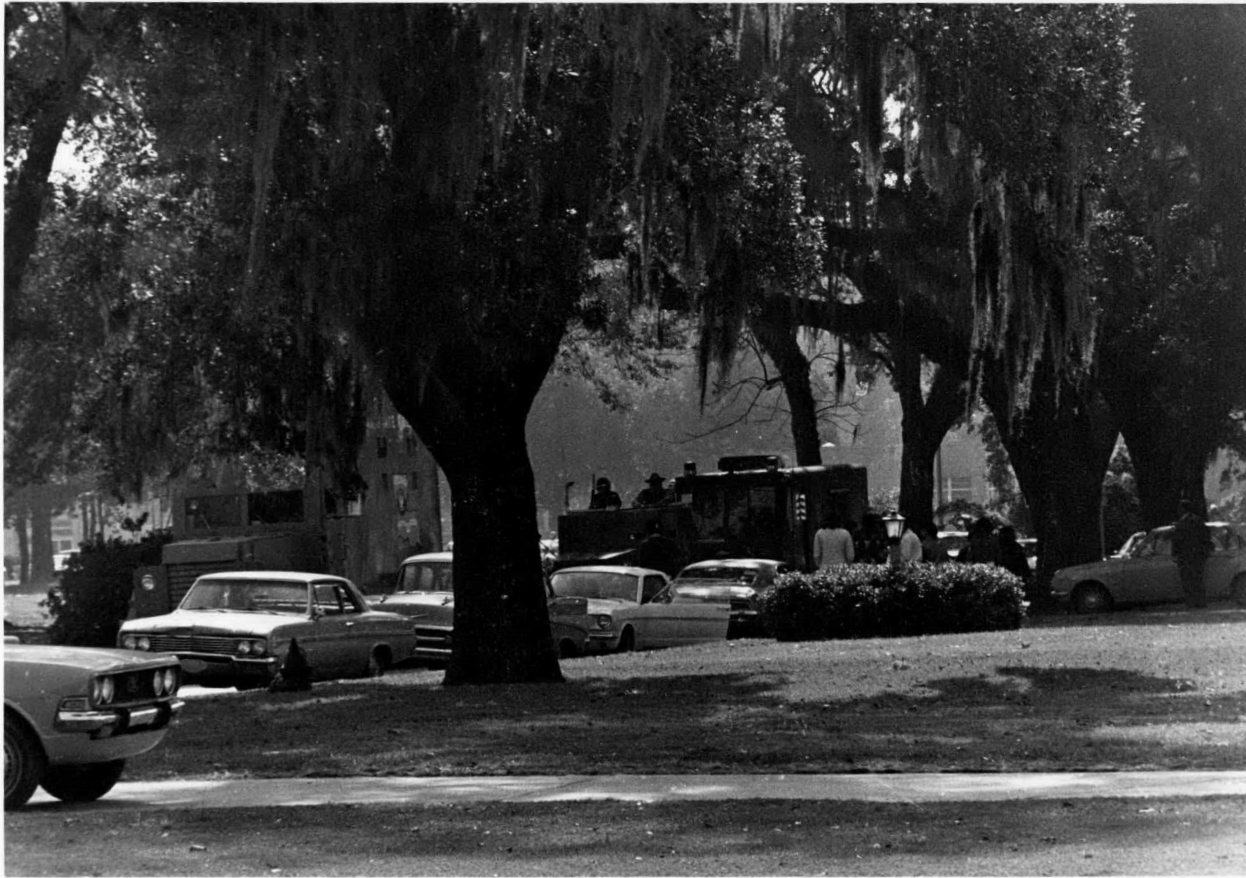






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10







13





14



15

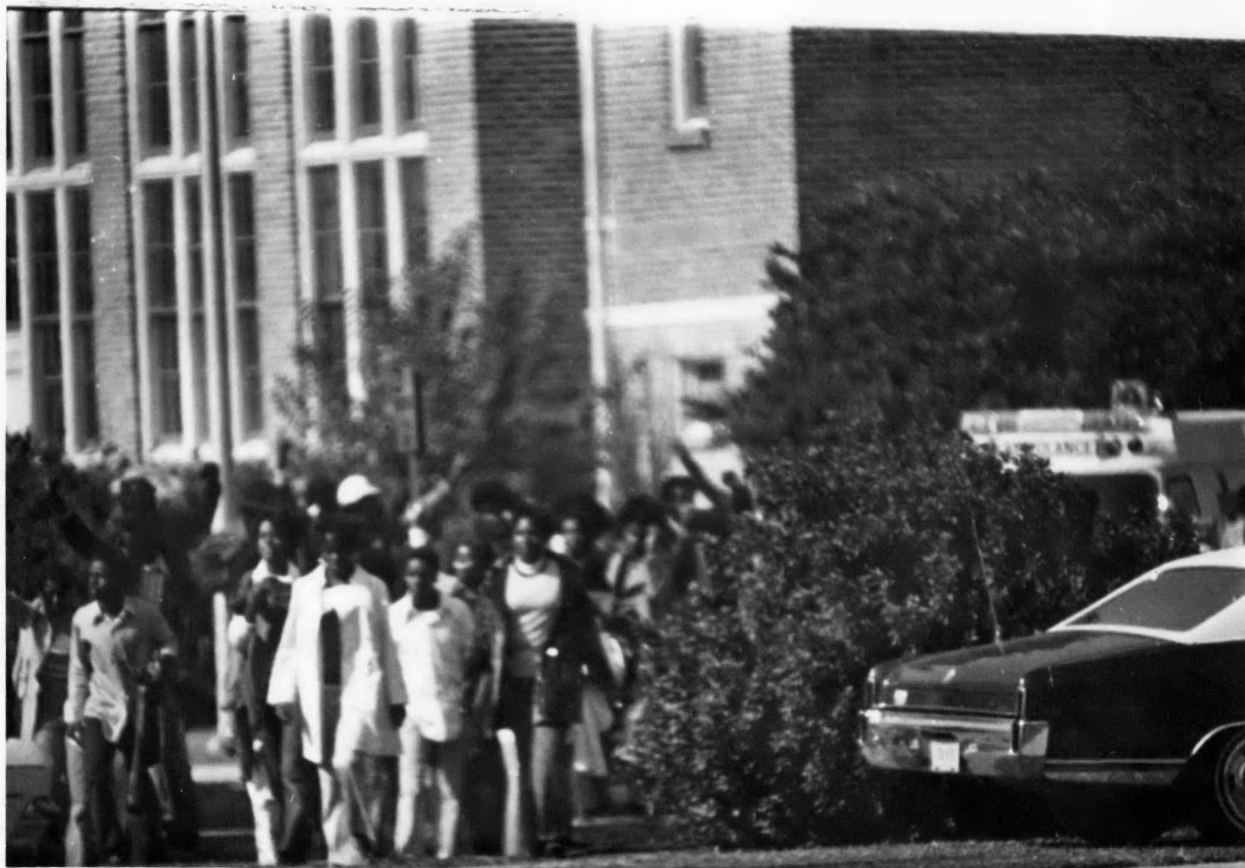
FOIA(b)(6)

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FOIA(b)(6)



18



19



6/4/74

JUN 12 1974

5-21

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

Mr. and Mrs. J. S. Hufnall  
Route 2, Box 593  
Welsh, Louisiana 70591

Dear Mr. and Mrs. Hufnall:

This is in reply to your letter of May 21, 1974.

The Department of Justice is charged by federal statutes to enforce all of the criminal laws enacted by the Congress. Consequently when our investigation discloses a violation of any such law, the Department undertakes prosecutive or other appropriate action. In so doing the race, color, religion or age of the persons involved matters not.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division

By:

MACEO W. HUBBARD  
Supervisory Trial Attorney  
Criminal Section

cc: Records  
Chrono  
Hubbard  
Whieldon

SERVICE REQUEST SLIP

DATE

5/24/74

TO: RECORDS ADMINISTRATION OFFICE

Administrative Office

Communications Section (Post Office)

Identification Section

Service Unit

Classified Files Unit

General Files Unit

Correspondence Unit

Records Retirement Unit

Attention

Mrs. Singleton

(Check appropriate item(s) below)

☒ CLASSIFY AND RECORD.

☐ NOT FOR

☐ CHANGE ASSIGNMENT

☐ NEW CASE. (Make "New")

☐ NOW "NEW." SEE

☐ BRING FILE UP-TO-DATE

☐ FILE ATTACHED MATERIAL. (Each piece marked  
"File" and initialled)

☐ PLEASE CALL EXT.

☐ RETURN TO ROOM

☐ OTHER (Specify)

Name of requestor

Division

Room

GPO 944-379

RECEIVED

MAY 23 3 25 PM '74

DEPT. OF JUSTICE  
MAIL ROOM  
OROM

MAY 29 10 18 AM

DEPT. OF JUSTICE  
MAIL ROOM  
OROM

Rt. 2, Box 593  
Welsh, Louisiana 70591  
May 21, 1974

Asst. Atty. Gen. of United States - Gen. J. S. Pottinger  
Constitution Ave and Tenth St.  
Washington, D. C. 20530

Dear Gen. J. Stanley Pottinger

I'm writing to express much concern over why the federal investigation, the third investigation, of the shooting at Southern University students. Would the Feds be going to so much trouble if it were "whites" instead of "blacks"? The students were and had been causing so much trouble! It was past time for something to be done to stop them. We need more killings of "Whites" or "Blacks" when they are causing so much trouble in this country. I think it is high time we back up our law officers, state, federal or whatever. A few incidences such as this will put a stop to so much destruction and violence in the United States and the young and old and the blacks and whites alike will once again have respect for the laws and the law officers and our country.

Here is hoping you will never find out the killer, if this wonderful law officer is to be degraded as Lt. William Calley is being degraded, after a job well done for his country and you.

Yours very truly,

*Mr. & Mrs. J. S. Hufnall*

Mr. & Mrs. J. S. Hufnall

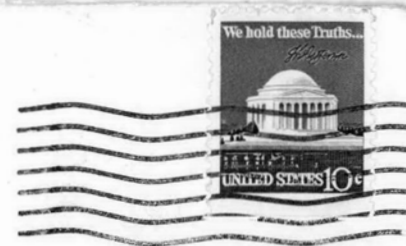
I would appreciate an answer to this letter.

144-32M-9

20	DEPARTMENT OF JUSTICE	RECORD
	MAY 29 1974	
	O.R.O.M.	
	RIGHTS DIV.	

6-1370

J. S. Hufnall  
Rt. 2, Box 593  
Welsh, Louisiana 70591



Asst. Atty. Gen. of United States  
Gen. J. Stanley Pottinger  
Constitution Ave and Tenth St.  
Washington, D. C. 20530

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

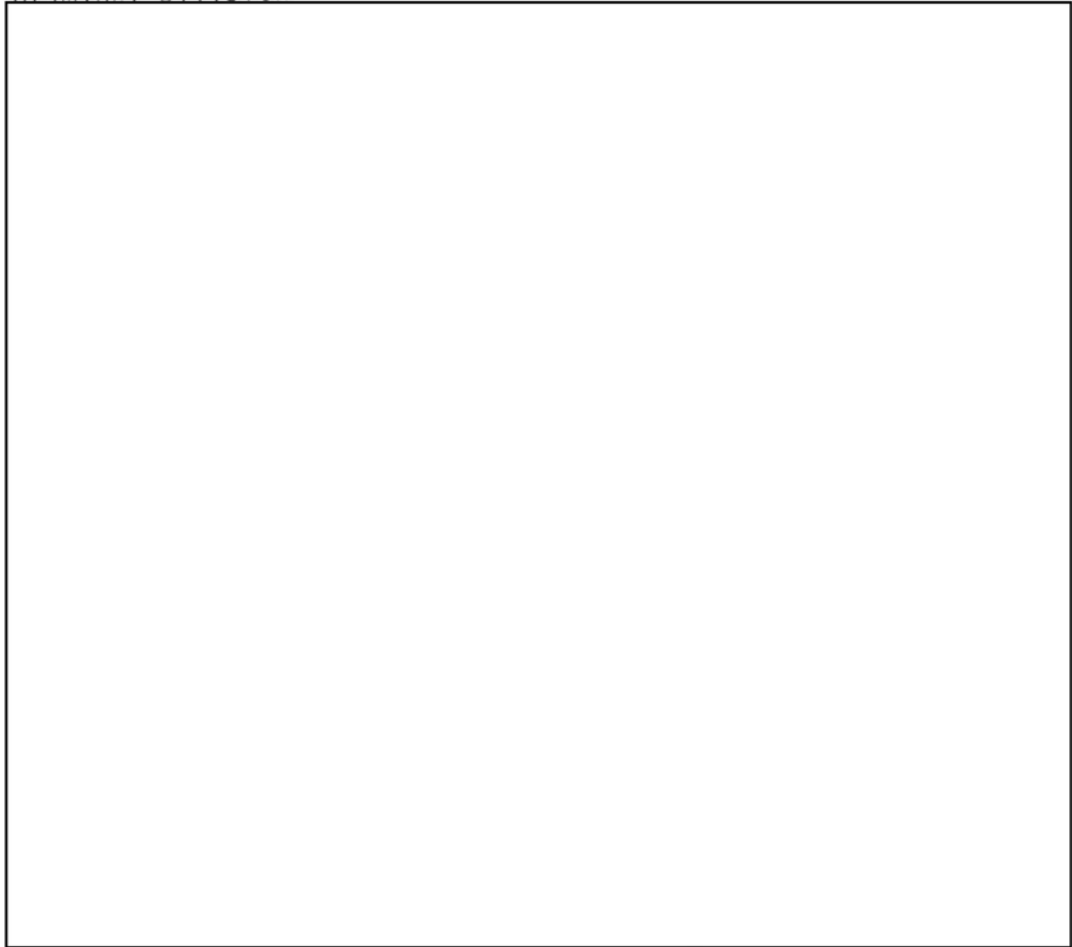
# Memorandum

TO : J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

DATE: ~~May~~ May 24, 1974

FROM : Henry E. Petersen  
Assistant Attorney General  
Criminal Division

SUBJECT:



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

6/3/74

JUN 3 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 May 20, 1974, enclosing  
one copy of a letterhead memorandum dated May 16,  
1974 at Los Angeles.

From May 20, 1974 through May 28, 1974, a  
federal grand jury took testimony from approximately  
35 witnesses in this matter at Baton Rouge. Included  
were all potential subjects, some of whom have already  
taken polygraph examinations and some who refused to

Such recordings were made on the same recorder (a  
Sony IC Solid State Cassette) used by Baptiste, the  
reporter who made the original tape. They were made  
at full volume from a distance of about 15-20 feet  
indoors. We have also obtained a copy of the entire  
original tape made by Baptiste. (Note that this

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

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



appears to be a better reproduction than copies we originally listened to.) Both cassettes are attached hereto.

In view of the above, please conduct the following additional investigation:

1. Conduct voiceprint analysis using the two tapes to determine if the voices of any of the four suspects are similar to, the same as or inconsistent with the voice saying "I got 'em" on the original tape.
2. Arrange a time and place for polygraph examinations to be administered to the above three individuals as soon as possible, preferably within two weeks. The United States Attorney, as well as this Division, should be advised of the date so that notification of suspects as to time and place can be made by the U.S. Attorney. SAA Howard Kennedy of St. Louis is most familiar with the case and if he is available we would request that he conduct such examinations. Please have the polygraphist contact attorney Jeffrey R. Whieldon, Criminal Section, Civil Rights Division concerning the questioning of these individuals prior to the administration of the polygraph test.

UNITED STATES GOVERNMENT

# Memorandum

DISPATCHED

TO : Assistant Attorney General  
CIVIL RIGHTS DIVISION  
FROM : Director, FBI

JUL 5 6 51 PM '74  
DATE: 7/5/74  
DEPT. OF JUSTICE  
MAIL ROOM  
OROM

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 your memorandum dated 6/3/74  
(your file DJ-144-32-M-9). WLJ:JRW

There is enclosed one copy of the ~~report of Special Agent~~ an LHM  
dated 7/2/74 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]*  
3/21/75



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

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

New Orleans, Louisiana

July 2, 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 June 3, 1974, from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, to the Director of the FBI, captioned as above.

On June 17, 1974, former East Baton Rouge Parish Deputy Sheriff Wayne Cambre, 12020 Florida Boulevard, Baton Rouge, Louisiana, was contacted at his residence by a Special Agent of the New Orleans Office of the FBI.

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

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

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

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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Robert Paul Potts, Deputy Sheriff, East Baton Rouge Parish Sheriff's Office, was contacted on June 18, 1974, at which time he advised that he had no objection to submitting to a polygraph examination and would voluntarily do so. Arrangements were made for Potts to be afforded such an examination on June 19, 1974, at the Capitol House Hotel, Baton Rouge, Louisiana.

On June 19, 1974, Potts was interviewed regarding instant matter. Subsequent to this interview, Potts was also afforded a polygraph examination. The results of the interview, as well as the results of the polygraph examination of Potts are set forth on the next pages of this memorandum.

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/27/74

1

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

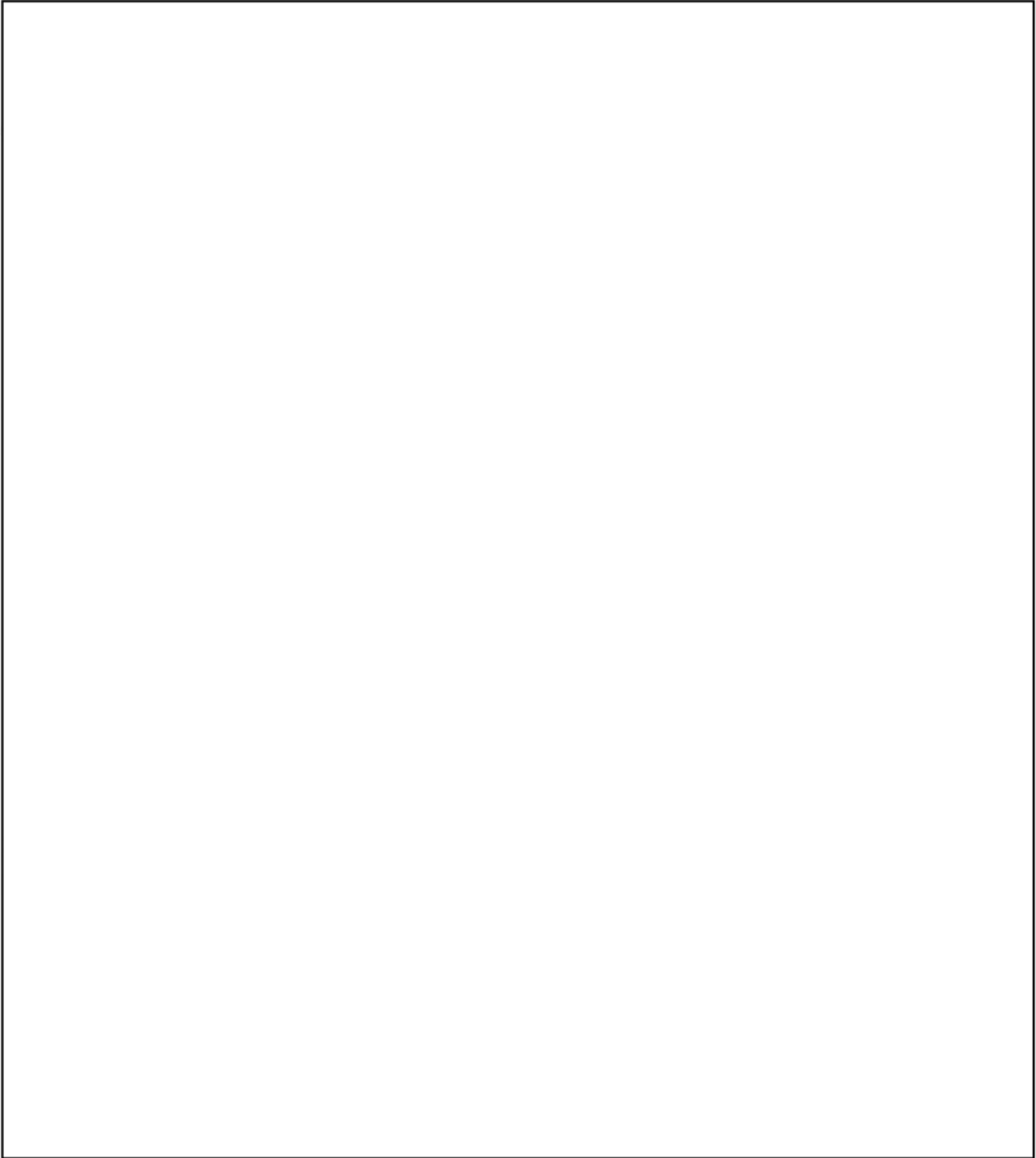
Interviewed on 6/19/74 at Baton Rouge, Louisiana File # NO 44-4719by SAs HOWARD C. KENNEDY, JACK EVANS MEHL,  
STEPHEN M. CALLENDER Date dictated 6/21/74

4

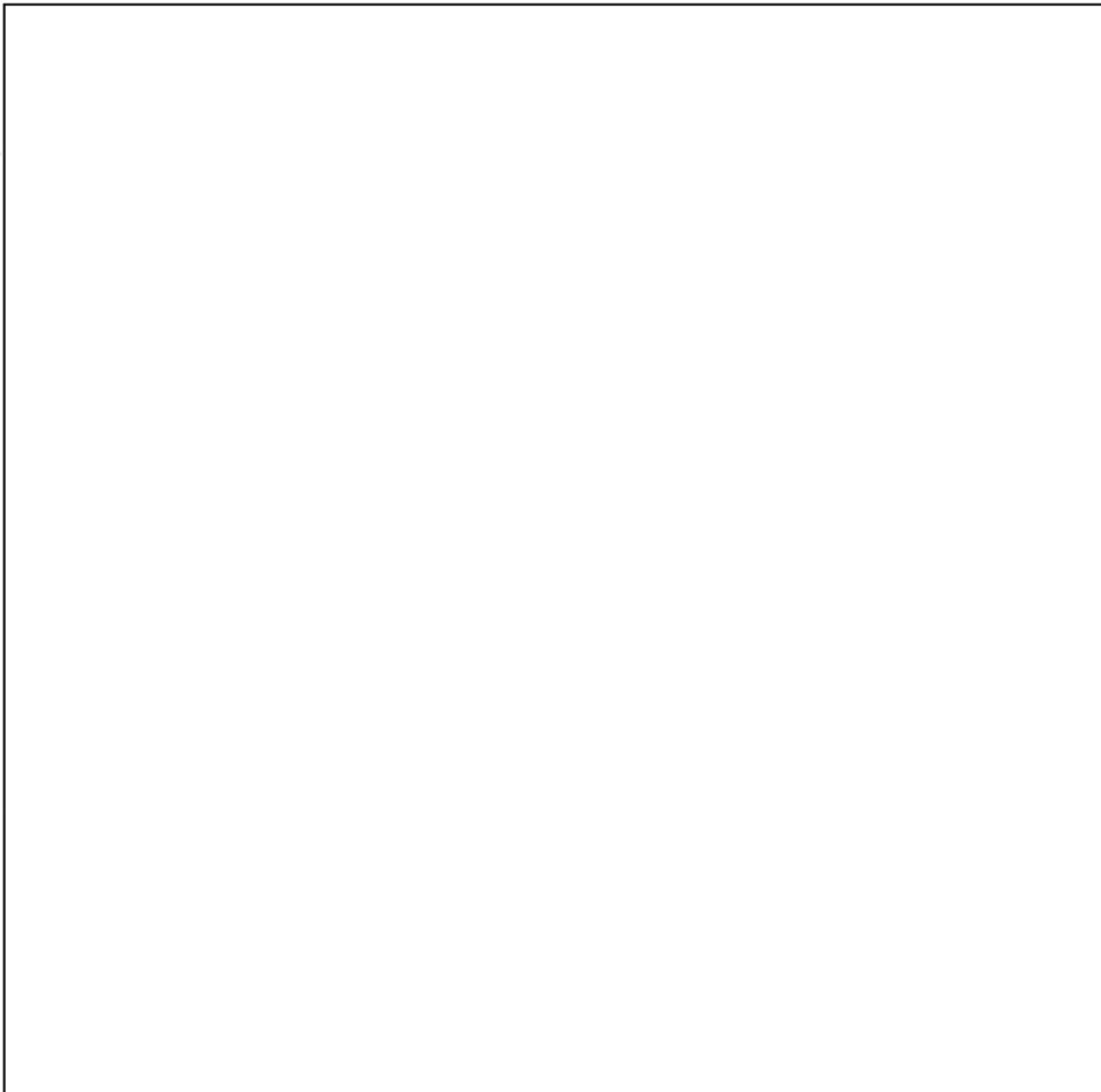
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2  
NO 44-4719

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



<sup>3</sup>  
NO 44-4719



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



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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POLYGRAPH EXAMINATION REPORT



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

---

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

T. 7/12/74

Thomas R. Hunt  
Executive Officer  
Civil Rights Division

Jeffrey R. Whieldon  
Attorney, Criminal Section

JRW:hdt  
DJ 144-32M-9

Bill for Cost of Transcript,  
Southern University Matter  
Baton Rouge, Louisiana

At the request of K. William O'Connor a transcript of the testimony of four crucial witnesses in the above matter was ordered. The United States Attorney forwarded the bill to me.

I hereby request payment by this Division.  
The bill for \$638.00 is attached hereto.

cc: Records  
Chrono  
Whieldon

T. 9/17/74

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

SEP 17 1974

William L. Gardner  
Deputy Chief  
Criminal Section

WLG:ljr

DJ 144-32M-9

Southern University, Baton Rouge

WLG  
9/17/74  
JLG  
JW

I concur in the attached recommendation to close the Southern file, but express a slightly different view than Whieldon and McIntosh have in their memo. First, I think we should forego any attempt to review the state grand jury transcript. It would have been of far greater value to us before we began our questioning. But as we are really not very close to making any kind of a case against a specific deputy, I can't see making the comparison now. Moreover, such a move would undoubtedly require a grand jury subpoena and would be bitterly contested by Ossie Brown and against Doug Gonzales' wishes. Also, we would probably lose before Judge West.

My view on the state grand jury transcripts is probably colored by my view of the facts. I don't think identification of the responsible deputy is possible by eyewitness or admission testimony, as Whieldon and McIntosh admit. I always felt, however, that a decent case could possibly be made by eliminating all suspects save one, and much of the questioning in the grand jury painstakingly attempted to pinpoint the actions and positions of certain deputies to compare them with what we knew based on the scientific testimony. We just couldn't tie any witness down to a definite enough answer to make a case in this fashion. I went over the transcript, as did Bob, but I am unable to suggest any further possibly fruitful areas to explore and recommend we close.

cc: Records ✓  
Chrono  
Murphy  
Gardner  
Allen  
Whieldon  
McIntosh

- 2 -

I would not approve the press release drafted by Whieldon and McIntosh, because I don't think we need make one at all. But in responding to inquiries, I see no reason not to state the simple truth - that after exhaustive investigation we were unable to identify a subject.

SEP 17 1974

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

T. 9/12/74

Jeffrey R. Whieldon, Ernest W.  
McIntosh, Attorneys  
Criminal Section

DJ 144-32M-9

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

Recommendation to Close the Southern University Matter

Evidence was presented to a federal grand jury in this matter from May 20-28, 1974. The grand jury met for approximately eight hours a day for six days and heard some 35 witnesses. Background information was presented in the form of diagrams, photographs, and the testimony of university and supervisory law enforcement personnel. The grand jury concluded its deliberations by taking the testimony of key suspect deputies as well as any deputies we believed might have information bearing on the identity of a subject. No significant new evidence was developed and it is not believed that the evidence available at this time would be legally sufficient to charge any deputy with the act or to establish the requisite intent.

It should be noted at this point that the only avenue not explored as a possible source of useful evidence was an examination of the state grand jury testimony. Prior to convening the federal grand jury, we did file a motion in state court to obtain a transcript.

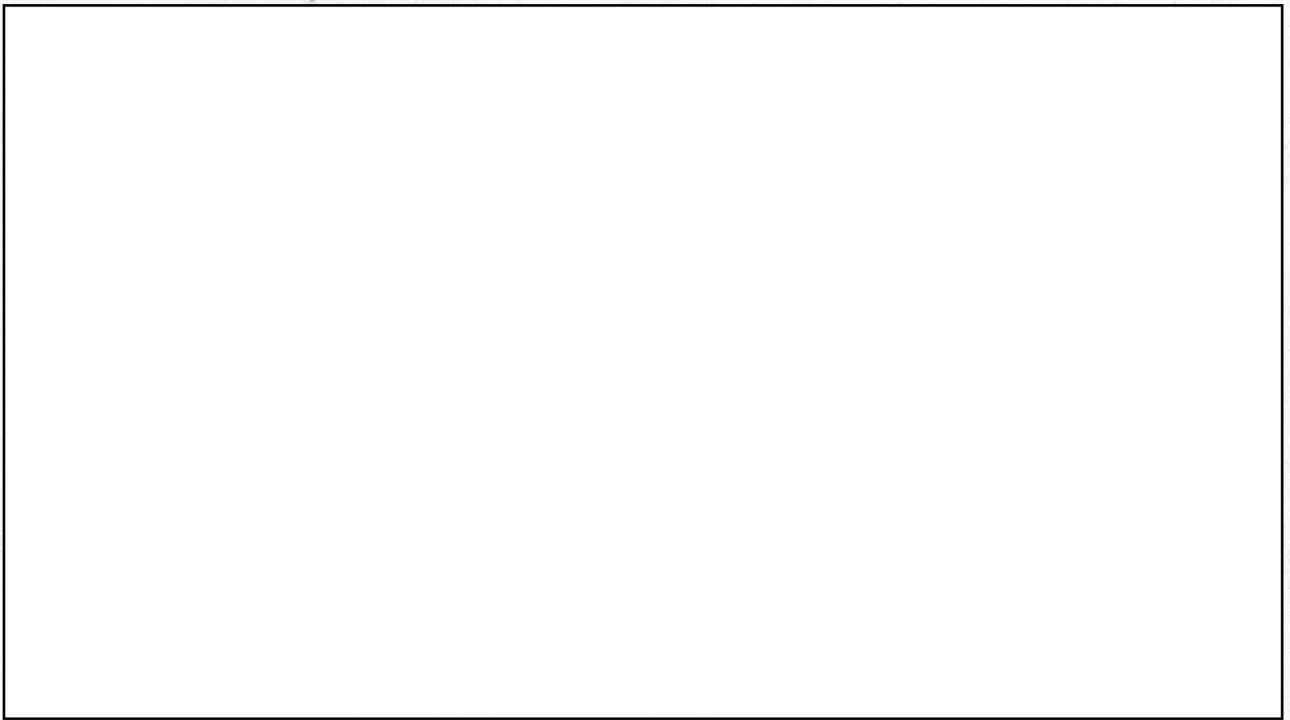
cc: Records ✓ Gardner  
Chrono O'Connor  
Murphy McIntosh  
Allen Whieldon



- 2 -

Our motion was denied and it was agreed not to appeal. For reasons set forth by the U.S. Attorney, but over the objections of the reviewing attorneys, it was determined not to subpoena the state transcript to our grand jury. It is not known what value, if any, such transcript might have had with regard to evaluating the credibility of witnesses or the disclosing of new evidence, but we do believe that this avenue of inquiry, as all others, should have been pursued. In all other respects, however, it is our view that the investigation has been eshaustive.

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



Despite all of the investigation, both inside the grand jury and out, it is the consensus of those acquainted with the evidence (U.S. Attorney Gonzales,

Bob Murphy, Bill Gardner and the reviewing attorneys) that we do not have enough upon which to base a 242 indictment. All known facts and our "feelings" (which I will not elaborate upon herein) would point to Cambre as the subject. There is no direct evidence on the point, however, and, further, the question of whether he fired to injure or kill or by mistake is not capable of determination at all from the evidence we developed. Further, I do not believe there would be sufficient circumstantial evidence, even with testimony in the case-in-chief which would eliminate all other deputies, to get past a Motion for Judgment of Acquittal, particularly before Judge West.

With the concurrence of the United States Attorney, we therefore reluctantly recommend that the file in this matter be closed, always, of course, subject to being reopened if new evidence should be forthcoming. This senseless campus tragedy was undoubtedly brought about primarily by the lack of preparation, disorganization and over-reaction of the local law enforcement personnel. We sincerely hope that this will be the last such incident. In East Baton Rouge Parish, we believe the lesson has been learned the hard way. Their disorganization and over-reaction has been generally acknowledged. Now deputies there are no longer allowed to load tear gas shells into shotguns and would not likely be permitted to handle any campus disturbance again.

In view of our recommendation, and if it is accepted, we would favor the issuance of a press statement similar to that which is attached. We do not feel the matter can be closed without a public explanation.



We could, of course, wait until inquiries are made, but since that happens on a regular basis it would be simpler to issue one final statement. We believe we owe this to the black students at Southern, to the law enforcement personnel of East Baton Rouge Parish and to the public in general. We would, however, refrain from stating there is no evidence of a violation, or specifying the reason we are not indicting or the fact that we will probably never take action, as we do not want the unknown subject, or others who may have concealed his identity, to feel the pressure is completely off and that the matter is entirely over and done with. The United States Attorney also feels that any public statement should reflect this. A statement similar to that which is attached leaves our options open and might encourage someone someday to come forward with significant information.

T. 9/13/74

### PRESS STATEMENT

The Attorney General stated today that no federal indictments would be forthcoming at the present time as a result of the Justice Department's investigation into the shooting deaths of two students, Leonard Brown and Denver Smith, at Southern University, Baton Rouge, Louisiana on November 16, 1972.

9/13/74  
Jail

After an exhaustive investigation by the Federal Bureau of Investigation and after all local inquiries had been concluded, the matter was fully presented to a Federal Grand Jury in May, 1974. The evidence developed at the grand jury and through other investigation does not sufficiently disclose a violation of a federal criminal civil rights statute to warrant indictments at this time. However, should evidence come to our attention in this matter which would, along with what is already available to us, merit prosecution, appropriate action will be taken.

cc: Records ✓  
Chrono  
Murphy  
Allen

Gardner  
O'Connor  
McIntosh  
Whieldon

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

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

DATE: SEP 17 1974

FROM : ~~WLG~~ William L. Gardner  
Deputy Chief  
Criminal Section

WLG:ljr

DJ 144-32M-9

SUBJECT: Southern University, Baton Rouge

I concur in the attached recommendation to close the Southern file, but express a slightly different view than Whieldon and McIntosh have in their memo. First, I think we should forego any attempt to review the state grand jury transcript. It would have been of far greater value to us before we began our questioning. But as we are really not very close to making any kind of a case against a specific deputy, I can't see making the comparison now. Moreover, such a move would undoubtedly require a grand jury subpoena and would be bitterly contested by Ossie Brown and against Doug Gonzales' wishes. Also, we would probably lose before Judge West.

My view on the state grand jury transcripts is probably colored by my view of the facts. I don't think identification of the responsible deputy is possible by eyewitness or admission testimony, as Whieldon and McIntosh admit. I always felt, however, that a decent case could possibly be made by eliminating all suspects save one, and much of the questioning in the grand jury painstakingly attempted to pinpoint the actions and positions of certain deputies to compare them with what we knew based on the scientific testimony. We just couldn't tie any witness down to a definite enough answer to make a case in this fashion. I went over the transcript, as did Bob, but I am unable to suggest any further possibly fruitful areas to explore and recommend we close.

- 2 -

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

WLG:ljr

William L. Gardner  
Deputy Chief  
Criminal Section

DJ 144-32M-9

Southern University, Baton Rouge

I concur in the attached recommendation to close the Southern file, but express a slightly different view than Whieldon and McIntosh have in their memo. First, I think we should forego any attempt to review the state grand jury transcript. It would have been of far greater value to us before we began our questioning. But as we are really not very close to making any kind of a case against a specific deputy, I can't see making the comparison now. Moreover, such a move would undoubtedly require a grand jury subpoena and would be bitterly contested by Ossie Brown and against Doug Gonzales' wishes. Also, we would probably lose before Judge West.

My view on the state grand jury transcripts is probably colored by my view of the facts. I don't think identification of the responsible deputy is possible by eyewitness or admission testimony, as Whieldon and McIntosh admit. I always felt, however, that a decent case could possibly be made by eliminating all suspects save one, and much of the questioning in the grand jury painstakingly attempted to pinpoint the actions and positions of certain deputies to compare them with what we knew based on the scientific testimony. We just couldn't tie any witness down to a definite enough answer to make a case in this fashion. I went over the transcript, as did Bob, but I am unable to suggest any further possibly fruitful areas to explore and recommend we close.

- 2 -

I would not approve the press release drafted by Whieldon and McIntosh, because I don't think we need make one at all. But in responding to inquiries, I see no reason not to state the simple truth - that after exhaustive investigation we were unable to identify a subject.

Bill:

I think I'll need help on the news release.

Louise

(see JP note)

Jeff Wheldon to see Jones  
2/6/75 B



1/30/75

TO: Stan Pottinger  
 FROM: *Bj* Bill O'Connor.  
 RE: S.U.B.R. Closing (Memo to Acting AG)

This is ready for your signature, if you feel recommendation appropriate; contact with U.S. Attorney by DAG or AAG before any announcements would be welcomed by U.S. Attorney, and failure to pre-position him would be a press problem, needlessly.

*(Acting)*  
 Send to AG  
*Monday*

JSP r'cvd. l  
1/31/75

I approve *Kurt*  
 rec #2 (altho deleted  
 from AG memo). Get  
 press release ready;  
 Will call USA.



DEPARTMENT OF JUSTICE

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. O'Connor			
2.				
3.				
4.				

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> SIGNATURE                                | <input type="checkbox"/> COMMENT          | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> AS REQUESTED     |
| <input type="checkbox"/> SEE ME                                   | <input type="checkbox"/> NOTE AND RETURN  | <input type="checkbox"/> NOTE AND FILE    |
| <input type="checkbox"/> RECOMMENDATION                           | <input type="checkbox"/> CALL ME          | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |   |   |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |   |   |

REMARKS

SUBR  
Bill,  
We discussed what was to be done with this file some time ago. It was your suggestion that 2 previous memos be combined into one recommendation for closing. That has been done.  
Bob

FROM:	NAME	BUILDING & ROOM	EXT.	DATE
	Ram			1/28

T-jsp

TSS



S-AC : / /  
S- : / /  
S-jsp : / /

RAM will draft  
Closing memo —  
I had considered  
doing so during  
his stay in  
Cleveland; now  
most. T.  
JH

T-jsp

TSS



S-AC : / /  
 S- : / /  
 S-jsp : / /

SUBRattach p.s.

- 1) Norman memo, Jan 8' 73  
Refers to State prosecutor
- 1a) State AG report
- 2) State g.j. preter into-  
~~Feb 14~~ 1973 (late?)
- 3) DOJ resumes investg:  
 (a) <sup>(Complete)</sup> Review data - TSP + attys.  
 (b) ~~at~~ request State g.j. transcript. Filed  
 Boston - Mar 15, 1974  
 (c) Analysis by investg -  
 — FBI, BBN (?), ESL  
 → (d) May 1974 - fed g.j.  
 mention:
- 4) Civil proceedings
- 5) Inquiries from Congress,  
 press, elec media. *over*

rather  
 than  
 subpoena  
 went to g.j.

6) Kusc memo.

TO: Stan Pottinger  
FROM: Bill O'Connor  
SUBJECT: Southern University, Baton Rouge

5 - next wk  
JSE T' CVD  
9/23/74  
GK  
Xerox pls

The Departmental approach to this matter has been deliberate, thorough, and characterized by our policy of deferral to the state processes. Despite thorough investigation, and scientific studies, no suspects have been identified with sufficient precision to warrant criminal proceedings. No further avenue of investigation is available. Accordingly, the matter is in a posture for formal closing of the file.

The background, and chronology, of this matter is relevant, and may be briefly stated. In the fall of 1972, students at SUBR became disaffected with campus administration, and demonstrated against it, demanding the resignation of then president Cheek. On November 16, 1972, the demonstration reached a zenith, and the local constabulary including the sheriff's deputies, were called to the scene. Attempts to disperse demonstrators with gas were generally effective; as the demonstrators fled the administration building, two were killed by #4 buckshot wounds.

Four investigations ensued. The DAG ordered a full FBI investigation; the state AG convened a biracial panel of inquiry; a citizen's group (Black People's Committee of Inquiry) held hearings; and the local D.A.

(Ossie Brown) conducted an inquiry, The two committees reported that they could not identify the shooter(s) of the deceased; the local prosecutor's grand jury pretermitted the matter, and the FBI and the federal grand jury ultimately concluded without being able to fix responsibility for the shootings on an explicit individual shooter. The following chronology reflects the thoroughness, and the interaction, of the various law enforcement elements concerned:

11/16/72	Shootings occur
11/17/72	DAG orders full FBI investigation
1/5/73	Black People's Committee of Inquiry preliminary report forwarded to AAG
(Date not clear)	State AG's Biracial Committee makes preliminary report
1/5/73	CRD Criminal Section summary of evidence to AAG
1/8/73	AAG reports to AG
1/26/73	BCPI final report released
2/20/73	Local prosecutor requests Federal cooperation in form of FBI reports
3/27/73	All FBI reports made available to local prosecutor by AAG/CRD
6/28/73	Local state GJ "pretermitted" the matter
10/16/73	Criminal Section CRD recommends investigative grand jury; request suspended pending further FBI work and development of GJ plan
12/11/73	Formal Criminal Section recommendation of limited GJ investigation to try to identify shooter(s)

1/2/74 AAG/CRD request local prosecutor to furnish  
CRD access to state GJ transcript (to assist  
in determination on convention of federal GJ)

1/7/74 State refuses to make transcript available, on  
grounds of state law

2/14/74 AAG/CRD files civil action in La. state court  
to seek an order from local court authorizing  
state prosecutor to turn over transcript of  
state GJ proceedings

3/15/74 State Judge Parker denies request

2/28-5/1/74 FBI follow-up investigation of scientific  
analysis submitted to BBN on certain tape  
recordings

5/20/74 GJ commenced

5/28/74 GJ concluded

5/28-9/17/74 Review of GJ transcripts and evidence;  
FBI follow-up on leads; lie detector tests  
and analysis

9/17/74 Criminal Section recommends closing the file.



Department of Justice  
Washington, D.C. 20530

September 20, 1974

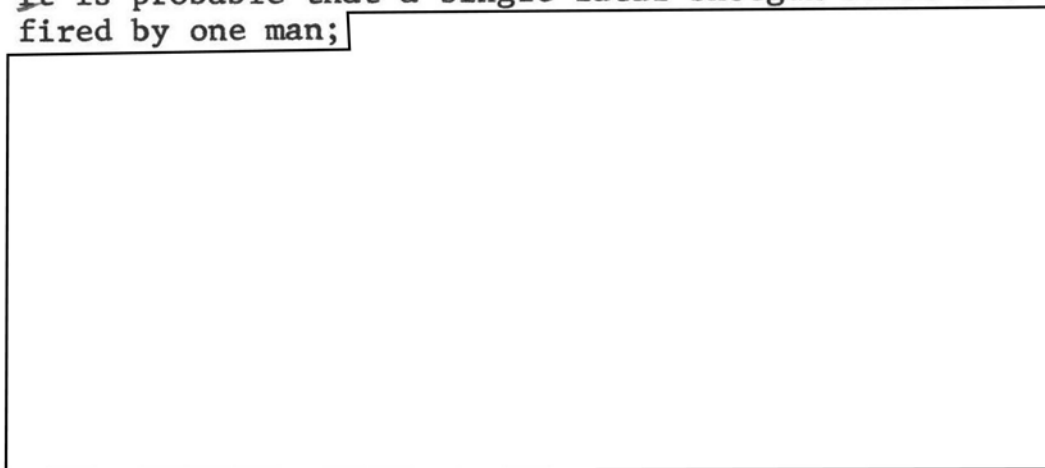
TO: Stan Pottinger

FROM: Bill O'Connor

SUBJECT: Southern University, Baton Rouge

The SUBR matter, and the 9/17, recommendation of Criminal Section to close the file, are attached. The tragic shootings of November 16, 1972, were, as you may note in the file, investigated by the local GJ (which pretermitted the matter) and by a special biracial panel appointed by the state AG, before the federal grand jury was authorized. The Grand Jury transcript made by the state was not available to the federal investigators, despite an attempt to obtain a court order in local proceeding. The federal grand jury work, including scientific backup analysis of voice prints, is reflected in the file.

The exhaustive investigations, and GJ work, have advanced the state of our knowledge very little. It is probable that a single fatal shotgun blast was fired by one man;



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

JSP r'ovd.

9/23/74

*(This is borne out by motion pictures of the killing, which I have seen and which you may want to see.)*



In summary, the GJ investigation revealed no basis for identification of anyone as the shooter who killed the victims. Moreover, there is no basis for believing that, if one of the 3 in fact fired the shot, he is now aware of that fact. Accordingly, neither by direct nor circumstantial evidence is there a route to proceed to designate a subject for consideration for indictment. [The deputy who thought he killed the victims (Wall) is still in the deep throes of mental disease and varies from extreme depression to catatonia. He could

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

not have fired the shot, since his gun was not in the area defined by the cone of fire. He is innocent, but cannot believe it; no GJ attorney who has seen him believes otherwise. Despite shock treatment and psychotherapy, he remains another casualty of this tragedy.]

There is, in my view, based upon a continuing review of the file and detailed discussion with the attorneys involved, no avenue of investigation which we could further pursue and no basis for returning an indictment, since no subject is identifiable.

The Section recommendation is that the file be closed; as I see it, there are only 2 other options-- either to tender an indictment (which we cannot in good faith do, since we can identify no subject) or to issue a report. The report route has little to recommend it in the law, as you know, and may be seen as a very inappropriate factual matter, since it may obloquize without a chance for defense. Finally, a report would be tantamount to an invitation to the attorneys in any pending private litigation to discover the FBI and GJ file, which would be an inappropriate precedent. Although in Jackson State, when compelled by the court, and subject to proper and negotiated protection of the court, certain investigation files were made available to the parties, that should be a limited precedent. There has already been a report of sorts by the state AG (Guste). Accordingly, neither of these two courses seems appropriate to me.

Accordingly, the conclusion I reach is that the Criminal Section recommendation to close the file should be accepted, and I so recommend to you.

The sequential issue of disclosure of this disposition, if it is yours, is quite complex. The options include:

(1) Close and do not comment unless asked. While this is standard practice, it would possibly here be viewed as an attempt to conceal the action taken. There is nothing to conceal, and there is no basis for any such allegation, but it may be made, as in Jackson, by some Congressmen and commentators.

(2) Close and issue a terse press release as a lightning rod. This approach has the merit of an open government posture, and is less likely to invoke criticism. It will, however, invite letters, and, possibly, discovery in the civil suit; Jackson is a precedent for this system.

(3) Close and either AAG or U.S. Attorney do a TV stand up (or include it in a general press briefing). Awkward, because of the high visibility and the suggestion of special treatment for a closing and may require either oral rejection--or response--to many factual questions.

(4) Close and send a brief letter stating that, to those who have expressed interest (e.g., Congressmen, Senators, press, the bar, and a few citizens). This is a singular departure from any present practice, and might unwarrantedly exclude from the information loop large segments of the interested public.

(5) Close and let AG make a statement, with a letter to parents of victims. Kent State is the precedent to this; the problems do not require discussion.

There are innumerable variations on the above. My general leaning is toward option (2) above--but that is only a mild recommendation. My firm recommendation is to proceed in such a way as to ensure the disclosure of the action and to ensure against any miasma of clandestine action.

Finally, there is the question of DOJ credibility. There is a good likelihood of a superficial comparison being made between the present posture of KSU, the proposed posture of SUBR and the DOJ action at Jackson State. There are significant differences in the facts, which would be persuasive to any analytical examination, the principle difference being that, in SUBR and Jackson. no one admitted that he fired live rounds at the crowd, or at the victims. Unfortunately, there is no way to get this factual issue out, and clear, without opening the SUBR investigation file to some degree. It is also probable that the reaction to the closing will be less analytical than emotional, and it may be cast in racial terms.

For these reasons, if you decide to accept the pending closing recommendation of Criminal Section, which I endorse, you may wish to be personally briefed in detail on the file so that you can respond at length and in some detail to any question regarding the probity and propriety of that recommendation and decision.

T. 10/1/74

27 FEB 1975

Director  
Federal Bureau of Investigation

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

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

Commendation of Agents of the  
Federal Bureau of Investigation  
for Performance at the Presentation of  
Evidence to Grand Jury in the 1972  
Southern University Killings, Baton Rouge,  
Louisiana

The United States Attorney for the Middle  
District of Louisiana and attorneys from the Criminal  
Section of this Division presented evidence to a  
federal grand jury in Baton Rouge from May 20-28, 1974  
as part of a continuing investigation to determine  
whether civil rights statutes were violated by the  
killing of two students at Southern University on  
November 16, 1972.

cc; Records ✓  
Chrono  
Murphy  
Gardner  
Whieldon  
USA - New Orleans, Louisiana

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



- 2 -

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

- 3 -

While no indictments were returned, that fact had no relationship to the excellent work performed by these agents of the Federal Bureau of Investigation.



T. 2/18/75

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

19 FEB 1975

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Southern University Killings,  
November 16, 1972  
Baton Rouge, Louisiana

INFORMATION

The background and chronology of this matter may be briefly stated. In the fall of 1972, students at Southern University, Baton Rouge, Louisiana became disenchanted with the campus administration and various rules and regulations. Demonstrations were organized by a student group several times over a period of three weeks prior to the fatal shootings of November 16, 1972. Among other demands, students requested the resignation of the school president, Leon Netterville. On November 16, the students "took over" the Administration Building and refused to leave upon demand of the Sheriff who brought a contingent of deputies to the campus. Also present was a state police tactical unit. Attempts to disperse the demonstrators with gas were initially ineffective, especially since students were throwing gas back at inadequately prepared deputies. Finally, as the students fled in a volley of tear gas, two of them who were running near the end of the group were felled simultaneously by #4 buckshot. They died almost immediately. There is no evidence nor allegations of students having weapons or throwing objects at this time, other than gas cannisters.

Four investigations immediately ensued. This Department, acting through the Deputy Attorney General, ordered a full investigation by the

cc: Records	Murphy
Chrono	Gardner
Pottinger	Whieldon
O'Connor	

Federal Bureau of Investigation. Meanwhile, the Louisiana State Attorney General, William Guste, convened a biracial panel of inquiry which issued a report with recommendations for the future deployment of law enforcement officials on campuses. It referred the matter to the local district attorney for investigation. A black citizen's group, calling itself the Black People's Committee of Inquiry, also held hearings and issued a report. Finally, the local district attorney convened a grand jury which heard some 67 witnesses but could not identify the person responsible for shooting the two deceased, and thus "pretermitted" the matter.\* The two committees made no efforts to identify a suspect but did report that the person responsible was probably one of a half-dozen deputy sheriffs deployed in a small area. The local grand jury came to this same conclusion. Neither the Federal Bureau of Investigation nor the federal grand jury, which heard evidence in May 1974, could fix criminal responsibility for the shooting on a specific individual, despite the development of one or two probable suspects.

The Departmental approach to this matter has, at all times, been deliberate and thorough. The following chronology reflects this thoroughness and the interaction of the various law enforcement elements concerned:

November 16, 1972	Shootings occur
November 17, 1972	DAG orders full FBI investigation
January 5, 1973	Black People's Committee of Inquiry preliminary report issued
January 1973	State AG's Biracial Committee make preliminary report

---

\*That is, not resolving the matter, and therefore dropping it.

January 5, 1973	CRD Criminal Section Summary of evidence to AAG
January 8, 1973	AAG reports to AG
January 26, 1973	BPCI final report released
February 20, 1973	Parish attorney request Federal cooperation in form of complete FBI reports
March 27, 1973	All FBI reports made available to local prosecutor by AAG/CRD with approval of Director
June 28, 1973	Local grand jury "pretermitted" the matter
October 16, 1973	CRD Criminal Section recommends investigative grand jury; request held pending further FBI work and development of grand jury plan
December 11, 1973	Formal Criminal Section recom- mendation of limited GJ investi- gation to try to identify shooter(s)
January 2, 1974	AAG/CRD requests local prosecutor to furnish CRD access to state GJ transcript to assist in decision whether to convene federal GJ

January 7, 1974

State refuses to make transcript available on grounds of state law

February 14, 1974

AAG/CRD files civil action in La. state court to seek an order authorizing state prosecutor to turn over transcript of state GJ proceedings.

March 15, 1974

State Judge Parker denies request

February 28 thru  
May 1, 1974

FBI follow-up investigation and determination of whether to conduct scientific analysis submitted by BBN on certain tape recordings

May 20, 1974

Federal grand jury commenced

May 28, 1974

Federal grand jury concluded

May 28 thru  
September 17, 1974

Review of GJ transcripts and evidence; FBI follow-up on leads; lie detector tests and analysis

September 17, 1974

CRD Criminal Section recommends closing file

Despite this thorough investigation and these scientific studies, no suspects have been identified with sufficient precision to permit criminal proceedings. No further avenue of investigation is available. Accordingly, the matter is in a posture for formal closing of the file, and the staff which has handled this matter so recommends.



The exhaustive investigations and grand jury work have advanced the state of our knowledge very little. It is probable that a single fatal shotgun blast was fired by one man and, by geometrical and ballistics analyses, probable that the shot was fired by Deputy Cambre, Potts, or Story, since they were identified in movies and photographs, which I have seen, as being at the apex of the cone of fire at the time of the shooting. All three appeared before the state grand jury and we are unofficially advised that they each denied firing the fatal shot. At our federal grand jury, the three also denied it; each, however, tentatively agreed at that time to submit to lie detector tests to be arranged in the then near future at their convenience. (All three refused lie detector tests during the course of the Bureau investigation.) Only Potts actually submitted to the test, however, and showed no deception on the key question of whether he fired the fatal shot or knows who did.

The remaining suspects, Cambre and Story refused to take the test. The films make it appear that Cambre was in a firing position at or about the time of the fatal shot and that Story was near him. One can argue from the physical evidence and the geometry of the situation that one of these two officers fired his weapon and caused the two deaths--and that one of these may have heard the shot and know or suspect that the other fired it. Even such knowledge, if developed, would not necessarily establish the violation unless it could be shown that the shooter knew, at the time he fired, that his weapon was loaded with buckshot, not gas. Since the deputies had both types of shells and there is a marked similarity, knowledge before the fact might be impossible to prove absent an admission or confession of intent. This is not available here.

Potts and Story seemed credible to the attorneys in grand jury--Cambre did not, but he was unshakable and his story relatively consistent with past versions (that he only fired gas and is sure of it).

In summary, our investigation has unfortunately revealed no basis for identification of anyone as the shooter who killed the victims. Moreover, there is still no basis for believing that, if one of the three did in fact fire the shot, he is now aware of that fact. Accordingly, neither by direct nor circumstantial evidence is there any basis to proceed to designate a subject for consideration for indictment.

It should be noted that the deputy who thinks he may have killed the victims (Lt. Carr) is still in the deep throes of mental depression. He could not have fired the shot since he was not in the definable area of the cone. He is innocent but cannot be convinced of this. No grand jury attorney who has seen him believes otherwise. Despite shock treatment and psychotherapy, he remains another casualty of this tragedy.

There is, in my view, based upon a continuing review of the file and detailed discussion with all attorneys involved, including my Deputy directly in charge of the investigation, K. William O'Connor, no avenue of investigation which we could further pursue and no basis for returning an indictment. Accordingly, the conclusion I have reached is that the Criminal Section recommendation to close the file, endorsed by Bill O'Connor, should be accepted, and I propose to do so.

I am providing you with this memorandum as a matter of general information, not to seek your review of the merits of the case or our handling of it. Ordinarily we would not follow this approach, of course, in matters arising during your tenure as Attorney General. Because the review of this case ended before your appointment, however, and the announcement of our conclusion is merely coincidental with your recent arrival, it seems to me to be inappropriate to ask your review of the matter.

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division



73

CIVIL RIGHTS DIVISION

Notice to Close File

MAR 21 1975

File No. 144-32M-9

Date 9/6/74

To: Chief, Criminal Section

Re: Unknown Subjects, Deputies, East Baton Rouge Parish  
Sheriff's Office, East Baton Rouge Parish, La.; Denver  
Smith (Deceased) - Victim; Leonard Douglas Brown (Deceased) - Victim  
Summary Punishment  
CIVIL RIGHTS

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

This matter was presented to a federal grand jury in May, 1974. Sufficient evidence identifying a subject or establishing the requisite intent did not develop and therefore no indictment was sought. Pending the disclosure of new facts which might cause the unknown subject to be identified and indicted, I recommend that the file be closed.

For a detailed discussion of reasons for closing see the memorandum in the file from Jeffrey Whieldon and Ernest McIntosh to J. Stanley Pottinger entitled "Recommendation to Close the Southern University Matter."

*Jeffrey R. Whieldon*  
JEFFREY R. WHIELDON  
\_\_\_\_\_  
Attorney

To: Records Section  
Office of Legal Administration

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

2/28/75  
Date

*Robert A. Murphy*  
ROBERT A. MURPHY  
\_\_\_\_\_  
Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

16 APR 1975

Thomas R. Hunt  
Executive Officer  
Civil Rights Division

T. 4/16/75  
DJ 144-32M-9

Jeffrey R. Whieldon  
Attorney, Criminal Section

JRW:hdt

Costs of Transcribing  
Southern University Grand Jury

*JRW*  
*4/16/75*  
Attached is a memorandum from the U.S. Attorney in Baton Rouge requesting that this Division pay the remaining outstanding costs of transcribing the Southern University grand jury which was conducted at Baton Rouge May 20-28, 1974. It should be noted that this Division paid for testimony of four witnesses which we specifically asked the U.S. Attorney to have transcribed (See xerox of my memo of 7/12/74 to you).

At no time, as the court reporter notes, did any Civil Rights Division attorney discuss transcription with him. If there was any such request or inferences drawn, it would have been from the U.S. Attorney. I spoke to Gonzales last fall at the time they received the bill and he advised that they were not paying as it had not been ordered. Now he forwards the same bill. I called him last Friday and he said he never ordered it, that they had had similar trouble with this reporting service before and have since ceased doing business with them.

It is reasonable that they be paid a fee (60% is apparently what they get) for untranscribed work, but certainly not the total cost of something not needed or requested.

The remaining 1162 pages are of no use to this Division or the U.S. Attorney's office and should not be paid for, in my view. However, someone will probably end up having to pay the 60%. I suggest that it be the U.S. Attorney's office since this took place prior to July 1, 1974. I leave further

cc: Records ✓  
Chrono  
Whieldon

negotiation on this matter up to your office and the Executive Office of U.S. Attorneys. If you have questions, do not hesitate to call me.

AUG 25 1975

NF

T. 8/21/75

JSP:CBM:rs  
DJ 144-32M-9

Mr. Nathan S. Fisher  
628 North Boulevard  
Baton Rouge, Louisiana 70802

Dear Mr. Fisher:

Reference is made to your letter of July 22, 1975 concerning efforts by Mr. Gary B. Wall to recover a shotgun which was obtained by the Federal Bureau of Investigation during an investigation.

It is my understanding that you have had an exchange of correspondence with Mr. Joseph T. Sylvester, Agent In Charge, New Orleans. I further understand that you have been unwilling to provide the Bureau with an address for Mr. Wall where the gun might be returned. In the alternative you were to have Mr. Wall contact the Bureau to arrange for the return of the gun, which to date he has not done.

I am certain that if you have Mr. Wall contact Mr. Sylvester the shotgun will be returned.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

cc:Records ✓  
Chrono  
McDonald

By:  
C. Brian McDonald  
Attorney  
Criminal Section

ROUTING AND TRANSMITTAL SLIP		ACTION	
1 TO (Name, office symbol or location) <i>Mr. McDonald</i>	INITIALS	CIRCULATE	
	DATE	COORDINATION	
2 <i>Room 1034</i>	INITIALS	FILE	
	DATE	INFORMATION	
3	INITIALS	NOTE AND RETURN	
	DATE	PER CONVERSATION	
4	INITIALS	SEE ME	
	DATE	SIGNATURE	
<b>REMARKS</b> <p><i>Note attached Bureau receipt. Suggest you call Bureau. Our classification people have no record apparently.</i></p> <p><i>This is the Southern University matter</i></p> <p>Do NOT use this form as a RECORD of approvals, concurrences, disapprovals, clearances, and similar actions</p>			
FROM (Name, office symbol or location) <i>MMN 8/11</i>		DATE	
		PHONE	

OPTIONAL FORM 41

AUGUST 1967

GSA FPMR (41CFR) 100-11.206

643-16-81594-1 552-103 GPO 5041-101



*No previous record -  
according to classification.*

173-75.

**Williams & Fisher**  
ATTORNEYS AT LAW

LYNN E. WILLIAMS  
NATHAN S. FISHER  
LARRY D. BOOK

RECEIVED 4  
JUL 24 3 53 PM '75  
DEPT. OF JUSTICE  
MAIL UNIT

628 North Boulevard  
Baton Rouge, Louisiana 70802  
Telephone 504 - 343-3495

July 22, 1975

Mr. Jeffrey Whieldon  
Attorney at Law  
Civil Rights Division  
United States Justice Department  
Washington, D. C.

Re: Gary B. Wall

Dear Mr. Whieldon:

This office represented Gary B. Wall with reference to an investigation conducted by your office as a result of the "Southern Incident."

Enclosed herewith is a copy of a receipt given to Mr. Wall by Joseph J. Handey, Special Agent of the FBI Office in Dallas, Texas, for one certain shotgun personally owned by Mr. Wall. This shotgun was taken by Mr. Handey in connection with the official investigation made in this matter. During the period since your investigation has been closed, Mr. Wall has made numerous requests for the return of his shotgun, all to no avail. We can think of no valid reason for the retention of Mr. Wall's personal property, now can we find a valid reason for the lengthy delay in returning same to him. In that your office was in charge of this investigation, we now call upon you to remedy this situation immediately.

Very truly yours,

NATHAN S. FISHER

NSF:tv

Enclosure

FOIA # 50904 (URTS 16300) DocId: 70104888 Page 177

AUG 5 1975

30 JUL REC'D  
144-327-9  
144-327-93  
DEPARTMENT OF JUSTICE  
JUL 28 1975  
CIV. RIGHTS DIV.

Apr 10, 1974

I have on this date obtained from Gary Bruce Wall, Route 2, Royal Oak (Box 60), of Denton, Texas, his personally owned shotgun, namely a Remington Model 1100 automatic 12 ga. shotgun, serial 73975V, for purposes of an official investigation. Mr. Wall has turned the weapon over, voluntarily, requesting only a receipt for the weapon and that it be returned to him as soon as possible.

Special Agent Joseph J. Hanley  
FBI Office, Dallas, Texas.

4/4/74

Mr. Wall -  
Please try to call  
Joe Hanley - Dallas FBI Office  
by phone (call collect) I need  
to make an appointment with  
you. I'll come up to Denton  
Friday, 4/5/74, if you are available

Joe H



*Williams & Fisher*  
ATTORNEYS AT LAW  
628 North Boulevard  
Baton Rouge, Louisiana 70802



Mr. Jeffrey Whieldon  
Attorney at Law  
Civil Rights Division  
United States Justice Department  
Washington, D. C.

3



# Department of Justice

60-76-63  
#34

FOR IMMEDIATE RELEASE  
MONDAY, FEBRUARY 24, 1975

CR

Assistant Attorney General J. Stanley Pottinger, head of the Civil Rights Division, issued the following statement today:

The Department of Justice has concluded its investigation into the fatal shooting of two students at Southern University in Baton Rouge, Louisiana, on November 16, 1972.

After the Federal Bureau of Investigation conducted an exhaustive investigation, all available facts were presented to a federal grand jury that met in Baton Rouge for six days beginning May 20, 1974. No indictments were returned.

FILE The federal grand jury was convened after extensive state and local inquiries were made without any charges being filed.

Since that time, evidence from all the investigations has been painstakingly evaluated by the Civil Rights Division to determine whether indictments could be sought.

However, after all leads had been fully investigated, and available witnesses interrogated, federal prosecutors concluded that sufficient evidence was not presently available and could not be developed to determine whether any specific individual had violated the federal criminal civil rights statutes.

OVER

16/70: 11-5-2

The students, Denver Smith and Leonard Brown, were shot and killed outside the Southern University administration building in Baton Rouge following a confrontation between law enforcement officers and students of the predominantly black institution.

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