August 3, 2011

Dear Ms. Gorget:

The records that you have requested were previously processed under the provisions of the Freedom of Information Act for another requester.

Enclosed are 7 pages of documents pertaining to your request and a copy of the explanation of exemptions.

It is unnecessary to adjudicate your fee waiver request because there are no accessible fees.

If you would like these documents to be reprocessed under the new Attorney General guidelines, please submit a new FOIA request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked “Freedom of Information Appeal.” Please cite the FOIPA Request Number assigned to your request so that it may be identified easily.

Very truly yours,

[Signature]

David M. Hardy
Section Chief,
Record/Information Dissemination Section
Records Management Division

Enclosure(s)
EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.
FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET  08/23/1944

Total Deleted Page(s) ~ 13
Page 2 ~ Referral/Direct
Page 3 ~ Referral/Direct
Page 4 ~ Referral/Direct
Page 5 ~ Referral/Direct
Page 6 ~ Referral/Direct
Page 7 ~ Referral/Direct
Page 8 ~ Referral/Direct
Page 9 ~ Referral/Direct
Page 10 ~ Referral/Direct
Page 11 ~ Referral/Direct
Page 12 ~ Referral/Direct
Page 13 ~ Referral/Direct
Page 14 ~ Referral/Direct

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X Deleted Page(s)  X
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X for this Page  X
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FREEDOM OF INFORMATION
AND
PRIVACY ACTS

SUBJECT ISSAC SIMMONS

FEDERAL BUREAU OF INVESTIGATION
Transmit the following message via AIRTEL

From SAC, MOBILE
To: DIRECTOR, FBI

CIVIL RIGHTS MATTERS,

LYING.

Re Bureau airtel to Mobile, 3/2/56.

Mrs. [Name], Department,

Tuskegee Institute, Tuskegee, Ala., on 3/9/56 produced the
following information relative to lynchings since 1/1/39.
This information was compiled from newspaper accounts and was
the basis for annual report on lynchings, which was discon-
tinued after 1953.

<table>
<thead>
<tr>
<th>NAME</th>
<th>RACE</th>
<th>PLACE OF OCCURRENCE</th>
<th>DATE OF OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.L. S. W. --</td>
<td>White</td>
<td>Panama City, Fla.</td>
<td>4/1/39</td>
</tr>
<tr>
<td>J. C. Williams</td>
<td>White</td>
<td>Daytona Beach, Fla.</td>
<td>3/31/39</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Canton, Miss.</td>
<td>5/8/39</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Luverne, Ala.</td>
<td>6/22/40</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Atlanta, Ga.</td>
<td>3/2/40</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Atlanta, Ga.</td>
<td>3/2/40</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>La Grange, Ga.</td>
<td>9/7/40</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Brownsville, Tenn.</td>
<td>6/20/40</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Quincy, Fla.</td>
<td>5/13/41</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Blakely, Ga.</td>
<td>5/5/41</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Near Cherryville, N.C.</td>
<td>4/13/41</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Andrews, S.C.</td>
<td>2/15/41</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Shubuta, Miss.</td>
<td>10/12/42</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Shubuta, Miss.</td>
<td>10/12/42</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Laurel, Miss.</td>
<td>10/17/42</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Sikeston, Mo.</td>
<td>3/7/42</td>
</tr>
<tr>
<td>J. C. --</td>
<td>Negro</td>
<td>Texarkana, Texas</td>
<td>7/13/42</td>
</tr>
</tbody>
</table>
No lynchings recorded for years 1952 or 1953. Research for this purpose discontinued by Tuskegee Institute after 1953. Above information varies slightly from annual figures published in 1956 "World Almanac," page 307, but these figures are the most accurate data available from existing records of Research Depart-
Transmit the following message via ____________________________________________________________

(Priority or Method of Mailing)

From SAC,

To:  

PAGE THREE

ment, Tuskegee Institute, Ala. For possible interest to the Bureau, lynchings by decades are recorded as follows:

<table>
<thead>
<tr>
<th>YEARS</th>
<th>NUMBER</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1913-1922</td>
<td>597</td>
<td>66.6</td>
</tr>
<tr>
<td>1923-1932</td>
<td>175</td>
<td>19.5</td>
</tr>
<tr>
<td>1933-1942</td>
<td>103</td>
<td>11.5</td>
</tr>
<tr>
<td>1943-1952</td>
<td>21</td>
<td>2.3</td>
</tr>
</tbody>
</table>

RUC

Approved: ____________________________ Special Agent in Charge

Sent __________ M __________ Per ________
FREEDOM OF INFORMATION
AND
PRIVACY ACTS

SUBJECT ISSAC SIMMONS

FEDERAL BUREAU OF INVESTIGATION
ASAC J. D. Good called from Jackson, Mississippi, and advised as follows concerning the killing of Isaac Simmons on March 26, 1944:

Mr. Good advised that the above men, with the exception of [redacted], went to the farm of Isaac Simmons on March 26, 1944. In connection with getting title to the property on which Simmons was living, the property, consisting of about 142 acres, formerly belonged to Isaac Simmons, colored, and he was endeavoring through an attorney, to retain legal ownership to it and clear up the title. The land had been conveyed to [redacted], with [redacted] retaining mineral rights to the property.

Mr. Good stated that the six men beat [redacted] of Isaac Simmons, badly, after which they took both men to a wooded area, and in attempting to escape, Isaac Simmons was shot three times and died instantly. Mr. Good stated that several neighbors and relatives of the Simmons have been interviewed and can testify as to the events of that date, positively identifying most of the subjects.

Mr. Good stated that in order to clear up the title to the property and see what the situation was, Special Agents [redacted] and [redacted] contacted [redacted] and [redacted] who allegedy is one of the persons who planned the attack and may have been one of the participants in the actual killing. The Agents found [redacted] by a sawmill working with about six other men about six miles northwest of Liberty, Mississippi. The Agents advised him that they desired information about the property and his interest in it and at no time indicated that he was involved in the killing.

[redacted] said he knew nothing about the property and had no knowledge of the killing. Then the Agents began to question him about his interest in the property, he suddenly became very angry. Then Agent [redacted] tried to reason with him, he rasped his necktie with his left hand, reached into his right pocket, and began fumbling for something, whereupon Agent [redacted] jerked hand from his pocket, then called for help from the other men who were about 30 or 40 feet away. Then called to the men to bring his arm, and Agent [redacted] not knowing what he might, drew a gun on him, whereupon [redacted] backed away and ran back to the group of men. The Agents explained further that who finally stated he was willing to continue the interview in Liberty, Mississippi.

[redacted] was then taken to the Sheriff's Office at Liberty where he admitted he had misinterpreted what the Agents had said, stating he thought the Agents were indicating that he was directly involved in the killing. Mr. Good advised that this took place on the afternoon of September 5, 1944.
Memorandum for Mr. Ladd

Mr. Good advised that the United States Attorney is in favor of filing on [redacted for assessing a Federal Officer. The U.S. Attorney also believes it will have a very beneficial effect on the Civil Rights investigation as many of the people in the vicinity think it is "just another Mexican killing." Mr. Good also stated the U.S. Attorney is in favor of placing [redacted] under $5,000 bond. According to Mr. Good, it was learned this morning that [redacted] had been bragging in a barber shop in Liberty about "handling some FBI Agents."

ASAC Good desired to know the bureau's desires on the matter. He stated that they would file on [redacted] this afternoon and then in the morning the Agents would go down and take the arrest, simultaneously with the arrest, [redacted] interviewing the other six men who were at the saw mill at the time [redacted] assaulted Agent [redacted].

I advised Mr. Good to file this afternoon and arrest [redacted] in the morning, simultaneously interviewing the other six men. I also advised him to keep the matter strictly confidential and not give out any stories on it. Mr. Good stated he would advise the Bureau of the action taken.
Subjects after having tried unsuccessfully to get victim, aged 53, Negro, living in vicinity of Liberty, Mississippi, to sign papers giving subjects title to land, finally threatened to kill him and told him to move off the land on which he had lived all his life. Victim did not move but went into hiding, so subjects forced victim's son by beating him to tell his father's whereabouts. Victim was found by subjects and on 3/26/44, was shot in the back three times with a shotgun, resulting in death.

The Bureau conducted a preliminary investigation and the results furnished to the Department. The Department by memorandum 7/24/44, advised that since no police officers appeared to be involved in the above killing, no further investigation was desired.

On 8/3/44, however, the Department in a memorandum stated that they had reconsidered this case and believed proceedings should be taken under the 13th Amendment to the Constitution and under Section 42, (252) Title 18, United States Code.

The Bureau reinstituted an investigation and on 10/13/44, after the results having been furnished to the Department, the Department instructed that a summary of the results of our investigation be turned over to the state's attorney who desired to proceed with murder charges against subject. The Bureau complied with the Department's request and the facts were presented to a local grand jury, which returned indictments on 10/25/44. Subjects were tried in local courts and on 11/4/44, were acquitted. The results were furnished to the Department which desired no further investigation.
Office Memorandum - UNITED STATES GOVERNMENT

TO: Mr. Rosen

FROM: Mr. Price

DATE: 4/18/56

SUBJECT: CIVIL RIGHTS MATTERS - SURVEY OF LYNCHINGS FROM 1/1/39 TO 12/31/55

Recently a survey was made of lynchings from 1/1/39 to 12/31/55. The Mobile Office determined that Tuskegee Institute's records reflected 33 Negroes and 6 white persons, making a total of 39 individuals, have been killed by lynch action during this period. Thirty-six of these victims have been identified either in Bureau files or the New York Times index under "Lynching." No record could be located for 3 Negro victims namely: Robert Melker, Bruce Tisdale, and Robert Sapp, who according to Tuskegee Institute, were lynched during 1941.

Of the 36 victims identified, 30 were Negroes and 6 were white. The Bureau conducted investigations in 15 different cases involving 19 victims, all Negroes. One victim described in Tuskegee Institute records as "Unknown Soldier, Negro, Lewiston, Illinois, 11/7/43," is believed to be James E. Person concerning whom the Bureau conducted an investigation in November, 1942. If the last identification is correct, this makes a total of 15 cases investigated by the Bureau involving 20 victims, all Negroes.

Write-ups concerning the 20 victims involved in Bureau cases are attached as well as a summary of the information in Bureau files and the New York Times regarding the death of the other 15 victims concerning whom no investigation was conducted by the Bureau.

62-30225

Enclosures

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2C : 1956

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