

Guide to
the Microfilm Edition
of the

**FBI File on
The Murder of
Lemuel Penn**

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Introduction

On July 11, 1964, Lemuel Penn, an African American U.S. Army Reserve officer, was killed by a gunshot from a passing car while driving through Madison County, Georgia, on his way home to Washington, DC, from annual summer active duty at Fort Benning, Georgia. The car's driver signed a statement admitting his involvement and identifying Howard Sims and Cecil Myers as the ones who fired the shots.

Members of the Ku Klux Klan, Sims and Myers were tried in state superior court and found innocent of murder charges by an all-white jury. Federal prosecutors subsequently charged both men with violating Penn's civil rights. They were found guilty by a federal district court jury. Sims and Myers served about six years in federal prison.

This file contains a large number of newspaper clippings, numerous reports concerning Sims's and Myer's Klan-related activities, including statements from eyewitnesses, and photographs of areas where Klan meetings were held. It also includes correspondence with Lester Maddox, Thurgood Marshall, and Lyndon Johnson.

Roll Notes

FBI File: 44-25873

SECTION 1

Roll 1, 0001-0361

Jul 1964

Victims—Civil Rights

Investigation into the attack on U.S. Army officers Lt. Col. Lemuel A. Penn, Lt. Col. John D. Howard, and Major Charles E. Brown which resulted in the death of Lt. Col. Penn near Colbert, GA

Memorandum reports the five prime suspects in the case are members of the Ku Klux Klan

Memorandum outlines the information of the case and reports that plaster casts of tire tracks from the scene were made

Report on associates of the officers, and an interview with the operator of the Texaco Service Station where the officers stopped for gas

Report of a similar shooting in Athens, GA, driver and occupants uninjured

Report on Ku Klux Klan rally the night after the shooting death of Lt. Col. Penn, klansmen spoke against the Civil Rights Act of 1964

Memorandum reports a retaliatory attack, that four Negro males in a station wagon fired shots at three white teenagers in a passing car

Report that McGuire Funeral Home received a phone call from an anonymous white male who apologized for the Penn shooting

News articles:

The Atlanta Constitution (Jul 1964)

“FBI Widens Search for Road Killer”

The Atlanta Journal (Jul 1964)

“Colbert Slaying Baffles Probers”

“Sanders Sending Agent to Funeral”

Report on the lead fragments removed from victim
Penn’s car, includes photographs

Report outlines other racial incidents in Athens and
Colbert

Review of details in the Penn shooting

Report of Ku Klux Klan activity in the Colbert, GA
area

Report on the investigation of klansmen as the prime
suspects in the Penn case

Investigation into anonymous phone tip that the killer
could be located at Fifth and Rockwell Place, NW

News articles:

The Atlanta Constitution (Jul 1964)

“Police Uncover ‘Strong Lead’ In Road Killing
of Educator”

The Atlanta Times (Jul 1964)

“‘Lead’ In Colonel’s Slaying Unimportant
Officers Say”

The Atlanta Journal (Jul 1964)

“Madison Sheriff Discounts ‘Strong Lead’ in
Penn Case”

Memorandum concerns report of armed negro youths
patrolling the highway where Penn was killed

Summary of report on the plaster tire casts taken at the
scene of Penn’s murder

News articles:

The Atlanta Times (Jul 1964)

“Area Feels FBI Astray”

"Press Search for the Killers (Jul 1964)

The Atlanta Journal (Jul 1964)

"Slain Negro's Widow Hopes Public Will Now
be Aroused"

The Atlanta Constitution (Jul 1964)

"Car-Gunman Story Not Tied to Killing"

"White Georgian Questioned In Road Slaying
of Educator"

File on suspect Howard Guest

Information on suspect Joseph Howard Sims

File on suspects Thomas Edward Folendore and James
Lackey

Summary of an interview with George Hampton Turner

Report on suspect Cecil Williams Myers

Information on suspect Paul T. Strickland, Jr.

Plans to move Ku Klux Klan members away from
Negro community of Athens, GA

News articles:

The Atlanta Constitution (Jul 1964)

"Negro Found Dead on Truck Is Exhumed in
Colbert Probe"

"Group Offers Reward in Two Death Cases"

Report on additional shot and wadding recovered from
Penn's car

SECTION 2

Roll 1, 0363-0644

Jul 1964

Victim—Racial Matter

Information on suspect Denver Willis Phillips

Administrative file includes:

Interviews with surviving victims of Penn shooting;
Penn post-mortem examination; Examination of
victim's car; Crime scene search and investiga-
tion; KKK organization in Athens, GA; Racial

incidents in Athens, GA; and Suspects developed in Athens, GA

SECTION 3

Roll 1, 0646-0932

Jul 1964

Victim—Racial Matter

Administrative file (continued)

Suspects developed in Athens, GA (continued);
KKK activity in Madison County; Racial incidents in Madison County; Suspects developed in Madison County; Index

SECTION 4

Roll 1, 0934-END

Jul-Aug 1964

Victim—Civil Rights

Summary of an interview with suspect James S. Lackey

Summary of an interview with suspect Denver Phillips

Report of a Ku Klux Klan rally held August 1st

Interviews with suspects in the Penn murder

Examination of plaster casts and suspect vehicle tires

Examination of shotguns seized from suspects in case

Summary of interviews with prime suspects in Penn murder, includes polygraph tests

News articles:

The Atlanta Journal (Aug 1964)

“Athenians Shocked By Slaying Arrests”

“4 Klansmen Arraigned in Slaying of Negro”

The Atlanta Constitution (Aug 1964)

“Klansman Chooses Jail With 3 Others”

“Warrants for Murder are Filed”

Report of investigation of suspect in the Penn murder and the associates of suspect

Copy of United Press International release on the arrest of suspects in the Penn murder

Copy of statements signed by suspects in the
Penn murder

Summary of interviews with suspects in the case
Report that suspect James S. Lackey has changed
his "story"

News articles:

Athens Banner-Herald (Aug 1964)

"Suspects Held in Penn Murder"

The Atlanta Constitution (Aug 1964)

"Grand Jury to Get Penn Slaying Case"

"FBI Persistent Despite Meager Clues"

The Atlanta Times (Aug 1964)

"Four Await Action in Slaying of Penn"

Memorandum concerning dissemination of results of
investigation to Solicitor General Clete D. Johnson

Summary of interviews with the wives of the suspects
in the Penn murder

News articles:

The Atlanta Journal (Aug 1964)

"Penn Slaying File Sought From FBI"

The Atlanta Times (Aug 1964)

"FBI Still on Penn Case"

The Atlanta Constitution (Aug 1964)

"4 Penn Suspects Known on July 11"

SECTION 5

Roll 2, 0001-0314

Aug 1964

Victim—Civil Rights

Copy of memorandum to Solicitor General Clete D.

Johnson, Northern Judicial Circuit includes:

Interviews with Lt. Col. John D. Howard and
Major Charles Edward Brown; Post mortem
examination of Lemuel Penn; Examination
of the victim's car; Crime scene search and

investigation; Investigation of incidents allegedly involving subjects and their associates

SECTION 6

Roll 2, 0316-0601

Aug 1964

Victim—Civil Rights

Memorandum to Solicitor Gen. Johnson (continued)

Investigation of incidents allegedly involving subjects and their associates (continued); Investigation leading to the arrest of the suspects

SECTION 7

Roll 2, 0603-0879

Aug 1964

Victim—Civil Rights

Memorandum to Solicitor Gen. Johnson (continued)

Investigation leading to the arrest of the suspects; (Joseph Howard Sims; continued)

Investigation and results of interviews with associates of subjects

SECTION 8

Roll 2, 0881-0890

Aug 1964

Victim—Civil Rights

Correspondence to Solicitor Gen. Clete D. Johnson

Memorandum re: White House communication concerning MIBURN case and Penn case

Transcript of a letter addressed to Mrs. Lemuel Penn from the sister of suspect James S. Lackey, defending her brother

Summary of an interview with Mrs. James S. Lackey

SECTION 9

Roll 2, 0892-END

Aug 1964

Civil Rights; National Firearms Act

Administrative file includes:

Synopsis of Penn murder case; Interviews with the surviving victims; Post mortem examination of Lemuel Penn; Examination of the victim's car; Crime scene search; Development of witnesses and suspects; Retracing experiences of the victims from Ft. Benning, GA to the murder scene

SECTION 10

Roll 3, 0001-0286

Aug 1964

Civil Rights; National Firearms Act
Administrative file (continued):

Organization of Ku Klux Klan in Athens, GA;
Racial incidents in area of the murder; Subjects identified in Athens, Clarke County, GA area

SECTION 11

Roll 3, 0288-0537

Aug 1964

Civil Rights; National Firearms Act
Administrative file (continued):

Subjects identified in Athens, Clarke County, GA area (continued)

SECTION 12

Roll 3, 0539-0806

Aug 1964

Civil Rights; National Firearms Act
Administrative file (continued):

Subjects identified in Athens, Clarke County, GA area (continued); Associates of subjects

SECTION 13

Roll 3, 0808-1044

Aug 1964

Civil Rights; National Firearms Act

Administrative file (continued):

Associates of subjects (continued); Investigation of individuals reported to have potential of being involved in the Penn murder; Index

SECTION 14

Roll 3, 1046-1169

Aug 1964

Penvic

Correspondence to Solicitor General Cleve D. Johnson

Summary of an interview with Mrs. James Lackey

Synopsis of the facts of the case

Memorandum states solicitors will obtain separate indictments against the four suspects

Investigation into the allegation by Mrs. James Lackey that she was threatened with a gun by one of the suspects

Investigation into the allegation by Mrs. James Lackey that she suffered a miscarriage due to stress after being interviewed by the FBI

Memorandum concerning the transportation and protection of the surviving victims Major Brown and Col. Howard and Mrs. Sims to the trial

Memorandum concerning the mental condition and fitness of suspect James Lackey to stand trial

Investigation into a newspaper article stating that FBI agents presented suspect Herbert Guest with a birthday cake one week before his arrest in the Penn murder case

Background information on the suspects in the case

SECTION 15

Roll 3, 1171-END

Aug-Sep 1964

Penvic

Information on United Klans of America, Inc.

Transportation arrangements for Major Charles Brown
and Lt. Col. John Howard

Report on allegations by Mrs. James Lackey that she
was threatened with a gun and had suffered a
miscarriage

Allegation that suspect James Lackey has repudiated
his "confession"

Memorandum announcing the indictment of murder
against the four suspects by a grand jury

Memorandum outlining the facts of the Penn murder
case

Memorandum outlining FBI response to suggestions
from the Solicitor General for procedure during
the trial

Memorandum states that surviving victims Major
Brown and Lt. Col. Howard will be housed at Ft.
Gordon during the trial

Summary of interviews with the suspects conducted by
the Solicitor General

Copies of signed statements by Mrs. James
Lackey

Copies of statements signed by FBI agents in regard to
the Penn murder case

Memorandum stating that trial date has been set for
Aug 31

Allegation of a threatening phone call received by
Mrs. Lemuel Penn

Report on the events of the trial underway

SECTION 16
Sep 1964

Roll 4, 0001-0171

Penvic

Mrs. Lemuel Penn reports to the FBI that she received a
threatening phone call

Summary of the first day of trial for the alleged murders of Lemuel Penn
Not guilty verdict rendered by Madison County jury
Summary on the proceedings of the trial and the outcome
Report stating that Col. Howard and Major Brown decline to return to Georgia for December trial of suspect James Lackey
Copies of sworn statements from FBI agents that deny they ever threatened suspect James Lackey
Summary of the trial proceedings
News article:
Chicago Daily News (Aug 1964)
"A Negro Does Her Duty: 'I May Be Killed'"
Case reports under review pending Federal prosecution under Civil Rights statutes
Memorandum suggesting the purchase of the transcript from the trial for use as background information for a possible Federal trial
Report on the KKK dinner held to honor the attorneys of the defendants in the Penn murder trial
Report on the History of Klan Activity and Organization in Athens, GA area

SECTION 17

Roll 4, 0173-0450

Sep-Oct 1964

Penvic

Reimbursement of funds for Howard and Brown
File of racial incidents in Athens, GA area includes photographs
Memorandum concerning the mental competency of suspect James Lackey
Administrative file includes:

Laws and regulations, Clarke County and City of Athens with respect to firearm; Registration of automobiles for designated individuals; Interviews with suspects

Summary of trial beginning October 13

Background information on suspects

List of indictments against the suspects

News articles:

The Washington Daily News (Oct 1964)

“Six Klansmen are Indicted in Georgia”

New York Daily News (Oct 1964)

“Negro Death Sequel: U.S. Jury Indicts 6”

The Washington Post (Oct 1964)

“6 Indicted in Georgia Intimidation”

Press release announces the arrest of three men on warrants based on indictments returned by the Federal Grand Jury

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Roll 4, 0452-0690

Oct 1964-Mar 1966

Penvic

Bureau cost estimates

Indictment of the suspects by the Federal Grand Jury

United States District Court rules to dismiss indictments against the suspects

Copy of *U.S. v. Herbert Guest, et al.*, Criminal No. 2232

Summary of the legal proceedings

Federal Judge W. A. Bootle dismisses the indictment

News article:

The Washington Post (Jan 1965)

“Clearing 6 in Penn Death Goes to High Court”

Notice of Appeal to the Supreme Court of the United States in the case: *U.S. v. Herbert Guest, et al.*

Allegation that payments were authorized for information in the Penn murder case

Report on the corporate charter of the Knights of the Ku Klux Klan of America, Inc.

Allegation by suspect Joseph Howard Sims that the FBI refused to accept information from him

News article:

The Washington Post (Apr 1965)

“Maddox Leads Atlanta March”

Copy of: *United States of America v. Herbert Guest, et al.*

Appeal from the United States District Court for the Middle District of Georgia, Athens Division

Status of the appeal in the case entitled: *U.S. v. Herbert Guest, et al.*

House Committee on Un-American Activities investigates Klan activities

News article:

Athens Daily News (Jan 1966)

“Bribe Try Laid to FBI by Sims”

Copy of the U.S. Supreme Court Opinion and Concur and Dissent in the case of *U.S. v. Herbert Guest, et al.*

SECTION 19

Roll 4, 0692-0796

Mar-May 1966

Victims—Civil Rights

Memorandum states that the U.S. Supreme Court reversed the dismissal of the indictment by the U.S. District Court

News article:

The Atlanta Constitution (Apr 1966)

“Penn Case Figure Seized in Pill Sale”

Summary of investigations into racial incidents involving the suspects in the Penn murder case

Report that suspect Joseph Howard Sims shot his wife
Request to retrieve photographs of Penn case suspects
as taken by UPI reporter

News article:

Augusta Chronicle (Nov 1966)

“Penn case Klansmen attack cameraman in
Crawfordville”

Copy of signed statement of cameraman

Brigido Cabe

Investigation into the cameraman attack

SECTION 20

Roll 4, 0798-0990

May 1966

Civil Rights—National Firearms Act

Administrative file includes:

Participation by Joseph Howard Sims and Cecil W.
Myers in a street parade (Apr 1965); Partici-
pation of Myers in a street march of 300
Klansmen (Jun 1965); Investigation of involve-
ment of Sims and Myers in a Civil Rights
Demonstration (Jul 1965); Activities of Sims
and Myers in Crawfordville following their
arrival there (Oct 1965)

Incidents in which Myers played anti-Negro songs
on a record player; Newspaper articles from
Athens, GA area concerning Penn murder case;
Joseph Howard Sims, assault with intent to
murder charge

SECTION 21

Roll 4, 0992-1176

Penvic

May-Jun 1966

Memorandum: U.S. Supreme Court re-instated the
indictment of 6 subjects on charges of violation of

the Federal Civil Rights Conspiracy Statutes previously dismissed
Subject Joseph Howard Sims's mental competency to be examined
Signed statements alleging that subjects Sims and Myers attacked a negro photographer who was taking pictures of an SCLC march
Report on racial incidents in and around Athens, GA
Copy of FBI Interview Logs
Photographs of subject Myers attacking a negro photographer
Request to reexamine subject Herbert Guest's .12 gauge shotgun to determine if it had been altered in any manner

Interdepartmental file includes:

Interview of Witnesses to Lackey's Letter of Retraction; Interviews regarding Mrs. Ruth Bertling, Clyde Harper and Open House Restaurant; Interviews with Klansmen in Athens, GA area; Employment of Joseph Howard Sims; Ithica Shotgun, SN 242-66; Thomas Folendore; Prospective Action

SECTION 22

Roll 4, 1178-END

Penvic

Jun 1966

Request to interview SA Arthur S. Hamilton regarding his testimony in the Federal trial concerning the Penn murder

Request for departmental information concerning the Penn murder case

Departmental file includes:

James S. Lackey letter of retraction; employment record; Joseph Howard Sims employment

record; Victims' call to Fort Benning, GA; Open House Restaurant, Athens, GA (Cab company records); Trooper, GA State Patrol, Athens, GA; Records of arrests by Clarke County Sheriff's Office; Troy Theatre, Monroe, GA incident; Ithaca Shotgun, SN 24266, FBI Laboratory report; Prosecutive Action

Review of FBI involvement in the Jul 1964 investigation of the Penn murder case

SECTION 23

Roll 5, 0001-0210

Civil Rights—National Firearms Act

Jun 1966-Dec 1967

Departmental file includes:

James S. Lackey employment record; Joseph Howard Sims psychiatric evaluation; Ithaca Shotgun SN 24266; Photographs

Summary of the Federal trial

Copy of the brief, Cecil William Myers and Joseph Howard Sims, appellants, vs. United States of America, Appellee

Memorandum for the Acting Attorney General re: Evidence obtained by wiretapping or electronic surveillance

Copy: Cecil William Myers and Joseph Howard Sims vs. United States of America, Petition for Writ of Certiorari

Synopsis of events in the Lemuel Penn murder case

SECTION 1, SUB-A

Roll 5, 0212-0431

News articles include:

The Washington Post:

“Penn Slaying Seen Part of Pattern of Intimidation”

- (Jul 1964)
“Saw 2 Penn Slaying Suspects With Guns, Youth
Tells Trial” (Sep 1964)
“Supreme Court Asked to Rule U.S. Has Power to
Prosecute Penn Case” (Sep 1965)
“Penn-Case Confession Admitted to Evidence”
(Jul 1966)
“Judge Upholds Penn Convictions” (May 1967)
The Washington Evening Star
“Georgia Leader Denies Klan Role in Slaying”
(Jul 1964)
“4 Klansmen Held in Penn Death” (Aug 1964)
“Six Are Freed In Penn Case By U.S. Judge”
(Dec 1964)
“Klansman Gets 10 Years in Shooting” (Aug 1966)
“2 Linked to Penn Killing Lose Appeal”
(May 1967)

News articles include:

- The Atlanta Journal and Constitution*
“Massive Investigation Is Started In Shooting of
Negro Educator” (Jul 1964)
“U.S. Jury Indicts 6 Athens Klansmen” (Oct 1964)
“U.S. Appeals Rights Case Dismissals” (Jan 1966)
“Sims, Myers given 10 Years in Prison” (Jul 1966)
“Lashing, Shooting told at Klan Trial” (Jul 1966)
The Washington Daily News (May 1966)
“Kluxer Sims Gives Up in Shooting of Wife”

FBI File: 94-5-87646

SECTION 1

Roll 5, 0433-END

Apr 1978

Invitation to the FBI to tour the Lemuel A. Penn Center,
a career development facility in Washington, DC