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## Agency ordered to disclose parts of files in 'boys on the tracks' case; 2 Arkansas teens found dead in '87

by [Linda Satter](#) | August 13, 2018 at 4:30 a.m.



## Deaths of 2 teens on railroad tracks leave few clues

BY DOUG THOMPSON  
Democrat Benton Bureau

**ALEXANDER** — Investigators said they found few clues Monday that would shed light on the deaths of two teen-age boys who were lying across railroad tracks when they were hit by a train early Sunday morning.

Apparently it was the impact of the train that killed Larry Kevin Ives, 17, of Benton and Don Henry, 16, of Bryant at 4:30 a.m. near the Arkansas 111 crossing west of Alexander, according to preliminary findings of the state

tracks, not moving as the train approached.

"The train crew was completely helpless," Elmendorf said. "There was nothing they could do."

There was no reason to suspect foul play, Elmendorf said. "Right now, we're not going to speculate on why it happened."

Lisa Griffis, 17, a student at J.A. Fair High School in the Pulaski County Special School District, said she saw the two boys together and talked with them briefly about 1 a.m. Sunday as they

At left, Linda Ives is shown in this 2007 file photo. At right, the initial 1987 coverage in the Arkansas Democrat on the deaths of Ives' 17-year-old son, Kevin, and 16-year-old Don Henry.

A judge has given the federal Drug Enforcement Agency until Friday to figure out how to disclose the contents of two decades-old documents to satisfy a Saline County mother's Freedom of Information Act request without revealing information that needs to remain secret.

Since shortly after the bodies of her 17-year-old son, Kevin Ives, and his friend, 16-year-old Don Henry, were found early Aug. 23, 1987, on a lonely stretch of railroad tracks in the county, Linda Ives has sought information from the DEA and other government agencies that she thinks might offer clues about her son's death.

The mystery surrounding the case of "the boys on the tracks" led to a 1999 book by the same name by local writer Mara Leveritt, and to hundreds of newspaper articles spanning several years. The deaths'

possible connection to a drug-trafficking ring that may have involved notorious drug smuggler Barry Seal was featured in a 1994 documentary called *The Clinton Chronicles*. A new movie, *American Made*, starring actor Tom Cruise as Seal, was released last year.

In an Aug. 24, 2016, lawsuit, Ives accused several federal, state and local authorities of participating in a massive “cover-up” of something — likely wrongdoing by authorities — by refusing to comply with numerous Freedom of Information Act requests she has filed over the previous 29 years. The lawsuit, filed by attorney R. David Lewis of Little Rock on Ives’ behalf, noted that the documents supplied in response to her requests have been so heavily redacted as to be indecipherable and basically useless.

It asked a federal judge to order the agencies to provide the unredacted documents, arguing that after 30 years the release of the tightly guarded information isn’t likely to put anyone at risk of danger or upset any ongoing investigations.

Chief U.S. District Judge Brian Miller dismissed most of the agencies from the lawsuit but agreed in November that he would review the unredacted documents at issue from the three remaining defendants — the Executive Office of U.S. Attorneys, the DEA and the Department of Homeland Security — to see if the agencies’ cited reasons for withholding the information were justified.

In an order dated Aug. 2, Miller revealed that he has completed his in-camera review. He cleared the U.S. attorney’s office of allegations of improperly shielding its documents, but said Homeland Security “failed to adequately search for information requested by Ives,” and ordered the department to go back and do the search correctly.

Meanwhile, Miller found that the DEA “has not provided Ives with all reasonably segregable information.”

He said two documents — one a report of investigation prepared May 4, 1983, and another a report of investigation prepared Jan. 24, 1995 — were “directly related” to Ives’ request. He said the DEA withheld the entire documents, citing exemptions to the Freedom of Information Act that limit disclosure of documents that will invade privacy, reveal the identity of confidential sources, circumvent the law and place people at risk of harm.

But, Miller said, “these documents also include non-exempt information that is not so intertwined with the exempt information so as to justify its withholding.”

The judge ordered the agency to provide him with “suggested redactions” to those documents by Friday.

“Should the DEA’s redactions be approved, the documents, as redacted by the DEA, will be produced to Ives,” Miller wrote. “Should the DEA’s redactions fail to be approved, the court will make the redactions and produce the court’s redacted versions to the DEA and permit the DEA to object.”

None of the defendants had responded to the order as of Friday, a week and a day after the order was filed. However, Lewis said he wasn’t too excited about the prospect that any new information that surfaces as a result of Miller’s order will provide the answers Ives seeks.

Lewis said he has “no idea” what the documents are, or what kind of information they might contain.

While there is always a chance that the releasable parts will reveal some information that is valuable to Ives, “I’m not very optimistic,” he said.

It isn’t clear at this point what Miller’s directive to the Department of Homeland Security might mean for Ives.

He wrote that in her Freedom of Information Act request, Ives asked for “all records, recordings, documents and emails, unredacted, relevant to the death of Kevin Ives,” and sought “all records, recordings, documents and emails regarding Mena Airport drug trafficking as they relate to Barry Seal.”

In response, Miller said, the department “searched for information relevant to Kevin Ives, but did not search for information relevant to Mena drug trafficking and Barry Seal.”

Miller said the agency is “therefore ordered to conduct an adequate search for all of the information requested by Ives.”

Lewis didn’t want to speculate about what kind of new information the directive to Homeland Security might produce. However, in a memorandum filed last year on behalf of the agencies, an attorney for the government noted that the requests for information to Homeland Security couldn’t be answered because the agency was created Jan. 24, 2003, after Kevin Ives’ death. The memo also noted that no records responsive to the Freedom of Information Act request could be found.

Seal was a pilot who regularly flew to and from the Mena airport in Polk County in the 1980s and was assassinated in 1986 in his hometown of Baton Rouge. A year earlier, he had testified that he smuggled tons of cocaine from Colombia to drop zones in the Louisiana swamps.

Reportedly, Seal was initially hired by the CIA to fly low over Central American countries taking photographs of rebels, and then began smuggling drugs back into the United States for extra cash. According to a 1988 article in the Arkansas Gazette, Seal eventually became an undercover informant for the DEA.

Talk of low-flying planes seen in the area where Kevin Ives and his 16-year-old friend Don Henry were run over by a 4:25 a.m. train in Saline County on Aug. 23, 1987, led to speculation that the boys were killed because they stumbled upon a clandestine drug drop.

Though the state medical examiner at the time said the boys appeared to have been in a deep, marijuana-induced sleep when they were run over by the train, a second pathologist said he believed they were killed before their bodies were placed on the tracks. He didn’t say exactly how they might have been killed.

According to news articles published shortly after the bodies were found, the engineer said the train was traveling 50 mph when its spotlight illuminated the boys lying on their backs, motionless and in a somewhat unnatural position, covered by a tarp from the waist down. A rifle and a flashlight lay beside

them. The engineer said he sounded the train’s horn but the boys didn’t respond, and he couldn’t stop the train in time to avoid running over them.

Friends and acquaintances of the boys later told authorities that they had seen the boys together earlier that night, Kevin with a bottle of whiskey, and that the boys said they planned to go “headlighting” for deer later.

Crew members of an earlier train that passed over the same stretch of tracks at 1:30 a.m. reported seeing no one on or near the tracks.

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