

START OF TAPE 1, SIDE A

WILLIAM J. "BILL" BAXLEY
MAY 22, 2003

WILLOUGHBY ANDERSON: William J. Baxley. We're here in Birmingham, Alabama, at his office. It is May 22, 2003, and the interviewer's name is Willoughby Anderson. If you could say your name, and we'll check the level?

BILL BAXLEY: This is Bill Baxley, and it is Thursday, May 22, 2003.

WA: Okay. Great. That looks great. Okay. Maybe we could start by talking a little bit about your family and where you were born.

BB: Okay, I was born in Dothan, Alabama, which is in the southeast corner of Alabama. It's ten miles from Florida and fifteen or so from Georgia. My ancestors on the Baxley side were probably the first, if not they were among the first, white European people in that area. In fact, going back on the Baxley side, the last Baxley in my ancestral line that was not born in Alabama was born in the 1700s. They came here—

[THERE IS A BREAK OF APPROXIMATELY FIVE SECONDS ON THE TAPE AT THIS POINT.]—fathers fought in the Civil War for the South. Several of their brothers were killed. I think three of my great grandfathers were wounded. I think one of them more than once, and some of them were captured, wounded and captured, released, and wounded again. I think one of them got some job later working in the salt works in Pensacola and that somehow exempted him from having to be in the Army. I think it was classified as necessary labor, but three of them were soldiers during almost the whole war.

My roots are all in the south, mostly in Alabama, and mostly in the little corner of Alabama where I was born. I was educated in the public schools of Dothan and went to

the University of Alabama to both undergraduate and law school. I finished law school in '64. I finished Dothan High School in '58. What else do you need?

WA: Then how did you decide to run for Attorney General?

BB: Well, I had, I suppose, for years decided I wanted to give a try to politics because of my feelings about civil rights. At first when I was following the news, the bus boycott in Montgomery and things of that nature, I was still in high school in ninth or tenth grade. Even earlier than that, the earliest I remember as a child, a real small child, I wondered about the treatment of black people that my family would teach me to respect and love, playmates, ladies that worked in our house and kept me and my brother. One of their sons that was older that kept us after school was out so that my mother could work, after we started school. It didn't take a rocket scientist to see that people were treated differently if their skin color happened to be black. It was not what you were taught in church. I would ask my parents at a very young age and never get very satisfactory answers, in fact, not satisfactory at all. I never got answers that made any sense whatsoever. My parents were good people. They said, "You've got to treat everybody decently, but you just can't do certain things. It'll ruin you." For instance, certain things like letting black people ride in the front of the car. They had to ride in the back even though there was a vacant seat in the front. Stupid things.

At some point I thought I wanted to leave, but then at some time in college I decided if you wanted to stay and change that the way to do it was in politics. I felt like by then I perhaps had a knack for politics so that's how I decided I'd go into politics. I always liked the excitement of it anyway. Early on I wanted to be a baseball player, but it became pretty obvious at an early age I didn't have any talent.

I finished law school, clerked for a year at the state supreme court. It was an exciting year to be there. It was the time of the Selma to Montgomery march. I watched a lot of the famous arguments in front of Judge Frank Johnson. My roommate, who'd been one of my classmates in law school, was clerking with Judge Johnson so he got me in for every big argument on every case in front of Judge Johnson. I watched them all.

I went off for a little while in service, basic training, and then came back to Dothan and went in with a law firm. An opening came up for District Attorney, and I decided to go for it, and became District Attorney at a very young age, twenty-four or five. I was a very aggressive prosecutor, and I think had somewhat of a knack for being a courtroom lawyer. I prepared my cases well and got something of a reputation, I suppose, for being an aggressive advocate.

I decided in 1970 to run for Attorney General and ran against an incumbent. Nobody much gave me a chance. I had a lot of good help and put together a campaign that I'm still very proud of and unseated the incumbent Attorney General who had four years before set the record for the most votes ever received up to that point. I think I was twenty-eight when I got elected. Then I had a birthday and I was twenty-nine when I got sworn in, and decided that that was the opportunity to do what I felt like I could for changing the way that we treated a third of our population and advancing what I believed to be the legitimate goals of the civil rights movement. I thought, "If you don't do something now you might not ever have this chance again." I started being pretty active in that area, did a lot of things.

One of the first things that I did was open the bombing investigation because it, more than anything else, had really affected me by making me want to stay in Alabama.

It sickened me, the climate that had allowed these kind of atrocities to happen, that being the worst of many atrocities. At the time we opened that bombing case though, we didn't do that publicly. We didn't want anybody to know about it. It was not something you want to publicize, where you're coming from in an investigation. You don't want publicity. It was several years before the word got out, not from us, that we were looking into that crime, trying to solve that case. The things that I did in civil rights early on that got publicity weren't related to that investigation because it was many years before that became public. Do you want me to keep going about civil rights, or do you want to stick to the bombing investigation?

WA: I'd like to hear about both. Let's do some of the other cases that you worked on first, and then we'll do the bombing.

BB: Well, at the time I came in, there were a lot of cases pending about the way various public officials in the South were trying to, in essence, hold back the tide. They were filing all these crazy suits to block jury service, voting participation, things of that nature for black people. Civil rights acts had passed a few years before, but the implementation of them was still an ongoing battle in some parts of the state and in a lot of parts of the South. At the time I came in Alabama was a party in several cases where we were trying to either delay or stop some aspect of equal rights, primarily jury service, jury duty, voting. Voting probably number one. The states, Mississippi, Georgia, maybe South Carolina, maybe Louisiana, several of the deep South states—can you turn that off just a minute?

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay, go ahead.

BB: Okay. Several of the southern states, I won't try to—I do remember for sure Mississippi was one. As I recall there were four. It could have been five, but Alabama was one of them, and they had filed these suits that I don't think made any sense, logic, or anything else. As I recall California and maybe Massachusetts tried to force busing with some convoluted theory that if you made them have busing in the North that that would make people quit trying to integrate the South. It didn't make any sense to me. I failed to see how taking positions like that in the North would help them defend those things in the South. Before I even went into office, after I'd been elected but before I went into office, I said we were going to get out of those my first day.

I'll never forget. I was in Meridian, Mississippi. I had gone to visit some friends in Butler, Alabama, and we had gone over to Meridian to eat lunch because a) Meridian had better restaurants than they did in Butler, and b) Meridian, this was the main reason, at that time was "wet," and Choctaw County, Alabama was "dry," so we went over to Meridian. The lunch drug on into the afternoon.

We had a friend that was a reporter for the *Meridian Star* newspaper. He came down to join us and mentioned that the Attorney General from Mississippi, A. F. Simmer, Al Simmer, Judge Simmer, was in town making a speech. He said, "We ought to get him to come by and meet you." He went and fetched him, and he came by. I only drank beer, but I'd had seven, eight, ten of them by then. He was a great guy, wonderful, wonderful, outgoing, decent, fun fellow. He said he was looking forward to me going to those cases with him, that they all had a good time going to the hearings, the cases I'm talking about in California, Massachusetts, or wherever they had them. I said, "I'm not going to be going. I'm going to get us out of there the first day I'm in office." He said, "Oh, don't do

that. Don't do that." He said, "You don't have to say anything at the hearings, just go. We've hired a firm to do our arguing for us." I said, "That would be another reason for me to get out. I'm not going to be a cheerleader. If I'm going to go court I'm going to be the one doing the arguments." Anyway, I told him I was going to get out, and he tried to talk me out of it.

A couple of years later—I was single. He had a young assistant that was a beautiful girl, a smart girl. She and I dated for a little while. She came over here to an Alabama/Old Miss game, to Birmingham. She told me later that he called her in and said, "You know Vee, I know that young man that's Attorney General of Alabama"—he'd found out that she and I had had some dates and she'd been over here. He said, "I know he's probably a charming fellow. I'm sure he's a lot of fun to be with. That's all right. That's well and good for you to have fun with him, but now if you start thinking about getting serious you need to realize that that young man's a dangerous radical."

[BOTH LAUGH.]

BB: I always got a kick out of that. I was very fond of him. Anyway, getting back to the point, shortly after I was in office, a few weeks, maybe just a few days, the head of our civil division who at the time was a lawyer by the name of Gordon Madison. Everybody called him Mad or Maddy. He was an older man about my dad's age or maybe even older. He'd been with the Attorney General's office many years, and at one time had served in the state senate from Tuscaloosa. He was widely recognized when I came in as the best, most able lawyer in the Attorney General's office--career lawyer. Later the people I brought in were also very, very able, but of the ones there he was by far, I think, the most able. I got a list of all the cases that were pending in Alabama,

obstructionist type cases on these voting rights matters and others. I said I wanted him to go down and dismiss them all. Most of them, if not all of them, in front of Frank Johnson.

One day shortly after I was in office Gordon Madison went down and dismissed on my orders all of the cases that the state had brought trying to obstruct enforcement of these rights. I think we might have also dismissed some defenses or things in cases where we were defendants. Late that afternoon they said that Mr. Madison needed to see me. I was really busy. I thought, "Uh-oh, what does he want?" They said, "He says he's got to talk to you." I was a little bit afraid that he may come in and say he was so upset with me doing that that he was going to quit or some thing like that. I didn't know how he felt. Like I say, he was my dad's age, but he was well thought of. My dad thought a lot of him and was very fond of him. He was, incidentally, a direct descendant of James Madison, President Madison. So I said, "Well, all right. I'll see him." So he came in and sat down and said, "I hate to take up your time, but I just want to tell you something." He said, "I want to thank you for giving me the opportunity to do what I did in court today. This is the first time in a long, long time since I've worked for the state that I held my head up high after I left the courthouse." It really affected me. It still does when I think about a distinguished gentleman like Gordon Madison coming in and saying that. It made me know that I wasn't going to be fighting a lonely battle. There were going to be a lot of people that would support what we wanted to do.

I don't mean to give the impression—let me correct this early on—even in college or now that all I thought about was civil rights. Gosh, I was a wild person about partying and having fun. I did other cases, too, that didn't have anything to do with civil rights,

and I like to think did them well, and enjoyed life. I don't want people to think that I was obsessed with only that.

But, I reckon the next thing I started out trying to break the color line, so to speak, and hire some black assistant attorneys general. It took a little while to find the first one, and it was Myron Thompson. I found him through the help of my father who was friends with his grandfather, a gentleman from Dothan, a gentleman by the name of John Henry Glanton whose son for years was on the Dothan city council. Of course back at that time he wasn't on the city council. By the time I hired Myron Thompson I think the only blacks that worked for the state were custodial, janitorial people, other than those that taught in the public schools. None of them worked up there for the state.

When we hired Myron he'd finished way up at the top of his class at Yale Law School. He turned down jobs in New York and elsewhere paying him substantially more than what we could pay him to come back to Alabama which was, of course, his home. His mom and his step father were in Tuskegee and his grandparents in Dothan. Myron was a terrific lawyer, brilliant guy, and did a great job for the state. He's now the chief United States district judge for the middle district of Alabama. He's been on the bench. Carter appointed him. After several years with me he left and went back to Dothan and had a very successful law practice there before he was appointed to the bench. I got three or four hate letters about that, and that was all. That was the end.

We set out to try to bring others. We didn't want just tokenism. Shortly behind Myron we brought in we brought in Dan Thompson who'd finished at Harvard Law School, then later I think became general council for Potomac Bell or maybe AT&T or

something. Dan moved back. Some of his people were from Philadelphia, Pennsylvania, and I think he preferred the East so he moved back, but he was a great addition also.

Soon Charlie Price came in. Charlie grew up a lot rougher than Myron or Dan. He grew up a lot poorer, very different from Myron and Dan whose families had advantages. For instance, Dan's father was a doctor. He was, I believe, head of the VA Hospital in Tuskegee, and Myron's family was educated. Charlie's family were working, but Charlie worked his way through and fought his way up. He'd been special forces in Vietnam. He was the toughest prosecutor I ever had on my staff, maybe other than me. He left me and went to work in Montgomery, became an assistant DA and city judge for Montgomery, and for the last twenty years probably, has been circuit judge. He's now presiding circuit judge in Montgomery County.

I think Milton Davis was next. Milton came in and he, like the rest of them, was outstanding. He's got a very active practice in Tuskegee now. He was president of Alpha Kappa Alpha which is an international fraternity that's quite prestigious. To serve as international president of that is quite an honor itself.

Oh, I lost track. Milton Belcher came on at some point. I think that was a few years later. He's still in the Attorney General's office. Vanzetta Penn at that time Vanzetta Penn Durant, now Vanzetta Penn McPierson came on. She's now United States magistrate in Montgomery, but we ended up having many, many outstanding black attorneys come to work for us.

I think if we hadn't aggressively gone out and tried to recruit them, I think that a lot of them might not have come back to Alabama because there were no opportunities for them here, and we, we the people here, would have lost these brilliant minds. When

they ask me what I think my best accomplishment in public service is I say quickly, and I mean this with all my heart, it's the people, black and white, male and female, that I brought back to go to work for the state because many of them would not have come back to Alabama. The overwhelming majority of them stayed in Alabama after they came back. I think that would have been a brain drain, and I think that that's easily my greatest accomplishment, being able to bring those people back to Alabama.

I suppose somewhere along that time, I think it was May of '71, four or five months after I took office Sheriff Amerson, who was the first elected black sheriff in modern times in the South, had been indicted by the federal government. I thought it would send the wrong signal for him to be removed, and I felt like he had some justification for what had happened so I came in and offered to defend him. The way we did that was to say we were going to start a policy to defend every law enforcement officer that was charged with a crime if we investigated and found independently that he—he or she, there weren't many shes back then in law enforcement—but if he had some justification for what he was doing. We wouldn't defend anybody that just was dishonest or absolutely brutal with no circumstances that might be a defense for whatever brutality might have been alleged. We kept that policy up and defended many officers after that. Most of them I tried myself, and I think we won all of them. I don't even remember now losing a case.

We tried Sheriff Amerson's case with an all white jury. Fred Grey, who is now president of the Alabama Bar and was Rosa Parks and Martin Luther King's lawyer in the boycotts and was the first black legislator elected--this was before he got elected to the legislature, of course. Fred represented Sheriff Amerson with me, and he and I tried the

case. I think it was an all white jury, but we won the case. Oh gosh, that's about as much background as I can remember right now off the top of my head.

WA: Okay. Well, let's talk about when you had the grand jury on the Sixteenth Street case, there were a couple of other indictments handed down, one of J. B. Stoner for the Bethel Church bombing and then another racially motivated murder. I was wondering if you could talk a little bit about specifically going after them. I think that murder was from the late '50s, even.

BB: Sure. Okay, when we started investigation of the bombing of the Sixteenth Street Church, we started from square one. We didn't have any preconceived notion whatsoever. The first thing we did was to send for the state trooper files and asked for the Jefferson County Sheriff's files and the Birmingham Police files, and got them all, and started going through them.

The first suspects in the Sixteenth Street Church bombing were J. B. Stoner and his group. They were operating out of, I think, Marietta, Georgia, at the time we started investigating. Earlier they had been operating out of Savannah maybe. I think he was originally from Chattanooga, Tennessee, or Look Out Mountain.

As we developed the case we had a guy in Georgia who kept wanting to give us information on a Klansman and wanting to be paid, and he said Stoner had done the bombings. So Stoner was our first suspect, and we proceeded after him, looking at him, and that trailed on for quite a while, and finally concluded that although Stoner had done a lot of other bombings he didn't do this one. He didn't do the Sixteenth Street Baptist Church, but he had done a lot of others. He was mostly inept in his bombing. He was

pretty good at spreading hatred, but he, thank goodness, wasn't too accomplished a bomber.

We found several cases where we felt like we did have Stoner and he had bombed them, but most of them the statute of limitations has run out. If you have a death there is no statute of limitations. That's why we could get Chambliss, and why even recently in the last couple of years they could go back and get Blanton and Cherry because on a murder, not just a civil rights murder, any murder, in state court in Alabama there is no statute of limitations, and I think that's as it should be. I'm glad. But since Stoner, thank goodness, his bombings didn't result in any deaths it didn't look like we could do anything on any of his bombings. We think he was the one that left bombs at the synagogues here and some of the city council people's houses. So we had to just put it on the back burner, and we were continuing to really go after the one where the deaths, the little girls were killed, Sixteenth Street, and it just became obvious, like I said, he did a lot of others but not that one.

You've also got to bear in mind we weren't at that point in the investigation, we couldn't just devote our full time to this case. We had tons of other cases, not civil rights cases, just regular cases: corrupt sheriffs, corrupt clerks, judges, or cases we had to do for DA's that couldn't or wouldn't do the prosecution.. So we would do a little bit of work on this and then have to put it down and go do something else, and come back so it was not a case that you could just work on a regular schedule.

Sometime around that same time, or well not the same time, after we decided Stoner wasn't the one, we got a tip that the Klan in Montgomery had come up to Birmingham and done the Sixteenth Street bombing, so we went back and started

working that. I was lucky there. I had Jack Shaws, who was my chief investigator. He had retired as the chief of detectives, assistant chief of police for the Montgomery Police Department. When he was a young detective he had solved the bombings in Montgomery of Dr. King's house and his church, and made arrests, but the all white juries turned them loose even though they had confessions from them. Jack had brought with him to our office one of his other retired detectives that we'd hired named Tom Ward who was a terrific investigator.

Trying to check down our tips that the Montgomery Klan had bombed the Sixteenth Street Church in Birmingham, again it turned out they hadn't, but they uncovered that the Klan had killed a young kid named Willie Edwards who was driving a truck for Winn Dixie, so we followed that down and ended up getting an indictment. I think that came after. I don't think we got that indictment until after we indicted for the bombing though, but we came back to it and got an indictment eventually. In my opinion we solved the case. No question we solved the case, but we couldn't bring him to trial which was a tragedy. The judge threw it out because we couldn't prove at that time cause of death. Later the people on their death bed, some of them, confessed to it.

Eventually, though, the roads led to Chambliss and his group, Blanton and Cherry, and their group as we started working on that. By then we were several years into my term. As we started pursuing the Chambliss group it became rather obvious to us that they had been the suspects from the beginning of the FBI, and they had been looked at by the other investigating agencies, the state agencies that we had. Their names popped up from the beginning, but with the FBI they were the only suspects from the minutes almost after the bombing.

It got to a point where I knew that we were going to have to get access to the FBI records if we were going to have any success, and so I started trying to get the FBI's cooperation and was met with one story and tale after another. It is obvious now that it was just a delay, and shuffling, and they wouldn't say no, but they would give one put off after another over, and over, and over, and over again. I was patient a lot longer than I should have been.

The reason I was patient is I felt like that there was probably good reason for them to be suspicious of a deep South law enforcement agency because of the bad record they'd had in the past. I think the FBI is due a lot of credit for what they did to break the back of the Klan, and they're certainly deserving of a lot of credit, and J. Edgar Hoover is deserving of a lot. What they did to come in in the '50s and the '60s, particularly in the '60s, what they did I had nothing but admiration for it. Without them and their efforts there's no telling what additional atrocities the Klan would have done.

So I said, well, I'm standing there reluctant. I want to show them how they can trust me, and I spent a lot of time trying to show them how I had worked with the FBI as a young prosecutor, how I knew these agents that I felt like would vouch for me, how we certainly didn't have any connection with the Klan. That didn't get anywhere and months became years.

We kept trying to do our investigation as best we could, and that led us more and more on our own merits to Chambliss and his group, Blanton and Cherry, and the others, and we worked quite a bit. But all that did was make it more obvious that we were going to have to have access to the FBI's work to piece it together with ours.

Even when we'd get information on our own we needed to make sure that what our people were telling us was consistent with things they had said earlier. We wanted to make sure. Some of the people that were giving us information weren't exactly the most reliable people in the world, you know, so we needed to double check in addition to whatever the FBI had that we didn't know about. But, I didn't get anywhere with being patient. Didn't get anywhere with reason, and begging, and everything else.

Hoover died, and I thought maybe after he was gone that I might have better luck. Nothing changed. Then Nixon left office, and Pat Grey left office. I can't remember when Clarence Kelley came in, but anyway nothing changed with the FBI. No matter how many changes of administration we had they still wouldn't share anything with us.

One day, by then I'm probably in my second term, it's probably '75 maybe, even '76 perhaps, probably '75, early '76 I suspect. I was in Washington, and I had a good friend that was the *LA Times* bureau chief named Jack Nelson. Jack originally was from Alabama. When I would go to Washington I would try to get with Jack, and we'd go out to dinner or something. I'd go over to his house. He had been active in covering some of the civil rights bombings in Mississippi on behalf of the *Times*, *LA Times*.

So we went out one night, and he wanted to know if I was still working on the bombing case, and I said, "Yeah." I said, "I think we've reached an impasse," and I told him about the trouble. He knew I'd been working on it for years. I told him about the problem that we had, if we couldn't get the cooperation of the FBI that I didn't think we were going to be able to do anything, and said we just had to have it, and all the troubles and years I'd gone through trying to get it.

He said, "I think I can help you if you want me to." He said, "If you don't think it's meddling, I'll do what I can to help you. I know it's the right thing to do." I said, "Man, yeah, I wish you would." I said, "It can't hurt us. We can't get any less than what we're getting now. That's zero. It's not going to dry them up any." So he said, "All right. I'll see what I can do." So the next day he called me at the hotel. He said, "You know we plotted this thing of me helping you with the FBI, and we had had a lot to drink. Do you still want me to do that in the cold light of morning?" I said, "Yeah. Absolutely. No question. No downside here."

By then Gerald Ford is President, and I'm trying to remember who the Attorney General was. It was either Levi or Saxby, one or the other, but Nelson knew them from his work. That's a pretty high job in journalism being Washington Bureau Chief for *The LA Times*. Nelson goes up there to the Attorney General's office and bypasses the FBI. He says he's working on a big story, and it's not going to be just a story it's going to be a whole series of stuff, and that the FBI is covering up for the killers of the little girls and that they won't cooperate with Attorney General of Alabama who's got a legitimate investigation, has legitimate credentials to prove he's not connected with the Klan, and is on the verge of solving it, but the FBI is blocking it, and that he had gotten permission from his bosses at *The LA Times*—which I suspect he made up—that they were going to run it as a front page series for days if not weeks. They were going to bring the kids' parents, and grand parents, and families up, and we were going to have press conferences on the Justice Department's steps, and they were going to play it up and send it out on their wire service. So the Attorney General's PR guy said, "Oh, well give us some time.

Let us look into it." He said, "I'll give you a reasonable amount of time." About I think it would have been two weeks, they called Nelson back. Turn it off again.

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay. Let's see. All right.

BB: I think I was with Nelson.

WA: Um-hum.

BB: So they called him back and said that they were willing to cooperate.

WA: Great.

BB: And give us access to their files. I had just hired a friend of mine that had been sheriff for a while. No, had been in law enforcement in Huntsville and had come to work as an investigator maybe a year or so before. He hadn't been working on the bombing case. A guy named Bob Eddy. I called him and said, "Bob, we have been working on this bombing case for years, but it's been hits and misses, bits and pieces, false starts. We work on it and put it down. Now it looks like we're getting ready to get access to the FBI's files. I want you to stop what you're doing. I'm going to stop any assignments of any other work and you're full time on the bombing case. Go to Birmingham and get you a motel room for however long—.

END OF TAPE ONE, SIDE A

BEGINNING OF TAPE ONE, SIDE B

WA: Okay, I think you can go ahead.

BB: So Bob Eddy closed out his cases that he was working on, turned them over to other people. He came to Birmingham and established a relationship with the FBI office, got a motel room, and went to work full time on that. Then we really started

rolling. If it hadn't been for Eddy, well, if it hadn't been for Jack Nelson making the FBI finally cooperate we never would have been able to bring the prosecution, and if it hadn't been for Eddy coming up here and putting all the pieces together and fitting it in with what we already had, we wouldn't have made it work. So I'll always be grateful and indebted to Bob Eddy and Jack Nelson both.

Of course it turns out, and I only learned this the last couple of years when they tried Blanton and Cherry, that the FBI in spite of telling us they were cooperating still held out on us and didn't give us everything. It turns out they only gave us what they thought we had anyway.

WA: Really?

BB: Yeah. If Eddy would ask for something, for something we already had, they'd let him have what they had on that aspect of it, but the stuff that he didn't know to ask about they wouldn't volunteer. We didn't realize that. It turns out I think we could have convicted Blanton for sure back when we convicted Chambliss and maybe Cherry also, although Cherry would be a little bit more iffy because a lot of stuff that they convicted Cherry on came out of his own mouth after the fact, bragging about what he had done.

WA: Right.

BB: But Blanton I think for sure we could have convicted back when we did Chambliss.

WA: So you didn't have access to any of the tapes that they used or didn't know anything about him?

BB: No. No. Well, we knew a lot about him. He was our main suspect.

WA: Oh, okay.

BB: Oh yeah. We knew it was his car. We knew he was driving the car.

WA: Oh, okay.

BB: But like the ID we had. We had a positive ID of Chambliss, and a positive ID of Blanton's car, but not a positive ID of Blanton. Things like that--there was no question. In fact our suspects were Blanton, Cherry, and Chambliss, and then some other people that helped. There was one other one with them.

I vented at the FBI about this and got it out of my system kind of. And I don't blame the ones now. They weren't there. They weren't the ones doing it even though the ones now, it hurts their feelings to be criticized. But the FBI office of today is not the one of the '60s and '70s, and even saying that, the average agent wasn't at fault. Had it not been for the FBI there wouldn't have been anything. I shudder to think what would have happened in the South with racial hate crimes back then. That doesn't mean that I think they're all bad. They did a lot of good there. We ended up deciding just to indict Chambliss.

WA: Okay.

BB: For several reasons, and that was my call. Our evidence on Chambliss was stronger than on the others, and Chambliss also was the ring leader. He was the one that really made it happen. All the others were haters, and all of them were violent, bad people but they were followers. If you'd have removed Chambliss from the scene back then and had all the others here, you wouldn't have had very many bombings. So we felt like not only getting the ring leader, but if we got him, he was the one they thought was the toughest and it might be easier to come back and get some of the others, people to talk

on the others, if we got Chambliss. Then the bad side was, since we had a stronger case against Chambliss, if we went ahead and indicted all of them Chambliss was older and not in that good of health. We thought they could come in and get a severance. Back then they were entitled to severances pretty well, which means you get a separate trial.

WA: Oh.

BB: And claim that Chambliss' health prevented him from going on trial, and make us go to trial with one of the ones that we didn't have as good of evidence on. Then if we got a not guilty that would have knocked it in the head forever. Nobody could have ever done anything. So I said, "We'll just go with Chambliss and then come back and try to get the others.

But then one other thing I wanted to be sure I came back to. I mentioned J. B. Stone had been our first suspect and done a lot of bombings, but just not the Sixteenth Street Church bombing, and that the statute of limitations had run. But we found, and I can't remember who in my office found this. I think it might have been John Young who was one of my assistant attorneys general. Somebody said, "You know, that church, Shuttlesworth Church, is just right up inches away from houses." It's not like a church with a big parking lot around it and up on a hill by itself. Those houses were occupied. People lived in them, and under the Alabama law there is no statute of limitations for setting off explosives dangerously near an occupied dwelling. So I said, "You know, that's worth a try."

So what we indicted Chambliss for—I'm sorry—what we indicted Stoner for—we could prove that case—was not setting off the bomb at the church because the statute of limitations had run on that. Nobody got hurt. Nobody got killed. We couldn't prosecute

it, so we indicted him for setting off explosives dangerously near an occupied dwelling house. He technically was convicted—not technically—he was convicted, not of bombing the church, but of setting it off close to those houses that were right up there next to the church. That's the way we got around the statute of limitations on Stoner.

[BOTH BB AND WA ARE CHUCKLING.]

BB: Let's see. I don't know how much you want to get into the trial of Chambliss.

WA: Yeah, let's.

BB: His lawyers were Art Hanes and his son Art Junior. They're great lawyers and great people. I really like and have a lot of respect for the Haneses. They're honorable people, and they represented their clients well, and they tried the case well. It was a hard fought, tough trial. We had a jury, I think there were nine whites and three blacks, or ten whites and two blacks. Thank goodness they did the right thing and found Chambliss guilty.

I can still think back to a lot of emotions I had. I'm just thankful I was able to play a part in some long overdue justice. Chambliss was the main ring leader of that bombing that took those little innocent children's lives, and as well injured Birmingham and Alabama in a way that we're still recovering from. Of course, we were doing a lot of other injuries to ourselves back in those days then without that, but I'm just glad I was able to be a part of finally bringing that first part of it to trial, and I'm glad that somebody like Doug Jones—Doug Jones was a young law student at the time of the Chambliss trial. He came down and watched some of our trial. I think he watched my final argument.

That somehow inspired him where years later when Doug was U. S. Attorney he reopened the case and came back and got Blanton and then Cherry.

It was kind of funny about how he was able to do that. It showed pretty good cooperation. It came out that he had reopened the case as U. S. Attorney, and I called him. Doug's a great courtroom lawyer, a terrific courtroom lawyer. I know Doug well and tried a lot of cases with him and against him. He called me to tell me what he was doing. I saw it in the paper. I might have called him or he called me. I can't remember.

I said, "Doug, how in the world are you going to be able to do anything? The federal statute ran years ago. There's nothing in the world you can do if they come out and confess on the street." He said, "Well, I know that." He said, "There's nothing about the statute of limitations that says that a grand jury can't investigate something, and after we finish with our investigations, then we'll see if we can make state prosecution and let the state prosecute." Which is what happened.

Then the Attorney General, to Bill Pryor's credit, appointed Doug a Special Assistant Attorney General, and Doug came down and tried the case not as a U.S. Attorney, but as a Special Assistant Attorney General of the State of Alabama. David Barber, the DA here, cooperated like the DA had done with me. That's an interesting sidelight, especially for people who are students of the law. But that was another thing that triggers memories.

Back when I was trying to be patient with the FBI and trying to explain to them the logic of where they ought to cooperate and share, I would tell them, "You know, I understand. You're talking to a guy that's an investigator and a prosecutor himself. I understand you can't let somebody come in and mess up a case of yours by sharing your

stuff, but you have no case. The federal statute has run so you cannot have a case for anybody to mess up. It's impossible for the Feds to do anything. If these people were to run out and say, 'I did it, yeah, yeah, yeah,' there's nothing that you could do federally to them. The statute of limitations had passed." That was another thing that I couldn't understand and still don't. I know the reasons they gave never were logical and still aren't.

WA: So why did the FBI close the case?

BB: Well, they had to. The statute of limitations ran on them.

WA: It sounds like maybe they had enough evidence?

BB: Well, that is a matter that I can take their side on. Yes, they had enough evidence. They had more evidence than what I had to convict Chambliss, but, and this is a big but—I mentioned early on when I was talking about Jack Shaws, my chief investigator, saw Martin Luther King's house and church bombing in Montgomery and got confessions, and juries turned them loose even with confessions. But back in those days when the federal statute ran out in the '60s you only had white men on juries in most of Alabama, no females anywhere, and in most counties no blacks. That was true not only in Alabama but in Mississippi and other parts of the deep South, so when you would find a few courageous prosecutors that would work up a case, and a few courageous law enforcement officers that would make them, they would invariably go before an all white, all male jury, and no matter what the evidence they had, they'd turn them loose.

I think that that was Hoover's fear, that he felt like that even with the good evidence they had it still wasn't iron clad. People like to be critical about Hoover about everything. I can take his side on that issue. I can see where he would say, "We ought

not to run the risk of acquittal," with the way juries were doing. But I can't take their side in not later sharing that with me where I could have a chance, or we could have a chance, to bring the people that they knew were guilty, and they knew were their suspects, to help us prosecute it, especially to act like and make us think that they were helping. And in a way I reckon they were. They just weren't doing it. I told them later, "The problem is my definition and your definition of cooperation is not the same thing."

WA: So things had changed by '77, or even by '71? You started the investigation again, what, '71?

BB: Seventy-one. January of '71.

WA: So you knew things had changed enough by then that you could get a conviction?

BB: Well, you never know that for sure. You know though that you've got a reasonable chance if you have the right kind of evidence and present it right. It's still an uphill battle, and it was made more uphill because of the length of time that it had gone on.

If you take race out of it, it would be difficult to get a jury sometimes to go back and on an old case like that, with no racial factors, no civil rights factors, the defense has got a built in argument about memories fade, and blah, blah, blah, blah, blah. So it wasn't any iron clad cinch we could get a conviction, and it certainly wasn't for Doug Jones either in his two recent prosecutions of Blanton and Cherry. But three times juries in the state of Alabama did the right thing. It's a source of, I suppose you'd say, pride in my state, pride that they finally did.

WA: Let's talk a little bit about the witnesses at the trial. What were sort of the key moments, or the key witnesses?

BB: Well, there were three or four in Chambliss. There were also three or four that might have been that wouldn't testify. I think probably the first one you've got to start with was a lady from Detroit named Miss Kirthus Glenn.

She had been in Birmingham the night of the bombing, and was staying in a house right behind the church, and saw the bomb being planted, and saw the car, and identified the people. The next day she told the FBI and the Birmingham Police, told them what she had seen, picked out the car and when they showed her a bunch of pictures she picked Chambliss out. She said the dome light—he was the only one she could identify. She identified the car, Blanton's to a T, and Chambliss, picked him out to a T. But she went back to Detroit and didn't want to ever come back to Alabama after that bombing right near her.

So when we found her, and this was before the FBI, we found her name from the Birmingham Police files. I sent investigators to Detroit. We found her, and Jack Shaws and I can't remember who else, went up there and talked to her. She was very gracious to them, let them come in her room, told them everything, and remembered everything clearly, but she refused to come back and agree to testify. When they came back and told me that I said, "Well, the witness isn't going to be any good if she won't come back." Now you can make witnesses come back across state lines. You couldn't back then in state court. So I said, "You all just haven't tried. Make sure you tell her things are different now. We'll protect her."

She was afraid to come back. I thought they just hadn't done it properly, so I sent them back up there. And they came back a second time and said they couldn't make any headway with her. I said, "You all are just—." I didn't say incompetent. If I did it was in a laughing way. I said, "I'll go up there with you."

So I got one of the black assistant attorneys general, Milton Belcher—Governor Wallace had let us use the state plane to fly all over on this case. So we flew back, I think this was the third time, and I said, "You all just watch me. I'll show you how it's done." I still couldn't get it done. She wouldn't do it. She was just terrified.

But we noticed, Shaws had told me this, that he'd noticed it before. She had out a little book, a *Jet Magazine* from the '50s that had a picture of Rosa Parks when the Montgomery bus boycott started. Of course, Rosa Parks lived down the street from her in Detroit at that time, and apparently was one of her heroines. So I picked up that magazine and thumbed through the story on Rosa Parks. Shaws had told me what was in there. There was a picture of Fred Grey, a young lawyer who was Dr. King's lawyer.

Now Fred and I had become really good friends. Early in this interview, if you might remember, I was telling he and I defended Sheriff Amerson together, okay? Fred by then was in the Alabama legislature, and we were good friends and still are. Like I say, he's president of the Bar Association right now, state bar. So I asked Fred would he take off and fly up there for a fourth time. I said, "If Martin Luther King's lawyer comes up here and promises you that everything is okay and you'll be safe, will you believe him?" And she says, "Well, yeah, I'd be hard pressed not to believe him." And so we flew back, and Fred flew up there with us, and sure enough, when she got convinced that Fred was the same one whose picture was in her *Jet Magazine* and was Martin Luther

King's lawyer, she agreed that she'd come back and testify. Can you turn it off just a minute?

WA: Yeah, sure.

[TAPE IS TURNED OFF AND THEN BACK ON.]

BB: Let me finish the highlights of these witnesses.

WA: Okay.

BB: You ready?

WA: Go ahead.

BB: I'm running out of time so we can schedule another session sometime.

WA: Okay.

BB: Let me skip. The best witness though was Chambliss' niece, Elizabeth Cobbs. Now Bob Eddy was the one that figured out who Elizabeth Cobbs was.

WA: Okay.

BB: So he went to her and her aunt because they wouldn't agree to testify for a while. They brought me up here. Eddy really spent a lot of time with them and got the trust of them. I came up and talked to them and decided she'd be a terrific witness. Finally Eddy got her to agree to testify. Chambliss didn't ever know. Chambliss' wife and her sister who's Elizabeth Cobbs aunt, and Elizabeth Cobbs had been giving information to the FBI all during the years. Chambliss' wife had been passing it on. It's amazing.

We had the same thing in Montgomery in the Willie Edwards case. The wife of the one of the guilty people wouldn't agree to testify. Some of these white women who were wives of these Klansman just couldn't go along with their husband's behavior and

were very, very brave. But you still had to protect some of them and couldn't let them be witnesses.

It turns out that they had hidden microphones in Chambliss' house for the FBI and other things. But Elizabeth Cobbs was the difference, I think, in winning and losing the case. That was to me the most dramatic moment in the trial when she came in, when she testified. You could look over at Chambliss and you could tell. He was looking with hatred. You could tell. He looked like he'd been hit with a severe blow when she walked in that courtroom. I think without her testimony we wouldn't have won. Of course you've got a lot of other things, but that's the one that I would rate above all others as being the difference. It was a very brave thing for her to do. She was a very troubled person later. Had some kind of supposed sex change operation and passed away. But she and her aunt did what was right at the time of the bombings, and did what was right at the time of the trial, and Chambliss' wife did too.

In fact, I'll close by telling a story that Art Hanes Junior told me, fairly recently, two or three years ago. Art told me that after the—now you've got to understand. Let me backtrack. Apparently a lot of these Klansmen were also, Cherry particularly, I think Blanton also, but I know Cherry was, were abusers. They were viscous people. They mistreated their families, mistreated their wives, mistreated women in general. They were bullies of the worst kind. Art Junior told me that after the guilty verdict came down, of course they carried Chambliss away in handcuffs. He'd been out on bond, but they carried him to jail.

So Art said that his dad assigned him the job of going to tell Mrs. Chambliss. Of course they didn't know that she had been cooperating and stuff like that. So Art says he

gets over to the house and the curtains were all drawn, and even on the door the curtains were drawn. No lights on even though it's in the early afternoon around noon. He said he knocks on the door, and finally this lady say, "Who is it?" He says, "Art Hanes Junior. Can I come in Mrs. Chambliss?" She says, "Yes, come in." Art says he went in and he said the room was so dark and so musty, and they've got curtains and blinds keeping the light out, and she's laying over there on the couch. He thinks, "Oh, as bad as she feels it's going to be even a lot more awful when I tell her what happened." He said, "Mrs. Chambliss, I'm sorry to tell you that I've got to come tell you that the jury found Bob guilty," or Robert guilty. Whatever they called him. He said, "They convicted him of murder." She said, "What's going to happen to him?" He said, "Well, he's going to go to prison." She said, "Well, is he coming home?" He said, "No, they took him to jail." She said, "Well, when will he be coming home?" He said, "I'm afraid he won't be Mrs. Chambliss. They'll carry him off to the penitentiary. We'll appeal it, but that will take years. He'll be in jail for all that time. If we lose the appeal I doubt at his age he'll ever come home." She said, "You mean he's in jail now and he probably won't ever come home?" He said, "That's right." Art said he was afraid she might be going to have a stroke or something like that. She said, "You sure he's not going to come home?" He said, "I'm afraid so Mrs. Chambliss." He said she jumped up and took that cloth off her forehead and started saying, "Hallelujah! Hallelujah! Hallelujah!" and started letting the curtains up and letting the sun in. Saying, "Oh happy day! Hallelujah!" and dancing around. So that's how I'm going to close my interview.

[BOTH ARE LAUGHING.]

WA: That's great.

END OF TAPE 1, SIDE B

END OF INTERVIEW.