

UNKNOWN MARTYR: THE MURDER OF WILLIE EDWARDS, JR.,
AND CIVIL RIGHTS VIOLENCE IN MONTGOMERY, ALABAMA

by

PAIGE EUGENIA YOUNG

(Under the Direction of Robert Pratt)

ABSTRACT

This thesis will examine the virtually forgotten murder of Willie Edwards, Jr. At the beginning of 1957, Montgomery remained a testing ground where racial struggles were still being played out after the successful bus boycott. Of all the violent acts following the boycott—including physical confrontations on city streets, gun shots fired at integrated buses, and the bombing of black churches and homes—only this one resulted in death. This work will examine the circumstances surrounding this murder as well as how the subsequent investigations and legal efforts unraveled throughout forty-five years.

INDEX WORDS: Civil rights, Willie Edwards, Montgomery, Alabama

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PAIGE EUGENIA YOUNG

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PAIGE EUGENIA YOUNG

Major Professor: Robert Pratt

Committee: William Stueck
James Cobb

Electronic Version Approved:

Maureen Grasso
Dean of the Graduate School
The University of Georgia
August 2003

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CHAPTER 1

PROLOGUE

As the large delivery truck rambled along the desolate road in the northern region of Montgomery County, Alabama, its radiant headlights sliced through the night to reflect the frost forming gently on the long blades of grass growing beside the shoulder of the narrow two-lane highway. The driver of the rig, Willie Edwards, Jr., a limber, hard-working twenty-four-year-old black man, downshifted the gears as he gradually eased the vehicle to a halt in the parking lot of the A & H grocery store on Lower Wetumpka Road. Truck drivers employed by Winn-Dixie frequently purchased sodas from this store and fraternized with the local clientele, but the hour was late and the store was unoccupied.¹ The monotonous, vibratory drone of the idling truck ceased as Edwards turned but did not remove the silver key, cutting the ignition. He switched on the overhead light in his cab so he could quickly make notations in his logbook before returning to the Winn-Dixie warehouse on Jackson Ferry Road.

Earlier in the day, after Edwards had already completed his customary shift and returned home, his employer telephoned, asking him to make an additional delivery run to Sylacauga—a town located in Talladega County approximately sixty miles north of Montgomery—because the regular driver had called in sick. Although drained from his normal workday, Edwards accepted the assignment for the supplementary money it would bring his family. He prided himself on his ability to provide for his wife and two young daughters as well as the two sisters who lived with him after their mother died. He

grabbed his jacket and walked to the front door with his wife, seven months pregnant. “Take good care of my son for me,” Willie instructed her as he touched her stomach. Laughing as she grasped his hand, Sarah Jean inquired, “How do you know it’s a boy?” He smiled at her and cocked his head in a flirtatious nature, “I just know. Don’t worry, I know the route, and I will be back sometime later tonight.”² Unbeknownst to him, Edwards kissed his wife for the final time and departed from their house on Rice Street in the west side of the city.

Although no one has divulged a complete account of what transpired during the final hours of Edwards life, what follows is an interpretative extrapolation based predominantly on a confession given nineteen years later by former Klansman Raymond C. Britt, Jr.³ Several hours after Edwards left the Jackson Ferry Road warehouse and while he unloaded the groceries in Sylacauga, four Ku Klux Klan members—Raymond Britt, William “Sonny” Kyle Livingston, James D. York, and Henry Alexander—met across town in Chisholm, a northeastern section of the city, at the house of Henry Alexander, a cantankerous man known throughout the community for his racist rhetoric. A wide gap existed in the ages of the men who gathered that night: Britt and Alexander were both in their late twenties, York was the eldest member of the group at fifty-two, and Livingston was only nineteen—a fact he would later use to argue that he was never a member of the Klan. Trying to dissociate himself years later from the racist organization, Livingston explained that even if he had wanted to join the Ku Klux Klan, it would not have permitted him to do so because of his youth. Despite the disparity in their ages, all of the men were local laborers who convened that night for the purpose of executing an order given by one of the leaders of the Montgomery Klan klavern. The assignment

involved “taking care of” a black Winn-Dixie truck driver who allegedly made inappropriate comments to a white waitress. Rumors of the incident had circulated among Klansmen who perceived violations of such racial customs as unpardonable threats to white supremacy. According to the rumors, this driver typically made deliveries along the Sylacauga route, the assignment Edwards inherited when he agreed to complete the additional run. Armed with several pistols and a rifle, the Klansmen left Alexander’s house later that night and drove along the Lower Wetumpka Road—the path traversed by northbound Winn-Dixie trucks—searching for the offending black man. They patrolled the road for about an hour before finding Edwards’ parked vehicle.

As Edwards attended to his logbook, the Klansmen, with Alexander at the wheel, drove past the truck and noticed the Winn-Dixie logo painted on the side. Kicking up a small cloud of dust from the shoulder of the road, Alexander turned the car around and pulled in front of Edwards’ rig, slowly creeping closer to ascertain a better look at the driver. The light in the truck cab enabled Alexander to see the dark complexion of the man behind the wheel, and he informed the others that they had found the correct driver. Livingston, the lanky teenager whose confrontational nature gave him the demeanor of someone quite older, and Britt, a well-built man, bounded out of the vehicle, drawing their guns and rapidly approached Edwards.

Yanking the door open, Livingston grabbed Edwards by his jacket collar and wrenched him from the seat; Edwards’ boots banged loudly against the side rail of the truck as he stumbled from the rig. Livingston clenched his hand around the back of Edwards’ neck and positioned his gun next to the driver’s temple. As Livingston marched Edwards toward the four-door car, York stepped out of the back seat, leaving

the door ajar. Livingston then shoved Edwards into the back seat of the vehicle. The three men who had vacated the car returned, and Edwards sat trembling between two armed white men.

As they navigated the poorly lit roads, the Klansmen began their interrogation of Edwards, accusing him of offending the white waitress. “What did you say to that white woman, you nigger?” Britt probed in a steely voice. “You better fucking tell us what you said, boy,” another threatened. Edwards denied their allegations every time, a defense that proved futile and only seemed to infuriate them more. “For the last time,” York leaned in, lowering his voice, “you had better admit to what you said.” Swallowing hard before he answered, Edwards whispered, barely able to articulate the words, “I didn’t do anything. I don’t even know what you’re talking about.” With that, Britt drew his hand back and slapped Edwards across his cheek, delivering a stinging blow that knocked Edwards’ face to the side. York accompanied this hit with one of his own that landed just above Edwards’ eye.

Alexander stopped the car along the side of the road and one of the men got out to relieve himself. Livingston looked over his shoulder from the passenger’s seat and instructed Edwards, “Get out of the car.” As Edwards began to step from the vehicle, Livingston forcibly removed him and shoved him against the cold metal of the automobile. He brought his gun to Edwards’ eye level, holding it inches from his face. Livingston leaned in closer to Edwards and in a low threatening voice told him, “I ought to cut your nuts out for harassing that woman.” In a sadistic gesture, Livingston half smiled at Edwards, reveling in the fear he inflicted. He then grabbed the defenseless

black man by the shirt, ripping away several buttons as he forced Edwards back into the car.

“I swear to you, nigger, if you don’t tell us what we want to know, we’ll beat the hell out of you,” Alexander threatened in a husky voice as he reached for the shiny pistol he had placed in the console. After waiving the gun in the air and making several more intimidating gestures, Alexander started the engine, and began driving again. Edwards began breathing heavily and sweating profusely. The Klansmen continued to vituperate Edwards unmercifully and each took his turn striking him. “Tell us what you told her or else,” Britt tersely threatened as he once again delivered a punch to the driver’s face. Edwards began to sob as a tear slowly glided down his cheek, mixing with the bright red blood that ran down from his nose, lining his upper lip and mixing with his faint mustache. Fighting back more tears, he begged them, “Please don’t hurt me...I swear I did not do anything.” Unaffected by his plea, the men told Edwards, “We’re going to throw you in the river, nigger, if you don’t ’fess up.”

They finally drove him to the Tyler Goodwyn Bridge just north of the Montgomery city limits. Located on state highway 143, the narrow two-lane bridge connected Montgomery and Elmore County, and motorists frequently used it as the access route between the two. Alexander stopped the vehicle in the middle of the old bridge. York opened the backseat door and pulled Edwards out with him; the three other men brought their weapons with them as they stepped from the vehicle.

Both Livingston and York restrained Edwards’ arms as Livingston snarled at him, “You had your chance to talk.” Grinning, Alexander walked directly up to Edwards and told him, “This is going to be fun. You’re going to go for a little swim.” In a bold and

sudden movement, Edwards violently thrashed his shoulders from side to side, trying to free himself from the grasp of Livingston and York, but to no avail. Livingston then forced him at gunpoint to step over the guardrail and move onto the bridge's ledge. Clenching the cold steel of one of the support columns, Edwards slowly lowered his head to look below at the swift current of the Alabama River. A plethora of thoughts must have raced through his mind: he knew he could swim and swim well; perhaps he could survive the jump. Surely this was more plausible than moving back onto the bridge and fighting for his life. Four to one was never a fair fight; besides, they had guns, he did not. "Hit the water," Livingston commanded as he grew impatient with Edwards. With that, Edwards plummeted forty feet into the frigid waters of the Alabama River, screaming the entire way down. His body slapped the four-feet-deep water, breaking the pattern of the river's current, before it disappeared out of the sight of his abductors.

Having accomplished their objective, the Klansmen left the scene, joking about how they made the black Winn-Dixie truck driver go for a swim. They returned to the home of Henry Alexander, where he told his wife, Edna, "We made that nigger driver go for a swim." Confused, she inquired, "What do you mean; what are you talking about?" Alexander smiled and told her, "Don't worry, you'll read about it in the paper."⁴

Several hours later, at approximately two in the morning, the Winn-Dixie truck dispatcher, John Foster, noticed that Edwards had not returned to the Jackson Ferry Road warehouse. Accordingly, he sent out another driver to retrace the route and investigate the situation. This driver found Edwards' truck with the keys still in the ignition, the lights on, and the logbook on the passenger's seat. The young driver was nowhere to be found.

Three months elapsed before two fishermen found Edwards' decomposed body tangled in some branches in the river in adjacent Lowndes County.

The virtually forgotten murder of Willie Edwards, Jr., in January 1957 represented in many respects one of the most egregious killings of the entire civil rights movement. Edwards never made the alleged inappropriate statements to the white woman; in fact, he regularly went to great lengths to avoid potentially troublesome encounters with whites. The night he died was the first time he had ever driven the route to Sylacauga. Moreover, the Klan did not target him for his civil rights activity: Edwards never marched in a protest, nor did he openly support the Montgomery bus boycott that had recently disrupted the city and had been resolved in favor of civil rights organizers only weeks before. What got him killed that night was simply the color of his skin during an era of formidable racial tensions, and being in the wrong place at the wrong time.

Unlike so many other murders during the civil rights struggle, no major public outcry followed Edwards' death. His disappearance and the recovery of his body failed to garner the attention of news sources outside Montgomery, and only two articles appeared in the local newspaper. No papers or magazines published snapshots of Edwards' badly decomposed body as *Jet* magazine had done with Emmett Till's mutilated corpse, a bullet wound showing prominently in his skull and one eye missing from his mangled face.⁵ Although Edwards' family and neighbors suspected the Klan's involvement, this was not confirmed until Britt confessed nearly two decades later in 1976. Immediately after Edwards' death, no overwhelming evidence presented itself that suggested the Klan's culpability. Consequently, civil rights activists did not have any

substantive information they could use to cajole local authorities into conducting an intensive investigation or to compel the FBI to become involved as it did in several other civil rights murder cases.

Willie Edwards' murder can only be understood when examined within the context of one of the most violent eras in Montgomery's history. Although Klan terrorism on the heels of the bus boycott has received generous attention, the brutality of Edwards' murder has slipped through the historical cracks. Following the court order to desegregate public buses in 1956, white supremacists promulgated their intentions to prevent integration. City officials publicly denounced the decision and vowed to continue promoting a separation of the races. Racial violence engulfed the city in the weeks following the successful boycott and escalated at an alarming pace.

Approximately two weeks before they brutally murdered Edwards, the same men Britt identified in his confession also bombed four black churches and the homes of two activist pastors. These Klansmen embodied, admittedly in extreme form, the racist sentiments shared by obstreperous white communities throughout the South. Witnessing breaches of racial customs and challenges posed to the status quo, many white southerners responded by tenaciously defending their entrenched way of life.

Finally, the legal progressions of this case—which span forty-five years—offer a unique lens for viewing broader changes in the racial attitudes of white southerners. The considerable efforts put forth by attorneys to prosecute this case and the subsequent public reaction provides a barometer for gauging the progress of southern race relations. The commendable work of civil rights protesters throughout the 1950s and 1960s contributed to an atmosphere conducive to state officials reopening and investigating past

racially-motivated crimes. In the seventies, Alabama Attorney General Bill Baxley began investigating several unsolved cases from the civil rights era, including the Edwards murder. Even though Baxley secured a confession from Britt and obtained indictments against three suspects, the perpetrators of this heinous crime managed to evade prosecution. Furthermore, a portion of Alabama's electorate demonstrated their limited tolerance of Baxley's crusade to resurrect a racially-haunted past, and the former attorney general would experience the wrath of these political ramifications during his subsequent campaign for governor.

During the late nineties, Montgomery County District Attorney Ellen Brooks reopened the Edwards case and presented new evidence to a county grand jury. Although she did not have to fear political repercussions to the extent of her predecessors, by this time most of the suspects who were prosecutable had died, and the grand jury failed to indict anyone. In recent years, Edwards' surviving family members have wistfully watched other civil rights murder cases reopened and prosecuted, usually with a jury convicting the perpetrators. Unfortunately, as a result of lingering racial prejudices, legal technicalities, and the passage of time, this family has not witnessed and most likely will never witness Edwards' killers even put on trial.

With his untimely death, Willie Edwards, Jr., joined the ranks of the unknown martyrs in the struggle for equal rights. His story is representative of numerous other blacks who did not participate in the civil rights movement and were simply caught in the wrong place at the wrong time. These men and women did not choose to sacrifice their lives for the cause; a violent time in this nation's history selected them.

CHAPTER 2

MONTGOMERY: A TORRENT OF RACIAL TENSIONS

Throughout its history, observers have characterized Montgomery in many respects as a quintessential southern city. Situated in the southeastern quadrant of Alabama, this municipality has embodied a bastion of white supremacy. The city where the arrest of a tired black seamstress triggered the first major organized campaign of the modern civil rights movement, where a twenty-six-year-old black pastor rose to national prominence, and where Willie Edwards, Jr., lost his life was the same city where almost one hundred years earlier Jefferson Davis directed southern troops from the first White House of the Confederacy. Although the aesthetics of the city certainly changed throughout that time, much of the racial prejudice that coursed through the veins of Montgomery's white communities remained.

Founded in 1819 and selected as the state capital in 1847, Montgomery assumed a vital position in the region's economy. Located in the heart of the black belt along the Alabama River, the city emerged during the antebellum period as a center for cotton production and slave markets. Sprawling plantations—owned by aristocratic families and equipped with black slaves—occupied the surrounding countryside. In February 1861, delegates representing six southern states met in Montgomery to create the Confederate Constitution; during this convention, they designated the city as the first capital of the Confederacy. Union victory and the end of slavery four years later eventually compelled Montgomery and much of the South to diversify its economy and

rely more on developing industries. As this industrial transformation took shape throughout the first half of the twentieth century, thousands of blacks relocated from surrounding rural areas, slowly altering the racial makeup of the city. When Montgomery's black population began to exert political influence and agitate for change in the 1950s, a volatile and racially-charged climate emerged, rocking the former cradle of the Confederacy.

Lured by its emergence as a major marketing center with growing industries, many blacks living in rural sections of Alabama relocated to the capital city during the 1940s and 1950s—although Montgomery's expansion paled in comparison to the industrialization of Birmingham, a city located one hundred miles to the north and frequently referred to as the "Pittsburgh of the South." In fact, many of Montgomery's influential businessmen desired greater industrialization and articulated their demands to the local government. The city's prominence as a marketing center for agricultural products, lumber, fertilizer, and livestock attracted many rural whites to the area as well. Although the city's black population doubled between 1920 and 1950, its proportion declined during the same period from 45 to 40 percent of the total population. During the single decade of the 1940s, Montgomery's white population increased by roughly 50 percent, twice the rate of the black population. Pursuing opportunities that existed outside of the South, many blacks emigrated to northern cities. By 1955, approximately 110,000 people lived in Montgomery, 63 percent white and 37 percent black.¹

A substantial proportion of the city's black and white residents worked at Montgomery's two Air Force bases, Maxwell and Gunter Fields. The federal money funneled through the two bases had helped revitalize the region's economy which had

struggled since the Civil War. In 1955, for example, these two military installations pumped fifty-eight million dollars into Montgomery's business economy. In the same year, one in every fourteen employed residents worked at one of the bases, and approximately one in every seven families in Montgomery had an association with the Air Force. In the years prior to the bus boycott, many blacks also worked as domestic servants. Sixty-three percent of Montgomery's employed black women made their living by working in the homes of whites. Although many blacks had steady employment, a drastic gap in median incomes existed between the races. In 1950, the median income for the city's blacks was \$970; for whites it was \$1,730.² This economic deprivation was due largely to a systematic exclusion of black influence in the political, legal, and educational realms of society.

Following World War II, Montgomery's black population slowly made headway, as it began to crack the solidified white political structure that had been in place for over a century. The state Democratic primary of 1946 represented the first election in which blacks could legally cast their ballots. The all-white primary had prevented blacks from voting in prior elections, an oppressive restriction utilized by many states until the Supreme Court ruled Texas' whites-only primary unconstitutional in the *Smith v. Allwright* decision of 1944. Despite considerable efforts put forth by the Alabama legislature to prevent black voter registration, blacks managed to register in small numbers. By 1950, Montgomery contained 813 black registered voters, representing 3.7 percent of the total people registered in the city. By 1955, the number had increased to 1,678 black voters of the city's 22,210, or 7.55 percent. In the whole county, only about 1,800 blacks were registered to vote. Although substantially low in numbers, the black

constituency became a significant portion of the electorate in certain areas. In fact, in 1953 black voters helped secure Dave Birmingham's narrow victory for city police commissioner. After the election, black community leaders experienced unprecedented access to city government as they began vocalizing their demands to Birmingham. The newly inaugurated commissioner responded by hiring several black police officers to counter a highly prejudiced all-white police force. Birmingham's action was supported not only by the city's black population, but also by white liberals and business progressives.³

Although blacks also achieved moderate gains through improvements in the city's education, healthcare, and housing, Montgomery remained a segregated entity in most respects. This demonstrable fact reared its abhorrent head every day on the city's public buses, where black patrons routinely encountered legalized discrimination and persistent disrespect from white bus drivers and passengers. Montgomery had adopted strict ordinances governing the public bus system, tougher than those in other southern cities. As was customary in other locations throughout the South, blacks sat in the rear of the bus, while whites occupied the front in a section reserved exclusively for them. In this city, however, bus drivers reserved the right to institute a "floating" demarcation line between the races in order to prevent a black person's legs from coming in close proximity to those of a white person, especially a white woman. At his discretion, the bus driver could order blacks to vacate an entire row of seats in order to make room for one white patron. Practically, this meant that when whites boarded a crowded bus, the black passengers sitting closest to the front had to vacate their seats and were often left standing in the aisle. The bus company line also required blacks to pay their fares at the

front of the bus and then exit and reboard through the rear door instead of walking directly to their seats in the back.⁴

The city was ripe for protest, and the arrest of seamstress Rosa Parks on December 1, 1955, ignited an already explosive situation. Fed up with perpetual disrespect, many black bus patrons welcomed the proposed boycott as an opportunity to collectively combat the oppression. Under the leadership of Martin Luther King, Jr. and the Montgomery Improvement Association, the boycott united the black community where other issues had failed to do so. Perhaps most importantly, this organized protest provided Montgomery blacks with economic leverage against city officials and white bus line owners who felt the pecuniary impact almost immediately. The company lost money every day and, after only a few weeks, bus owners informed the city that they faced impending bankruptcy. After three months of empty buses rattling through the city like a ghost procession, the bus company line discharged approximately thirty-five drivers and housed roughly seventy buses in storage.⁵ Furthermore, with the decrease in shopping by black customers, downtown store owners experienced financial losses, especially during the weeks surrounding the Christmas holiday.

Unsuccessful negotiation sessions between MIA representatives and a committee of prominent city officials marked the initial month of the boycott, with both sides growing progressively frustrated. Demands put forth by the Montgomery Improvement Association included greater courtesy on the part of bus drivers, the hiring of black drivers for buses operating in predominantly black neighborhoods, and the elimination of the special designation of seats for whites only. Attempting to make their suggestions sound as innocuous as possible, boycott leaders pointed out that with their proposal

segregation would be maintained, with black passengers seating themselves from the back of the bus forward and with whites sitting in the front. City officials immediately articulated their opposition to these conditions and deemed the proposed seating plan illegal. They suggested that without a demarcation line to partition off a section solely for whites, this plan could result in passengers of the same race sitting together in the middle sections of buses. As each week of the boycott unfolded, the two sides became more entrenched in defending their point of view. The black community remained off the buses, and public officials began openly espousing their segregationist standpoint.

On January 6, 1956, approximately 1,200 people crowded into the Montgomery City Auditorium to attend a White Citizens Council rally. The Citizens Council movement had spread to Montgomery from the nearby black belt counties in October 1955 when state Representative Sam Engelhardt stepped forward to lead the Montgomery organization. The council movement in Alabama had developed in the black belt counties in late 1954 in response to the Supreme Court's ruling in *Brown v. Board of Education of Topeka*. Although the Alabama councils initially demonstrated little activity, when blacks began to petition local boards of education to desegregate schools in August of 1955, Citizens Councils led the charge of organized white resistance. After Selma became the first major center of the council movement, white leaders like Sam Engelhardt followed suit by leading resistance movements in nearby vicinities. Engelhardt held a vested interest in maintaining the thousands of acres he owned in Macon County, located to the east of Montgomery County, where seventy-five black families cultivated his enormous cotton plantation. Engelhardt had entered the legislature in 1950 to counter the mounting black challenges that threatened the racial underpinnings

of southern society. In 1951, he proposed withdrawing state support if black students successfully integrated local schools. The Alabama legislator also fortified his resolve to maintain white supremacy by leading efforts to deter black suffrage. Under Engelhardt, in December 1955 the Montgomery County White Citizens Council merged with other groups in several adjacent counties to form the Central Alabama Citizens Council. In the early months of the boycott, the council in Montgomery grew substantially and began to take on a prominent role in society.⁶

When one of the guest speakers at this January rally, a white man from Arkansas, described how some Arkansas businessmen feared alienating black customers when the state's council members had worked to cut off supplies and credit to the blacks involved in civil rights activity, Clyde Sellers, Montgomery's Police Commissioner, stood up and proclaimed, "I don't have any Negro customers!" Sellers had already learned how to effectively exploit racial issues to promote his political agenda. In March of the previous year, Sellers had used a race-baiting campaign to defeat Dave Birmingham, who had won the office in 1953 due largely to the support of black voters but whose hiring of black police officers led to a racially charged election in 1955. As Sellers proceeded to strut down the aisle to the stage, the crowd broke into applause, demonstrating their approval of his remarks with a standing ovation. Once on stage, Sellers announced his intention to join Montgomery's White Citizens Council that very night, thus establishing the connection between Montgomery's law enforcement departments and segregationist organizations.⁷

Four days later, on January 10, MIA leaders met with the city commission to present a revised seating plan in which they made a concession they hoped the white

officials would accept: as new patrons entered crowded buses, black passengers would move to fill seats that became vacant in the back of the bus while whites would move to occupy empty seats toward the front. Although practically this concession meant the responsibility would fall predominantly on black passengers to continually move, the black riders would no longer be at the mercy of the reserved whites-only section or under the dreaded authority of bus drivers who could make them move at will. The city commissioners unanimously refused to approve this proposal. They adamantly clung to the necessity of a designated section for whites and pointed out that difficulties might arise in circumstances where it was unclear which passengers needed to move. They also could not fathom the idea of white passengers having to vacate their seats to make room for blacks who were standing at the back of the bus; the right of white patrons to remain comfortably in their designated seats was one of the privileges their race afforded them.

Leaders of the MIA began to recognize the city's intentions to continue battling round for round with the association for the duration of the boycott, refusing to yield to any stipulations. The official minutes of the next MIA executive board meeting reported that members concurred that negotiations had collapsed and what remained was a test to determine "which side can hold out the longer time, or wear the other down." This quagmire did not favor the MIA, whose representatives knew that the burden of maintaining the boycott was a heavy one. After all, a previous boycott in Baton Rouge, Louisiana in the summer of 1953 had lasted a mere two weeks before collapsing.⁸

In the meantime, the city commissioners grew increasingly annoyed with the boycott and orchestrated a dastardly plot to bring it to a premature end. On Saturday, January 21, under the pretext of needing to discuss "insurance matters," the city

commissioners convened an unscheduled meeting and summoned three black ministers who were not affiliated with the MIA and were not considered spokesmen for the boycott. After the meeting, the city commission released a statement to local reporters that the boycott had been settled and a “group representing the Negroes of Montgomery” had agreed to several stipulations: first, the ten rows at the front of the bus would be reserved for whites and the last ten for blacks, although special “all-Negro” buses would operate in certain sections during rush hours; second, greater courtesy would be extended to passengers; and third, the city commission had no authority to instruct the bus company to hire drivers of a particular race.

The city commissioners conveyed these contrived developments to the press too late to make the Saturday edition of the *Montgomery Advertiser*, but the story ran over the Associated Press wire where it caught the eye of Carl Rowan, an editorial writer for the *Minneapolis Tribune*. Surprised at these enigmatic developments, Rowan telephoned Martin Luther King, Jr., asking the young leader if they were accurate. Dumbfounded and greatly disheartened, King confided in Rowan that he knew nothing about the alleged agreement. After learning from the AP that its Montgomery correspondent had attributed Commission Sellers as the source of the story, Rowan called the police commissioner. Sellers would not provide the names of the three ministers, but did reveal their denominations. When Rowan asked specifically for their names, Sellers, who assumed Rowan was white, informed him, “You know, we don’t really know these Nigras down here. We just know these Nigras by what they represent, not by name.”⁹

Rowan relayed the germane information to King, who worked with other MIA members throughout the night to foil the city commission’s dishonorable hoax. Half of

the group telephoned every minister in Montgomery who presided over a black congregation and instructed them to denounce the claims of the story that would appear in the Sunday edition of the *Advertiser*. King and the other half embarked on an expedition traveling to the local black juke joints and clubs to inform their clientele that the boycott had not ended. With their laborious efforts, King and the MIA managed to avert the potentially devastating crisis, and the yellow buses rolled through town empty on Monday morning. The same day, King called a press conference to counter the false claims that the boycott had ended and to expose the chicanery of the city commission, which was an anathema to the black community. At the conference, all three ministers who had met with the city commissioners stated that they had been “hoodwinked” into the meeting and denied having agreed to the commission’s proposals.

Responding to the conference, Mayor William A. "Tacky" Gayle, who had on several occasions boisterously proclaimed that blacks preferred segregation, announced that he and City Commissioner Frank Parks were following Commissioner Sellers’ lead and joining the White Citizens Council, thus making all three city commissioners members of the segregationist organization. In an acrimonious speech, Gayle lashed out at the boycott leaders: "The Negro leaders have forced the bus boycott into a campaign between whether the social fabric of our community will continue to exist or will be destroyed by a group of Negro radicals who have split asunder the fine relationships which have existed between the Negro and white people for generations...." Believing that the city commission had “pussy-footed around on this boycott long enough,” Gayle provided an ultimatum: “When and if the Negro people desire to end the boycott, my door is open to them. But until they are ready to end it, there will be no more

discussions.” The mayor expressed particular dissatisfaction with whites who provided rides for their black maids. More than half of the employed black women in the city worked as domestic servants in white households, and white women in particular often supplied transportation for them. Despite Gayle’s incensed warning, white women defied the mayor’s order and continued to transport their black housekeepers.¹⁰

Accompanying Gayle’s stinging remarks, Police Commissioner Sellers announced that he was instructing police to disperse any loitering groups of blacks waiting for rides. This crackdown was part of a larger “get tough” policy enacted by the city to frustrate boycotters. The fervent speeches of the city commissioners were met with rousing support from numerous white residents who sent congratulatory messages to City Hall. The switchboard operator there reported that she handled scores of calls praising the mayor; Gayle held a stack of telegrams that echoed this approval. Sellers stated that several people had entered his office volunteering to help the police. Eager to combat the threats to their way of life, many local whites joined the White Citizens Council. By the end of the month, membership of the council totaled approximately 9,000 people, and by the end of February membership reached 12,000, making it the largest single organization in Montgomery County.¹¹

As part of the “get tough” policy championed by Sellers, Montgomery police officers detained numerous blacks for speeding violations, even when the drivers exceeded the limit by only a few miles per hour. They issued traffic tickets for supposed offenses including maintenance problems with vehicles and failure to signal adequately. Jo Ann Robinson, president of Women’s Political Council and one of the most instrumental people involved in initiating the boycott, received seventeen tickets in two

months—some for going too fast, some for moving too slowly, others for remaining too long at a stop sign or not staying long enough. As she noted in her memoir, television reports revealed that within two weeks of Sellers' announcement police officers arrested sixty-four black drivers and imprisoned them for minor traffic violations. A motorcycle officer even arrested King on January 26 for traveling thirty miles per hour in a twenty-five-mile zone. Officers escorted King to the city jail where they fingerprinted him, placed him behind bars for the first time in his life, and later released him on bond.¹²

In fact, a handful of the city's police officers were some of the worst perpetrators of unlawful activity. Jo Ann Robinson described how one night two police officers—or men dressed in police uniforms—drove in a squad car to her residence where one threw a stone through her picture window, shattering it and sending shards of glass all over the floor. The officer nonchalantly walked back to the car and unhurriedly drove away. When two of Robinson's friends who had been with her that night drove to the police station to report the crime, an officer at the station asked them, "Do y'all want to live?" After the friends nodded affirmatively, the officer threatened, "Well, then, y'all go home where y'all belong; keep your mouths shut; and tend to yo' business." Two weeks later, Robinson's neighbors saw two men in police uniforms pour acid on the sides, roof, and hood of her car, burning several holes in the automobile, some as large as silver dollars.¹³

The treatment from city police added to the harassment that many blacks already experienced and continued to live through as the boycott continued. Young white teenagers regularly tormented black pedestrians. The teenagers drove past blacks walking on the sidewalks and leaned out their car window, shooting water from powerful squirtguns or rubber balloons. Eventually when this shenanigan grew tiresome for the

pranksters, they replaced the water with urine. Other whites threw rotten eggs, apples, and even bricks. On one occasion, a white man leaned out of a car window and tried to lasso a young black teenager. Luckily the pedestrian saw the rope coming and ducked before the man could fasten it around his neck.¹⁴

Segregationists also vandalized and harassed whites who perpetuated the boycott efforts. Branding him as a traitor to his race, white supremacists routinely targeted Reverend Robert Graetz, who came to Montgomery in June 1955 to serve as the minister of the black Trinity Lutheran Church. In January, a sheriff pulled Graetz off the road and detained him in jail for over an hour for giving several black women a ride. Graetz also received his share of harassing phone calls. One man called to inform Graetz, "If I was you, I wouldn't call myself a pastor. You're a no-good son of a bitch." On another occasion, someone slashed two tires on Graetz's new Chevrolet and poured sugar into his gas tank. Several months later, Graetz and his wife heard from one of the local residents that the Klan was coming to their house to demonstrate. The tip proved accurate. A short time later a row of ten to twelve cars with men wearing white robes and hoods pulled up outside the Graetz residence. Graetz and his wife walked outside, standing their ground, demonstrating to the Klansmen that they were not intimidated.¹⁵

On January 30, the violence escalated to a new level of gravity. While King preached at a mass meeting in Reverend Ralph Abernathy's First Baptist Church with two thousand people in attendance, a bomb exploded at his six-room white frame house with his wife, Coretta, and his two-month-old daughter inside. Coretta later told newspapers that while she sat in the front room of the house, she heard footsteps and then a loud thud

that sounded “like a brick hitting the porch.” Neighbors reported seeing a light-colored car stop briefly in front of the house and then sped off in a hurry.

After leaving First Baptist, King headed quickly to his house on South Jackson Street, only to find an intense situation brewing. A barricade of white police officers positioned themselves between the house and several black men who carried broken glass bottles, knives, and guns. Trying to maintain peace, another group of gatherers sang "My Country Tis of Thee." King found the floor of his front porch dented, the porch column split, and the front four windows shattered. He walked through the broken glass on his porch and moved through the living room to the back room to find his wife and daughter unharmed by the blast. He then returned to the living room where a group of prominent white officials had gathered, including Commissioner Sellers and Mayor Gayle; several reporters had arrived as well. Both Sellers and Gayle expressed their regrets about the incident and assured King they would use all available capabilities to pursue the bombers. One of the trustees of King's church upbraided the mayor, "You may express your regrets, but you must face the fact that your public statements created the atmosphere for this bombing. This is the end result of your 'get tough' policy."¹⁶ The mayor offered no response to this comment. Sellers notified King that he would leave a patrol car for the duration of the night and continue to provide police protection at the house.

Outside the dwelling, police grew concerned about the gatherers. The crowd, now reaching three hundred people, did not respond to several orders to vacate the scene. Dressed in a light overcoat and a dark suit and tie, the twenty-seven-year-old reverend came outside where the air still smelled of dynamite and delivered a speech to the gatherers, persuading them to leave instead of retaliating. "Don't get your weapons,"

King instructed them. "He who lives by the sword will perish by the sword. Remember that is what God said. We are not advocating violence. We want to love our enemies. I want you to love our enemies."¹⁷ After King's speech, the crowd cheered and applauded and delivered a chorus of "Amen" shouts. After King finished speaking, Police Commissioner Sellers stepped forward to address the crowd. Immediately, boos rang out from the gatherers; police officers attempted to maintain order by yelling to the crowd, "Be quiet—the commissioner is speaking." This only prompted an even louder chorus of boos. After King stepped forward and raised his hand, the crowd quieted to the point where Sellers could be heard. Sellers announced a reward of \$500 for information leading to the arrest and conviction of those responsible. Upon his return home, Commissioner Sellers received several threatening phone calls from "anonymous Negroes." According to Sellers, one caller threatened, "The same thing is going to happen to you that happened to King." Later, Alabama Senator Sam Engelhardt, president of the Central Alabama Citizens Council, also announced a \$500 reward offered by his organization. According to Engelhardt, his group was devoted to fighting racial integration by legal means, but "we deplore this type of demonstration."¹⁸

This type of demonstration occurred again two nights later on February 1, when dynamite exploded in the front yard of E. D. Nixon, former railroad porter and NAACP chapter president. The explosive landed on the driveway about twenty feet from the front porch, failing to inflict any damage to his two-story brick house. It did, however, break two slats in a white picket fence and create a six-inch-deep hole in the yard.¹⁹ Many blacks claimed that these two acts of violence stemmed from the city commission's "get tough" policy. Conversely, a suspicion existed among many Montgomery whites,

including Commissioner Sellers, that blacks themselves had planned these explosions as political stunts. An editorial in the *Alabama Journal*, one of the major local white papers, suggested, "Bombs are wholly ineffective as arguments, especially when they are so placed as not to hurt anybody."²⁰

Earlier on the same day, attorneys Fred Gray and Charles Langford filed suit in federal court requesting that the judges strike down the segregation ordinances pertaining to public transportation in Alabama and Montgomery. As a consequence of the pivotal role he played in challenging the constitutionality of Montgomery's segregation laws, authorities accused Gray of dodging the draft. Gray had obtained a deferment from the military because of his ministerial work. However, on February 8, the director of Alabama's Selective Service revoked Gray's ministerial deferment and reclassified the attorney. Gray believed that this sudden interest in his draft status stemmed directly from his work with the boycott. As he later wrote, "I was suddenly reclassified to 1-A immediately after I filed the lawsuit to integrate the buses." After Gray presented evidence of his ministerial work to a local draft board, General Lewis Hershey, director of the Selective Service System, eventually prevented the Montgomery draft board from requiring Gray to enter into military service. Hershey intervened the night before Gray was scheduled to ship out. To exhibit their opposition to Hershey's decision, draft boards throughout the state refused to induct anyone else.²¹

As the level of violence and intimidation increased, white organizations flaunted the power of their numbers. On February 10, the Alabama and Mississippi White Citizens Council united to bring over twelve thousand people to the Alabama Coliseum in Montgomery for "the largest segregation gathering in recent history of the South." The

stars and bars of the Confederate flag hung throughout the venue. A host of people attended, ranging from numerous political figures to local farmers. All three of Montgomery's city commissioners spoke at the event and the crowd treated them to roaring ovations. Mississippi senator James Eastland, who functioned as the featured speaker of the evening, told the gatherers that white southerners needed to “organize and be militant.” At each of the entrances to the coliseum sat two tables with people eager to register attendees for the council. One worker complained that before the end of the night she had “writer’s cramps” due to the number of Citizens Council applications she completed for new members.²²

Three days later, boycott organizers and participants faced their biggest challenge to date when Circuit Court Solicitor William F. Thetford began to present evidence to a county grand jury in an effort to obtain criminal indictments against MIA leaders. Back in the middle of January, Thetford had asked the city commission to assist him in gathering evidence he would later use to indict boycott leaders for violating Alabama's 1921 anti-boycott law; Police Commission Sellers responded by allotting two city detectives for the assignment. For one month, Thetford and the detectives amassed evidence that included videotapes of carpool operations—boycotters had organized their own elaborate schedules and routes—and audio recordings of mass meetings. When the February court session convened, Thetford presented these materials along with testimony from 200 witnesses to a grand jury impaneled to investigate racial unrest in the city. After the grand jury concluded that the boycott had been operating illegally and returned indictments against eighty-nine people, the city commissioners proposed an agreement to MIA leaders that if they accepted the settlement conditions they had

previously rejected, then "no retaliation whatsoever" would result. If the boycott leaders elected not to accept this agreement, then the city's white leaders would let the law take its course. The next morning, Abernathy officially rejected the city's offer by way of telegram.²³

Knowing that deputy sheriffs would soon be arresting those indicted, black leaders cleverly decided to recast the arrest process as a celebrated event instead of the devastating incident city officials had anticipated. On the advice of Bayard Rustin, a nomadic Gandhian and former Communist who had worked with A. Philip Randolph on his 1941 March on Washington movement, E. D. Nixon simply presented himself at the sheriff's office as the first of the eighty-nine to be arrested. Several blacks watched a smiling Nixon calmly walk inside the county courthouse and breeze his way through the arrest, fingerprinting, and booking without the trepidation that usually accompanied the procedure. Word spread quickly throughout the black community of Nixon's nonchalant approach to the loathsome arrest process, and crowds of blacks began to form outside the courthouse. Several of the indicted people followed Nixon's lead as they entered the sheriff's office before a cheering crowd that had reached over one hundred people.²⁴ According to Fred Gray, in the eyes of the black community, "it became a real honor to have been indicted and arrested. Soon, deputies did not have to go out to make arrests; protest leaders and ministers voluntarily went down to jail to see if they had been indicted and offered to be arrested." According to the Montgomery-born attorney, "Any number of persons who were not indicted were very disappointed because they knew they were involved as much as the ones who were indicted."²⁵ The next morning, King traveled to the courthouse for his arrest in this surprisingly joyous atmosphere.

News of the indictments and arrests triggered a significant national reaction. The *New York Times* allotted front page coverage to the events in Montgomery. New York Congressman Adam Clayton Powell denounced the debacle as "a new low in American barbarism." To protest the indictments, Powell organized a "National Deliverance Day of Prayer" scheduled for March 28. His call for people to stop work for one hour on that day became a popular idea throughout northern cities. The Massachusetts Board of Representatives voted by a three to one margin to suspend business for one hour that day. Witnessing the rejuvenation sparked by the indictments, *Montgomery Advertiser* editor Grover Hall later labeled the decision to indict the boycott leaders "the dumbest act that has ever been done in Montgomery."²⁶ What was designed to remove the wind from sails of the black community instead imbued it with a renewed enthusiasm.

The fervor of the upcoming trial moved well beyond Montgomery and engaged national and foreign reporters. Circuit Court Judge Eugene Carter had granted the defense's request for eighty-nine separate trials; and with King's name listed at the top of the indictment bill, he was the first to be tried. When King's four-day trial commenced on March 19, the confines of the circuit court could barely contain the spectators and the collection of reporters amassed from across the country and several foreign nations including France, Japan, England, Germany, and India. After the prosecution presented evidence demonstrating that King had served as the leader of the MIA and was quite influential in maintaining the boycott, Judge Carter quickly convicted King and sentenced him to pay a \$500 fine or to serve one year of hard labor. King's attorneys appealed the decision, and Judge Carter granted a continuance in the remaining eighty-eight cases pending the outcome of the appeal. King exited the courthouse and announced to the

anxiously waiting gatherers that the boycott would continue. The crowd erupted into cheers and applause, and one person yelled out, "Behold the King!" This ordeal propelled King to an even greater status in the eyes of the nation. Although his presence had already been well established in Montgomery, King now appeared on the cover of *Jet* magazine and was featured as the "Man in the News" profile published by the *New York Times* during the trial.²⁷

While King's attorneys worked diligently on his appeal, civil rights activists faced yet another obstacle erected by elected officials. This one arose from the state level. On June 1, Alabama Attorney General John Patterson filed a court injunction seeking to ban NAACP operations throughout the state. Witnessing the legal challenges exerted by civil rights organizations, Patterson adopted a strategy of delaying integration. He comprehended that change was inevitable, but believed that certain stall tactics should be implemented to ease the state's citizens through the process. Patterson had borrowed several ideas from political officials in Virginia who were also dealing with integration challenges. Patterson believed that the NAACP's efforts to initiate legal cases and the boycott itself created a racial polarization in Montgomery, and he felt an obligation to his constituency to prohibit the organization from operating in the state.²⁸

After a brief investigation, the attorney general's office discovered that the NAACP branch in Alabama had never qualified under the state's corporate domestication statutes. Ironically, the office based its legal rationale on a United States Supreme Court case in which the state of New York ousted the Ku Klux Klan, Inc. from the state for failing to comply with corporate laws. Patterson moved to block the NAACP from fund-raising, collecting dues, and soliciting new members. Patterson charged, falsely, that the

NAACP was responsible for organizing and financing the bus boycott. Judge Walter B. Jones in Montgomery complied with Patterson's request and enjoined the organization. Patterson also filed a motion requiring the NAACP to produce all of its membership lists and contribution records to determine how much of its business was conducted intra-state versus interstate. When the association resisted this corollary order and refused to produce the required documents, the judge slapped its representatives with a \$100,000 contempt fine, a decision the NAACP appealed to the U.S. Supreme Court. It took eight years of contending with stall tactics and other legalities before the Supreme Court finally lifted these sanctions.²⁹

Despite the setback to the NAACP, Montgomery blacks who had continued to carpool or walk throughout the summer finally found themselves on the winning end of a legal decision. On June 5, 1956, a special three-judge federal court panel in Montgomery ruled two to one in the MIA's favor in the lawsuit Fred Gray had filed against public officials and the bus company back in February. After hearing arguments from both sides on May 11, the three white Alabama judges finally provided the vindication the MIA and boycott participants sought. The ruling declared the bus segregation statutes unconstitutional as violations of the Fourteenth Amendment's equal protection clause. Although this ruling permanently enjoined and restrained the city of Montgomery from segregating bus passengers, the federal court deferred enforcement until the Supreme Court could rule on the appeals immediately filed by attorneys for the city and for the state of Alabama. Even with the segregation statutes remaining in effect with these appeals pending, this decision provided boycott leaders with a legal leg on which to stand, something they had lacked before when officials had pointed to city and state

ordinances for reasons why they could not remove the designated whites-only section. This antiquated argument lost legal validity for the first time, and boycotters had finally broken the back of the city's stronghold on segregation in public transportation.

The legal victory also fostered a renewed conviction to continue the boycott through the summer months. With a well-developed carpool system in place and the MIA having procured financial security, the boycott coasted along like a well-oiled machine. During the summer, many MIA leaders had the opportunity to travel throughout the country and speak of their success with the boycott. The harassment, however, did not subside as the summer months proceeded. On August 25, several sticks of dynamite exploded in Reverend Robert Graetz's front yard while he was representing the MIA at a civil rights seminar at the Highlander Folk School in Tennessee. Although the explosive left a hole fifteen inches deep in the minister's front yard, it created minimal structural damage to his house, located on Cleveland Avenue in a black residential area. The blast shattered a picture window, broke several other windows throughout the house, and forced open the front door. Windows in two nearby homes broke as well, but no injuries resulted. Mayor Gayle labeled the bombing a "publicity stunt" and told reporters, "It's a strange coincidence that when interest appears lagging in the bus boycott, something like this happens." Graetz retorted that Gayle's imprudent comments marked of "foolishness."³⁰ Two days after the bombing, King sent his first letter of protest to President Eisenhower, informing him that Montgomery blacks were "without protection of law." Eisenhower did not respond; his cabinet secretary sent a perfunctory message, noting that they had been following the situation in Montgomery with interest.³¹

During the next three months, white authorities—much like a losing prize fighter staggering along the ropes and refusing to succumb to a knock-out punch—launched another series of impediments to the enduring boycott. In September, white insurance agents began canceling the policies on vehicles used in the carpool. King had to enlist the help of a black insurance broker in Atlanta who persuaded another insurance company to assume the fiscal responsibility. Then in October, city officials searched for a way to cut the legs out altogether from the carpool. Following the suggestion of Jack Brock, the editor of the *Alabama Labor News* who opposed the boycott largely because of the adverse effects it had on the white bus drivers' union, the city commission petitioned a state court for an injunction to ban the Montgomery Improvement Association's carpool as an unlicensed municipal transportation system. Officials filed the injunction against the MIA, several churches, and various individuals for operating their own transportation system consisting of approximately three hundred private cars and twenty station wagons loaned by local churches and organizations. Noting that this action came about one year too late, *Advertiser* editor Grover Hall feared that the commission was on the verge of committing "another blunder" as it had with the mass indictments in February.³² Regardless of the skepticism from the local newspaper, the city commission forged ahead with its last-ditch efforts.

On Tuesday, November 13, King once again sat in a Montgomery courtroom as the chief defendant contending with this injunction. City attorneys presented evidence concerning the illegal operations of the carpool including the fact that the city had twice denied the MIA's request for a jitney license. One attorney also suggested that the boycott and car pool operation had taken away revenue from the bus company which paid

a royalty of two percent to the city. According to his calculations, the city itself had lost \$15,000 due to the boycott.³³ During a court recess, news reporter Rex Thomas handed King a note from the AP ticker and told him, “Here is the decision that you have been waiting for.” King eagerly read the words printed on the release: “The United States Supreme Court today affirmed a decision of a special three-judge panel in declaring unconstitutional Alabama’s state and local laws requiring segregation on buses. The Supreme Court acted without listening to any argument; it simply said ‘the motion to affirm is granted and the judgment is affirmed.’” As word spread around the courtroom about the unanimous ruling, one black man, unable to contain his enthusiasm, burst out in jubilation, “God Almighty has spoken from Washington, D.C.!”³⁴ Judge Eugene W. Carter swung his gavel down several times in a futile effort to maintain order in a courtroom ready to spill over with waves of excitement.

On this landmark day in November—the same day Willie Edwards, Jr., celebrated his last birthday—the Supreme Court ruled in favor of boycott participants and drove the final nail into the coffin of segregated city buses. It did not seem to matter to the civil rights advocates that Judge Carter granted the injunction against the car pool. For almost one year, black residents of Montgomery had remained off the buses, and the Supreme Court’s decision represented the crucial victory in their lengthy campaign. Two large simultaneous mass meetings, one at the Hutchinson Street Baptist Church and the other at the Holt Street Baptist Church, were held that night in celebration. Close to eight thousand people overflowed these two churches and spilled onto the surrounding streets. The gatherers voted to accept the MIA executive board’s decision to officially end the

boycott but to remain off the buses until the Supreme Court's mandatory order arrived by mail in Montgomery.

In response to the Supreme Court's ruling, local whites mounted their own demonstrations. That night, Klansmen from various sections of Alabama organized a forty-car motorcade protest which ran through the black district of Montgomery. Dressed in white hooded robes, the Klansmen blew their car horns and shined floodlights into houses. Most black residents kept their porch lights on and their doors open as they watched the motorcade; some even waved at the passing cars.³⁵

The intimidation attempts continued the next night when King received several angry phone calls. One man telephoned the young preacher and threatened him, "If you allow the niggers to go back to the buses and sit on the front seat, we are going to burn down more than fifty nigger houses in one night, including yours." Although King attempted to placate the angry caller with the message that violence did not constitute an appropriate solution, the caller interrupted him by warning, "Shut up your mouth, nigger, or we will come out there and blow you up right now." Undeterred by the threats, King continued writing his instructions for how to maintain nonviolence when blacks began riding the integrated buses. He delivered these guidelines at numerous mass meetings during the next several weeks.³⁶

Many of the city's politicians articulated their plans to contravene the forced integration. Alabama Senator Sam Engelhardt labeled the ruling "another attempt by a group of misguided zealots in Washington to torpedo constitutional government."³⁷ President of the Alabama Public Service Commission, C. C. "Jack" Owen, declared, "The people of Alabama are not going to abolish segregation.... To keep down violence

and bloodshed, segregation must be maintained.” Owen then suggested that he would instruct bus companies to essentially reinstitute the segregated seating system: “I will urge all public transportation companies to make every effort to keep harmony among passengers by assigning seats in such a manner that the races will be kept separate.”

Luther Ingalls, leader of the Montgomery County White Citizens’ Council, predicted, “Any attempt to enforce this decision will inevitably lead to bloodshed and riot. I don’t think the white people of Montgomery will ever submit to this. As far as I’m concerned, they can move the Montgomery City Lines, lock, stock, and barrel, to Washington, D.C.”³⁸ In spite of the infantile protestations of these bureaucrats, the Supreme Court had made its ruling.

Although Montgomery blacks could not rely on the car pool due to the injunction, they implemented smaller voluntary car pools limited to residents of a particular street or block. Others decided that after coming this far, they could simply walk to and from work. And they did for five more weeks. On December 17, the Supreme Court considered motions for rehearing filed by the city commission and the Alabama Public Service Commission, but refused to reconsider its November 13 ruling. The official notifications arrived at the federal courthouse in Montgomery on December 20, and U.S. Marshals served them on city officials. Despite the official mandate, the Montgomery city commission obstinately vowed to continue its fight to preserve segregation; the three commissioners announced that they would continue “through every legal means at our disposal to see that the separation of the races is continued on the public transportation here in Montgomery...the city commission will not yield one inch.”³⁹ With this

statement, the commissioners openly expressed their disapproval of highest court's ruling and intimated to city residents that resisting integration was acceptable.

The next morning, with photographers on hand to document the historic moment, King and several other major civil rights leaders of the community—Fred Gray, Ralph Abernathy, Glenn Smiley, and Reverend Robert Graetz—boarded a city bus and sat in the front seats, a privilege they had never experienced before. When King stepped onto the bus, the driver leaned over to him and asked, “I believe you are Reverend King, aren't you?” When King replied that he was, the driver informed him, “We are glad to have you this morning.” An article in the *New York Times* described the scene of integrated buses successfully rolling through the capital city: “For the first time in this ‘cradle of the Confederacy’ all the Negroes entered buses through the front door. They sat in the first empty seats they saw, in the front of the buses and in the rear. They did not get up to give a white passenger a seat. And whites sat with Negroes.”⁴⁰

Although the first day unfolded without major incident, the following weeks would be less than idyllic. Some of Montgomery's white supremacists felt compelled to avenge this defeat, and a few extremists escalated the retaliation to physical violence that threatened the safety of many residents and cost Willie Edwards his life. Edwards and his family had tried to steer clear of the boycott activity. Neither he nor his wife depended on the buses for their livelihoods: he drove trucks and she worked from her home as a hairdresser. Not wanting to jeopardize the comfortable life they had managed to carve out, they did not join this social revolution. They did, however, pay the price when virulent racists indiscriminately struck back against the city's blacks.

The segregationists waited a mere two days after the first integrated buses operated to commence their violent response. In the early morning hours of December 23, shotgun fire ripped into King's house, without harming anyone. The young MIA leader and his family were sleeping when the bullets hit his front door, shattering several panes of glass. In keeping with his dedication to maintain a peaceful relationship between the community's whites and blacks, King elected not to report the shooting to the police. The next day, a group of young white men jumped out of a car at a bus stop where a fifteen-year-old black girl waited; they proceeded to beat her and then fled the scene. The day after Christmas, shotgun pellets and .22 caliber bullets fired by unidentified shooters hit two integrated buses. One bullet hit the metal part of the window area on the first bus less than a foot above one black woman's head. Fifteen minutes later, shotgun pellets hit a second bus nine times from close range. The shootings occurred across town from one another and both in areas where black and white residential areas came together.⁴¹

The shootings persisted and inevitably a casualty resulted. On December 28, a gunman waiting along Columbus Avenue fired a .38 caliber pistol at one of the integrated buses carrying six white and six black passengers. This time a pregnant black laundry worker named Rosa Jordan was struck by one of the bullets. As she sat at the rear of the bus on one of the side seats with her back to the window, the bullet passed through the side of the bus and hit Jordan, shattering the bone in her left leg and lodging in her right leg. Initially, Jordan did not realize that she was injured. A young woman sitting across from her jumped up and cried out, "Girl, you've been shot."⁴² The bus driver transported Jordan to the hospital where she was carried sobbing from the bus and immediately taken

inside for assessment and treatment. According to one hospital spokesman, Jordan lost “a great amount” of blood. Fortunately, the bullet did not harm her unborn child, and doctors postponed surgery to remove the projectile until after the child’s birth. It remained in her leg until the tenth of January. From the hospital, the driver took the remaining passengers to police headquarters. After police conducted preliminary interviews with the passengers, all of the black riders abandoned the bus and found alternative means of transportation home; the white riders elected to remain on the bus as the driver completed his run. When the bus passed near the site of the first shooting, assailants hit the bus again, this time with rocks and an additional bullet. Although no injuries resulted, the passengers described this second incident as “more frightening” than the first. Following this wave of violence, the city commission suspended night runs after five o’clock.

It took one more shooting before Commissioner Sellers made the decision to add twenty additional patrol officers to Montgomery’s force, with the new officers to be paid from the city’s general surplus fund. The fifth ambush on the city’s buses occurred on December 31, when a .38 caliber bullet fired from an oncoming car slammed into a bus directly beneath the driver’s window and lodged in the floor. Fortunately, the driver—who was also driving the bus when a bullet struck Rosa Jordan—escaped injury. Following this incident, the city commission approved an emergency appropriation of \$60,000 for the hiring of the additional police officers. The commission also extended the five o’clock curfew on city bus service for an additional week. Even with this restriction in place, the violence continued into the new year when four white youths used slingshots to propel spark plugs at a bus, cracking a window, and men in a passing car

fired at another bus, bursting one of its windows. On January 9, 1957, less than one hour after the city commission permitted the resumption of evening bus runs, shotgun blasts originating from a car rifted the windows of yet another bus. Mayor Gayle promptly halted all buses for the remainder of the night.⁴³

Rattled by the continued shootings and unsure exactly how to handle the situation, the commissioners collectively held their breath, fearful of what lay ahead. They understood that their city's image was teetering precariously atop an incendiary cask of racial tensions, and another episode of violence could easily catapult Montgomery and the entire South before the scrutinizing eyes of the nation. Well after darkness had descended that night and most of the city's residents had clambered into their beds, a horrifying booming noise ruptured the night's silence. Jarred from their peaceful slumber, most people could not initially identify this unfamiliar rumble—a sound that could be heard all over town like a clap of thunder, only much louder, similar to the noise of the planes from the nearby Air Force bases that often broke the sound barrier. Several more reverberating roars followed, each accompanied by a violent shaking. The city was awake.

CHAPTER 3

THE HEIGHT OF THE VIOLENCE

Ralph Abernathy had spent the night of January 9, 1957 at the King household in Atlanta, Georgia, preparing for the first Negro Leaders Conference on Nonviolent Integration, scheduled to begin the next day. Shortly past two o'clock in the morning, the abrupt sound of a telephoning ringing woke most of the household, and Martin Luther King, Jr.'s mother stirred Abernathy from his sleep, informing him he had an emergency phone call. Abernathy later recalled the traumatic events, "I sat up, wide awake, realizing for the first time that something was terribly wrong. I jumped out of bed and rushed to the telephone." Bringing the receiver to his ear, Abernathy heard the voice of his wife, Juanita, on the line. "Ralph, they have bombed our home," she told him in a weary voice. After reassuring her husband that she and their baby were fine, Juanita explained that the explosion had virtually destroyed their porch and front room.¹

Abernathy solemnly reported the news to the King family, "My home has been bombed and three or four other explosions have been heard in the city, but Juanita doesn't know where yet."² During a second phone call, Juanita despondently told her husband that a dynamite explosion rocked his First Baptist Church as well. After several more conversations with his wife, Abernathy and King left Atlanta and traveled by plane to Montgomery in order to survey the scene.

In addition to Abernathy's house and church, that night bombers also targeted three other black churches and the home of Reverend Robert Graetz, the only white

member of the MIA's executive board. This marked the second time within a year that Graetz had been the target of dynamite explosions; still fresh in his mind was the August 25 bombing of the previous year. This time, the damage inflicted on his house was far more extensive: the bomb blew out all the windows and raised a section of the roof. In the kitchen, the room closest to the dynamite, the explosion propelled all the dishes and pans out of the cabinets. As Graetz later recalled, "Everything that was breakable did break." What remained of the front door hung at a slant, barely held by its hinges; fragments of the door were scattered all over the floor. The explosion knocked out the electrical power, leaving a ubiquitous fog of plaster dust that obscured even the glow from the street lights outside. After the thunderous rumble had ousted the young minister from his bed, he entered his front room and observed that, "Where there had been a large picture window overlooking the street, now only a gaping hole remained."³ Borrowing a neighbor's telephone, Graetz called the police department. When he attempted to tell the responding dispatcher about the explosion, the dispatcher sarcastically responded, "Sure, buddy, tell me all about it. Where is the bombing this time?" In order to undermine the effectiveness of the city's police department, the bombers had phoned in false reports of explosions at locations away from the actual bomb sites. It took Graetz several minutes to convince the dispatcher that his situation was genuine.⁴

When officers finally arrived, they found another explosive device that had been tossed onto Graetz's yard. The bomb consisted of eleven sticks of dynamite fastened to a hollow metal tube. According to the state toxicologist, this contraption might have resulted in death or serious injury had it exploded. Fortunately, a faulty fuse spared Graetz, his wife, and their four young children. After carefully dismantling the

explosive, police reported that they planned to examine the tape for fingerprints and hoped to trace the origins of this unique type of masking tape. They also believed that the two and one half foot aluminum rod allowed the culprit to throw the device from his car. They could not examine the dynamite itself, however, due to law enforcement officials throwing it in the Alabama River because, according to Captain Brown, the constabulary did not have any properly trained explosive experts and the dynamite was “too dangerous to fool with.”⁵

Although the structural damage to the Graetz house was extensive, the destruction the bombers inflicted on the four churches was worse: one of the outside brick walls of the Mt. Olive Baptist Church had tumbled to the ground, and the blast split open its inner walls like an envelope. The Bell Street Baptist Church on Oak Street suffered the most damage of the churches bombed that night, with a significant portion of the building blasted, causing a partial collapse of the roof. One corner at the back of the building was blown away for ten feet in each direction. The choir loft behind the pulpit was also ruined. The dynamite blasts demolished both the Mount Olive Baptist and the Bell Street Baptist Church to the extent that worship services were discontinued after the fire chief declared the structures unusable. Both churches would have to be rebuilt. Abernathy’s church, the historic First Baptist on Ripley Street, suffered damage to the basement and roof. The doors blew off their hinges, windows shattered, beams splintered, and several of the walls caved in. The bombers also targeted the Hutchinson Street Baptist Church, where the explosion blew out a three-foot section of the wall and most of the windows. Five of the six bombings occurred within minutes of each other and shortly after 2:00 in the morning. The perpetrators struck the sixth target, the Mt. Olive Baptist Church,

located on the southwest edge of the city on Old Selma Road, just before dawn. An article in *Time* magazine later described the bombings as a “military-like raid on the citadels of the Negro integrationist movement.”⁶

The presence of a state employee most likely deterred the bombers from also striking the Dexter Avenue Baptist Church where King presided. The employee routinely traveled to the post office around three o’clock in the morning and then delivered mail to various offices in the State Highway Department building located across the street from the church. On the morning of the bombings, he drove up near one of the entrances to King’s church, at which point he noticed a vehicle with three men parked less than thirty yards away. After he entered the highway building and switched on the lights, the three men drove away.⁷

Later that morning, Abernathy and King arrived from Atlanta. They first drove to Abernathy’s home on South Hall Street to check on his wife and baby daughter who were sleeping in a back bedroom when the explosion rocked their house. Upon his arrival, Abernathy stood in front of his roped off yard and held Juanita and his daughter his arms. He then glared at the damage before him: “A huge wound gaped where there had been a wall, and I could see the bed, and the rumpled bedclothes, and I felt as if our nakedness had been exposed to the world.” The blast wrecked nearly the entire front of the house, and broken glass and splintered wood littered the bedroom.⁸

Abernathy became convinced that the bombers had intended to kill him and his family. Years later, in his autobiography, he explained his rationale: “Someone had planted a bomb on our front porch, right next to the bedroom. Obviously whoever it was had known precisely where we slept and had tried to place the explosive at precisely the

point where it would do the most damage. The fire marshal told Juanita that, had the bomb been positioned three inches to the right, it would have ignited the main gas line and the entire house would have gone up in one great ball of flame, killing everybody inside.”⁹ Abernathy also posited that the police had knowledge of the bombings before they actually occurred. When Juanita spoke with him on the telephone for the second time when he was in Atlanta, another loud explosion shook the city. Frightened yet again, Juanita asked one of the officers at her house, “What’s that?” Apparently the officer looked at his wristwatch and responded, “That would be your First Baptist Church.” Elaborating on this exchange, Abernathy wrote, “Suddenly the full horror of the situation had dawned on her. The police had known all along. They were in on the plans.”¹⁰ Although this suspicion was never confirmed, Abernathy was not the first to suggest that the Montgomery Police Department maintained close connections with local segregationists and Klan members.¹¹

From his house, Abernathy then drove to his church, hoping the historic building had been spared from extensive destruction. His hopes vanished when he saw a sign with the word “condemned” outside the edifice. While Abernathy assessed the magnitude of the destruction from inside the church, a crowd of people gathered outside. One onlooker shook his head in profound disappointment, bewailing the situation and lamented, “When they bomb the house of the Lord we are dealing with crazy people.” Abernathy and church volunteers worked around the clock in order to prepare First Baptist for Sunday services. They cleared debris and installed temporary support beams in the basement. The reverend told the press with great conviction, “God is on our side. The Supreme Court and the Constitution are on our side. Even when white hoodlums dynamite our

houses of worship that will not stop us in our search for freedom.” Although Abernathy and other leaders verbalized confident sentiments publicly, the night’s terror certainly delivered a stinging slap to the morale of the black community as well as a significant financial blow. The damage to all the churches and parsonages that night was estimated at \$64,180.

For the “protection of life, limb, and property of the people of Montgomery,” Mayor Gayle called an indefinite halt to city bus service, leaving a city of approximately 110,000 people without public transportation. The mayor rejected outside offers of assistance from state and federal law enforcement officers, claiming that city officials could handle the situation. Police Commissioner Sellers ordered all auxiliary police officers on active duty. As a precautionary measure, police reservists and special squads received shotguns, tear gas, and ropes. After inspecting the damage that night, Governor James E. Folsom declared, “Any person or group of persons that would bomb the house of the Lord endangers the life of every man, woman, and child in Montgomery. I call on all people of Alabama to help stamp out such lawlessness wherever it may occur.”¹²

Folsom, one of the South’s more liberal politicians, had campaigned for the governorship with a suds bucket and a mop, proclaiming that he planned to “clean up government from the courthouse to the statehouse.” He had also acquired the reputation of being a good old southerner: he would sit barefoot on the front porch of the Governor’s Mansion and waive to the five o’clock rush hour traffic. His support of a variety of civil rights issues brought him widespread criticism. For example, in 1948, when other members of the state delegation joined the States’ Rights Democratic Party formed in protest of President Truman’s civil rights agenda, Folsom went against many

of his political counterparts and assumed a leadership position with the Loyalist faction of the Democratic Party in Alabama. The governor also vetoed or refused to sign many segregation bills, appointed voting officials who registered blacks, worked to equalize the salaries of black and white teachers, and refused to run race-baiting campaigns. On the night of the bombings, after he had personally surveyed the scene, Folsom offered a \$2,000 reward for information leading to the arrest and conviction of the “hoodlums” responsible.¹³

Later in the afternoon on January 10, King went to the Montgomery FBI office hoping to persuade the Bureau to become involved in the investigation. He and another minister explained to local agents that many blacks did not know where to turn for assistance because they were convinced that the Montgomery Police Department would not make any serious attempt to solve the bombings, and that city officials had “created an atmosphere conducive [sic] to violence.” Bureau representatives conveyed to King that the FBI wished to receive all relevant information regarding the bombings, but that the Bureau had no authority to actually investigate the matter without knowing that a violation of a federal law had occurred.¹⁴

Unsatisfied with that response, King and other preachers throughout the South sent telegrams the following day to U.S. Attorney General Herbert Brownell, Vice President Richard Nixon, and President Eisenhower, requesting their intervention in “the state of terror” which prevailed. The idea to make a plea to the President came from Eleanor Roosevelt who wired a message to King stating that she was deeply distressed by the violence. After describing the tumultuous atmosphere in several southern states, including Alabama, the authors reminded Eisenhower of his responsibilities: “The

maintenance of law and order in the nation finally rests squarely on the executive branch of government—directly upon the President."¹⁵ They called upon Eisenhower to intervene with the weight of the federal government and convey to southerners the negative ramifications of this violence: "beyond your constitutional power, as President, you possess and can wield an immense moral power. We, therefore, urge you to use the weight of your great office to point out to the people of the South the moral nature of the problem faced at home and abroad by the unsolved civil rights issues and the violent racial disorder that will arise again and again until these issues are solved."¹⁶ This group of clergymen—who, after several name changes, became the Southern Christian Leadership Conference—also impressed upon the President the overwhelming need for him to make a speech in a major southern city urging residents to abide by the law. Eisenhower's chief of staff, Sherman Adams, replied on behalf of the President that it was not convenient for Eisenhower to schedule a speech in the South at this juncture. Nixon failed to reply, and an aide for Brownell responded that the Justice Department would look into the matter but that the state and city authorities retained primary jurisdiction for law enforcement.¹⁷

In Montgomery, many white southerners who comprehended that violence of this severity cast their region in a negative light condemned the dynamite attacks as well. The Men of Montgomery, an organization of approximately fifty businessmen and professionals, published an announcement that read: "We call upon you who are causing this violence to realize you are accomplishing nothing but hatred, you are rapidly destroying our city." A group of white clergymen echoed this sentiment when they issued a statement denouncing the bombings and noting that, "Whatever our differences

of opinion may be we cannot remain silent and allow our community to lapse into the barbarity of terrorism and intimidation.” Among the authors of this statement was Reverend Graetz, who also told the press that white ministers had been very reluctant to give sermons to their congregations about racial hatred and needed to rise to the occasion.¹⁸

Editors of southern newspapers were especially alert to the larger issue of how the situation would affect congressional debates on the pending civil rights bill of 1957, the first such federal legislation in eighty-two years. Congressional delegates from former Confederate states and many of their constituents adamantly opposed the passage of this impending bill, and they feared that their liberal opponents in Congress would use the bombings as examples of the need for civil rights legislation. Asking, “Is Montgomery to be a city in which dynamite sticks are tossed onto lawns like the morning paper,” *Advertiser* editor-in-chief Grover Hall suggested that the bombings denigrated the city’s name and added fuel to the fire of the congressmen promoting the legislation: “Such events firm the hand of the South’s enemies in Congress. Those who are at this moment seeking enactment of unbearable civil rights legislation welcome such events, for they serve their cause.” Hall advocated operating the buses under heavy police protection to demonstrate that the city’s law enforcement department had not abdicated its responsibilities.¹⁹

Ralph McGill of the *Atlanta Constitution* embodied the southern reporter who perhaps demonstrated the most accurate and realistic understanding of how these events affected the South as a whole. Although his newspaper continually chose to downplay many of the confrontational stories during the height of the civil rights movement—a

decision which prompted him to consider resigning on more than one occasion—McGill, penned his weekly column, voicing his indignation against civil rights injustices and articulating his disgust for the Klan and the White Citizens Council. As a result of his writings, this “liberal” endured frequent tongue-lashings from readers and even threats against his life. In an incredibly potent piece in which he railed against the Montgomery bombings, McGill branded the incident as “perhaps the most stupid act yet committed,” and stressed that southerners could not allow these attackers to “put a criminal’s mask on the face of the whole South.” He also suggested that these transgressors contributed to arraying the indignation of all other regions against the South.²⁰

Even whites outside the deep South deplored Montgomery’s wave of violence for its irremediable damage to the South’s image, and they charged that it only served to benefit civil rights organizations such as the NAACP. An editorialist for Virginia’s *Richmond News Leader* suggested that the continuing incidents of hostility in Alabama “are doing incalculable harm to the Southern cause, and simultaneously are strengthening and benefiting the NAACP.... Every time a bomb goes off it is money in the bank for the NAACP, in the form of contributions from wealthy individuals whose social impulses are stirred by fresh catharsis.” The writer also recognized the potential for the irreparable damage such occurrences could have on the current legislative struggle in the nation’s capital: “whenever some cowardly jackal fires a rifle at a bus, the proponents of ‘civil rights’ legislation in Congress gain new ammunition for their crusade.”²¹

Other editorialists went further and insinuated that black boycott participants held a substantial degree of culpability for the situation. The editor of the *Alabama Journal* criticized the bombings, but qualified his stance by writing that “one thing is being

neglected, and that is to keep in the foreground the basic cause of the violence. It is being deliberately incited and provoked, and the provocateurs are as guilty of evil and crime as are those moved to violent acts in a time of intense emotionalism.”²² This editor was not alone in assigning blame to civil rights activists. Later, political officials and attorneys would cast similar accusations. For example, Robert Carter Pittman of the Georgia state legislature sent President Eisenhower a telegram conveying his premonition that blacks were ultimately responsible for the dynamiting. Pittman wrote, “Is it a mere accident that the bombs recently exploded should have affected only churches and Negro preachers and should have been timed so as to hurt no one.... Is it a mere accident that the bombs should explode at a time when proposals are before the Congress to...hasten the destruction of the Anglo-Saxon liberty and the race that produced it?”²³ Pittman and southern editors who implied that blacks deliberately bombed their own churches to influence national politics recognized that their accusations would appeal to their respective audience of constituents and readers. Pittman employed a tactic utilized by numerous southern public officials during this era; when cataclysmic events occurred in the civil rights struggle, many southern politicians, beholden to their voters, delivered speeches saturated with prejudicial defamations.

Meanwhile, in Montgomery, on Sunday, January 13, 1957, Reverend Abernathy held worship services in his First Baptist Church, with wooden boards covering the windows where beautiful stained glass had illuminated the pews and altar just three days before. Abernathy later told the press, “They may destroy our churches, destroy our homes, but there are two things they will never destroy—that’s our faith in God, and our desires for freedom.” Reverend Graetz, pastor of a black Trinity Lutheran congregation,

delivered a sermon entitled, “How Often Shall We Forgive,” in which he requested forgiveness for those who bombed his house. Reverend Uriah J. Fields conducted worship services in the basement of another church since his church, Bell Street Baptist, suffered widespread damage, rendering it unusable. Although he declined to name specific individuals, Fields informed the press that “some of those in responsible positions” had contributed to the violence by advocating opposition to integration. Fields called upon the city to pay for the damage to his church, charging that derelict city officials “had not provided proper police protection” to prevent the bombing. The city commission refused to assume any financial responsibility, and when Fields requested twenty-four-hour police protection for his church, Police Commissioner Sellers did not oblige, explaining that if he provided around the clock surveillance for one church, he would have to do so for all, and he simply lacked the manpower needed for that type of operation. Consequently, several members of each church’s congregation took it upon themselves to guard the buildings.²⁴

The constabulary did, however, provide heavy supervision when city buses began operating again on January 16. Mayor Gayle’s decision to suspend city bus service after the bombings ironically forced Montgomery whites to face what blacks had voluntarily experienced for over one year. Residents of both races had to rely on walking, taxicabs, and carpools. Downtown merchants became upset at losing business once again when many potential shoppers remained at home due to the lack of public transportation. Although they did not succeed, a group incorporated as “The Rebel Club” attempted to establish a bus system that would operate as a separate bus line, allowing only club members to ride, with membership restricted to whites.²⁵ When city buses resumed their

routes, they operated on a limited daylight schedule under police surveillance; police guard units periodically trailed various buses throughout the day and shadowed buses that completed their final routes after dusk. Many riders voluntarily reverted to their previous seating arrangements under segregation ordinances with whites in the front and blacks riding toward the back of the bus.²⁶

The following day, police made an initial breakthrough when they procured evidence relevant to the bombings. While at “Vandy’s Place,” a picnic area on North Court Street, three boys playing under an old iron bridge discovered in a brown paper bag three sticks of dynamite held together by tape and affixed with blasting caps and fuses. After a scrupulous examination, State Toxicologist Vann Pruitt described the bomb as “highly dangerous” because the nitro had risen to the top as a result of the explosive soaking in shallow water under the bridge; the “slightest jar” would have set it off.

Police Chief G. J. Ruppenthal and Detective Captain E. P. Brown informed the press that “many similarities” existed between this explosive device and the one recovered in Graetz’s front yard, including the masking tape, aluminum rod, dynamite, caps, and fuses. The location of the fuse provided the only detectible difference, with one explosive fused through the tip of the dynamite and the other fused through the side of the sticks. At the discovery site, police officers located several other items—utility bills, .38 caliber bullets, and match books. According to Ruppenthal and Brown, they questioned several suspects, black and white, in regard to the bombing, but ultimately released all of them. Additionally, Captain Brown reported that he traveled to Birmingham in an attempt to trace the origin of the dynamite, and several detectives traveled to other parts of Alabama. The only thing they could deduce from these

investigative expeditions was that the dynamite was of the “ditching variety common to south Alabama.” State investigator W. L. Allen had provided Captain Brown with the names of two white men “well known in Birmingham as trouble-makers,” with much speculation that one of the men was a Klan member. However, Brown revealed that these men were not in Montgomery at the time of the bombing, and police did not arrest them.²⁷

Many residents hoped that with the buses operating again without incident, the violence would subside. However, less than two weeks later, on January 27, terrorists dynamited the People’s Service Station, a combination taxi stand and gas station on the corner of High and Jackson streets. The blast shattered windows of three taxicabs parked in front of the building and scattered plaster and broken window glass in the nearby home of Allen Robertson, a fifty-nine-year-old black hospital worker. The drivers sitting in the taxis were transported to the hospital for minor injuries. The blast did not injure Robertson, his wife, or their two-year-old daughter, who were all sleeping at the time of the explosion. Police officials determined that four sticks of dynamite landed between these two buildings. Once again crowds gathered after they heard the explosion. This time when two black men displayed their resentment over the continued bombings, police officers arrested them on charges of disorderly conduct; a court later found them guilty of trying to incite a riot.²⁸

On the same night and less than a half block away on South Jackson Street, perpetrators left twelve sticks of dynamite wrapped around a metal tube on Martin Luther King’s front porch about two feet from the front door of the unoccupied house. After discovering the bomb, one of the gatherers telephoned the police department. With the

fuse still smoldering, police officials telephoned Vann Pruitt at 4:45 in the morning, rousing the state toxicologist from his sleep and summoning him to dismantle the bomb. Operating in a precarious position, Pruitt carefully cut the masking tape that held the dynamite together, then dislodged the caps and gently removed the fuses. After analyzing the explosive, Pruitt revealed that the dynamite sticks were composed of a mixture of nitro-cellulose and nitro-glycerin, which was the highest type of explosive dynamite typically made. He also disclosed the fact that this bomb could have inflicted considerable damage: “the blast from the dozen sticks could have caved in the concrete porch, shattered all windows, blown down the front door, and possibly knocked off the porch roof.”²⁹ According to an FBI memorandum written by J. Edgar Hoover, the throwing frame attached to this dynamite was identical to the frame attached to the unexploded dynamite found in Reverend Graetz’s front yard.³⁰

That night King was staying with friends across town. After receiving a telephone call about the dynamite, he traveled to his house to address the crowd of people who had heard the news of the successful and attempted bombing. Once again standing on his front porch in the early morning hours, King instructed the gatherers, “We must not return violence under any condition. I know this is difficult advice to follow...but this is the way of Christ; it is the way of the cross. We must somehow believe that unearned suffering is redemptive.” Reaching a strident pitch, King gallantly informed the crowd, “We’ve got to let it be known all over Montgomery that to stop our quest for equality, it is going to be necessary to blow up 50,000 homes.” Following this attempted bombing on King’s house and the successful explosion at the taxi stand, the city commission offered a \$2,000 reward for any information leading to the arrest and

conviction of anyone who had thrown any bombs. Governor Folsom also reiterated the state's \$2,000 reward and declared that, "If the persons responsible are apprehended, and I hope they are—and soon—I will do everything in my power to see that they are prosecuted in any court where anarchy can be prosecuted." With the nation's focus on Montgomery, local white politicians and the police department took measures such as this in order to avoid further negative publicity.³¹

Later that morning King candidly discussed the incident with his congregation. In his speech, he referred to the bombing of one year ago, on January 30, 1956, when dynamite did, in fact, explode at his home. He proclaimed to his parishioners, "Since that morning I can stand up without fear. So I'm not afraid of anybody this morning. Tell Montgomery they can keep shooting and I'm going to stand up to them; tell Montgomery they can keep bombing and I'm going to stand up to them." He concluded his speech with the assertion that he did not fear death, "If I had to die tomorrow morning I would die happy because I've been to the mountain top and I've seen the promised land and it's going to be here in Montgomery."³² Shortly after this rousing speech, the police made a crucial breakthrough in the case.

Montgomery city detective, Jack D. Shows, was not on duty the night of the taxi stand explosion. He heard the blast which occurred about one mile from his house and quickly went to the scene to aid other responding officers. Upon arriving on the scene, Shows recognized some of the men in the crowd, among them Henry Stephenson Alexander, a twenty-seven-year-old man with brown hair, blue eyes, and a slender build. The product of a racist family, Henry Alexander was born in Montgomery on May 8, 1929. His father, C.A. Alexander, was known throughout the community as an ardent

racist. The elder Alexander beat his wife and raised his children with a tough hand. His mother, who died when Henry was seven, was the granddaughter of a Reconstruction-era Ku Klux Klansman. Several years after his mother's death, Henry was placed in a boarding house. At age fifteen, he quit school in the ninth grade to become an apprentice plumber and began working for his father, a plumbing subcontractor. With this troubled background, Henry joined the Klan and regularly participated in activities sponsored by the racist organization, including throwing lighted cigarettes into the vehicles of blacks.³³ When Shows spotted Alexander at the scene of the bombing, he copied down his license plate number.

Several hours after the explosion at the taxi stand, Shows and his partner, Tom J. Ward, along with two state criminal investigators, located Alexander in Selma and arrested him based on the information they gathered during their interrogation. Alexander signed a statement, admitting to firing a .38 caliber pistol—which police now had in their possession—at an integrated bus on the morning of December 31 as well as participating in some of the bombings. Following leads Alexander provided, officers brought in seven white men for questioning with regard to the dynamite attacks. On January 27, they arrested one suspect, Donald Dunlap, an ex-convict who had been sentenced to thirteen months in prison in 1950 for grand larceny, and implied that more arrests would follow. At this time, both Alexander and Dunlap worked for Alexander's father on the construction of a black high school in Selma.³⁴

Based on the information they obtained, police officers quickly connected Alexander and James D. York, a fifty-two-year old sanitation worker for the city, as having worked together on at least one of the bombings. Since York was a longtime

Klan member, law enforcement officers were not surprised to learn of his involvement. Born in Elmore County, Alabama on July 4, 1904 to Henry Coleman York and Annie Turner, James York completed the tenth grade of high school in the public school system of Montgomery, and he joined the Klan in 1921. He held the position of an officer in several Klan groups including the U.S. Klans, Knights of the Ku Klux Klan and the United Klans of America, as well as membership in a variety of segregationist organizations including the National States Rights Party. From 1940 to 1951, York worked several different labor jobs including building fishponds, clearing lands, and road scraper. Beginning in 1951, York worked as a heavy equipment operator for the city. York had been arrested several times during the forties for various charges including assault and battery, disorderly conduct, and drunkenness. This time, the charges carried much greater potential consequences.³⁵

At the beginning of February, the Montgomery Police Department publicly announced official charges filed against the bombing suspects, with local newspapers and press sources across the country following these developments. Police officers filed criminal charges against York and Alexander for dynamiting the occupied home of Ralph Abernathy. Under Alabama law, the bombing of an inhabited house—even if unoccupied at the time of the explosion—was a capital offense. The minimum penalty on conviction of this offense was ten years in prison, the maximum death. Alexander was also implicated in dynamiting the taxi stand, and law enforcement officials charged him with assault with intent to commit murder for his December 31 shooting at an integrated bus. Additionally, the police department issued four warrants for Raymond C. Britt, Jr., a twenty-seven-year-old flooring company employee, with three counts of bombing

uninhabited buildings and one count of conspiring to commit a felony. The buildings included the Hutchinson Street Baptist Church, First Baptist Church, and the People's Service Station. The conspiracy to commit a felony arose from the tossing of a dynamite bundle onto King's porch. Officials also charged William "Sonny" Kyle Livingston, an employee of a construction machinery company, with bombing the Hutchinson Street Baptist Church.³⁶

The three other men of the initial seven detained by police for questioning faced the lesser charge of conspiracy to commit a felony for placing bombs that did not detonate at uninhabited buildings. Similar to the four other culprits, these three men, Eugene Hall, Charles Bodiford, and Donald Dunlap, worked as laborers. Hall was employed in the mechanical department of the *Alabama Journal*, and until November he was the editor of the White Citizens Council's newspaper, the *States Rights Advocate*. Hall was also a close friend of Jack Brock, editor of the *Alabama Labor News*, who had suggested to the city commission the idea of seeking an injunction to ban the MIA's carpool. Charlie Bodiford was a foreman of a local furniture company, and Donald Dunlap was a heating and plumbing worker. Hall and Bodiford were charged in connection with the unsuccessful attempt to blow up Graetz's house, and Dunlap was charged in the bombing attempt when they threw dynamite on King's front porch. In later statements, Police Chief Ruppenthal concluded that, "Our investigation, corroborated by statements from some of the accused, shows that these bombings were perpetrated by members of the Montgomery branch of the Ku Klux Klan." Although Detective Shows was declared ineligible to receive the \$4,000 reward offers, local papers hailed his efforts along with those of the constabulary.³⁷

Although the arrests brought about an abrupt end to the flagrant hostility, the covert violence, which did not find its way into headlines or become the subject of impassioned editorials, was far worse. By the time of the arrests, Willie Edwards, Jr., was dead, killed a little over one week earlier. Four of the men police retained in their custody were later identified as his killers. Although they had no conception of it at the time, police detectives had in their grasp an irretrievable opportunity to investigate and prosecute Edwards' murder. Jack Shows and Tom Ward, the two detectives who primarily questioned the bombing suspects, were the same men who reopened the Edwards case in 1976 when they worked as investigators for Attorney General Bill Baxley. But they did not know about the Edwards murder at the time, however, and their sole focus at that point was on solving the bombings.

The initial interrogations in the bombing case focused largely on nineteen-year-old Sonny Kyle Livingston. On February 1, police detectives took him to the Dinkler-Jefferson Davis Hotel where they questioned him for several hours. Cocky and blustering, Livingston espoused the pride he held for his participation in the bombings and to a large extent welcomed the notoriety it would bring. Livingston signed a confession, implicating himself and several other Klansmen. He informed city detective Jack Shows that on the night of January 9 he was invited to Raymond Britt's house where he and several other Klansmen finalized their plans to bomb the churches. When Livingston asked if the explosives were at Britt's house, Britt responded that they were not, and he needed to obtain them before they met later that night. Detectives later learned that the metal pipes for the bombs were cut in the garage of Walter Boyett, one of the leaders of the Montgomery Klan at this time, and then brought for assembly to a local

garage owned by Charlie Bodiford, one of the Klansmen who participated in the bombings.³⁸ According to the arrangements made, Britt was to pick up the dynamite explosives and then they would all meet between 1:00 and 1:30 a.m. at Glenn's Grill on Madison Avenue in downtown Montgomery.

With detectives listening intently, Livingston then elaborated on his rendition of what transpired during the early morning hours of January 10. The bombers met at the assigned time and location, with Livingston arriving first, followed by Britt and York, who both came in York's pickup truck carrying the bombs. Livingston also told Shows that he remembered Henry Alexander and Charlie Bodiford showing up as well. Britt and York took the bombs out of a green canvas bag and passed them around. Leaving the deserted restaurant parking lot, Britt and Livingston drove in a yellow Oldsmobile convertible to the Hutchinson Street Baptist Church. As they rolled up to the front of the building, Livingston lit one of the bombs, which he described as approximately "six to ten sticks of dynamite" wrapped together and taped to "a rod approximately eighteen inches long with two fuses and two caps." He then stepped from the car and hurled the dynamite bundle on the door steps. They sped away and waited to hear the explosion. As Livingston explained, "I had a two minute fuse on my bomb and heard it go off when I was approximately at the corner of Decatur and Grove streets." After bombing the church, they returned to Glenn's Grill where Livingston got in his car and drove home.³⁹

Livingston also admitted his culpability in the tossing of a dynamite bundle onto King's front porch two and a half weeks after the church bombings. Although he claimed that Charlie Bodiford was the one who actually threw the bomb that landed on the porch floor, Livingston admitted that he was present that night, and that he was supposed to

throw a bomb into one of the side windows or under the house. When asked why he did not throw his device, Livingston elucidated, "I didn't have time, the boy [Bodiford] lit his fuse too quick." Livingston also revealed to law enforcement officials that other cars were assigned as lookout vehicles to help secure their getaway; Donald Dunlap was among the men in one of these lookout vehicles. Livingston told the detectives that he believed King was not in his house at this time; instead he thought the young MIA leader was at his secretary's house. In fact, King had spent the night across town in the home of Bob Williams, a teacher at Alabama State and an old friend who King met during their time together at Morehouse College.⁴⁰

Incriminating himself further, Livingston explained how he discarded the unused explosives, dynamite caps, and fuses: "I carried the dynamite I didn't use that night to my house and approximately 9:00 a.m. Sunday I carried the dynamite to North Montgomery beyond Vandy's and hid it." He also told law enforcement officers that he went to Britt's house two days later, on January 29, to pick up additional dynamite materials to dispose of them. Livingston admitted that he threw these dynamite sticks in a well off Woodley Road. In order to confirm his story, Livingston took Police Captain E. P. Brown and Detectives Jack Shows and Tom Ward to the location where he hid the unused bombs. State toxicologist Van Pruitt photographed Livingston pointing to the dynamite.⁴¹

Similar to Livingston, Raymond Britt also signed a confession during an interrogation conducted by detective Tom Ward. During his questioning, Britt admitted that he, Livingston, Henry Alexander, and James York discarded a box containing additional unused explosives. Britt also led Ward to a trash pile near Dannelly Field,

where he located this cardboard box containing the dynamite. When searching Britt's house, police officers recovered materials related to the bombing plans as well as weapons and ammunition.

The accused hired Montgomery's most prominent criminal defense attorney, John Blue Hill, whose firm released a statement noting that their clients were "convinced that these charges were brought in an attempt by the NAACP to destroy them because of their conscientious and active fight against the NAACP to maintain segregation in our schools and elsewhere, and to maintain our Southern heritage and way of life."⁴² Slanderous allegations of this nature became common rallying cries for whites accused of civil rights violations. In an effort to direct attention away from their behavior, the defendants claimed they were victimized by integrationist organizations and individual protestors whom they frequently labeled as outside agitators. This untenable position was echoed by countless other southern segregationists who viciously responded to challenges posed to the solidarity of the white community. The Montgomery bombers were part of this larger racist society that grew increasingly fearful of any challenges to established racial orders and justified their actions as a defense of their entrenched way of life. The accused in this case and their attorneys continued to rely on such smear tactics throughout the legal proceedings.

As the trial approached, several groups of local whites raised money to help with the legal expenses, and some people literally went from door to door collecting funds. Ira Fred Watson, chairman of the Committee For Legal Defense and member of the Montgomery County White Citizens Council, claimed that if the accused "were Negroes, money would be flooding into this city from all over the United States, as was the case in

the recent bus boycott.” Watson asserted his belief that the accused were innocent of the crimes for which they were charged, and, instead, suggested they were “the victims of a malicious conspiracy to malign the entire white race.” He echoed John Blue Hill’s charge that outside agitation from the NAACP was at the core of the matter: “This trial is just another skirmish in the all-out war now being waged by the NAACP to destroy and break down segregation in our buses, our homes and our schools.”⁴³

Police Chief Ruppenthal lashed out against the accusations made by Hill and Watson that the NAACP was responsible for bringing about the charges, and instead credited his own department. Responding to the presumption that the integrationist organization was in any way responsible or involved, Ruppenthal asserted, “Nothing could be farther from the truth. The prosecutions are in fact based on evidence gathered by the Alabama Department of Public Safety and the Montgomery Police Department.” Ruppenthal also intimated that the KKK and its “friends” were involved in collecting funds to support the defense attorney expenses. Spokesmen for both groups collecting money denied any association with the Klan, and Jack Brock, organizer of the Alabama Segregation Defense Fund, retorted that Ruppenthal’s statements were an attempt to prevent the securing of funds to employ adequate legal counsel for the defendants.⁴⁴

On February 11, a Montgomery County grand jury convened to hear evidence and testimony concerning the bombings and other cases. Although grand jury proceedings in the state of Alabama remain secret, the *Advertiser* reported that on February 14 the jury heard testimony from at least five individuals, including Montgomery police detective Jack Shows, state toxicologist Vann Pruitt, and three men connected with the city bus line. Shows was the chief witness that day, testifying for more than an hour and a half.

Other witnesses waited to testify until the next day including other police officials and Henry Alexander's father, C. A. Alexander.⁴⁵

After several days of testimony, on February 16 the grand jury indicted the four men charged with felonies—Britt, Livingston, York, and Alexander—and issued to the sheriff's office warrant for their arrest. In its verbose report, the jury expressed its belief that this type of violence could not be tolerated: "We prefer that the problems of maintaining segregation be met openly and honestly rather than with cowardly stealth and violence under cover of darkness." Yet the jurors reported that their decision to indict "should not be construed as any weakening in the determination of the people of Montgomery to preserve our segregated institutions." Although the jury indicted those charged with felonies, it failed to return indictments against the three men charged with the misdemeanor of conspiracy, and consequently these charges were dropped.

The grand jury also claimed that the indictments vindicated their state's exemplary judicial system which functioned perfectly well without interference from the federal level. In its report, the jury upbraided the U. S. Supreme Court, claiming that the federal court's "disregard of the due legal processes of this state lessens our people's respect for justice and law. We attribute our recent violence partly to the decrease in respect for law and order." The jury cited two recent examples of higher courts meddling with the decisions of Alabama state courts; both cases involved the Supreme Court overturning death sentences of black defendants. One defendant was convicted of raping a white Montgomery woman, and the other defendant, William Earl Fikes, was convicted of burglary and intent to rape the daughter of Selma's mayor. Even though Fikes signed a confession, the Supreme Court overturned the death sentence based

largely on the fact that police had interrogated Fikes for approximately twenty-five hours over a six-day period.⁴⁶ Aside from the jury's condemnation of the Supreme Court, Montgomery Judge Eugene W. Carter, the presiding judge for the upcoming bombing case, praised the actions of the grand jury, proclaiming its decision demonstrated "to the world that Alabama believes in law enforcement." Local newspapers also hailed the actions of their grand jury and touted the indictments as a demonstration that the South could handle its own tribulations without federal imposition.⁴⁷

As the trial approached, an informant to the FBI, who had "furnished reliable information in the past," provided the Bureau with some insights and predictions regarding how the trial would be conducted. According to an FBI report, this confidential source suggested that, "due to the very great political influence of the Hill family in Montgomery County, it is expected that Judge Eugene Carter...will not antagonize Defense Attorney John Blue Hill, and will permit Mr. Hill to use 'any tactics he wants to,' including false insinuations against the character of police officers and other prosecution witnesses, and 'browbeating' of prosecution witnesses."⁴⁸ Most of the community knew Hill's political pedigree; he was a first cousin of U.S. Senator Lister Hill and a former law partner of U.S. Circuit Judge Richard Rives. When it came to his performance in court, Hill had a flare for the dramatic, frequently delivering ostentatious oratory to juries, and he wielded a large repertoire of strategies to discredit prosecutorial witnesses.

On Monday, May 27, 1957, the trial began for Raymond Britt and Sonny Kyle Livingston. Contrary to most people's expectations, defense attorneys did not request separate trials for their clients. The two men, both dressed in tan suits and dark ties,

walked up the courthouse steps to face the charge of dynamiting the Hutchinson Street Baptist Church. Tall and handsome with a round, full face and dark hair combed straight back, Britt appeared calm as he smiled at reporters and spectators. With a broad and muscular 190-pound build, he was much taller and heavier than the lanky Livingston, who looked even younger than he was with his thin face and taut jaw line. The defendants' wives accompanied them as they walked inside the courthouse. Throughout the trial, both men tried to present themselves as devoted working class family men. At this point, Britt worked as a manager of a lumber firm based in Jacksonville, Florida and had two children by his first marriage. Livingston, who worked for a local machinery company, had dropped out of school in ninth grade to get married at age sixteen. He and his wife had a two-year-old daughter and were expecting another child in approximately three months.⁴⁹

A hot and stuffy air hung inside the old temporary courtroom on Dexter Avenue, with temperatures outside climbing past the eighty-degree mark. A crowd of mostly local white spectators, some of whom had gathered almost three hours before the proceedings even commenced, packed the courtroom. Adding to the already heated atmosphere, bright lamps hanging from the high ceilings illuminated the giant flag over the jury box and the rotunda behind the judge's bench. While defense attorney John Blue Hill and his associates, John Harris and Joe Pilcher, conversed with their clients, Circuit Solicitor William F. Thetford, joined by assistants Maury Smith and Robert Stewart, sat behind his wooden table, shuffling papers and anxiously waiting. Thetford was the same attorney who had worked to secure indictments against the eighty-nine boycott leaders, but today,

he was attempting to prosecute two men accused of bombing one of the black churches where mass meetings had been held during the boycott.⁵⁰

Twelve white men assembled in the jury box; Alabama forbade women from serving on juries. Several of the jurors were prominent in the community, including Peter B. Mastin III, employee of a gravel company and a descendant of a wealthy family, and John Haardt, a successful real estate agent and brother-in-law of journalist H. L. Mencken. The occupations of other jurors included an executive of a lumber company, a successful tire salesman, an employee of the state Department of Agriculture, and a retired railroader. Judge Carter had asked each of the prospective jurors if he was a member of the Klan or if he had contributed to any of the defense funds. All jurors responded “No” to the respective questions. Everyone laughed when Thetford waived the questions concerning Klan membership in the case of the two black prospective jurors, neither of whom was selected.⁵¹

In his twenty-five minutes of opening remarks, defense attorney John Blue Hill invoked the contemptible tactic of blaming civil rights advocates. With his southern drawl bellowing through the courtroom, he attacked the efforts of bus boycott proponents and proclaimed that, “Before these agitators moved in, Montgomery was a fine city, a proud Southern city. Those agitators are tools of the NAACP bent on destroying our civilization. They have thrust a dagger into the back of our city and the Southland...” Invoking the longstanding fear of miscegenation, Hill announced that civil rights activists “don't just want integration of buses and schools, they want mongrelization and intermarriage.” Throughout his address, Hill attacked the NAACP, Martin Luther King, Jr., Ralph Abernathy, Robert Graetz, Fred Gray, and E.D. Nixon, treasurer of the MIA

and a significant black activist. Realizing that his most formidable challenge lay in discrediting the confessions given by both Britt and Livingston, Hill claimed that the confessions “are not worth the paper they are written on.” They “were obtained under shocking circumstances. The police used coercion, brutality, gestapo tactics and brainwashing methods to obtain them.” Hill likened these supposed brainwashing techniques to those supposedly employed by Communists. He informed the twelve men sitting in the jury box that they would be shocked by the lack of legal evidence against the defendants, claiming that he would not only demonstrate his clients’ innocence but also reveal “who had the real motive” to bomb the church and “who stood to gain financially” from the destruction. Personalizing the ramifications of the verdict for the jurors, he advised them, “Your verdict will affect the future of our civilization, the future of our children. You will decide the whole fate and future of our city.” He also warned that a conviction by a southern jury in state court would be a verdict for “political, judicial carpetbaggers,” and threatened that “everything we hold dear in this life will be gone for now and eternity.”⁵²

Responding to Hill’s vituperative remarks, prosecuting attorney William Thetford labeled the defense a “mad-dog defense, one that snaps and bites at everything it sees.” In an effort to diffuse Hill’s strategy, Thetford announced to the courtroom, “They are going to attack the police force. They are going to attack the NAACP and the Montgomery Improvement Association, which have no connection in this case.” Thetford argued that he and his assistants were above the cheap propaganda employed by Hill: “We are not waiving any bloody flags here. Four Negro churches and a minister’s home were rocked with dynamite blasts [on] January 10.” Turning his head momentarily

to look at Britt and Livingston, Thetford raised his right hand and pointed his finger directly at the defendants: “These two bombed the Hutchinson Street Baptist Church.” Throughout his four-minute opening, Thetford urged jurors to consider the merits of the case. He argued that the evidence would show that a group of men connected with the Klan decided to “destroy all the Negro churches in Montgomery.” He elaborated that the state would demonstrate how on January 9 this group met at Raymond Britt’s house, and from there six cars spread out over the city on a mission to bomb black churches and homes.⁵³

For their first witness, Thetford and Deputy Solicitor Robert B. Stewart called Police Officer Donald Osgood, who testified that he responded to the call after the bombing and described the condition of the church when he arrived at Hutchinson Street. Thetford also introduced into evidence pictures of the dynamited church, which revealed how the explosion blew out a three-foot section of the wall and most of the windows. State toxicologist Vann Pruitt held the attention of the jurors and the attendees with his testimony on the inner workings of dynamite explosions. Delivering his testimony much like a professor conducting a lecture, Pruitt expounded the intricacies of the dynamite used. Solicitor Thetford then brought several city and state law enforcement officers to the stand, who insisted that the defendants were not mistreated or threatened while in police custody and that the confessions were voluntary. Most of the day’s events concentrated on Livingston’s signed confession. Detective E. P. Brown informed the court that Livingston directed him and city detectives Jack Shows and Tom Ward to a gravel pit on Court Street where they located an unexploded bomb. After calling his first

five witnesses, Thetford announced that he wanted to introduce into evidence Livingston's statement to police and his signed confession.

Countering this maneuver, defense counsel requested an opportunity to question various witnesses regarding the circumstances surrounding Livingston's confession. After Judge Eugene Cater granted this request, Hill called both state and defense witnesses to the stand. Hill began by grilling detective Jack Shows for over an hour about the arrest and interrogation of his client. The ostentatious defense attorney contended that law enforcement officers violated several city and state laws during their interrogation of Livingston, and that the confession should be suppressed. Hill asserted several substantive charges, including: Livingston was arrested without a warrant or an explanation of the charges he faced; the defendant was never taken before a magistrate, which Hill contended was required in this case, a point the prosecution contested; and detectives questioned Livingston in hotel rooms registered under a false name, which Hill claimed was a violation of a city ordinance against false registration. Hill further challenged that Livingston was detained without the benefit of legal counsel, and he then threatened Police Chief Ruppenthal and other police officials by informing them that they were liable to a six-month jail term and a \$500 fine for violating the law by preventing Livingston from seeing an attorney. There was no testimony, however, to suggest that Livingston ever requested an attorney.⁵⁴

In spite of Hill's pugnacious questioning, detectives Jack Shows and Tom Ward maintained that the suspect was not intimidated or threatened at any point during his time in their custody. They both testified that police officials picked up Livingston from his job at a local machinery company and brought him to the hotel around 2:30 in the

afternoon, where they questioned him until approximately 5:30 or 6:00 in the evening. After talking with the suspect, officers brought him to the jailhouse, where they booked him for the night. According to Shows, on January 31 Livingston provided an oral confession concerning his part in the bombings. The detective also testified that Livingston called him from jail on the morning of February 1, indicating that he knew the location of unused dynamite and then directed police officers to the gravel pit on North Court Street containing the unexploded bomb. Shows testified that Livingston told him, "They've let me down. They were supposed to have me out in 10 minutes after I got in jail. I'm ready to tell you about it." Livingston also told the detective, "I want to get out of here and get to that Klan meeting tonight." The defense countered by attempting to discredit Shows' reputation. Years later Shows recalled, "The lawyers accused me of everything." Livingston flinched several times during the city detective's testimony, incensed at what he heard. Britt, whose name was rarely mentioned on this day, attentively watched the witnesses. Most of the jurors had removed their suit jackets as they watched the proceedings, some with their feet propped up on the jury box rail.⁵⁵

Hill and his associates also called defense witnesses to corroborate their clients' claims that they were held incommunicado. Livingston's father, William K. Livingston, Sr., testified that his son "didn't have a rational mind," and proclaimed, "I wouldn't have believed him if he had said he had done it." The elder Livingston testified that his son told him that seven or eight police officers stood over him during the questioning and did not allow him to have food or water until he signed a confession. Adding to Livingston's portrayal of the appalling conditions his son described, each of the defense counselors continually emphasized the substandard conditions at the city jail. They asked witnesses

if they knew that there were no mattresses in the cells, and charged that “the place is overrun with bedbugs, ants, and roaches.” One observer muttered, “I guess John Blue is going to try the bedbugs next.” Livingston’s pregnant wife also testified to her husband’s “nervous and upset” condition when police released him from jail. Her poignant testimony brought tears to the eyes of several women in the crowd.⁵⁶

At the end of the first day of the trial, Britt and Livingston finally spoke with the press; prior to this, both defendants had remained silent about the charges leveled against them. When asked by a reporter if he believed in the separation of the races, Britt replied, “I don’t hate anyone but I am a firm believer in segregation from the word ‘go.’ I think the white man has his world and the Negro has his world.” Echoing the preposterous allegation his attorney used in court, Britt suggested that black activists were promoting interracial sex as a way to destroy the solidarity of the white race: “It’s apparent that the Negro is trying to destroy the world of the white man by forcing race mixing and intermarriage on him.” He also conveyed to reporters, “I simply think the white man in the South must stand up for segregation or the whole South will be turned over to the Negroes.” When questioned about the bombing charges, Britt exuberantly proclaimed his innocence: “As far as these charges that I bomb[ed] anyone’s church or home is concerned, I’m innocent. I don’t care who knows I’m a segregationist but I am not a bomber.” Britt blamed his arrest on the MIA and the NAACP: “We were arrested because of the pressures of these two Negro organizations. There is no doubt in my mind about that.” Blaming outside interference, Livingston derisively commented, “The Yankees up North are the ones who are stirring up all the trouble down here. If the Yankees would leave us people alone, we wouldn’t have things like this.” Livingston

then equated his opinions with those of the entire southern white community: “I think just like all the other people in Montgomery—I’m a white man and want my children to live in a white man’s South.” In reference to the confessions, both men claimed that while in police custody they were forcibly taken to the downtown hotel and held without being allowed to speak with their families or their attorneys.⁵⁷

Later that night, more than four hundred blacks packed into the Hall Street Baptist Church for a meeting of the MIA. Well aware that most of the people present were intently following the trial, King addressed the large gathering, telling them “no matter which way the court decision goes, not to despair but to keep faith in the future.” After the meeting, King added that “the Negro’s greatest enemy in the South today are the individuals or groups that have as their aim the nullification of the law of the land and who use violence in a refusal to comply.”⁵⁸ King and other black activists feared another miscarriage of justice; an acquittal in this case would reinforce what many other segregationists in the South already knew—that all-white juries would not convict one of their own, and no punishment would result for such racially-motivated crimes.

On the second day of the trial, Judge Carter ruled that Livingston’s confession was voluntary and admissible into evidence despite all of John Blue Hill’s assertions. The judge indicated that his ruling was influenced largely by the fact that Livingston had called detective Shows to the city jail several hours before he signed the confession in order to show him where the unused bombs were hidden in the gravel pit. The judge later amended his ruling, adding that only the statements Livingston gave concerning the bomb of the Hutchinson Street Baptist Church would be allowed. The confession contained references to several other acts of violence, including the attempted bombing

of King's house, that the Judge did not allow Thetford to introduce into evidence because it would prejudice the jury.⁵⁹

Thetford read aloud the permitted portions of the confessions during his questioning of Shows, asking the detective to confirm that Livingston had made these comments. The statements read loud included Livingston's discussion of the meeting at Britt's house on January 9, the dissemination of the explosives at Glenn's Grill on Madison Avenue, and the two defendants traveling in the convertible Oldsmobile to the Hutchinson Street Baptist Church. After Shows confirmed that Livingston had in fact made these statements, Thetford then read aloud to the court Livingston's description of igniting the bomb, throwing it on the church doorsteps, and driving off with Britt as they waited to hear the explosion.

Parts of the unexploded bomb to which Livingston had led the detective were introduced as evidence as well as the photograph taken by state toxicologist Vann Pruitt of Livingston pointing to the hidden dynamite. Pruitt testified that this bomb was made of four sticks of ditching dynamite and two half-pound cans of TNT. Prosecuting attorney Thetford also presented the jury with an enlarged picture of Livingston in an effort to refute prior testimony given by Livingston's father and wife about his disheveled appearance and confused state of mind. Corroborating detective Shows' rendition of what transpired, Pruitt said Livingston led the officials to a deserted area on North Court Street where they found the unexploded dynamite under a log. Shows later testified that Livingston also directed him and other law enforcement officers to an abandoned well where he said they would find seventeen sticks of dynamite and other materials. However, when the law enforcement officials inspected the well, it was empty.⁶⁰

Later in the day, the state called Norman Mitchell, a local white man who testified that Livingston came to his house and told Mitchell that he would kill Solicitor Thetford and detective Shows for arresting and prosecuting him. Mitchell also revealed that Livingston “showed me one church that had been bombed.” Under cross examination, Mitchell conceded that Livingston did not admit that he actually bombed the church, and that the accused had not threatened him.⁶¹

The prosecution then brought Walter L. King, a lanky railroad switchman, to the witness stand to testify that he was at Britt’s house for the surreptitious meeting several hours before the bombings occurred but refused to participate in the violence. According to one article in a local newspaper, King took the stand, “speaking in a low voice and clasping his trembling hands tightly in front of him.” King, an admitted Klan member, testified that after he refused to participate in the bombings, “One man there said he’d kill me if I said anything about it.” He also testified that on the night of the bombings he saw dynamite caps and other bombing apparatus at Britt’s house. King claimed that he tried to warn the other men, “You can go to jail for bombing places.” Although nervousness marked the railroad worker’s words, he testified that Britt threatened him the following week at a Klan meeting in Prattville, Alabama. According to King, Britt looked down at the water in the river and told him, “That river down there is mighty swift and deep, and you throw something in there and it might not ever come up.” Under cross examination, John Blue Hill asked the railroad laborer why he had not come forward to the police with this information. King responded that he was afraid and asked Hill, “What would you do?”⁶²

At the end of the second day, the defense was on the verge of trying to prevent the inclusion of the signed confession given by Raymond Britt. Similar to the situation with Livingston, defense attorneys attempted to demonstrate that detectives obtained the signature from Britt through intimidation and coercion. Following their legal strategy of discrediting the police department, the defense team also maligned city detective Tom Ward who had obtained the confession after about two hours of questioning. Hill asked Ward where he was from, and Ward responded, "Pottstown, Pennsylvania." With an emphatic look on his face, Hill spun around to face the jury and asked, "Did you hear that? He is from Pottstown Pennsylvania." Hill slowly enunciated the word "Pennsylvania," drawing out every last syllable in order to stress to the jurors that Ward was from a northern state. Several jurors nodded, comprehending Hill's implication that Ward, as a Yankee, was not part of the way of life shared by the southern jurors. Additionally, defense attorneys called to the stand Britt's wife and sister, who testified that when Britt arrived home from the police station, he was "filthy" and quite nervous. The two women claimed that Britt had not eaten or slept. State witnesses, however, testified that food was provided when the defendant was in jail and during questioning.⁶³

On the third day of the trial, May 29, the prosecution landed another victory when Judge Carter ruled that Britt's confession was voluntary and allowed Thetford to extrapolate parts of this written confession by directing questions to detective Ward. Although the judge did not allow the actual document to go to the jury as an exhibit again due to references of other acts of racial violence for which Britt and Livingston were not being tried, Ward testified that after about two hours of questioning, Britt admitted to participating in the bombings and explained how the Klansmen planned and executed

them. According to the detective, Britt admitted that he, Livingston, Henry Alexander, and James York discarded a box containing unused dynamite. Britt said they had been following Martin Luther King, Jr., and decided at that time to discard the dynamite. Britt also led Ward to a trash pile near Dannelly Field where he located the cardboard box. The state introduced photographs of the box taken by Vann Pruitt to substantiate Ward's testimony.⁶⁴

To further reinforce Ward's testimony, the prosecution introduced into evidence a handwritten note containing the words, "Hutchinson Street Baptist Church, No. 4" as well as other notations found by the police at Britt's house. Officers also testified that on the day of Britt's arrest, they removed a rifle, cartridges, and shotgun shells from the suspect's house. Defense attorneys tried to refute the handwritten notations by presenting a copy of the search warrant which stated that officers were only authorized to search for firearms and explosives. Hill contended that the pieces of paper with scribbled notations were not included in the search warrant and therefore should be suppressed. Following the climactic presentation of excerpts from Britt's confession and the materials obtained from his house, state attorneys rested their case, satisfied with the overwhelming evidence introduced.⁶⁵

Hill commenced his defense by calling to the witness stand two men to discredit Walter King's reputation and testimony. Charles Smitherman, a retired railroad employee and current elevator operator at the courthouse building, and L. C. Childre, a clerk employed by the Atlantic Coast Line Railroad, both testified that they knew King and they would not believe anything he said.⁶⁶

Defense attorneys then began relying heavily on the false insinuations and “browbeating” tactics the FBI informant predicted they would employ. They brought Martin Luther King, Jr., to the stand and intensely grilled the young preacher, misconstruing his responses and making inappropriate inferences. King later described how the attorneys reviled him unrelentingly, “For more than an hour I was questioned on things which had no relevance to the bombing case. The lawyers lifted statements of mine out of context to give the impression that I was a perpetrator of hate and violence. At many points they invented derogatory statements concerning white people, and attributed them to me.”⁶⁷ They asked King if he had ever dated a white woman, once again shrewdly raising the suggestion of interracial sex, knowing it would only inflame the white jury and spectators. In response to Hill asking King if he had ever dated a white woman, Virginia Durr, a white civil rights advocate and a perspicacious judge of southern race relations, later wrote, “You see, when you got down to the roots of the thing, you always got back to the white woman and the black man. This was the mystique. I call it the cesspool of the South.”⁶⁸ Defense attorneys knew that Durr’s disgust for what she labeled the culvert of the southern region was not shared by a majority of the jurors and spectators, many of whom believed that black men needed to remain in their prescribed societal roles.

Continuing to make use of this conventional and intransigent white southern attitude, both John Harris and John Blue Hill argued that the bombings were actually executed by black activists in order to solicit outside donations. Attorney John Harris used his examination of King to impugn the motives of the MIA. Watching Harris in action, a reporter for the *Montgomery Advertiser* noted that the “high light of the defense

tactics” for those in attendance occurred when John Harris “harassed and needled the Rev. Martin Luther King Jr. in an attempt to show the Montgomery Improvement Assn. which King heads, had a financial motive for committing the bombings for which Britt and Livingston are on trial.”⁶⁹ Judge Carter had to remind defense counselors twice that King and other black community leaders were summoned by them as defense witnesses. When the judge would not allow Hill to question King about his future plans for challenging segregation laws, Hill reiterated his associate’s accusation that black leaders had dynamited their own churches. Upset with Judge Carter sustaining the prosecution’s objections to his line of questioning, he barked out in a clamorous protest, “Our contention is that when the bus boycott ended they organized goon squads and carried out these bombings.” Hill elaborated that when the successful boycott came to a close, the contributions from outside Alabama dwindled down to the point that black leaders needed to create sympathy and procure additional monetary contributions.⁷⁰

Defense attorneys also questioned Fred Gray, the black attorney who filed the lawsuit that ultimately brought the end of the segregation ordinances on city buses. They heckled Gray about his draft status and his associations with the NAACP. Following objections by the state attorneys, Judge Carter again ruled these questions irrelevant. As the trial proceeded, the defense marched to the stand forty-three character witnesses for the defendants in a span of fifty minutes. Each witness testified to the good reputation of the accused. Few seemed concerned about the progress of the trial and the impending verdict—many of the defense witnesses played checkers while they waited to testify.⁷¹

On May 30, the fourth and final day of the trial, spectators crowded the courtroom, occupying every available seat. Early arrivals talked about the trial and

smoked cigarettes while they waited. Before the proceedings began, Britt made small talk with reporters, and Livingston held his young daughter in his lap. When Judge Carter called the court to order at 10:20 a.m., the defense called the first of its three alibi witnesses for both Britt and Livingston. The first witness, Mrs. E. L. Adams, an attractive brunette, claimed that Raymond Britt and his wife spent the night in question at her house. Adams, a relative of Britt's wife, claimed that the couple came over to her residence around 8:15 to have dinner and play cards with her and her husband. After Britt had consumed several beers, she asked him and his wife to remain for the duration of the night. She reported that the couple did not leave her house until 6:30 the following morning. Under cross examination, Adams admitted that she had not revealed this information to the police or the solicitor's office because she didn't think they would have been interested. Britt's wife then gave testimony virtually identical to that of Adams. In reference to the confession, she told the jury that her husband told her he had signed a piece of paper but he did not know what was written on it. Hostile exchanges between defense attorneys and prosecutors interrupted the testimony from Britt's wife at several points. During a cross-examination conducted by Assistant Solicitor Robert Stewart, John Blue Hill jumped to his feet vehemently objecting to Stewart harping on the same point. "I know you don't like to hear it," Stewart retorted. Hill replied angrily, "I don't mind hearing anything. I'm just tired of all the repetition." Livingston's wife then took the stand and testified that she and her husband were at home sleeping when the bombs went off. The young woman claimed that she was "awakened by something that sounded like an explosion," and she then roused her husband. Throughout her testimony the entire room was quiet and spectators leaned forward to the edge of their seats,

listening intently. Following this crucial testimony, the defense rested its case, confident that they had created reasonable doubt and provided the jury with an additional reason to acquit their clients.⁷²

In his closing arguments, defense attorney John Harris lambasted the police department and the city jail, which he labeled a “hell hole.” He announced that “the whole city police department needs cleaning out!” Harris then appealed to the jurors’ segregationist beliefs by declaring that a not guilty verdict would “sound a clarion call that ‘you Negroes shall not pass....’ We have got to say to these Negro agitators that we are not going to yield another inch in fighting for our way of life.” He expanded his clients’ situation to all of the city’s white residents: “I speak not for Britt and Livingston alone, I speak for every white man, woman and child in Montgomery.” John Blue Hill closed the final defense argument by again charging that the responsibility of the bombings lies with “Negro goon squads,” who bombed their own churches and homes in a desperate attempt to elicit financial aid from northern sympathizers. He cautioned the jury that, “A guilty verdict will be a verdict for Martin Luther King and his imps who seek to destroy our Southern way of life.” He ranted that the police officers conducted the investigation with the attitude of “to hell with the law,” and stressed repeatedly that the merits of the case did not support a guilt verdict. Appealing to the sentiments of the white southern jurors, Hill announced, “Your verdict will determine our very civilization and way of life. When you come out of that jury room with a not guilty verdict you can go home to your wives and children and say ‘I have done my duty’ because the evidence didn’t convince me beyond a reasonable doubt. You can say I have done something to save our way of life.”⁷³ The defense couched the decision before the jurors not in terms

of judging the guilt or innocence of Britt and Livingston, but in terms of shielding and vindicating their venerable racial order.

Contrarily, prosecuting attorney Thetford argued to the jurors that they faced more danger if they acquitted the defendants. “We don’t want racial rioting in Montgomery; but if one can play the game, both can. If you turn these men loose under the evidence the state has presented, you say to the Ku Klux Klan, ‘If you bomb a Negro church or home, it’s all right,’” Thetford informed the twelve jurors. Then, issuing a warning, he continued, “the next thing you know, it will be your church and your house, because it’s a sword that cuts both ways.” Acknowledging the sentiment of the jurors, assistant prosecutor Stewart told them, “There is nothing to be ashamed of to say you’re prejudiced.” Yet, he also implored them to condemn the violent actions of Britt and Livingston: “I know that if the time comes when we must meet force with force we will all stand up and be counted. But when it does I don’t want to be led by men like Livingston and Britt.” Concluding the state’s closing with great candor, Thetford explicated the pivotal issue before the jurors, “Let’s lay it on the line, gentlemen. The question is not whether these men are guilty or innocent but the question is whether this jury will convict.”⁷⁴ After these closing remarks and instructions from Judge Carter, the case went to the jury at 1:35 in the afternoon on Thursday, May 30. The jurors immediately went to lunch before beginning their deliberations at 3:00.

At this time, the fate of Raymond Britt and Sonny Kyle Livingston, as well as Montgomery’s fragile image, rested in the hand of the twelve white jurors. Black witnesses and the handful of white civil rights proponents hoped for a conviction but realistically prepared for an acquittal. Few whites in attendance seemed concerned;

several of them placed bets on the outcome of the trial, knowing their peers in the jury box would not fail to uphold their shared way of life. One man wagered that the jury would not take longer than two hours before reaching a decision. He won his bet.

After deliberating for one hour and thirty five minutes, the jury returned to the courtroom and the foreman passed along their decision to Judge Carter. Asking Britt and Livingston to stand, Judge Carter read the verdict written on the back of the indictment, “We the jury find the defendants not guilty.” Upon the reading of the verdict, the packed courtroom burst into applause, and vociferous cheers erupted, cutting through the stuffy air. Attendees shook hands and exchanged laudatory remarks and smiles. One spectator jumped on the backs of John Blue Hill and his associates, congratulating them on their victory. The wives of the defendants wiped away tears of relief. Livingston’s father moved throughout the courtroom, shaking the hand of every juror and thanking them. Later, one juror commented, “We didn’t have much trouble reaching a decision.” In spite of the substantial evidence presented during the trial, the all-white jury acquitted the two men based largely on their alibi witnesses.⁷⁵ Outside of the courthouse, press photographers captured pictures of the two triumphant defendants smiling and embracing their wives as ecstatic spectators crowded around them. These images made the front page of the next day’s *Advertiser*. Livingston and Britt combined for a statement to the media: “We knew we were innocent so we weren’t afraid of the jury’s verdict.” With well-wishers providing congratulatory back slaps, a smiling Livingston added, “God was on our side.” After the trial ended, Britt commented, “I’m not worried about the other charge against me.”⁷⁶ And he did not need to worry; prosecutors later dismissed the

charges against him for bombing the First Baptist Church and the taxi stand and for conspiring to commit a felony by tossing a dynamite bundle onto King's porch.

A revealing memorandum sent to FBI Director J. Edgar Hoover from the Mobile office contained specific information supplied by an individual possessing intimate knowledge of the trial proceedings. According to this source, he had the impression that Livingston and Britt were not the ones on trial, but that the police department and its officers were being tried throughout the affair. Furthermore, defense attorney John Blue Hill made numerous informal remarks to the jury while state prosecutors examined witnesses. Although Judge Carter restrained Hill by overruling him on several occasions, "the judge made no attempt to curb Mr. Hill's improper behavior in making remarks to the jury at improper times and under improper conditions." During their cross-examinations of state witnesses, Hill and his colleagues asked many questions which "in themselves carried false implications." When the witnesses answered these questions, Hill made remarks that belittled or discredited them. This Bureau informant also conveyed the fact that he "personally believes that every man on the jury was convinced of the guilt of the defendants." According to the memorandum, "the only possible explanation for the not guilty verdict was the strong bias and prejudice on the part of the jury against Negroes." Additionally, their source thought that it was possible "that one or more of the jurors may have been under such obligation to Attorney Hill so as to vote not guilty regardless of the evidence presented." The informant revealed to the Bureau his contention that, regardless of what transpired during the trial, the all-white jury would have never convicted Britt and Livingston; he believed that "even had the defendants

taken the stand and admitted their guilt, this jury would not have returned a guilty verdict.”⁷⁷

Given the volatile race relations in Montgomery in 1957, few people were surprised that the white jurors failed to convict the defendants for their egregious behavior. The verdict came as no surprise to detective Shows. “The lawyers knew a jury wouldn't convict them,” he recalled years later. Uriah J. Fields, pastor of one of the bombed churches, later wrote that he actually agreed with the decision to allow the bombers to go unpunished. From his perspective “having lived through the entire tragedy, and having seen this monster grow from an infant to a mature, uncontrollable peace-destroyer, I know that convicting the bombers would have been adding fuel to an already explosive situation.” In a recent interview, Reverend Graetz, whose house the bombers targeted that night, did not even remember that the state tried Britt and Livingston. This was quite a telling remark since a photograph in the May 28 edition of the *Advertiser* shows Graetz among the witnesses waiting to testify. Other civil rights leaders were not willing to capitulate to the injustice and vocalized their outrage over the decision. For example, Roy Wilkins, executive secretary of the NAACP, declared that the verdict was an indication that the South was not prepared to give justice to a black “victimized by whites.” Martin Luther King, Jr., was quoted as saying the verdict was “tragic and can only lead to the complete breakdown of law and order.”⁷⁸

The verdict in this trial also had ramifications on national politics. With congressional debate raging over a civil rights bill, proponents of the legislation believed the acquittal of Britt and Livingston exemplified the inability of southern juries to convict white defendants who committed crimes against civil rights advocates. During the

summer of 1957, a jury trial amendment to the proposed legislation became a pivotal issue. As the bill was originally written, the federal government would be permitted to obtain injunctions to discourage civil rights violations. The United States Attorney General specifically could enter federal court proceedings on behalf of a person whose civil rights were violated or threatened and then seek an injunction against the denial of this right. If a person was accused of violating this court order, a judge, rather than a jury, would decide his guilt or innocence. Southern senators, who were chairmen of several powerful Senate committees and held a great deal of political power when operating in a bloc, believed this would result in a denial of the fundamental right to a trial by jury. They also argued that this would give the Federal government precedence over state and local laws.⁷⁹

Prosecuting attorney Thetford had argued to the jurors the importance of their verdict on the impending civil rights bill. He informed the twelve white men that “verdicts of not guilty would do more to insure [sic] the passage of the civil rights bill now before Congress than anything I know.” Despite his argument, the jury failed to convict Britt and Livingston, prompting New York Representative Adam Clayton Powell, Jr., to suggest that Alabama blacks consider boycotting businesses of jurors. Lashing out against the Montgomery jury and the entire southern region, the black representative stated, “The acquittal by a jury of the bombers of ‘houses of God’ must clearly show to civilized Americans that the South has lost its soul and conscience and henceforth is not entitled to any respect.” Powell believed that the verdict demonstrated “the hypocrisy of any Congressman who dares now to present and support an amendment to the forthcoming civil rights bill which will institute trial by jury.” Denouncing the inclusion

of the jury trial amendment pushed by southern senators as “sheer, rank hypocrisy,” Powell proclaimed that the trial of Britt and Livingston served as a prime example of how southern juries would handle whites accused of violating the civil rights of blacks.⁸⁰

After reading about the verdict in the *New York Times*, Illinois Senator Paul Douglas concluded that this example of southern justice would aid the civil rights cause in Washington: “I think this indicates that our belief is correct that Southern juries will not penalize white election officials for refusing Negroes the right to vote.”⁸¹ Noting that the acquittal “points up the need for federal legislation” on civil rights, New York Representative Emanuel Celler, chairman of the House Judiciary Committee, explained that the bill would allow the U.S. Attorney General to obtain injunctions for civil rights violations. He suggested this approach would result in findings without the biases that typically marred these cases, and with the Attorney General bringing the injunctions, it would protect state officials from “indignities and hazards.” Referring to the racial climate surrounding the Montgomery bombing trial, Celler concluded that “no jury, much less a white jury trying a white defendant, could render a verdict free of bias” in that case.⁸² Many liberal politicians considered the repeated failure of southern juries to convict white defendants a farce of the judicial system and coalesced around the need for civil rights legislation.

One writer for the *Chattanooga Times* predicted how the bombing case would impact national politics when he declared, “The Montgomery case will certainly raise arguments by proponents of the civil rights bill which are sponsored by President Eisenhower as to just what a ‘trial by jury’ means in the South when the Negro question is involved.... This trial by jury takes its place alongside the trial of the Emmett Till

murder case in Mississippi.”⁸³ (In the Till case, an all-white Mississippi jury deliberated for just over one hour before finding the accused—Roy Bryant and J.W. Milam—not guilty of murder. The two men later sold their story, admitting their guilt.) Referring to injustices in the Till case and the Montgomery trial, Roy Wilkins explained, “It is this kind of justice, dispensed by these kinds of juries, that the opponents of the civil rights bills in Congress are trying to tack on to that bill. If Negroes cannot get justice in jury trials involving bombing and murder, they will not get justice in jury trials involving denials of the right to vote.”⁸⁴ Wilkins and other civil rights leaders recognized the importance of preventing the addition of a jury trial amendment; its inclusion would essentially defeat any voting provisions the bill provided. Conversely, many southern newspapers emphasized the necessity of the constitutional right to a trial by jury. The *Charleston News and Courier* declared, “One error on the part of a judge or jury is not sufficient reason for destroying a bulwark of our freedom.”⁸⁵ Southern congressmen also argued that defendants had a fundamental right to have their cases heard by a jury of their peers.

Adam Clayton Powell, Jr., was one of the strongest opponents of the jury trial provision. He circulated a letter written to fellow congressmen denouncing the amendment, calling it “a loaded gun aimed at the voting rights of colored people in the United States.” In this letter, Powell noted that segregationists had “made a mockery of justice in state courts by letting those who dynamite homes and churches go free.” In addressing southern Democratic congressmen specifically, Powell wrote, “the colored voters of the North are fed up with weak platforms and watered down legislation. They are increasingly asking the question, why send Pennsylvania and Ohio Democrats to

Congress if they must take their orders from middle men who serve the White Citizens Councils in Mississippi and Alabama?”⁸⁶

In response to the remarks made by Roy Wilkins and Adam Clayton Powell, defense attorney John Blue Hill issued this statement: “Neither we nor any other Southern white person expected before this trial or at any time that the verdict of any 12 white men in any court of justice in any city in the South would please Adam Clayton Powell, Roy Wilkins, the NAACP, the Communist Party, Martin Luther King Jr., or any of the other integrationists and mongrelizers who are attempting to destroy the South and all that we hold dear.”⁸⁷ Although Hill thought of himself as a representative of the white South, not every white resident in Montgomery supported the verdict. A strong editorial appeared in the *Montgomery Advertiser* on June 3 abhorring the violence and subsequent acquittal. The editorialist explained that the expression of emotion in the courtroom was not necessarily typical of other Montgomery residents, and noted that the city did not condone violence because of its inherent evil and because “all but the jughead village idiots know that violence works against the white South.” After praising the impressive work of the city, county, and state police departments, solicitor William Thetford, and Judge Carter, the author cautioned that plenty of trouble awaits anyone else who commits violence in Montgomery.⁸⁸

Meanwhile, on the day of the verdict, Thetford announced that the June 3 trial date for York and Alexander was postponed until August 7. Given the reaction to the earlier acquittal, southerners were well aware of the attention that this trial would garner. On the same day as the originally scheduled trial date, the Senate Judiciary Committee approved a jury trial provision that would guarantee a trial by jury to those accused of

contempt of court in civil rights cases. Three days later, on June 6, the civil rights bill moved to the floor of the House of Representatives for general debate. There, southerners launched oratorical stabs at the bill, taking issue especially with the section that they claimed would send accused violators of civil rights injunctions to prison without a jury trial. New York Democratic Representative Cellers rebutted that jury trials in these instances would interfere with the ability of courts to enforce orders. Pointing to the ineffectiveness of southern juries, Cellers referred specifically to the Montgomery bombing case in which “the defense pleaded its case on hold-the-white-line grounds” and obtained the not guilty verdict. Analyzing the political debates, Alabama congressmen reported that the acquittal in the Montgomery bombing case provided the strongest and most effective arguments used against the jury trial amendment. As the editor of the *Montgomery Advertiser* recognized, “The Montgomery jury decision could not have been timed better, as far as Northern supporters of the civil rights bill are concerned.” After several days of tenacious debate in the House, on June 14, representatives defeated the jury trial amendment by a vote of 199-167.⁸⁹ Four days later, the House passed the civil rights bill, sending it to a new battlefield in the Senate where southern congressmen prepared to take up arms against the same issues.

Throughout July, debate raged in the Senate over the bill, specifically regarding another proposed jury trial amendment. Senate debate consumed 121 hours and 31 minutes, with South Carolina Senator Strom Thurmond holding the floor for a record-breaking twenty-four hours. Thurmond was part of the legendary southern bloc—an assembly of delegates from former Confederate states who voted collectively to protect their way of life from any threatening legislation. Due to the strength of this bloc, since

Reconstruction the Senate had become a graveyard for previous civil rights legislation. Southern senators blocked proposed legislation by actual or threatened filibusters.

On July 23, the trial of York and Alexander was again postponed to a later date. Montgomery justices attributed the postponement to the summer heat and crowded conditions of the courthouse. However, according to an FBI report, a confidential source reported to the agency that “the real reason for postponing the trials is that all parties in this matter are convinced that James York and Henry Alexander will be acquitted, just as Raymond C. Britt and Kyle Livingston, Jr. were, and the attorneys and the court are afraid that such an acquittal coming at this time would work to the disadvantage of Southern United States Senators who are trying to amend the ‘Civil Rights’ bill now pending in the Senate to provide for jury trials for persons charged with contempt of court under that bill.”⁹⁰ Although southern lawyers and justices would not openly admit their motives for encouraging delays, onlookers were aware of the potential ramifications of the trial.

On the day after the postponement, U.S. Senators voted to eliminate almost all of section III in the civil rights bill, “whacking the very life out of the bill” as an article in the *Pittsburgh Courier* described. This section would have made segregation illegal in schools and in public places, as well as empowered the Attorney General to seek federal court injunctions against a wide range of civil rights violations. Those flouting the injunctions could have been charged with contempt of court and tried by federal judges without a jury trial.⁹¹ With the elimination of most of section III, the debate then focused on the single issue of voting rights contained in section IV. At this juncture, the Attorney General could still seek injunctions in cases of the denial of voting rights.

On the following day, July 25, intense debate commenced over the issue of whether to guarantee jury trials in certain contempt cases involving violations of voting rights. Senate Majority leader Lyndon Johnson of Texas believed that southern senators would be inclined to accept the fourth section of the bill if it was accompanied by a jury trial provision. Under Johnson's guidance, Democratic senators O'Mahoney, Kefauver, and Church pushed for an amendment to provide such trials. The Texas senator worked diligently behind the scenes to ensure the bill's passage, appealing to congressmen on both sides of the issue—arguing to southern Democrats that the jury trial amendment had watered down the bill enough so that it no longer posed a serious threat and conveying to liberals that they should accept what they could get. Johnson essentially functioned as the mastermind of the jury trial amendment, pulling proper levers when needed in order to change enough votes to secure its passage.⁹²

Even though President Eisenhower adamantly opposed the inclusion of the jury trial provision, the Senate ultimately passed the amendment on August 2 by a vote of 51-42 with thirty-nine Democrats and twelve Republicans voting in favor of the amendment's inclusion. The amendment guaranteed jury trials in cases of criminal contempt but did not apply to civil contempt cases. In civil contempt cases, if an election official was jailed for his refusal to register a qualified black person, he could be released from prison by agreeing to comply with the order. The judge's purpose in these instances would be to implement an order of the court. In criminal contempt cases, however, the intent would be punitive—if an official or private citizen deliberately obstructed a court order, such as not to intimidate a potential voter, then the judge could institute a

punishment. Determining which violations were criminal and which were civil would be left to a judge's discretion.

This marked a significant victory for a bipartisan coalition led by Senator Johnson and comprised of Southern Democrats, Western liberal Democrats, and a collection of traditional Republicans. Behind the closed doors of his office, Minority Leader William Knowland—who campaigned for the bill's passage in its original form without a jury trial amendment—broke into tears over this defeat. Vice President Richard Nixon denounced the Senate's passage of the jury trial amendment, commenting that, "This is one of the saddest days in the history of the Senate. It was a vote against the right to vote." Eisenhower called the passage of the amendment "one of the worst political losses of his administration." The President railed against the actions of the Senate commenting that, "The result cannot fail to be bitterly disappointing to those many millions of Americans who realized that without the minimum protection that was projected in Section four of the bill as it passed the House of Representatives, many fellow Americans will continue, in effect, to be disenfranchised."⁹³ Despite Eisenhower's immense disappointment, the Senate passed the weakened civil rights bill less than one week later, and on August 27, the House voted in favor of the Senate's version of the bill with only minor changes which the Senate then approved. President Eisenhower signed the civil rights bill of 1957 into law on September 9.

Eventually the charges against James York and Henry Alexander for bombing Ralph Abernathy's house were dismissed. Allowing the perpetrators to go free without even trying them was a far cry from the warning contained in an article published in the *Montgomery Advertiser* the day after the bombings, which noted that the police were

collecting evidence that “may send the person or persons terrorizing Montgomery to prison for life or to the electric chair.”⁹⁴ Prosecuting attorneys believed they had more convincing evidence in the case against Britt and Livingston, and with the acquittal, they opted not to try York and Alexander. In announcing the decision to the public, Circuit Solicitor William Thetford explained why he believed it would be futile to prosecute the remaining bombings cases: “In view of the sentiment of the people of this community...I see absolutely no possibility of securing a conviction in any of the remaining so-called bombing cases. Further trials in these cases would be a useless waste of the state’s money and would only serve to rekindle and keep alive the racial hatreds which are better forgotten.”⁹⁵ He requested that the circuit judges officially dismiss the pending cases.

On the final day of the criminal session on November 26, Judges Walter B. Jones and Eugene W. Carter issued a joint opinion dismissing all remaining criminal cases that stemmed from the boycott and subsequent violence. The judges believed that “no public good would be served” by bringing these cases to trial and ordered them *nol prossed* along with the upcoming cases of the eighty-eighty bus boycott participants indicted in February of the previous year on charges of illegal boycotting. King, the only one of eighty-nine indicted to be tried, had agreed to pay his five hundred dollar fine and dismiss the appeal pending in Alabama’s Supreme Court. King detested this amnesty agreement of dropping the charges against the boycott defendants in conjunction with dismissing the bombing charges because it equated the bombing offenses with the boycott. King did not publicly come forward to declare his disapproval; doing so would have only risked increasing the tensions between him and the eighty-eight Montgomery Improvement Association leaders who just escaped prosecution. When dismissing the charges against

York and Alexander, Judges Jones and Carter wrote that they hoped “friendly relations...can be restored...and that outside rabble rousers will not again be brought into the county to denounce our white citizenship, to inflame the feelings of a kindly people and to stir up the just resentment of the white race.”⁹⁶ Even months after the boycott ended, white justices continued to castigate civil rights participants who they perceived as outside instigators.

One year after the boycott ended, a disconcerting uneasiness between the races enveloped Montgomery. Although black residents won the legal right to occupy any seat they desired on public buses, many decided not to exercise this right, fearing the hassle that might ensue. The city’s segregationists had retaliated bitterly against the successful boycott and reestablished a subtle everyday threat that at any moment they could terrorize the city’s blacks and escape criminal prosecution. After observing the situation in the capital city, a reporter for the *New York Times* described how “beneath the surface all is not well. The scars of the bus dispute have not yet healed; they have been kept from being reopened only by a tacit agreement between the races to maintain, in many ways, an even greater isolation than before.”⁹⁷ Although boycott participants won the battle over the issue of segregation on the buses, they lost perhaps a more important battle when justice in the bombing case was denied. The dismissal of the charges against York and Alexander and the acquittal of Britt and Livingston represented some of the darkest hours in Montgomery’s history.

On January 1, 1958, in a retrospection piece, the *Montgomery Advertiser* reported that, “By far the leading criminal case and one of the top news stories of 1957 in Montgomery was the arrest of seven white men charged with the bombing of Negro

homes and churches and other racial violence, the subsequent acquittal of two defendants and dismissal of charges against the others.”⁹⁸ What local and national news sources failed to recognize was that this violence was more vicious than anyone suspected. Had the nation known that several of the men involved in the bombings also murdered an innocent black man, cries of indignation would have rung out from the black community. Even Montgomery civil rights leaders did not even recognize the magnitude of the racial injustice inflicted on their community. During one of the weekly mass meetings of MIA leaders on February 4, 1957—almost two weeks after the Klan killed Edwards—King proclaimed that the Montgomery “situation has become the greatest social revolution ever to occur. The amazing and wonderful thing about it is that not one life has been lost—an unheard of precedent in great revolutions.”⁹⁹ Few people beyond Willie Edwards’ family members and neighbors suspected the Klan had killed this black Winn-Dixie truck driver. The first major organized campaign of the civil rights movement had experienced its first death, and virtually nobody knew it.

CHAPTER 4

LIFE AND DEATH

Willie Edwards, Jr., was not a politically minded person. Discussions of current domestic events and foreign policy did not figure prominently in the conversations at the family dinner table when he was an adolescent. Nor was he a precocious child who excelled at academic subjects; school rarely held his interest. He did not have the necessary time or predilection to become a prolific writer or voracious reader. Philosophical insights and personal revelations were not put to paper; in fact, no scholarly or personal writings of his remain. Willie Edwards, Jr., was a small town southerner who grew up on a farm and lived all of his life in Alabama. From his provincial childhood experiences he learned the importance of a steadfast work ethic and an unimpeachable dedication to his family. He matured into a quiet and amiable person, always willing to lend to others the mechanical abilities he acquired through years spent on the farm. Throughout his life, he derived his sense of identity and purpose from his local surroundings in which his family and work responsibilities took the utmost priority.¹

Born on November 13, 1932 to Willie Edwards, Sr., and Zorabelle Edwards, Willie Edwards, Jr., came of age in Hope Hull, Alabama, a predominantly black community located fifteen miles to the southwest of Montgomery. Hope Hull was a quiet farming town where neighbors, all of whom knew one another, traveled on dirt roads to socialize while sitting on small front porches and drinking lemonade or iced tea. Rusty farming trucks, mule-driven plows, noisy tractors, and the unmistakable smell of

livestock made up the landscape. Willie's father owned his own farm comprised of a ramshackle barn and the typical assortment of barnyard animals—chickens, cows, horses, mules, and pigs. The family lived in a small one-story unpainted house that did not have running water—they retrieved this from a well on the property—or amenities like air conditioning, telephone, or television. Throughout his childhood and adolescence, Willie helped maintain the farm by tending to the animals as well as planting and harvesting a variety of crops. He also assisted his father when they transported their produce to Montgomery for sale; this revenue served as the family's primary source of income.²

Both Willie's father and mother were Alabama natives who chose to settle in Hope Hull after they married because of its serene atmosphere. The couple had four children including Willie who acquired his father's name even though he was the second male child, born after his brother George. Only one year apart in age, George became a companion to Willie for their childhood antics and athletic activities. Willie's two sisters, Cleo and Vada, provided him with an opportunity to develop the more compassionate and lighthearted side of his personality. Always smiling and regularly teasing in a jovial manner, Willie was fun to be around. He enjoyed playing games with his sisters, although one incident of roguery left him with a permanent injury. While engaging in a game of tag with Vada, Willie decided to hide under a bed out of his sister's grasp. Knowing her arms were not long enough to reach Willie, Vada grabbed a broom with bristles strong enough to rake leaves and began thrusting it under the bed. With one of these lunges, she inadvertently jabbed the bristles into her brother's right eye, causing a permanent partial loss of vision. Although an accident, the event triggered in Willie a reluctance to engage in aggressive games.³

Even with the camaraderie he experienced with his brother and sisters, it was his father who became the key influence during his formative years. Willie's mother, Zorabelle, died before he reached the age of two, leaving him with only a few hazy memories of her. Clinging to the bond he had with the only parental figure during his early childhood and due to the arduous demands of farming chores, Willie spent a considerable amount of time with his father, growing remarkably close to him. Watching his father work on their farming truck, Willie developed an avid passion for repairing and maintaining automobiles; during these occasions, Willie, Sr., passed along to his son valuable mechanical skills. His father also taught him at an early age how to drive the old farm truck, and Willie frequently assumed the responsibility of hauling hay for his neighbors. During one of their afternoons together, Willie's father affectionately called him "Mookie," a nickname that remained for the duration of his life; all of his friends and family—even his wife—referred to him by this sobriquet.⁴

Several years after the death of his first wife, Willie Edwards, Sr., married Evelyn Smith, a local Hope Hull resident whom he met at church. This union produced four more children: twins Edna and Reather, a son Wash, and a daughter Lula. Evelyn, an attractive woman with skin much lighter than Edwards' first wife, was part Cherokee Indian. All four of her children inherited her fair complexion, a trait that would later induce trouble for her twin daughters. After the birth of her fourth child, Evelyn was diagnosed with throat cancer and had to have surgery in Montgomery which left her with a tube in her throat that she had to remove each morning to clean. Several months after the operation, her condition worsened and her domestic responsibilities fell largely to the children; Willie's sisters did most of the cooking and cleaning for the household.

Growing up without a mother and then witnessing his stepmother debilitated by her illness, Willie developed an avid conviction to shelter and provide for his family, especially the women in his life. His sisters all grew extremely close to him due largely to this protective and sensitive nature. In him they found an introspective and consoling ally to whom they could continually turn. Willie always referred to Evelyn's daughters as his sisters, never his half-sisters, and he corrected anyone who employed what to him was the offensive descriptive.⁵

Apart from the considerable illnesses that struck his family, Willie enjoyed his time growing up in Hope Hull. He partook in most of the typical boyhood activities; he shot marbles with friends, went fishing in nearby streams and lakes, and regularly played basketball. Possessing natural athleticism and a trim body, Willie came to thoroughly enjoy and excel in swimming. With no organized swim teams in Hope Hull, he never had the opportunity to swim competitively. Instead, he showcased his talents for other neighborhood children and taught them how to swim in local streams and ponds. Vada, his younger sister, recalled the pleasure it brought her to watch Willie swim: "I was a little girl and couldn't swim, but I loved to watch him swim. He was always a good swimmer." She believed that his aquatic abilities contributed to his fateful decision to jump from the bridge the night the Klan abducted him: "I guess when he jumped he thought he would survive."⁶ Those who had seen Willie swim could understand why he might have believed he could endure the jump and the subsequent landing in the river. As a teenager Willie loved to clamber up tall trees, navigate their branches until he was perched on a limb above the water, and then launch himself into the stream, frightening and at the same time amazing onlookers.

Willie made sure word of these impetuous stunts did not leak back to his father and stepmother. Even though he was usually obedient to the parental figures in his life, he pushed the envelope on several occasions in order to discover just how far his latitude extended. Willie typically worked diligently to complete his assigned chores, but due to its inherent danger and monotony, chopping wood became his most dreaded task. In a clever effort to dodge the loathsome activity one day, Willie waited until his father left the property and then summoned a friend whom he paid to split the wood for him while he went off into the woods to socialize. Unfortunately for Willie, the friend neglected to uphold his end of the bargain. When Willie's father returned home and discovered the uncut wood, Willie became the object of his father's hard-handed discipline. Willie's behavior angered the generally mild-tempered man because it openly defied the values he preached to his children about the importance of work. Although this incident was degrading and humiliating, it was on another occasion that Willie had his worst experience cutting wood. While holding a piece of wood in one hand and bringing the ax above his head with the other, he swung the blade down on his hand, chopping off the end of one of his fingers. He immediately dropped the ax and grabbed his bloody hand, clenching it tightly as he ran to the house crying out for help. In the 1940s there were no doctors in Hope Hull with adequate training to reattach the severed joint, and Willie lost it permanently, leaving a shortened finger on his left hand—one of the physical features medical examiners later used to identify his body.⁷

School was another realm in which Willie Edwards attempted to escape activities he did not find enjoyable or pragmatic. Black children in Hope Hull received their education at Marblestone School, a small schoolhouse sitting at the top of a grassy hill.

Although no longer standing, the school was a quaint white wooden structure consisting of no more than three rooms and five teachers. Located outside were the basketball courts, an open field used for recess, and the toilets. Inside, teachers divided the roughly fifty pupils into three sections based on age range. The interior walls barely partitioned the rooms, and students in one section could easily see pupils in another. Children sat on hard wooden seats and had small desks; a blackboard was mounted on the wall in the front of each classroom. The second school for younger children was not built until Willie reached the high school grades.⁸ Willie's mind wandered regularly during school hours and his instructors caught him daydreaming on several occasions. By late childhood, he already knew he wanted to find an occupation utilizing large trucks in some capacity. With this objective in mind, he did not regard solving math problems or writing prose advantageous activities.⁹

Although his scholastic abilities left much to be desired, Willie's cordial personality and athleticism made him popular among his peers. During his initial years at Marblestone, he promptly befriended one of his older classmates, Edward Farrior Claibon, a reserved yet affable person much like himself. Claibon was one of the few children in Hope Hull who owned a bicycle, a possession that made him the center of attention whenever he brought it to the schoolyard. Naturally drawn to Willie's mild-mannered and agreeable nature, Claibon held no reservations about lending his bicycle to Willie. Through this exchange, the two discovered they had much in common. Although Claibon was nine years older than Willie, the two spent a significant amount of time together discussing their mutual appreciation of automobiles and their aspirations of driving powerful trucks with large engines. Although they did not converse often after

Claibon graduated, the two friends reunited later when they both drove trucks for a living. While eating at a diner or filling up their trucks at a gasoline station, they would brag about their trucking experiences and how fast their vehicles could travel; Claibon often kidded Edwards about the fact that Winn-Dixie trucks were quite slow.¹⁰ Other classmates were drawn to Willie's teasing, good-natured, and playful personality he evinced as they got to know him. Willie Edwards developed a circle of friends that he socialized with in and out of school; they spent most of their time playing basketball, fishing, swimming, and talking about female classmates while smoking cigarettes.

At Marblestone, Willie met Sarah Jean Stone, the woman he would later marry. She was one year younger than he, born in October of 1933 to James Stone and Malinda Reese Stone. Similar to Willie, she was raised in a large family, living in a house with six sisters and four brothers. Sarah Jean resided with her parents in Montgomery for the first fourteen years of her life, but decided to attend high school in Hope Hull. She wanted a change of pace from the overcrowded schools in Montgomery and knew that the attention from teachers would be greater at a school situated in the middle of a small farming community. While she attended Hope Hull, Sarah Jean spent weekdays with relatives who resided on a farm located about four miles across the field from where Willie lived. She returned to Montgomery on weekends, and on Mondays, she rode into Hope Hull with the principal of Marblestone, a friend of the family who also lived in Montgomery.¹¹

Shortly after commencing the ninth grade, Sarah Jean noticed the young man she later described as "the most handsome guy I had ever seen in my life." While sauntering outside on the school grounds, she began watching several classmates playing basketball,

and one in particular caught her eye. At five feet, three inches, he did not possess a large stature and he barely pushed the scales past 120 pounds, but he was in excellent physical condition from being so active on the farm, and many female schoolmates found him attractive. He wore his hair short on the sides and had curls on the top of his head that caught the gleam of the sunlight. His deep dimples became even more pronounced when he smiled, a charming grin that everyone described as his most engaging and memorable feature. He occasionally wore horn-rimmed or “bebop” glasses when performing certain tasks, but not while engaging in sports. Sarah Jean stood a few feet from the court and for several minutes simply watched Willie play, although it was readily apparent that basketball was not his best sport. Eager to make his acquaintance, Sarah Jean quickly gleaned from other students that this young man was “Mookie.” In an attempt to ingratiate herself with the Edwards family and become closer to Willie, Sarah Jean befriended Vada. After only a few visits to their house, she acquired a genuine liking for Vada and a true affection for Willie. Living across the field from one another, Sarah Jean and Willie often walked the four miles to spend time with one another.¹²

The couple dated throughout their four years together in school. With her superior scholastic aptitude, Sarah Jean regularly assisted Willie with his studies, even though he would usually procrastinate, opting to go fishing or swimming instead. Mathematics was his worst subject and he loathed the problem solving component. Edwards was already behind other students his age because he did not attend school during planting and harvest seasons; instead he stayed home to help his father tend to the crops and then transport them for sale. Not wanting him to fall further behind, Sarah Jean continually pushed him to stay on pace. Although Willie genuinely appreciated her help

and she usually patiently provided it, one incident involving their lessons caused them to break up for a short interval. When Willie asked Sarah Jean for her answers to an assignment he neglected to complete, she deliberately gave him the incorrect responses. After the teacher determined what happened, she relegated Edwards to the corner of the room while his classmates snickered. “He wouldn’t speak to me for a long time after that,” Sarah Jean recalled.¹³

As a teenager, Willie Edwards received most of his companionship from Sarah Jean, especially since most of his siblings began to move out of Hope Hull: George, the oldest, went to Cincinnati, Ohio, at age sixteen (where he was later joined by Wash), Vada lived with an Uncle in Birmingham, and Lula moved to California. Most afternoons following school, Willie brought Sarah Jean to his father’s farm where they rode horses together and devoted hours to pleasant conversation. In order to spend time with him and not interfere with his chores, she helped him pick cotton and feed the horses, mules, and hogs. Willie took Sarah Jean for long rides many afternoons in his father’s farm truck. Sarah Jean spent a significant amount of her time at the Edwards house and developed a sincere friendship with Willie’s father. Passing along the sagacity he acquired over the years, Willie, Sr., conveyed to his son and Sarah Jean the importance of completing high school before they married.¹⁴

Although more strict in their parenting, Sarah Jean’s father and mother came to respect Willie’s politeness, kind nature, and his commitment to those he cared for. Sarah Jean’s father insisted that young suitors courting his daughters dress appropriately—which to him meant wearing a suit and tie. Although Willie preferred comfortable clothing that he could dirty while working on cars, he always wore the required suits

when visiting Sarah Jean in Montgomery. On one occasion, Willie drove to Montgomery and reached their house before realizing that he had forgotten his necktie. He entered the house hoping her father would pardon the oversight just once; he did not. Eager to impress Sarah Jean's parents, Willie drove back eighteen miles to Hope Hull to retrieve the tie and then returned to Montgomery. By the time the escapade was finished, Willie had less than an hour to spend with his girlfriend that night. Knowing the couple would soon be married, the Stone family appreciated Willie's ambitions to provide for their daughter. In the months preceding their matriculation from Marblestone, Willie purchased several pieces of quality furniture, planning for when they moved into their new home.¹⁵

On June 22, 1952, shortly after graduation, Willie Edwards and Sarah Jean Stone married; he was nineteen and she was eighteen. The young couple moved into a small duplex house on McKinney Street on the west side of Montgomery in order to be closer to Sarah Jean's family. Although this house was small—with only two bedrooms, a living room, and a tiny kitchen space—Willie invited his twin sisters, Reather and Edna, to live in his household. Unlike his other siblings who moved out of Hope Hull, the twins had stayed in the farmhouse with Willie. Evelyn finally succumbed to the throat cancer when Reather and Edna were twelve, but before she died, Willie promised her he would take care of her twin daughters. Edwards also wanted his sisters to receive a better education which they would residing with him in Montgomery. Willie, Sr., expressed his objection to his son assuming the additional task of caring for the twins; he believed that Willie should instead concentrate on the responsibilities associated with his recent

marriage. Sarah Jean, however, supported her husband's decision and welcomed the twins into their house, helping to raise them.¹⁶

Although still a teenager when he married, Willie thrived in his newly assumed role as head of the household, deriving great pleasure from his abilities to financially and emotionally support his wife and sisters. Believing that he bore sole responsibility for the upbringing of Reather and Edna and aware that his father's farm did not produce a steady flow of income, Edwards declined several offers his father made to provide money for their care. After a brief stint working with a fertilizer business, Willie Edwards decided to pursue a career in truck driving—the much anticipated occupation for which he was well prepared—and began working for a company named Sunday Dinner. Although he received a mediocre salary, when supplemented with the money Sarah Jean procured working out of her home as a beautician, it allowed him to craft a comfortable lifestyle for his family with nice clothing and small decorative items to accentuate their house.

Following the birth of their first child, Malinda, in 1953, Willie and Sarah Jean Edwards moved a few blocks down to Rice Street into a more spacious house with a front porch and an open backyard where they hung their clothing on a line and where Willie spent much of his time with his head under the hood of automobiles. Although community residents did not find him to be a loquacious person, they knew he was always willing to help them when they requested assistance with their cars. He did not charge his neighbors for his services, and when he worked on their property, he typically stayed until the job was complete. For Willie Edwards, cars represented an avenue for connecting with the community and his relatives. After saving his earnings for over a year, he was able to purchase his own vehicle, a Chevrolet two-seater coupe; he then

bought a 1951 Ford and later a 1953 Packard. Sarah Jean's niece, Juanita, recalled the excitement it brought members of the family and friends when Willie took them for long drives on Sunday afternoons: "One of our favorite things to do was to go for long rides with him." Sarah Jean established her roots in the community by baking for neighbors—pies were her specialty—and inviting friends for dinner. Sarah Jean devoted the rest of her spare time to gardening, shopping with Reather and Edna, keeping a meticulously clean house, and attending church at Ebenezer AME Zion in Montgomery.¹⁷

Although he joined Sarah Jean occasionally at her church, Willie Edwards continued to attend the New Pleasant Valley AME Zion Church in Hope Hull where he was a mason. After church on Sundays, he usually traveled to his father's house and spent hours sharing stories with him, confiding to his father information that he did not discuss with anyone else. With his son and twin daughters living in Montgomery, Willie Edwards, Sr., later moved from his farming land in Hope Hull to the southern district of Montgomery near Maxwell field into an area commonly referred to as the "chicken shack." This location put him in closer proximity to his son and daughters, and on this property he had a shed in the back yard where he continued working on automobiles with his son. After spending the afternoon with his father, on Sunday nights, Willie Edwards, Jr., frequently went to the movies, either at the outdoor drive-in theaters or at one of the indoor theaters such as the Ritz Theater in downtown Montgomery.

At these theaters, Edwards often found himself chaperoning the dates of his teenage sisters, including the social encounters between Edna and Willie's best friend, Winston Singleton. Around the same age as Willie's sisters, Singleton took a particular interest in Edna who, by this time, possessed a quiet and introspective demeanor as

opposed to Reather's gregariousness. The protective role Willie assumed with his younger sisters made him appear more like a father than an older brother; Edwards allowed Singleton to visit his house and spend time with Edna, but he established a curfew for the two, telling his friend when it was time to go home. On one occasion, Willie Edwards sat Singleton down and made it clear that he expected his friend to treat Edna with gentlemanly respect and notified Singleton that if anything ever happened to her, he would find Singleton and hold him accountable. In Edna's company, Edwards treated Singleton like other teenagers who pursued his sisters even though he and Singleton were best friends. Singleton, who lived just a few houses away on the next street, had met Willie when he and Sarah Jean moved into the neighborhood. Winston Singleton had quickly become friends with Edwards and often accompanied the truck driver on his routes, helping with the deliveries. On Monday nights, the two men socialized with neighbors while playing Bingo and cards at Hattie's Sweet Shop, a local store which sold the usual assortment of small town convenience store items like sodas, potato chips, chocolates, and candies. There, the gatherers smoked—like most young men in the community, Willie Edwards smoked cigarettes and drank occasionally but not excessively—and played cards while discussing occurrences in the neighborhood.¹⁸

For Willie Edwards there was a sharp contrast between the predominantly black community of Hope Hull where he had little interaction with whites and the racially-charged climate in Montgomery. Having grown up in Montgomery, Sarah Jean was more accustomed to the situation than her small-town husband. Railroad tracks literally divided the community where Willie and Sarah Jean lived between the white and black sides of town. The tracks crossed the middle of May Street (the lower half of this street

intersected with Rice Street only a block from where the Edwards family resided). When blacks wanted to purchase commodities from the A & P Grocery Store, they had to cross the railroad tracks and continue traveling north until May Street intersected with Bell Street, well into the white residential area. For many black patrons this was often a frightening ordeal. White loiterers regularly heckled the black teenagers who ventured across the tracks, and the more obstinate white hooligans chased the black “trespassers” causing them to sprint for the railroad tracks, knowing if they made it to their side of town, their chasers would abandon the pursuit. Although most blacks tried to avoid physical altercations, they were occasionally forced to defend themselves, and pushing and fighting ensued. Aside from the verbal and physical harassment, other dangers awaited black men. One time when Edwards and one of his neighbors crossed the tracks to buy groceries, a young white woman made a pass at Willie. He deliberately and flagrantly ignored her advances, knowing that any acknowledgment might induce considerable peril. Although Montgomery was a shockingly different environment from Hope Hull, as a native southerner Edwards certainly understood the prescribed racial customs appropriate to the region.¹⁹

Willie Edwards came to appreciate the severity of the racial discrimination in Montgomery through stories his friends and neighbors shared with him; learning of their daunting experiences with racist police officers made Edwards apprehensive about his sisters and children growing up in this hostile environment. One of these neighbors, Ruby Steiner, was thirteen when Willie and Sarah Jean moved into the neighborhood, although she knew Sarah Jean and her family before she married Willie. Steiner’s parents—like most other parents of young black children—instructed her and her sister to

stay inside once darkness descended. Steiner had to complete all her errands before she returned home because once she did, her father kept her and her sister in the house for their protection. Their father held several jobs including working as a cook at a downtown grill and as a janitor for a lumber company. One morning when he was opening one of the doors at the lumber yard (as the custodian, he had his own set of keys) a white police officer accosted him, shouting racist slurs and accusing him of breaking and entering. Steiner attempted to explain to the hostile police officer that he worked for the company and was only performing his job responsibilities. Eventually, the officer called Steiner's employer to verify his janitorial position with the company, but not before he upbraided and humiliated Steiner.²⁰

Edwards' best friend, Winston Singleton, also described to Willie one of his degrading experiences with racial segregation in Montgomery. Singleton's employer at a men's clothing store instructed him to retrieve from the train station a ticket the store owner had purchased for his wife to travel to New York. When Singleton first entered the station, few people were inside. He walked up to the line denoted as "white," reasoning that since he was picking up a ticket for a white passenger, this was the appropriate line. By the time he made it to the teller and explained to her the purpose of his mission, a white police officer approached him from behind. The belligerent officer shouted at Singleton, "Can you read, boy? This line is for whites only." Singleton attempted to explain his line of thinking to the officer only to have the thoroughly annoyed officer instruct him to "get out and never come back." Singleton's disclosure of this event to his best friend marked one of the rare instances in which he and Edwards discussed the racial situation in Montgomery; usually when they rode together the two

friends did not speak about racial issues, even major events such as the boycott. Fearing the ramifications, both men tried not to deviate from their assigned place in society—the last thing Edwards wanted was to jeopardize his growing family.²¹

With the birth of second daughter, Mildred, and with Sarah Jean pregnant the following year, Edwards left the Sunday Dinner company at the end of 1956 and secured a better job—outperforming several white men—as a truck driver for Winn-Dixie delivering products to Kwik-Chek Grocery Stores. By this time, Edwards was very adept at operating large delivery trucks—he could back a truck into tight spaces, guiding it with the precision and ease of a rider on a motorcycle. The salary at Winn-Dixie was approximately two dollars an hour, an increase from his previous job. Sunday Dinner was a small operation with about six or seven trucks delivering to small grocery markets commonly called “mom and pop” stores. The Winn-Dixie corporation (originally named Winn-Lovett) then moved into Montgomery with a more extensive operation, conducting business from their own warehouse and hiring drivers to deliver merchandise to larger stores.

Although earning the Winn-Dixie position provided Edwards with a sense of pride and monetary benefits, it also engendered considerable dangers from which he tried to shield his family. By abstaining from the civil rights movement, Edwards had managed to elude the rancorous white retaliation that supporters of the bus boycott endured, but his acquisition of the job over white applicants most likely induced the resentment of local whites. Shortly after he began working for Winn-Dixie, Edwards noticed that a couple of white men stalked him on several occasions. His sister Edna vividly remembered one evening when Willie Edwards became visibly rattled while

chaperoning one of her dates at a movie theater. At the end of the movie, Edwards quickly ushered his sister and her date out of the theater, continually looking over his shoulder. “We knew they were white, but he didn’t tell us who they were. He wouldn’t tell us who they were because he didn’t want our lives to be in danger,” she explained. On other occasions, he exited the theater through one door and sent his sisters in another direction, instructing them to meet him back at the car. Growing increasingly fearful of the danger these threats posed to his safety, Willie Edwards told select relatives that he was contemplating leaving Montgomery. Reather recalled a specific instance when Willie returned home after viewing a movie by himself and told her he wanted to leave Montgomery and go to California where some relatives were operating a successful furniture business. Although he did not divulge to her what prompted this comment, he told Reather he would not relocate because he did not want to uproot his family. Approximately two weeks later, Willie disappeared. Perhaps not wanting to stress his wife, especially when she was pregnant with their third child, he chose not to reveal any of this to Sarah Jean.²²

The period of time during which these white men trailed Edwards coincided with Montgomery’s worst outbreak of racial violence. These unknown stalkers—who may or may not have been Edwards’ killers—followed him during the first several weeks of January, 1957, and on the tenth of that month, some of the same Klansmen who would later murder Edwards bombed the four black churches and two ministers’ houses. These bombings could only have exacerbated Edwards’ concerns, realizing that he lived in a city where contemptuous racists used dynamite against black residents. As afraid of Montgomery’s perilous atmosphere as he must have been, Edwards loathed the idea of

leaving the area for many reasons; most of Sarah Jean's family members lived in the neighborhood and Willie's father, the man who had practically single-handedly raised him, now lived nearby. Although he feared for his own safety, according to his sisters, Willie ultimately decided not to leave Montgomery because of the familial connections he and his wife maintained.

A few nights before Willie Edwards, Jr., lost his life, around seven o'clock in the evening, several members of the Montgomery Ku Klux Klan conversed over food at the Little Kitchen restaurant, a local greasy establishment widely recognized in the community as a Klan gathering place and owned and operated by Ray Harrelson, a known Klansman. Sitting inside the restaurant, the men discussed the fact that a black Winn-Dixie truck driver had made an offensive comment to a white waitress who worked in one of the diners along the route to Sylacauga. Walter Boyett, Sr., head of the Montgomery Klan, disclosed to the others that he had witnessed the actual incident and later decided that this black man should pay for his transgression. Although no specific plans were formulated, the men reached a general agreement that something should be done about this matter.²³ A few nights later, four of these Klansmen would, in fact, address this matter.

The night before Edwards died, Winston Singleton came by the Edwards house as he usually did before going to play Bingo. Addressing Edwards by the nickname he assigned his best friend, Singleton inquired, "Hey, Horse, are you going round to the Hattie?" Willie replied that he planned on making an appearance but instructed his friend to proceed without him and informed him that he would join him later that evening. Willie Edwards did not show up that night at the sweet shop to play Bingo and cards.

Although Singleton passed by Willie's house on his way home, he did not stop in because it was late and he did not want to disturb the family. Besides, he figured something had just come up. Little did he know, he would never see his best friend again.²⁴

Tuesday, January 22, 1957, began like many other days for Willie Edwards. After devoting the morning and afternoon to completing his regular work shift, Edwards returned home around five o'clock to play with his two young daughters and converse with his wife. While preparing dinner, Sarah Jean heard the phone ring; she answered it and passed the call along to her husband, who spoke with his employer briefly before relaying the gist of the conversation to his wife: another driver had called in sick, and they needed Edwards to replace him. Willie Edwards had been driving for the company for only about two and a half months and wanted to perform well at his new job, but Sarah Jean held reservations about her husband accepting the additional assignment after he had already completed a full day of work. Seven months pregnant, she did not want her husband to leave her home alone. Attempting to rationalize his decision, Edwards assured her he knew the route and would not be gone long; besides, working overtime would provide an additional monetary boost for their expanding family.²⁵

After quickly eating a few items from his dinner plate, Edwards changed into more appropriate attire for the cold night that awaited him—a white t-shirt underneath a plaid cotton shirt and a green jacket. He then wrestled on a pair of jeans that his wife had altered for him because they were too large. Sarah Jean walked him to the door where he assured her once again that he would return later that night.²⁶ After saying goodbye to his wife, Edwards drove to the Winn-Dixie trucking warehouse on Jackson Ferry Road and then departed from there with a load of groceries around six o'clock in the evening.

Traveling roughly sixty-five miles north with a heavy load, he arrived at his destination in Sylacauga at 8:40 and proceeded to unload the truck. Eager to return home to his worried wife, Edwards promptly headed back to Montgomery around 9:15, traveling due south along route 231 leaving Talladega County and traveling through Coosa County and Elmore County into Montgomery County. He entered the town of Wetumpka and split off from 231 onto Lower Wetumpka Road, a narrower and, at this hour, deserted road. Around 10:10, upon reaching an area known as Flatwood, Edwards steered his truck into the parking lot of the A & H grocery store to make some quick notations in his logbook before returning to the warehouse. After lurking along this same road, the four Klansmen found Edwards sitting in his idling truck. The unsuspecting driver had no way of knowing that these Klan members had planned several days before to target the black Winn-Dixie truck driver who customarily traveled this route.²⁷

According to reports filed by officers of the Montgomery Police Department, around 2:00 a.m. on January 23, the Winn-Dixie dispatcher sent another driver to determine why Edwards had not returned to the warehouse. This driver located Edwards' deserted vehicle in the grocery store lot and called back to the warehouse to report his findings. The driver noted that no blood was present in Edwards' truck and he saw no evidence to indicate wrongdoing. The dispatcher instructed him to turn off the truck's lights and told him they would send someone else to retrieve the truck. The police officer gathering information for the compendious report also took note of the fact that Willie Edwards' car, a 1953 Packard, was still parked in the lot at the warehouse.²⁸

Sarah Jean tried desperately to wait up for her husband, but the fatigue of caring for her young girls and the strains of being seven months pregnant took their toll, and she

eventually drifted into sleep. The disruptive sound of loud banging on her front door jarred her from her bed sometime between 8:30 and 9:00 the next morning. An insidious nausea enveloped her when she did not see her husband lying next to her on the bed. Wrapping a robe around her shoulders, she opened the door to see two uniformed police officers standing on her front porch. Hoping that Willie Edwards was inside, they asked, "Has your husband been home?" After she responded in the negative, the officers informed her that they located his abandoned truck on Lower Wetumpka Road with the keys in the ignition and with the lights on. They told her that Edwards "was nowhere to be found." They explained, "We were hoping that he had come back home. We really don't know what has happened to him. If he returns home or if he calls you, let us know." At this point they left, promising to return if they discovered any more information. According to Sarah Jean, she heard nothing more from the officers until they found her husband's corpse three months later.²⁹

Seeking emotional support, Sarah Jean walked to her mother's house located up the street. When she told her mother, Malinda Reese Stone, about the police officers' harrowing visit, Malinda told her daughter, "You know what has happened to Willie." "No, I don't mama," Sarah Jean replied. "You know the Ku Klux Klan killed him, but we don't know yet where he is. I'm telling you now that the way things are going here in Alabama at this time, the Klan is behind mostly everything that has happened." These blunt remarks brought Sarah Jean to tears. Although not wanting to believe her mother's words, she knew that the Klan's involvement was a likelihood given the inflammatory racial situation in Montgomery. Other members of Sarah Jean's family grew increasingly fearful that someone had murdered her husband. Juanita, Sarah Jean's niece, recalled,

"We hoped for the best, but we knew it would probably be the worst." Friends and neighbors also held a strong suspicion that Willie Edwards, Jr., may have been murdered by Klansmen, although they did not articulate their fears to Sarah Jean as abruptly as her mother had. One of the Edwards' neighbors, Lindsay Kirksey, Jr., recalled that many people in the community suspected the Klan, and he suggested that Willie Edwards' acquisition of the Winn-Dixie job over white applicants might have made him a target. Although never confirmed, several people believed that certain employees at Winn-Dixie might have been involved in planning of Edwards' murder by providing route information to the Klansmen.³⁰

Willie Edwards, Sr., intensely feared that his son had been murdered. As soon as he heard about the situation, he gathered together a group of relatives, friends, and fellow church members to search for his son. They started their search on Lower Wetumpka Road in the Flatwood area where officers found the abandoned truck and then scoured the entire area looking for any evidence. They looked in ditches along the roadsides, in wooded areas, and around the river. Willie's father discovered some blood at the base of an oak tree approximately 250 yards from where the truck was parked. No forensic tests were conducted on the blood to determine if it belonged to a human being or an animal, and police officers did not appear concerned about it. Willie Edwards, Sr., experienced insurmountable difficulties when he requested support from Montgomery's law enforcement departments. Hoping to gain assistance from qualified officers, he walked into the sheriff's office the day after his son went missing, only to have them promptly dismiss him and snicker under their breath at his presumption that white sheriff's officers would take the time to help search for a missing black man.³¹ Willie Edwards, Sr., even

hired a white private investigator, later identified as Sturgis L. Lowman, and paid him one hundred dollars to search for his missing son. According to Edwards, the investigator approached him later and told him that for an additional fifty dollars he could provide information about his son's whereabouts. Irritated with the investigator's ploy for additional money, Edwards told the investigator to either produce his son or his son's body and then he would pay the fifty dollars.³²

Following Edwards' disappearance, various white men tried to intimidate Willie Edwards' friends and family members. Sarah Jean and his twin sisters received several unusual telephone calls in which the caller briefly held the line before hanging up the phone. Reather and Edna also vividly remember several Klansmen appearing at their house late one night after their brother's death. The Klan members, outfitted in white robes and pointed hoods, marched around the yard carrying burning crosses; the incandescent glow of their white ceremonial attire gave them a ghostly appearance. Although they kept their distance from the house, the intimidators made several loops around the perimeter of the property before leaving. These men might have learned of Edwards' disappearance after reading the article in the *Advertiser*, and they likely decided to march in order to deter Edwards' family from approaching law enforcement officials. Winston Singleton also became a target of harassment when a white man followed him one day as he walked from his job at the clothing store to the post office. The mysterious man watched Singleton throughout the time he was in the post office and then trailed him back to the store. Knowing that it would not have been prudent to confront this man, Singleton quickly returned to the clothing store without addressing his follower.³³

Devastated by Edwards' disappearance and hearing of the subsequent threats to his family and friends, many black community members began exercising greater caution. Parents kept their children inside more often and rarely let them out unsupervised. Ruby Steiner's father, the janitor of a lumber company, made sure he telephoned his family every morning after he reached the lumber yard to assure them he had arrived safely. Edwards' friend from Marblestone school and fellow truck driver, Edward Claibon, grew increasingly fearful when he hauled loads by himself. He learned how to calculate his routes so he would not need to stop at a gas station during the night, and after daylight faded, he stayed off the country roads, traveling instead on the major highways.³⁴

On the day after Willie Edwards was reported missing, the Montgomery Police Department gathered the only information they would receive—or at least document in their reports—indicating how Edwards died. In a supplementary report dated January 24, 1957, Officer Charles Vinson wrote that he was instructed by his superiors to interview J.C. Howard, a local black funeral home owner, who informed police that he had received a telephone call pertaining to Edwards' disappearance. Officer Vinson commenced his notations on his interview with Howard by writing, "This missing man is a distant relative of his [J.C. Howard]." The two families had a distant relation by marriage: a sister of Evelyn Smith, Willie, Sr.'s second wife, was married to a member of the Howard family. According to Officer Vinson's summary of his conversation with Howard, "a male voice" called the funeral home and told Howard that "he could tell him where Willie Edwards' body could be found." As noted in the police report, the caller described several facts of the case as well: "This voice told him that after Willie had

unloaded his groceries in Talladega [Sylacauga, the precise location where Edwards unloaded his truck, was located in Talladega County], he left for Montgomery.”

According to the anonymous caller, “There was a car following him and when he reached the first bridge out of Talladega, this car pulled him over and stopped him. Two of the men got out of the car, leaving the third one under the steering wheel.” The caller then described how he believed these unidentified men murdered Willie Edwards: “These two men pulled Willie out of the truck cab and killed him and put his body under the bridge. These two men then got into the cab of the truck and drove the truck to Flatwood where they parked it and left it there. The third man had followed them in the cab until they got into the car and they drove off.” Following up on the information provided by the anonymous individual, Vinson went with Vann Pruitt—the state toxicologist who would later testify in the bombing trial—and several other deputies to look for Edwards’ body under bridges near the location the caller described. They drove to Talladega County, specifically to Sylacauga. “From there we searched under and around every bridge from there to their county line, and discovered nothing,” Vinson reported. Reasoning that they might find his body closer to the site of the abandoned truck, the men drove back to Montgomery. Even after searching “all likely bridges” from Montgomery to Flatwood, according to Vinson’s notes, they ultimately found nothing.³⁵

Neither Officer Vinson nor J.C. Howard was able to determine the identity of this caller; however, an article appearing in the *Montgomery Advertiser* three months later on April 24 after two fishermen discovered Edwards’ body, provided an indication as to his identity. In this article, Police Lieutenant George Owens revealed that a black man named Joe Willis had been contacting local black funeral homes and Edwards’ relatives,

telling them that Edwards' body could be found in Prattville, a city located to the northwest of Montgomery in Autauga County. Although the anonymous caller to the Howard Funeral Home reported that the corpse could be found near Talladega rather than Prattville, it was conceivable that Joe Willis—also a Winn-Dixie truck driver who worked with Edwards—made this call to the Howard Funeral Home. Most likely, Willis somehow acquired preliminary pieces of information about Edwards' murder and then later discovered additional facts about the killing including a more accurate location; Prattville was located relatively close to the Tyler Goodwyn Bridge where Klansmen Raymond Britt later admitted they killed Edwards. Lieutenant Owens reported that the tips Willis provided had proved incorrect, and for what they considered impertinent actions, police officers arrested Joe Willis and fined him for disorderly conduct.

Although the police department did not find anything substantive as a result of Joe Willis' telephone calls, he apparently knew certain pieces of information similar to those Britt later revealed in his confession, and if he was the person who made this anonymous call to the Howard Funeral Home on January 24, he discovered this information very quickly after the Klan murdered Edwards. Family members of Edwards believed that the Klan coerced another black man into stopping Edwards' truck the night they killed him. If this was in fact the case, Willis could have been this person.³⁶ Unfortunately, the *Advertiser* neglected to interview Willis, and the police department did not take any type of formal statement from him, squandering a potential opportunity to ascertain vital information related to Edwards' death.

With the call placed to the funeral home yielding no tangible evidence, the police focused more on learning what happened to Edwards than trying to determine the identity

of the caller. The next day, police officers interviewed Willie Edwards' family and his employer concerning his activities preceding his disappearance. Detective Sidney E. Sellers traveled to the Jackson Ferry Road Warehouse to discuss the situation with truck dispatcher John Foster. Foster verified that Edwards left for Sylacauga with a load of groceries and arrived at his destination at 6:40 in the evening. Willie Edwards unloaded the merchandise and, according to the Winn-Dixie time clock, began his departure back to Montgomery at 9:15. As noted in the police report, Foster told authorities that the dynamometer and tachograph on the truck—instruments used to measure and record revolutions per minute and to determine how long a truck was moving or how long it was idling—showed that the truck stopped about ten minutes somewhere around Wetumpka, and the time clock displayed 10:10 as the time the truck was stopped that night at the grocery store. Foster also conveyed to the detective his opinion that Edwards was a reliable employee and his belief that “something has happened to him.” The truck dispatcher informed the detective about the subsequent trucks he sent out to locate Edwards' truck and his other driver not finding any blood or “evidence of foul play.”³⁷ The police reports did not mention any efforts on the part of officers to examine the truck Edwards was driving or to collect physical evidence such as fingerprints from the vehicle.

On the following day, January 25, another police officer documented their extensive search efforts for Edwards' body and their failure to find anything helpful to the investigation: “I picked up a County Deputy and went out to Flat Wood where the truck was left and...we looked around in the woods close by there and also in ditches along beside the road. We could not find anything at all.” Additionally, the reporting officer noted that he spoke with one of the two men who owned the A&H Grocery,

Wilber Adams or C.H. Hitson: “The man that runs the A & H Grocery Store said some of Willie Edwards’ family has also been out there looking all along the highway and in the ditches.” Concluding his report with a sentence that essentially summarized their efforts for the day, the officer wrote, “We could not find anything new about this case.”³⁸

On the twenty-sixth, officers learned for the first time that Willie Edwards might have been mistaken for someone else. They again went to the trucking warehouse in an effort to obtain more pertinent information and this time spoke with Mr. Patterson, another dispatcher. Patterson told the officers that Willie Edwards, whom he described as a “trustworthy Negro,” had been driving a truck for the company for about six weeks, although he was employed for a longer period than that. More importantly, Patterson apprised authorities that a black man named Hoover Ballard had been employed by Winn-Dixie until January 22, when he “was dismissed from his job, because of difficulty he had with a store manager in this city.” The reporting officer noted that “Hoover Ballard is reported to be very active in the NAACP and other negro activities in the city.” In addition, this report contained the crucial information that “Hoover and Willie are very much alike in their appearance. It is believed that it is possible that a person could easily mistake Willie Edwards for Hoover Ballard.”³⁹ This report marked the only time that authorities suggested that the intended Klan target might have been Hoover Ballard. No evidence ever came to light suggesting that Ballard was the truck driver who made the alleged inappropriate comments to the white waitress. In fact, investigative documents suggest that two other black drivers, Lee Ernest Williams and Edward Wells, frequently completed routes to Sylacauga, and that one of them was most likely the driver the Klan sought. Although police officers and subsequent investigators were not able to determine

the identity of the driver Edwards replaced that night, no one has suggested that Hoover Ballard was ever assigned that route.⁴⁰

This same police report also contained information which supported the contention that Joe Willis—the man police later arrested for calling black funeral homes and reporting that he knew where Edwards’ body could be discovered—had information relevant to Edwards’ death which might have made him a target as well. While at the Jackson Ferry Road warehouse, law enforcement officers spoke with Joe Willis, who typically drove the route to Anniston, a city located several miles to the northeast of Sylacauga. The reporting officer wrote that as Willis “was returning to Montgomery [on] January 25, 1957 at approximately 9:00 PM two automobiles tried to force his truck to the side of the road near Talladega, Alabama.” Establishing another connection between Joe Willis and Willie Edwards, Jr., the officer wrote, “Joe Willis is the person that found the truck Willie Edwards was driving the night that it was found abandoned.”⁴¹ Although no motive was proffered for why the two drivers attempted to force Willis off the road, this information combined with other facts lends itself to several circumstantial explanations. Perhaps the Klansmen learned from white Winn-Dixie employees that Willis was the person making telephone calls claiming he knew the location of Edwards’ body and targeted him specifically for these actions. Or this information might simply suggest that the Klansmen realized that Willie Edwards was not their intended target and decided to assault another Winn-Dixie driver who ran routes through Talladega County.

In spite of the unusual circumstances surrounding Willie Edwards’ disappearance, on January 26, the *Montgomery Advertiser* reported that in analyzing the case, “Capt. Brown said there was no evidence of foul play but added that he failed to discover any

reason for Edwards' disappearance." This article on page five of the *Advertiser* was the only account published in newspapers on Edwards' unknown whereabouts. With the headline, "Truck Found Abandoned, Driver Sought," the article merely noted that Edwards was reported missing by his employer when he did not return after unloading his cargo in Sylacauga and that his truck was located abandoned on Lower Wetumpka Road near Flatwood.⁴² After writing their last report related to the Edwards case on January 26, Montgomery police officers concentrated their efforts on identifying those responsible for dynamiting the taxi stand the next night and the earlier January 10 bombings. They had the bombers in their custody at the end of January and devoted the next weeks to securing confessions and other evidence related to the dynamite attacks.

Willie Edwards' family members and other blacks of the community grew increasingly frustrated with the local police investigation. On March 14, representatives from the Community Improvement Association of the Washington Park District in Montgomery, Alabama sent a letter to the Federal Bureau of Investigation, requesting the agency's assistance with the Willie Edwards case. The Mobile FBI office forwarded the letter to the FBI director J. Edgar Hoover explaining that the representatives from the Community Improvement Association alleged that the Edwards family had experienced a lack of cooperation from Willie Edwards' employer and local law enforcement officials, as well as the newspaper and broadcasting authorities. As the letter from the Community Improvement Association explained, "The Associated Press refused to put it [Willie's disappearance] on the broadcasting stations as national news. Only a small article about his disappearance was printed in Montgomery's leading paper. A photo of him was given to the local authorities, but it was not seen in any publication." As a result of these

local impediments, the representatives requested that an agent from the director's office investigate the situation. The letter sent from the Mobile office to the FBI director noted that, "It should be ascertained whether any circumstances exist which would bring the case within the Bureau's investigative jurisdiction." The letter concluded with the suggestion that "Since Montgomery, Ala., has been the locale of racial disturbances, bus boycotts, and various civil rights matters, it is felt advisable to handle thru [sic] the field." Several weeks later, agents in the Mobile office sent another memorandum to Hoover explaining that a local FBI agent interviewed a representative from the Community Improvement Association and advised this particular individual that the Bureau lacked investigative jurisdiction in this matter. The memorandum concluded that due to this lack of authority, "no further investigation is being conducted by the Mobile Office."⁴³

The Bureau's refusal to involve itself represented yet another frustration for Willie Edwards' family members and friends, most of whom were convinced by this point that someone had murdered Edwards. Each day grew progressively difficult for Sarah Jean. She had to endure the final two months of her pregnancy without Willie's support, something that she had relied on heavily with her previous two pregnancies. On March 27, Sarah Jean gave birth to her son, Gary, bringing a child into the world who never knew his father. Although Sarah Jean was thankful for the health of her baby, she desperately wished her husband could have witnessed the birth of their first son; after all, he had been correct in predicting they would have a boy.⁴⁴

On April 23, almost one month after Gary's birth and exactly three months after Edwards disappeared, two fishermen boating along the Alabama River in Lowndes County discovered Edwards' decomposed body lodged in the branches of a tree. They

found the body near Burkville, located approximately ten miles west of Montgomery. The fishermen telephoned the Highway Patrol and the Ross-Clayton Funeral Home, who in turn notified Montgomery Police Captain Brown that they believed they had in their possession the individual matching the missing person profile. Willie Edwards' body was identified by his clothes—a white t-shirt under a plaid shirt, a green jacket, and his blue jeans that Sarah Jean had taken up with red yarn—as well as several distinctive physical features. The first finger on Edwards' left hand had been amputated at the first joint as a result of the childhood wood chopping accident, and he had two gold teeth from when he fell off a truck one day while working briefly for the A.A.C. Fertilizer Company. In speaking with the fertilizer company, medical examiners determined that a black dentist, Dr. Thomas, had performed the dental work on Edwards. He came to the funeral home and identified the work as his. Additionally, according to the initial medical examination and toxicology report, Willie Edwards had a cigarette lighter in his pocket as well as ninety-six cents in change. State Toxicologist Vann Pruitt and a police officer described all of these details to Sarah Jean, who confirmed each of them: the pants she had taken up for her husband, his missing finger, his two gold teeth, and the cigarette lighter which Sarah Jean had purchased for him as a Christmas gift. On April 23, 1957, the Montgomery Police Department finally came to the conclusion that “from every indication in this case, Willie Edwards met death by foul play,” a long overdue observation as far as Edwards' family and friends were concerned.⁴⁵

Even though they had an intact corpse to examine, the toxicologists working the case could not establish a cause of death, something that would prove very costly to prosecutors in the future. After examining the body, state toxicologist C. J. Rehling

explained that “Due to the condition of the body, I can not positively say what caused the death of this individual and further it would be highly improbable that any one could say with any reasonable degree of certainty how long he had been dead.” However, the toxicologist did indicate that, based on the “extreme decomposition and the...nature of the clothing,” the subject had been in the water for a substantial length of time, and this was consistent with the three-month period that Willie Edwards had been missing.⁴⁶

Vann Pruitt’s examination reached the same conclusion. In a memorandum, he noted that the flesh was badly decomposed to the point where numerous areas of the body were devoid of any flesh or muscle. He also observed that there were no fractures to the bones or skull that would have indicated a blunt force strike with a weapon. Pruitt was unable to determine a cause of death due to the poor condition of the internal organs: “It was not possible to examine any of the organs which might have been present based on the degree of decomposition present.” Although he performed a variety of tasks in his position as a toxicologist, Pruitt did not hold a medical degree. Alabama was one of only two states at this time that allowed non-physicians to examine dead bodies.⁴⁷

Reporting on the recovery of Edwards’ body, the *Montgomery Advertiser* wrote on the next day that Willie Edwards, Sr., strongly believed his son had been murdered. Representatives from the police department stated that Willie Edwards, Jr., had been the subject of “an intensive search for the past three months.” However, there were no police reports on the Edwards case (or at least none that survived) dated past January 26 to confirm that police officers continued their search efforts beyond this date. The article also quoted police officials as saying that their investigation had been hindered by “conflicting reports, rumors, and lies.” Lieutenant Owens told the newspaper that the

information Joe Willis supplied in his anonymous telephone calls to black funeral homes and Edwards' relatives proved false, and explained that Willis was arrested and fined for disorderly conduct. The police department injudiciously dismissed Willis without attempting to discover how he obtained the information he did, thus squandering perhaps the best opportunity they had to identify Edwards' killers. This action was not surprising considering that the constabulary was one of the more racist entities in the city at this time. Jack Shows, longtime detective with the Montgomery Police Department, commented, "Probably ninety-five percent of the force back then were members of white citizen's groups."⁴⁸ Without a local or national outcry denouncing this atrocious murder or the negative publicity as was generated in response to the bombings, there was nothing to prevent the local authorities from shirking their responsibilities.

Still recuperating from the birth of her third child, Sarah Jean could not go to the morgue to identify the swollen body; this dreaded responsibility fell upon her sister, Mildred. A few days later, the funeral service for Willie Edwards, Jr., was held in Hope Hull, an event which many people attended, but an occasion that Sarah Jean could not remember due to undue stress and shock. Edwards' family members buried him in the cemetery of the church he attended in his hometown. Although the confirmation of Edwards' death and the memorial service provided a small degree of closure, it devastated many people who would be affected for years to come. Winston Singleton remorsefully recalled that "Losing Willie was like losing a brother." One of Edwards' sisters had a mental breakdown and attributed much of her distressed condition to what happened to her brother. Willie Edwards, Sr., never completely recovered from the tragedy. Until his death in July of 1977, he went to bridges where believed the murder

occurred nearly every day to pay tribute to his murdered son. To this day, Ruby Steiner, Edwards' former neighbor, avoids driving on bridges that cross over the Alabama River; when she is riding as a passenger with a driver who does travel over the river, she does not allow her eyes to meet the water below because it would conjure up haunting and painful memories.⁴⁹

Willie Edwards, Sr., eventually sent Reather and Edna out of Montgomery to protect them from the city's merciless racism. Due to the horrific circumstances in which they lost their older brother, Reather and Edna experienced great difficulty in concentrating on their school assignments at Carver High School, the city's black high school. One of the greatest sources of their distress was unfounded rumors that circulated after the Klansmen killed Willie Edwards. Because of the twins' light complexion, some people believed they were white; after Willie disappeared, gossip began that the Klan killed him because he was raising young white girls in his household. Although these rumors were later discounted, they inflicted a profound psychological toll on the twins, who felt partially responsible for the death of their brother. Reather moved to Detroit, Michigan to live with an aunt and then to Cincinnati, Ohio. Edna relocated directly to Cincinnati where she lived for several months with Willie's older brother George. Reather and Edna never finished high school; ultimately they both worked in the hotel business.⁵⁰

Widowed at the age of twenty-three, Sarah Jean was terrified to pursue justice at the time. She did not want to place her family in jeopardy by trying to discover her husband's killers, and her parents advised her to leave the matter alone. Furthermore, with the lack of cooperation from local authorities and the FBI refusing to become

involved, she believed there was no one else to whom she could turn for assistance: “I didn’t have anyone to go to or talk to about trying to find out what happened to him. I didn’t hear anything. They acted like they didn’t care and I had three children to support.” Sarah Jean craved a better environment for her children; she adamantly opposed the idea of them coming of age in a segregated environment in which extremists bombed churches and murdered to maintain a perverse way of life. Later, Jim Salter, her friend and former neighbor, offered her and her three children an opportunity to relocate to Buffalo, New York. Needing to escape the ensemble of painful memories in Montgomery, Sarah Jean and her children traveled with Salter to New York in December of 1960. Understandably, Sarah Jean harbored feelings of resentment toward the southern authorities who refused to help her and poured the salt of injustice into the open wound of losing her husband: “It wasn’t because the city of Montgomery or the state of Alabama gave me any help in trying to find him, or helped me out, or did anything for me. I had to make it on my own.”⁵¹ The murder case of Willie Edwards, Jr., essentially lay dormant for nearly two decades until an intrepid attorney general launched a crusade to cleanse Alabama’s racially tarnished history.

CHAPTER 5

FROM OPPORTUNITY TO DESPAIR

“The hottest places in hell are reserved for those who, in a time of great moral crisis, maintain their neutrality.” This poignant quotation from Dante was engraved into a placard and mounted above William Joseph Baxley’s desk during his two terms as Alabama Attorney General. It is currently displayed on the wall in his Birmingham law office. The inspirational sentiment served as a guiding force for Bill Baxley during his tenure as the state’s attorney general from 1971 to 1979. After graduating from the University of Alabama’s law school in 1964, the Dothan, Alabama native worked for one year as a law clerk for the state’s supreme court before returning to his hometown and assuming the position of district attorney for Houston County. Using this experience as a stepping stone, in 1970 he campaigned for and captured the coveted position of attorney general. Throughout his two terms, Baxley brought the weight of his office down on a wide range of illegal activity, including union violence in the coal industries, industrial pollution, corrupt dealings of elected officials, and murders from the civil rights era. Disturbed by his state’s racial discrimination, Baxley embarked on a personal crusade to rectify these injustices; he appointed Alabama’s first black assistant attorney general, Myron Thompson, who later served as a federal judge, and he hired Vanzetta Penn, the first black woman to serve as an assistant attorney general. Baxley forged ahead with his political agenda knowing some of his actions would elicit a backlash from the conservative white sector of Alabama. He was a liberal politician attempting to pull his

state by the reins of justice out of its racially-marred past while many balking white residents dug in their heels like obdurate mules.

Baxley made it his primary mission as attorney general to investigate and prosecute the men responsible for the tragic Sixteenth Street Baptist Church bombing in Birmingham, which claimed the lives of four black girls. Describing the calamitous event as “one of the darkest days in the history of the state, maybe the nation,” Baxley understood how the bombing blackened an already tarnished image of his state and triggered national indignation. Due to its horrific nature, the Sixteenth Street Baptist Church bombing created a profound impact on the entire nation—a country sickened by the cruelty and perversion of four girls killed in a place of worship. Photographs and reports of the explosion rattled the complacency of many whites and created ghastly memories that have been permanently seared into the minds of survivors. Years later, Reverend John Cross, pastor of the church in 1963, recalled precisely what he saw that Sunday: “I can see those girls, the shape of their bodies.... It is (horrible) what dynamite will do to you; as well as I knew them, I could not recognize any one of them.... When we got them over to the morgue, the families had to recognize them by underclothing they had, maybe a ring they'd bought, because the body was so deteriorated.”¹ This tragedy also functioned as a wake-up call to those whites who had convinced themselves that the problems of segregation were not that bad. The day after the bombing, Charles Morgan, a white attorney, delivered a speech in Birmingham claiming that all whites who tolerated racism in any fashion were responsible for the dynamiting: “Every person in this community who has in any way contributed to the popularity of hatred is at least as guilty, or more so, as the demented fool who threw that bomb.”² An editorial in the

Birmingham News posited that “Every white man certainly should be asking himself how he would feel if for years the unidentified [bombers] had made his wife, his children, his home, his church, the object of such hatred.”³ For many white politicians, newspaper editors, and citizens, this was the event that forced off the blinders and revealed the vulgarity of massive resistance.

Bill Baxley was in his last year of law school when the bombing occurred. Utterly sickened by the dastardly act of violence, he vowed he would “do something about it” and found this opportunity when elected attorney general. “It’s just something that I knew the day I was elected that I wanted to work on,” Baxley later told a newspaper reporter. One day while making a phone call shortly after he assumed office, Baxley retrieved from his pocket the only item he carried that proved he was the attorney general, a small card issued by the state with instructions concerning the use of the state WATS phone line. Baxley wrote the names of the four girls on the back of the card, one name in each corner, knowing that every time he used the card to make a telephone call, it would remind him of the tragedy and his mission to prosecute the bombers. One month after he was sworn into office, Baxley formed a team of experienced investigators and instructed them that their top priority was to investigate the murders of these four girls.⁴

In the mid-seventies, Baxley received a tip concerning a possible connection between Klan klaverns in Birmingham and Montgomery in regards to the dynamiting of the Sixteenth Street Baptist Church. With the suspicion that Klansmen from a Montgomery klavern may have been involved in or had knowledge of the plans to bomb the Birmingham church, Baxley instructed several of his investigators to explore this potential connection. His investigators contacted known Montgomery Klansmen,

probing what they knew about various acts of civil rights violence. Although the tip proved inaccurate when Baxley's investigators failed to find anything conclusive linking the two groups, it yielded an unexpected salutary result when the investigators stumbled upon information relevant to Willie Edwards' murder.

The initial auspicious breakthrough came when one of Baxley's investigators, Tom Ward—the Montgomery city detective who worked with Jack Shows on the 1957 bombing investigation—questioned Sonny Kyle Livingston on the morning of December 31, 1975, inquiring about his knowledge of Klan activities during the civil rights era. At the time of their encounter, Ward carried a book with him entitled *Secret Societies*, which included an informative piece on the Ku Klux Klan. Ward asked Livingston, who now worked as a bail bondsman, about a particular article that contained illustrations depicting Klansmen wearing white hoods over their faces. According to Ward, when he showed Livingston the article and accompanying illustrations, Livingston told the investigator, “We never wore hoods over our face.” Attempting to induce from Livingston useful information concerning the Birmingham church bombing, Ward then steered the conversation specifically to the Montgomery Klan's involvement in various dynamiting activities. Still as voluble as he was in 1957 when the conversation involved his participation in or knowledge of Klan deeds, Livingston volunteered information germane to the Montgomery bombings for which a jury had acquitted him. Livingston admitted that he and Raymond Britt were part of a committee of ten men who voted to dynamite the four black churches and houses of two ministers; the committee was essentially chaired by Walter Boyett, head of the Montgomery Klan. According to Livingston, “Boyette [sic] had to approve everything including the bombings.” The only

connection to the Birmingham church bombing came when Livingston revealed to Ward that Robert “Dynamite Bob” Chambliss was the person who supplied to Raymond Britt the dynamite used in the 1957 Montgomery bombings. Long before this point, Baxley’s investigators had acquired knowledge of Chambliss’ role in the dynamiting of the Sixteenth Street Baptist Church.⁵

After discussing the bombings, according to Ward, Livingston on his own initiative brought up the killing of Willie Edwards. Unsuspecting of the trouble his comments would ultimately bring him, Livingston openly boasted about his knowledge of the murder. In a memorandum detailing this conversation, Ward wrote that Livingston asked, “Do you remember the Winn Dixie truck driver that jumped off the bridge?” After Ward responded that he had a vague recollection of this incident, apparently Sonny Kyle Livingston told the investigator that watching Edwards plummet from the bridge made him decide he no longer wanted to participate in these types of Klan-sponsored activities. As Ward wrote: “He said when he saw them do that, that’s when I decided I wanted out.” The precise words of this statement later became greatly contested, with Livingston claiming he only heard about the murder and Ward testifying that Livingston admitted that he was actually on the bridge, participating in Edwards’ death. According to the memorandum, Ward then asked Livingston why they forced the truck driver to jump off the bridge. Livingston responded, “Well he was probably a member of the NAACP.”⁶ This explanation was not corroborated by Raymond Britt when he later confessed; according to Britt—the only admitted participant who officially came forward—the Klansmen targeted the Winn-Dixie driver solely for the alleged inappropriate comments to a white woman, not any type of affiliation with a civil rights

organization. Given the secrecy surrounding Klan activities, no other account has been presented to confirm this assertion.

In January 1957, Tom Ward was heavily involved in securing confessions and other evidence for the Montgomery bombing cases and consequently could not devote his attention to other investigations. When Livingston described the murder of Willie Edwards, Jr., Ward had only an indistinct memory of the missing Winn-Dixie truck driver later recovered in the Alabama River. As the investigator later explained, “This was hazy to me for the simple reason when this occurred, I was working on these bombings and didn’t even get time to read the newspaper. I didn’t know anything about it.”⁷ Neither did most people at the time: even if Ward had been reading the newspapers daily, given the minute amount of media attention Edwards’ disappearance garnered, he still would not have had a full account of what happened. Moreover, the Edwards murder was not something to which his fellow police officers devoted a substantial amount of time or concern. Without initially realizing the significance of what Livingston told him, Ward had stumbled upon pieces of information related to a cold homicide case nearly two decades old.

Driven to ascertain more information about this murder, which was now grinding the wheels of his memory, the dogged investigator went back to his office and described the circumstances of the killing to Jack Shows, his former partner with the Montgomery Police Department and also one of Bill Baxley’s law enforcement investigators. To Ward’s surprise, this was not the first time Shows had heard about this case. Shows informed his colleague that Edna Alexander, the former wife of Klansmen Henry Alexander, had told him about the Klan murdering a black truck driver. Shows recalled

that "she had said something to me about that they left her house that night and came back bragging about putting a truck driver in the river." Edna Alexander had been one of Shows' best informants throughout most of her nineteen-year marriage to Henry. The couple married in May of 1948, and by 1957 when police arrested Henry for his role in the bombings, they had four young children. According to Shows, she and Henry had an acrimonious marriage at times, and "she would get mad at him and call me and tell me stuff they would do in the Klan." Shows maintained a connection with Edna through their relationship as neighbors in the 1950s, but explained that she was not a paid informant: "I never paid her a dime.... They just lived a few blocks from where me and my family lived back in the fifties when all that happened. The Klan was all around me."⁸ Throughout his time with the Montgomery Police Department, Shows had discreetly obtained information from Edna Alexander concerning the activities of the Montgomery Klan during the civil rights era.

Investigator Shows also heard about this case on a more recent occasion when a man later identified as Robert Lewis Mulder, who was Edna Alexander's husband after she and Henry divorced, called the attorney general's office with a similar account of the murder which he obtained from Edna. Documenting this information in a memorandum, Ward wrote that Shows informed him that "a subject called about one year or so ago...and said that he had been married to Henry Alexander's ex wife and she had told him about Henry and some other people being involved in [murdering] a black male truck driver for Winn Dixie. She told him that Henry Alexander was involved in the killing of this black male that was found in the Alabama River."⁹ Without the inclusion of the name of the victim or a precise time when the murder occurred, the two tips that Shows

had received were vague at best, and, until Ward mentioned Livingston's description of the slaying, Shows had nothing to corroborate Edna Alexander's assertion that her husband and other Klan members had killed a black truck driver. With so little stir over Edwards' disappearance and the recovery of his body in 1957, Shows did not connect the two incidents and with the paucity of information available, he had been unable to investigate further. However, with the conversation between Sonny Kyle Livingston and Tom Ward yielding a substantiating account of the Klan's involvement in forcing a black Winn-Dixie truck driver to jump into the Alabama River, Ward and Shows decided to launch a full-scale investigation.

On Tuesday, January 7, 1976 at 11:40 a.m., investigators Tom Ward and Jack Shows commenced their official interviews on this case with Edna Alexander, committing to written record the information she had provided earlier. After explaining that the attorney general's office was investigating an incident in which "a black man allegedly jumped off the bridge," Tom Ward straightforwardly asked Alexander, "What do you know about this incident?" Edna just as frankly responded, "Names—Jimmy York, Sonny Kyle Livingston, Henry Alexander and I believe Raymond Britt was there also. They left the house and they were gone about a couple of hours, I don't know. I thought they were going to do some of the other mess with the Klan." Attempting to verify that this murder was orchestrated and executed by the Ku Klux Klan, Ward asked, "Were these four people that you mentioned, to your knowledge, were they members of the Klan?" After Edna confirmed that they were, she then described what transpired when they returned later that night: "They came back and they were laughing and were saying something about a Negro man making a pass at a white woman and I heard one of

them say he will never make a pass at another white woman, but I did not ask about what they were talking about.” When she eventually did ask the boasting men what they were discussing, “they said I would read about it in the paper. That his truck is sitting at the river bridge and that it was a Winn-Dixie truck. I asked them, did ya’ll harm that man and they said no he just jumped off the river bridge.”¹⁰

The river bridge was a common name for the Tallapoosa River Bridge, which was located on Highway 231 between Wetumpka and Montgomery and only three and a half miles from the A & H Grocery Store. Edna Alexander probably assumed that the abduction and murder occurred on this bridge because it was the closest one to where the truck was found. Henry apparently did not reveal to her that they drove Willie Edwards to the Tyler Goodwyn Bridge on the opposite side of town. It was highly unlikely that the Klan members killed Edwards on the Tallapoosa River Bridge; with Edwards’ family members and law enforcement officers meticulously searching that area less than one day after Willie disappeared, they most likely would have discovered the corpse. There is, however, a theory that the Klansmen stopped Willie Edwards while he was crossing the Tallapoosa River Bridge on his way back from Sylacauga, then they drove his truck to the parking lot of the A & H Grocery Store, and departed from there, eventually traveling to the Tyler Goodwyn Bridge. Although this remains an unconfirmed theory, several factors tend to support its credibility. Many of Willie Edwards’ family members found it inconceivable that Edwards—knowing the severity of racism in Montgomery in 1957 and already concerned for his safety with white men following him during the prior weeks—would have pulled his truck into a vacant lot at that late hour. Additionally, the anonymous caller to the Howard Funeral Home described several white men detaining

Edwards on a bridge, not yanking him from his idling vehicle in a grocery store lot. Moreover, Tom Ward might have believed that this scenario was accurate as well. In the process of his investigation, on January 13, Ward described Willie Edwards' truck as "The Winn-Dixie truck abandoned by the deceased or his attackers." Although these facts lend weight to the plausibility of this scenario, Raymond Britt, the only admitted participant, described the Klansmen as forcibly removing Edwards from his parked vehicle in the grocery store lot.¹¹

Later on the same day, the two investigators for the attorney general took a statement from Robert Lewis Mulder, who was married to Edna Alexander for a short interval of approximately two and one half months after she and Henry divorced. Tom Ward asked Mulder if Edna had ever mentioned her ex-husband being involved in the murder of a black Winn-Dixie employee. Mulder responded that she had mentioned this and on one occasion she threatened him by saying that he "might wind up like the Winn Dixie Negro did in the Alabama River." Looking for more specific information, Ward inquired, "What else did she say?" Mulder responded, "Oh, she said to me that Henry Alexander and Sonny Kyle Livingston threw the Negro in the river." Ward then questioned if Edna had disclosed to Mulder the motivations the Klansmen had for killing the black man, to which Mulder replied, "The reason they dropped him in the Alabama River was the results of [t]he Negro asking the white waitress in the restaurant for a date."¹² This restaurant, although not identified by name, was one of the establishments along the route from Montgomery to Sylacauga.

The day after Ward interviewed Edna Alexander and Robert Mulder, Sonny Kyle Livingston, who had learned of the ongoing investigation, vehemently warned Ward that

he did not want his name associated with the brutal incident. In a memorandum to Jack Shows, Ward described the blustering bail bondsman's threat: "He implied that there would [be] dire consequences where anybody responsible for his name being involved in any newspaper publicity." Ward believed that he had persuaded Livingston to come to the attorney general's office to discuss the matter. As Ward noted, "After a long conversation on the telephone, he agreed to meet with [me] in our office on Monday, January 13, 1976." However, Livingston apparently missed the scheduled meeting; written in the margin of the memorandum were the words, "He did not show up."¹³ There were no records of any interview conducted by Baxley's investigators with Livingston. In a later interview with Ward, Edna Alexander quoted Livingston as saying: "If you [Ward] had anything to say to him you knew where to find him and that he would not come to your office unless you had a warrant to bring him with you to your office." Although Livingston avoided official communication with Jack Shows and Tom Ward, this was not the last time Livingston threatened the investigators.

Realizing that the murder to which these interviewees were referring occurred in close proximity to the bombings in January 1957, the investigators searched through old newspapers and located the *Montgomery Advertiser* article on the recovery of Willie Edwards' body. Taking into consideration the date when Edwards disappeared, his employment with Winn-Dixie, and the fact that his truck was found abandoned in the Flatwood area, the investigators were finally able to assign Edwards' name to the subject of their investigation. Tom Ward then spoke with Willie's father in order to ascertain more information about the circumstances surrounding his son's murder. Willie Edwards, Sr., told the investigators that no one at the police department offered him any

assistance in his efforts to locate his son; he also disclosed his fruitless experience when he hired a private investigator. Edwards also reported that when he and his friends searched for his missing son, they found some blood by an oak tree in the Flatwood area approximately 250 yards from the roadway.¹⁴ A few days later, Ward drove Willie Edwards, Sr., to the location where his son was abducted in order to verify certain aspects of the case. According to Ward, “Without any hesitation he pointed out the grocery store where his son’s truck was found abandoned. However, he was unable to point out where they found blood underneath a tree shortly after the time his son came up missing.”¹⁵

Attempting to visualize the specific details of the crime scene, Ward then conversed with the owners of the A & H Grocery Store, later renamed Hitson’s Superette, in the Flatwood area. According to an interview Ward conducted with C. H. Hitson, co-owner of the grocery store, no one from the police department or any employees of Winn-Dixie checked with him about the truck that was found outside his store. Wilbur Adams, the other co-owner, told Ward that he remembered seeing the abandoned truck the next morning when he opened the store. He also indicated that they generally closed their place of business around 9:30 or 10:00 at night, and Willie’s truck was not there at that time the previous night. Adams told the investigators he heard rumors that some of the men who had participated in the bombings “had gotten rid” of Edwards and that one of these men, James York, had “run up a big bill and then stuck them.”¹⁶

Two days after speaking with Willie Edwards, Sr., on January 9, Ward interviewed Lee Ernest Williams, a black man who drove trucks for Winn-Dixie when Edwards was killed and at the time of the interview. Initially, Ward believed that Williams might have been the actual Klan target because he drove the route to Sylacauga

on a frequent basis. Ward commenced his interview with the longtime Winn-Dixie driver by verifying that Williams frequently took the route to Sylacauga and then asked, “Did you know Willie Edwards, Jr.?” After Williams replied in the affirmative, Ward continued, “Did you ever hear any rumors of him being involved with any white females along his route?” Williams said that he had not heard any such rumors. Trying to identify the person who the Klan really meant to target, Ward then inquired as to what Williams knew about a former truck driver by the name of Edward Wells who also made trips to Sylacauga: “Did you ever hear any talk of Wells being involved with white women along his route to Sylacauga?” Williams responded affirmatively and then elaborated that he “just heard that he [Wells] was messing around with a white woman up there.” Then Ward questioned, “Did you hear a rumor that Wells was afraid to take that route after he became involved with a white woman?” Williams responded, “Yes, I heard that.” The former detectives tracked down Wells living in Omaha, Nebraska, but they were unable to conduct an interview with him because the Nebraska Police Department could not locate Wells at his listed address. Additional efforts on the part of the author to contact Wells and Williams have been unsuccessful. To this day, investigators are unable to identify the driver the Klan actually intended to target, or if the alleged comments to the white woman were ever made. These two pieces of information most likely will not be ascertained.¹⁷

Armed with an increasing amount of knowledge regarding the murder, Ward began to exert pressure on some of the suspects, beginning with James D. York. On January 12, Ward traveled to York’s house and informed the longtime Klansman that he had a District Attorney’s subpoena to bring York to their office; Ward explained to York

that he was not under arrest and that he could return home after being questioned. York complied, and he and his wife followed Ward to the attorney general's office. By this point, age had caught up with the seventy-three-year-old retired city employee. The person Tom Ward saw sitting across from him was no longer the young man who, according to Jack Shows, used to "walk the streets of Montgomery in his white robe," evincing his "pride about being a Klansman," but a frail, elderly man, suffering the aftereffects of a stroke.¹⁸ His once brown hair had turned completely gray, and he wore large framed glasses that magnified his light blue eyes, the only physical characteristic that still seemed to reflect his youth. During his conversation with Ward, York conceded that "he could have been involved over the disappearance of the deceased but does not remember it. He claims a bad memory because of a stroke he suffered several years ago." As York and his wife left the office, his wife said she would encourage her husband to refresh his memory.¹⁹

During this January 12 interview, James York claimed that he could not recall the names of Sonny Kyle Livingston, Henry Alexander, or Raymond Britt. However, during an interview the next day, York revealed to Ward that he had received a phone call from Henry Alexander on Sunday, January 11, the day before his interview in which he supposedly could not recall Alexander's name. According to Ward's notations from the January 13 interview, Alexander asked York if Ward or Shows had contacted him yet. York responded that they had not and then asked Alexander why the investigators might contact him. Alexander explained that the investigation focused on "some of that rough stuff that happened about 20 years ago," and he then instructed York, "don't tell them nothing, don't tell them a damn thing." Then accusing Bill Baxley of political

grandstanding, the forty-six-year old heating and plumbing contractor charged, “That son of a bitch Baxley is just trying to get the negro vote so he can be governor.” Despite Alexander’s instruction to maintain silence, York admitted to Ward that he remembered being present at Alexander’s house when “somebody mentioned that they were going to straighten somebody out.” However, York denied his presence when the men actually accomplished this objective and continued to invoke his faulty memory.²⁰

With York slowly relenting and divulging pertinent information about the murder, the investigators saw an opportunity to crack the case by offering York immunity in exchange for a confession and his testimony against the other suspects. On January 13, 1976, Bill Baxley signed an immunity agreement that offered James York unqualified immunity from prosecution contingent upon him “telling the truth of all facts within his knowledge” concerning the Willie Edwards, Jr., case. Although Tom Ward signed his name as a witness, there was no mention of this immunity offer in his surviving paperwork from this investigation. The investigators may not have presented the document to York, or York may have refused to sign it; regardless, nothing came of this immunity offer until several months later.²¹

On Saturday, January 17, Ward took a statement from Reverend John L. Jackson, who lived across the street from Willie Edwards’ father and who had aided in the search efforts. Jackson explained how he became involved: “When I heard the boy was missing I talked with his Father. This was the evening he came up missing. The next morning me and his Father goes to the Swayback bridge in Elmore County.” The Swayback bridge was a smaller bridge in the lower half of Elmore County located to the north of the Tallapoosa River Bridge. Although Reverend Jackson and Willie’s father had no way of

knowing on which bridge the incident occurred, Ward later learned that the perpetrators did not abduct or murder Edwards on this bridge; another truck driver, Travis R. French, told Ward that on the night Edwards disappeared, he stopped at the Swayback Bridge in order to let Edwards go past, and that he recognized Edwards as the driver of this truck.²²

Reverend Jackson then elaborated on the unusual turn of events while the two men looked for any evidence present: “I parked my car and we gets out. We looked around but did not see anything. On the way back to the car this black Cadillac drove up. This white man rolled the window down. He said have you seen any foul-play. I told him no, that we were just trying to find him [Edwards]. He said I’ll help you all I can.” Interrupting, Ward asked, “Did this white man first ask you what you were looking for, or did he already know what you were looking for?” Jackson responded that the unidentified man already appeared to know what the two men were searching for. Upon Ward’s request, Jackson then described this white man: “He was in his early thirties or late twenties. He was a neat build man; not out of shape. He was dressed in a nice blue suit, white shirt and tie.... He had dark brown hair that was combed straight back. ... He said that he was an F.B.I., but did not identify himself. He said ya’all need not be afraid to talk to me.” Although this peculiar man affiliated himself with the Bureau, it was unlikely that a federal agent would have been involved in the investigation so quickly after Edwards’ disappearance. Furthermore, when the FBI office in Mobile explained to representatives from the Community Improvement Association of the Washington Park District why they refused to become involved in the Edwards case in 1957, they did not mention any of the Bureau’s agents participating in the initial search efforts.²³

During the next week, on January 23, Ward again visited James York's house to determine if the elderly stroke victim had any new information. When James York left the room, his wife told Ward that she "was sure that Alexander had threatened her husband." York, however, denied that Alexander had threatened him and instead "appeared to be more afraid of Livingston than Alexander." According to Ward's records, York "appeared highly upset" and "said that Livingston should not be left on the streets." Later in the interview, the visibly distressed old man was reduced to tears and told Ward "that it would not do them any good to send him to jail." Leaving the house, Ward proposed to York that he should see a hypnotist in an effort to help refresh his memory. Surprised at the suggestion, York responded, "You hit me fast and hard with this idea." Ward left without convincing York to see a hypnotist.²⁴

Recognizing their failure to make any substantial progress with York and learning from him how adamant Henry Alexander and Sonny Kyle Livingston were about keeping silent on the matter, the investigators decided to concentrate their efforts on the fourth suspect, Raymond C. Britt, Jr., and began conducting preliminary interviews with him during the second week of February. After issuing a subpoena to the forty-four-year-old vice president of a local mobile home business, Ward conducted an official interview in which Britt admitted to being a Klan member about twenty years ago. He claimed, however, that he left the organization after he was accused of the 1957 bombings. During this meeting at the attorney general's office, Britt denied being in a house where Klan members plotted to kill Edwards.²⁵

As the investigation proceeded, Ward and Shows discovered additional information about Livingston's involvement in the 1957 church bombings. On February

19, they interviewed Teresa Faye Vance, who was married to Livingston in 1957. After verifying that she testified at the trial that Livingston was at home in bed with her at the time of the bombings, Ward then candidly asked, “Was he home with you?” Vance responded that he in fact was not home with her at the time and she said she committed perjury, “Because my life was threatened.” Ward asked her who threatened her life. “Sonny himself,” she replied. Vance also told Baxley’s investigator that Livingston warned her he would hurt her on another occasion when he faced charges of burglary. Although Vance did not provide any specific details about the Edwards case, she did provide information about Livingston’s tendency to issue threats when encountered with legal troubles.²⁶

On the same day, Ward questioned Edna Alexander for a second time. Henry’s former wife told the investigator that she had had contact with Sonny Kyle Livingston after her initial interview on January 7, and that during this conversation Livingston informed her that he was not present when the Klan members executed Willie Edwards. According to Edna, Livingston also threatened that “he would pop a cap up them if yall fooled around with him because he was not there and did not know anything about it.” Edna claimed that Livingston wanted her to call one of the investigators while he tape recorded the conversation; according to Edna, “I told him I did not want any part of the recording of any telephone conversation.” Alexander also confirmed that she had recently discussed the incident with her ex-husband, Henry, who told her that he had confessed to his son that he was there the night Edwards was killed, but claimed he could not do anything to stop it. Apparently, Henry made a veiled threat to his ex-wife: she reported that one night when she was speaking with Henry on the telephone, “he told me

that I knew what would happen to me if I fooled with him.” Disclosing additional information that she had obtained during their marriage, Edna advised the investigators that Henry worked as an FBI informant at one time, and during this period, he would meet agents at various locations while leaving her in the car. She added that the agents who called for Henry always went by the name of Johnny Gray, and she had warned Henry that he “was going to get killed working in the middle.”²⁷ Although the investigators now knew of Henry Alexander’s relationship with the Bureau, they could not have known that the agency would later intervene in Baxley’s attempted prosecution.

Around this same period of time, Tom Ward began applying pressure on Raymond Britt, the suspect he believed would eventually confess. Ward later described his approach to unraveling this case: “The logical thing to do was to get the guy that would squeal, and I went after Britt.” During the first meeting between the two men, Britt admitted to former membership in the Klan but said little beyond that. “He was elusive,” Ward later testified. At their next meeting, when Britt did not admit to any involvement in Edwards’ death, Ward began to suggest the possibility of an immunity agreement, an option that Britt initially recoiled from, stating that he needed to tend to his business obligations. According to Ward, “He had to take care of his business, go to the bank, make deposits and look after his business, and he couldn’t afford to neglect his business, and he said that he would get in touch with me.” Britt eventually relented and Ward presented Baxley’s offer of unqualified immunity to the former Klansman in exchange for his confession.

On February 20, 1976, Raymond Britt signed an affidavit in which he described the chilling details of Willie Edwards’ murder, admitting his guilt and implicating three

other men. Britt commenced his confession by acknowledging that in the 1950's he was a member of the Ku Klux Klan in Montgomery, noting that he joined somewhere around 1955. He then divulged the circumstances surrounding the premeditation of this murder. Britt stated that a few days before they abducted and killed Edwards, "a group of klansmen were in the Little Kitchen [restaurant] discussing the fact that a black Winn-Dixie truck driver had said something to a white woman to offend her." Britt elaborated further that although no specific plans were formulated that night, it was intimated that "something ought to be done about it."

The former Klansmen and bombing trial defendant then elaborated on the role played by Walter Boyett, the head of the Montgomery Klan at that time, who had died in 1960. Britt stated that

Some time between this discussion at the Little Kitchen and the night of the incident, I recall overhearing Walter Boyett saying that he was going to have someone look into the matter or check it out. I don't remember exactly where I overheard Boyett say this but it would have had to have been either at the Little Kitchen restaurant or at Boyett's garage and service station.

Boyett's practice in such matters was to get one klan member and give him instructions as to what he, Boyett, wanted done and to tell the Klan member to get three or four other men to help him. The other men would not know what their assignment was until they were on the way.

Britt explained that on the night the Klan decided to execute this assignment, he received a phone call informing him to meet at Henry Alexander's house, and around seven or eight o'clock that evening he was picked up by car, although he did not remember who drove, and taken to Alexander's house on the northeast side of Montgomery. Britt named the four men present at Alexander's house: himself, Henry Alexander, Sonny Kyle Livingston, and J. D. "Jimmy" York. Britt stated that he seemed to recall seeing Alexander's wife, Edna, when he arrived. At the house, Livingston or

Alexander—Britt could not remember which—informed the others that they were going to be searching for the black Winn-Dixie truck driver who had made some type of inappropriate comment to a white woman. According to Britt, they stayed at Alexander's house for a short time before they departed, armed with pistols and a .22 rifle brought by Britt.

According to Britt, Alexander drove with Livingston sitting in the front seat and York and himself in the back. With Alexander informing the other men that Winn-Dixie trucks leaving Montgomery traveled on the Lower Wetumpka Road, the Klansmen drove along this road for about one hour before they saw a truck with the Winn-Dixie logo painted on the side parked in the lot of the A & H grocery store. Headed in a northerly direction toward Wetumpka, the Klansmen turned their car around and then pulled off the road in front of Edwards' truck. With the dome light on in the truck's cab, they could see Edwards reading his logbook.

As Britt reported in the affidavit, it was approximately 10:00 to midnight when they found the unsuspecting truck driver. Britt then described how he and his former codefendant in the bombing trial removed Edwards from his truck at gunpoint and forced him into their car, putting Edwards in the backseat between Britt and York. As the Klansmen drove away from the parking lot, they continued their odious behavior, harassing Edwards and interrogating him about what he had supposedly said to the white woman. Each time, Edwards denied their allegations. When they stopped long enough to allow one of the Klansmen to relieve himself by the roadside, "Livingston told the driver [Edwards] to get out of the car. We all got out of the car and Livingston, pointing

his pistol at the driver [Edwards] told him that he, Livingston, ought to ‘cut your nuts out’ for harassing the woman.”

Britt admitted that Edwards was “shoved around and slapped” throughout the entire duration of the Klansmen’s unyielding interrogation. Edwards sobbed and pleaded with his abductors not to harm him. After they got back inside the car, they proceeded to the Tyler-Goodwin bridge, continuing to terrorize Edwards who, by this point, “was sobbing and begging for his life.” As they approached the old bridge, Livingston and Alexander informed Edwards that they were going to throw him in the river if he did not confess to their accusations. Britt echoed this warning, which Edwards quickly realized was becoming more than a mere threat. As they approached the bridge,

The driver [Edwards] continued to plead and sob and say that he had not done anything. When we got to the bridge, we stopped on the middle of the bridge on the side towards Millbrook. Livingston got out of the car and opened the left rear door. York got out and the driver was told to get out by Livingston.... When they got him out of the car they slapped and shoved him around some more.

Livingston, pointing his gun at the driver, told him to ‘hit the water.’ The driver climbed up on the railing on the bridge and jumped off. I remember that he screamed on the way down to the water.

After mercilessly forcing the defenseless Edwards to plummet into the swift currents of the Alabama River, the callus men returned to Alexander’s house where Alexander told his wife that they “had taken care of the Winn-Dixie driver and that she could read about it in the paper.” Britt admitted that everybody was laughing and joking about how the driver jumped into the river for a swim.

By providing this affidavit, Raymond Britt became the only person to formally admit to his participation in the death of Willie Edwards, Jr. The context of Britt’s confession contained no mention of coercing another black man into stopping Edwards,

as some of Edwards' family believed was the case. Nor did Britt describe the Klansmen abducting Edwards while he was crossing a bridge as the anonymous caller to the Howard Funeral Home asserted and as Edna Alexander reported to Tom Ward. Regardless of the discrepancies, Britt's statements provided the firsthand account that Baxley's office desperately needed to prosecute this case, which until now had been built largely on hearsay. On February 20, state troopers and agents from the Alabama Bureau of Investigation arrested the three men Britt implicated in his confession. Attorney General Bill Baxley, who labeled Edwards' murder a "Klan execution," filed charges of murder in the first degree and manslaughter in the second degree against the three suspects.²⁸

These men were not strangers to the arrest process. Two and a half months after the acquittal in the bombing case, police officers arrested Sonny Kyle Livingston—who compiled the longest arrest record of the three—on several vehicular violations after he crashed his car into a power line pole. When the officers arrived at the scene, Livingston presented them with the license of a prison inmate at Draper prison. According to the Alabama Highway Patrol driver records division, Livingston's license was revoked in June 1956, when his liability insurance was canceled. His temerarious actions resulted in charges of reckless driving, speeding, operating a motor vehicle while his license was revoked, and concealing his identity from officers. His wife had given birth to a girl the week prior to his accident. On August, 17, he was fined \$80 for his offenses.²⁹ At the end of the year, a judge sentenced Livingston to sixty days at hard labor for carrying a loaded pistol. The judge also fined Livingston for fighting; he plead guilty to both charges.³⁰

With students from Alabama State University threatening to conduct a protest march, on February 27, 1960, Livingston and other white segregationists marched the streets of downtown Montgomery when tensions erupted in a racial clash. A white man and a young black woman apparently bumped into each other while walking on a crowded sidewalk outside a store. The white man shoved the black woman, Christine Stovall, to the pavement; Stovall retaliated by pushing her assailant. Livingston witnessed this incident when he was patrolling the street along with approximately twenty-five other white men, all armed with wooden baseball bats. According to an account published the next day in the *Montgomery Advertiser*, “Livingston dealt the girl a blow on the right side of the head with a crack that could be heard a half a block away.” Although blood gushed from the wound, miraculously the woman retained consciousness.³¹ Photographer Charles Moore captured an image of Livingston drawing the bat back above his shoulders, preparing to strike Stovall, who was ducking and raising her hands above her head in an effort to shield herself.

After several minutes of standing idly by and watching the pushing and shoving, the police finally separated the conflicting individuals without arresting any of the participants. The following day, Livingston came to the police station headquarters and provided a statement in which he claimed he merely defended himself: “I looked up and saw three negro women and one negro man beating an elderly white man. I tried to pull these four negros [sic] off this man. At this point one of the negro women...turned on me with a knife. At this point I hit her with a small base ball bat, which I had just purchased for my oldest child, along with a rubber ball.”³² The detectives also collected a statement from Ray Jenkins, the news reporter who wrote a story about the scuffle, and who was

standing across the street when the incident occurred. After Stovall and the white man began to scuffle, Jenkins described Livingston's aggressive actions: "About this time, Sonny Livingston, who had been walking up and down Dexter with a club in a paper sack, darted across the street from in front of Green's and struck the girl on the head." Initially terrified that the blow had been fatal and afraid that wholesale violence might erupt, Jenkins rushed across the street. Fortunately, he witnessed the victim struggle back to her feet. After the scuffle, he followed Stovall and got her story. According to Jenkins, "She said she had accidentally brushed against the man while they were passing and he had cursed her. She said when she attempted to apologize, he pushed her to the pavement."³³ With the Montgomery detectives unable to locate Christine Stovall, they closed the investigation.³⁴

On March 1, 1961, Livingston was fined \$50 for knifing another man. During the next several months, police arrested Livingston on charges of disorderly conduct and trespassing. On May 8, 1965, Livingston traveled to the house of a bond client who had apparently fallen behind on his weekly payments. Inside the house, Livingston shot the black bond client in right side of his chest with a .38 caliber revolver. According to Livingston, this man had charged at him with a knife in his upraised hand. The bond client claimed he was unarmed and was shot "for no reason at all." Police charged Livingston with assault with intent to commit murder, but the case was not processed because the bond client failed to appear in court.³⁵

On December 12, 1965, police arrested Livingston and charged him with the theft and larceny of \$3,425 worth of furs taken from a women's apparel store. Although a circuit court jury found him guilty, Livingston's attorney appealed the conviction, an

appeal which he later won. Livingston also won appeal on another conviction stemming from an arrest on March 4, 1966, when officers found 199 gallons of illegal whiskey in the trunk of Livingston's car. Eventually, in February, 1969, Livingston was found guilty of violation of prohibition laws, a misdemeanor, and fined \$500. During this court session, officers admitted that they had not witnessed Livingston driving the car that contained the illegal whiskey, even though the car was identified as belonging to the defendant.³⁶

On November 1, 1973, Livingston was shot in both legs at the Downtown Club on Jefferson Street. He was hospitalized for several days for injuries resulting from this incident. Five days later, the police were still investigating the shooting and had not filed any charges.³⁷

Livingston's most recent scrape with the law occurred only a month before he was arrested for Edwards' murder. In January 1976, Montgomery police patrolmen, armed with rifles, had to coax Livingston out of the Alabama Bonding Company building where he worked for his brother, David Livingston. The officers had received a call saying that Livingston had been drinking and was acting "crazy." Prior to harboring himself inside the building, Livingston had traveled to the Public Works Facility to pick up a man who had jumped bail. When security guards denied Livingston admittance, he pulled a gun on them and forced his way inside the gates. When Livingston found the man he was after, the bond jumper ran from Livingston and went to the police station, informing officers that a man with a gun was chasing him. Fortified with alcohol, Livingston then proceeded to barricade himself inside the bond company building. Although it required several armed officers to eventually coax him out of the building,

the police did not file charges.³⁸ As of February, 1976, when the state charged him with the murder of Willie Edwards, Jr., Livingston had managed to avoid spending any lengthy amount of time in prison despite his multiple arrests.

During the past two decades, the FBI had kept close track of the activities of James York. Police officers arrested York on several occasions during the 1940s for assault and battery, disorderly conduct, and drunkenness. According to FBI reports, the bureau learned from Montgomery Assistant Police Chief Edward P. Brown that on January 10, 1957, York drove his black pickup truck to Ralph Abernathy's house while Henry Alexander placed the explosive device at the preacher's residence. Brown also relayed to the Bureau that York was among the men who met to plan bombing King's residence, and he was one of four men in the vehicle that traveled to the People's Cab Company and service station where one of these men threw the bomb that damaged the service station and a nearby house. None of these bombing charges was prosecuted.

Over the past nineteen years, York had maintained his allegiance to the Klan by attending numerous rallies. In January 1961, fellow Klan members elected him to the position of Kludd, or Chaplain, in the Joe Wheeler Klavern Number 4, Federate Ku Klux Klan of Montgomery. On June 1, 1962, York was among a group of Klansmen who met for the purpose of planning to intimidate blacks in Clanton, Alabama to prevent them from voting in a primary election. A higher officer in the Klan called off this order at the last minute. In June 1962, the Montgomery City Lines bus company hired several black bus drivers. After York learned that one of these black drivers drove the bus that ran to the Chisholm section of Montgomery where York resided, he indicated that he and several other people were in favor of shooting him. Although York ultimately did not

take any action, he made numerous threats and obtained considerable information about the driver, including his address and a description of his automobile. After a disagreement in the summer of 1963 with other members of the United Klans of America, York organized a new Klavern in Montgomery and was elected to the position of Klabeer, Klan argot for Treasurer. Furthermore, in May 1963, he and Asa Earl Carter, a long-time segregationist, organized a new organization of the Anglo-Saxon Brotherhood, one of two splinter groups formed from the Volunteers for Alabama and Wallace.³⁹

While York had merely discussed with the FBI his being charged with bombing Abernathy's house in 1957, Henry Alexander had actually admitted to the Bureau his participation in the bombings of Abernathy's house and the People's Cab Company, as well as shooting at an integrated bus on the last day of 1956. FBI files also contained the information that Alexander had provided local authorities with a written confession before circuit solicitor Thetford requested a dismissal of the charges. Eight years later, Alexander again faced capital charges when he and two other men detonated an explosive device—a plastic or rubber balloon filled with gas—outside the First Baptist Church. When police officers arrested the men, they claimed they set off the explosive to scare the blacks inside the church. Recorder's Court Judge D. Eugene Loe reduced the charges to disturbing the religious worship, fined the men \$200 each, and sentenced them to six months in jail. All but ten days of the sentences were suspended. Alexander was arrested several other times during the 1960s for assault and battery and failure to obey a police officer. The courts elected not to process most of these charges, but when the attorney

general charged him with murder in the first degree, Alexander knew that Baxley would make every effort to prosecute to the fullest extent.⁴⁰

When the attorney general had Livingston, York, and Alexander arrested for killing Willie Edwards, Jr., the three men who had managed to avoid lengthy prison sentences despite their arrest records, now faced the gravest charge of murder, and Edwards' family members finally had an opportunity to experience justice after nearly twenty years of waiting. Shortly after the police department had the suspects in their custody, Bill Baxley traveled to Willie's father's house to inform him of the news. "That's all I wanted to know," Willie Edwards, Sr., responded. He told the attorney general how he regularly traveled to bridges near the location where they found the abandoned truck to think about what happened to his son. After thanking Baxley and shaking his hand, Willie, Sr., elderly and spiritually exhausted, said, "I can go home now."⁴¹ Baxley considered this meeting one of the most emotional moments in his career: he witnessed how his work on old civil rights cases brought some relief to those who were still living with the pain of what happened during an earlier era. "Every crime that has ever been committed in the state of Alabama...may be gone but not forgotten," Baxley told newspapers after he publicly announced the arrests in the Edwards case. Labeling Edwards' murder "a civil rights execution" performed by the Ku Klux Klan, he also explained to the press that the killers targeted the wrong person, and that they were really after another black Winn-Dixie truck driver who had allegedly "smiled or made some remark to a white woman" weeks before Edwards drove the route.⁴²

As his first legal maneuver in this case, Baxley attempted to have Livingston denied bail due to his previous hostile encounters with the law. At a ninety-minute bond

hearing on February 23, Montgomery County District Attorney James H. Evans and Assistant Attorney General William McKnight argued that Livingston had a past record of violence and was dangerous. Evans declared that “Livingston is no stranger to the Circuit Court, or to law enforcement in Montgomery County. Livingston’s propensity to violence in this community is well-known.” In order to illustrate their argument, state attorneys produced evidence that Livingston had threatened investigator Tom Ward. Another one of Baxley’s investigators, Lane Mann, the son of a former state public safety director, testified that when Livingston called Ward at the attorney general’s office, he listened in on the call. Mann reported that he heard Livingston tell Ward that he “didn’t like what he was doing.” The bail bondsman also warned Ward, “both you and I are going to wind up in the obituary column.” Alabama State Trooper Tyrone Anderson testified that he was ordered to guard the house of Edna Alexander, who was listed as a witness in the case. Anderson stated that around 10:30 in the morning a car driven by Livingston had passed slowly in front of the Alexander house.

David Livingston, brother of the defendant, informed Montgomery County Judge Sam Taylor that he also heard the telephone conversation to which Mann referred, and he insisted that his brother had said “some day” the two men would wind up in the obituary column. He also asserted that Sonny Kyle made it abundantly clear that this was not a threat. One of Livingston’s attorneys, Richard Jordan, argued that Livingston was being denied his rights by being held in jail when the other two defendants had already been released. Livingston’s defense attorneys also claimed that the state filed charges to “stir up racial violence” again in the community. District Attorney Evans countered this accusation by pointing out that “If anybody has tried to stir up racial trouble in his life it

was Sonny Kyle Livingston, and everybody knows it.” Despite the alleged death threat to Ward and Livingston’s arrest record, Judge Taylor ruled that the state did not present enough evidence during the hearing to justify the continued imprisonment of Livingston, who had been in jail since his arrest on Friday, February 20. The judge noted that that bail can be denied only when a capital offense was committed and evidence of guilt was presented at the bail hearing; the state decided not to present evidence regarding Willie Edwards’ murder at this bail hearing, and instead waited for the upcoming preliminary hearing. After Judge Taylor fixed bond at \$25,000, David Livingston’s Alabama Bonding Company bailed out Sonny Kyle as it had done for the other two defendants.⁴³

Three days later, on February 26, the thirty-four-year-old attorney general Bill Baxley began to present his case in the Montgomery County Courthouse. According to James York’s attorney, Edward Cunningham, there were well over one hundred spectators who gathered at the preliminary hearing, and many of them were from outside the South.⁴⁴ In fact, due to the large number of gatherers, the hearing was moved from the usual county courtroom to a larger courtroom upstairs.⁴⁵

In order to have his statements on the record, Baxley called on Raymond Britt to testify at this preliminary hearing. Nineteen years after facing trial for bombing a black church, Britt found himself once again inside a Montgomery County courtroom, only this time he sat in the witness stand. Nervous and excited at the opportunity to try such an important case, Baxley cleared his throat several times before beginning his questioning of the state’s key witness: “Did you have a conversation with the three defendants concerning a Winn-Dixie truck driver?” Britt, fidgeting with anxiety, acknowledged that he did in fact participate in the conversation to which the attorney general referred. Britt

then told the court that this conversation first occurred sometime in January of 1957 at the Little Kitchen restaurant on Jefferson Street owned and operated by Klansman Ray Harrelson. Britt also confirmed that the restaurant was a local gathering place for Klan members.

Trying to establish when this conversation occurred in relation to the actual murder, Baxley then asked his witness, "Do you recall, to pinpoint your memory a little bit, the day that an individual was caused to jump off the Tyler Goodwin Bridge?" Two defense attorneys, Richard Jordan and Oakley W. Melton, objected to the form of Baxley's question, and Judge Sam Taylor sustained the objection. Taking a different approach, Baxley asked Britt in reference to Edwards' murder, "approximately when was the first conversation you are speaking of, when did that take place?" Britt stated that the conversation took place a few days prior to the actual incident, and he then conveyed to the court the contents of the conversation at the Little Kitchen restaurant: "I heard at that time that there was a black Winn-Dixie male driver that had made some accusations to a white woman and it was kind of just common talk that something, that it needed to be checked into and something done about it."

Eager for the court to hear the crux of Britt's testimony, Baxley then inquired as to when the matter was discussed again. Britt replied that the next time the Klansmen conversed about this issue was at Alexander's house. He described how someone picked him up in a "four-door car" and drove him to Alexander's house in Chisholm where the four armed men departed looking for this Winn-Dixie truck driver. Britt then delivered the same dramatic story he had written in his affidavit concerning how he and the defendants abducted Edwards and terrorized him en route to the Tyler Goodwyn Bride.

The self-avowed former Klansman admitted that he and the others slapped Edwards and threatened to castrate him and even kill him if he did not admit to making advances toward a white woman; Britt also confessed that throughout the ordeal, Edwards denied their accusations. Finally, they took Edwards, who was “crying, sobbing, begging” and pleading for his life, to the bridge where they forced the petrified driver at gunpoint to climb over the rail and then watched him jump from the bridge’s ledge into the dark water below. “I don’t know what happened to him after that,” Britt conceded. During a rigorous cross examination, Britt readily admitted to his involvement in Klan activities in the 1950s, including his participation in the church bombings.⁴⁶

The surprise of this preliminary hearing came when the defense called state investigator Tom Ward to the stand. When asked how he initially became involved in the investigation, Ward testified that during a conversation he had with Sonny Kyle Livingston, the defendant told him, “I was there and saw them make him jump off the bridge.” Ward stated that this conversation occurred on December 31, 1975, and that this was the first he had heard of the case, after which he traveled back to the office to begin investigating. Livingston’s attorneys later explained that they believed Ward had misunderstood their client’s statement and that, in fact, Livingston had said that he had only heard about the incident on the bridge, not that he was present.

After a seven-hour hearing in which the state also presented documents establishing that Edwards’ body was recovered three months later and explaining how it was identified, Judge Sam Taylor announced that the court found probable cause to warrant binding the defendants over to the grand jury. Taylor set bond at \$35,000 for Alexander, \$25,000 for Livingston, and \$10,000 for York. The suspects were again

bailed out by Alabama Bonding Company on February 26. That weekend, mostly likely as a retaliation for Britt testifying, vandals threw rocks through several trailer windows at Comfort Mobile Homes operation on Air Base Boulevard where Britt was the manager. The assailants were never apprehended.⁴⁷

When the grand jury convened the following month, Britt again described the contemptible actions of the Klansmen. This time, Montgomery County District Attorney James H. Evans led the questioning of the state's primary witness. Describing how he became acquainted with the other defendants, Britt noted that he had met Livingston, Alexander, and York in the later part of 1956 when he joined a local Klan chapter. Britt again testified that he traveled to Alexander's house where he and the other defendants decided that they were going to find the Winn-Dixie truck driver who allegedly "harassed or smiled at" a white woman. He then explained to the jurors that they commenced their search on the Lower Wetumpka Road, which Alexander had informed the others was "the route that the Winn-Dixie truck driver would take to come back to the Winn-Dixie warehouse." In order to underscore the premeditation involved in this murder, Evans asked Britt, "Then I take it by that that there must have been some investigation made into the routes in which the trucks were going back...is that correct?" Britt responded that Walter Boyett, Sr. had previously stated that he was going to "check into this matter," and he was the Klansman who always gave orders to other members of the organization. Although Britt conceded that he did not actually hear Boyett telling anyone about the route, he was positive that Boyett had supplied this pertinent information. Britt's testimony added credibility to the suggestion that Winn-Dixie employees might have supplied route information to Boyett or another Klan member.

After the Klansmen located the Winn-Dixie truck in the grocery store lot, Britt told the jury how he and Livingston forced Edwards out of his truck and into the backseat of their vehicle between York and himself. The witness also described how at one point Sonny Kyle Livingston threatened to castrate Edwards if he did not tell the truth, and that on the way to the bridge, Edwards was "harrassed and slapped around and knocked around." When they reached the bridge, Alexander drove to its center and stopped the vehicle, at which point Livingston and York forcibly removed Edwards from the car.

Britt then explained what transpired on the Tyler Goodwyn Bridge: "Livingston told the man to hit the water. The man was not shot or stabbed. He was told to hit the water."

"Was the gun pointed at him at that time?" Evans asked.

"Yes, sir, the gun was pointed at him," Britt confirmed.

"Who had the gun pointed at him?" the lawyer wanted to know.

"Livingston and also Alexander had his pistol," said Britt.

"Do you distinctly remember now 19 years ago, do you distinctly remember that weapon being pointed at him, sir?" Evans clearly and slowed spelled out his question.

"Yes, sir I do," Britt insisted.

"You distinctly remember Sonny Kyle pointing the weapon, is that correct?"

Evans repeated.

"That is correct, sir and the man, like I said, the man was frightened, very frightened, and he crawled up on, or got up on the railing at the river and was told to jump," Britt answered.

"Jump or what, was he given any alternative, like I'm gonna..." Evans began.

“No, sir,” Britt replied, interrupting the attorney with a firm conviction.

After clearly establishing for the jury who held the weapon on Edwards, forcing him to jump to his eventual death, Evans then asked Britt if they knew whether Edwards could swim, or if they ever asked the young truck driver if he could. Britt responded that they did not know, nor did they ask. Evans reasoned that if the suspects did not know whether Edwards could swim, they could not have known the danger which the water might have posed to him. Britt concluded his testimony on the night’s events by describing how he and the defendants returned to Alexander’s house where they joked about the black driver “taking a swim in the river” and told Edna Alexander that she would “read about it in the paper the next day.” Britt’s account of who was involved and what happened when the men returned to Alexander’s house corroborated the statements Edna Alexander had given to Jack Shows and Tom Ward in their interview with her.

Asking a question that must have been on the minds of several jurors, Evans inquired, "After nineteen years why all of a sudden, Mr. Britt, are you prepared to come clean with this and tell everybody about it?" The mobile home salesman proclaimed, "I have lived a very honorable life for the last 19 years...and I do have a conscience that I've lived with for 19 years." In addition, he stated that although a significant amount of time had passed, “you don't forget a meeting when you hear a subject of this nature brought up. You don't forget when you stop a Winn Dixie, not stop, but get the driver out of a Winn Dixie truck, you don't forget that after 19 years and you don't forget that man jumping into the river after 19 years.” Then Evans posed a series of questions to confirm that Britt had given this testimony voluntarily without any bribes or threats. Evans asked if the immunity grant "was not the driving factor in which you told your

story to Mr. Ward was it." "No sir, conscience and family and self," Britt replied. Upon hearing this compelling and stomach-churning testimony, the grand jury, which contained four black members, indicted the three suspects on March 5, 1976. Ten days later, at an arraignment hearing, the attorneys for the three defendants entered pleas of not guilty.⁴⁸

It appeared that Baxley was on his way to successfully prosecuting this homicide case and finding justice for a family that had for nearly two decades grieved a loss without knowing who was responsible. Several members of Willie Edwards' family, including his widow and his children, returned to Montgomery to witness the legal proceedings. Willie's father sat in the courtroom every day, listening to the wrenching description of how these Klansmen executed his son. Edwards' family believed they finally had in their grasp an opportunity to receive the justice they were denied by a segregationist and racist society in 1957. With the passing of nineteen years, race relations had improved dramatically in Montgomery. The Klan no longer roamed the streets dressed in hooded white robes, patrolling the city as if they had a divine right to do so, and juries—no longer solely comprised of white men—were less likely to excuse racially-motivated crimes.

Shortly after the arraignment hearing, the legal battles began with the multitude of defense attorneys filing several motions to have the indictments dismissed and quashed. In a maneuver that caught Bill Baxley and his legal team by surprise, Sonny Kyle Livingston's attorneys, J. Doyle Fuller and Richard Jordan, claimed in some of their motions that three unnamed witnesses "were at the scene when the alleged crime occurred" and could testify that Livingston was not present that night. The lawyers contended that these three witnesses should be granted immunity from prosecution to

testify on Livingston's behalf. They argued that Livingston would be denied equal protection rights if Britt was granted immunity and others were not. Fuller and Jordan also filed motions to have the indictment quashed on the grounds that the charge was "ambiguous and inconsistent" and was returned by a grand jury improperly selected. There was no evidence to support their latter charge. The defense also claimed that state investigators trapped Livingston into making incriminating statements, although they did not specify which statements were in question.

In a counter move, the attorney general's office filed a motion demanding that the three witnesses be identified on the grounds that they were probably involved in the slaying since they had asked for immunity. Without supplying the names of these three individuals, the defense's claim of alibi witnesses was untenable. State prosecutors reported that Fuller and Jordan could be charged with failing to disclose information about a felony. In addition, Baxley and other members of his office told newspapers if the two lawyers took "affirmative" steps to protect the anonymity of the three witnesses, they could be charged with being accessories after the fact of the crime.⁴⁹ As it turned out, Fuller and Jordan were never required to release the identity of their witnesses. Fuller later admitted that two of these alibi witnesses were York and Alexander. He did not identify the third.⁵⁰

Henry Alexander's attorney, Joe Espy, filed several motions challenging his client's indictment, including motion to dismiss, motion to quash, demurrer (a plea for dismissal on the grounds that even if the statements alleged are true, they do not sustain the claim because they are insufficient or otherwise legally defective), and plea in abatement (an objection to the place, mode, or time of the state's claim without disputing

the justice of the claim). In each of these motions, Espy incorporated nineteen reasons for his request to dismiss, including the arguments that the indictment failed to state a crime against the defendant, the allegations of the indictment were improper, and that the allegations were not sufficiently stated under Alabama law. Additionally, Espy argued that the grand jury failed to hear any corroborating testimony to support the testimony given by Raymond Britt.⁵¹

Edward Cunningham, legal counsel for York, filed a motion to suppress any oral or written statements made by York on the grounds that his client was seventy-three and had suffered from a severe stroke in 1968 which "left him without all his faculties." According to Cunningham's motion, York "is unable and has been so unable since 1968, to knowingly waive any Constitutional right which he might have under the laws of the State of Alabama and the United States of America."⁵² York's attorney also filed a motion to dismiss without prejudice based on the immunity offer which Baxley had signed on January 13, during the initial weeks of the investigation. The defense counselor argued that this offer was never withdrawn by the attorney general and that York accepted this agreement by letter on April 6, 1976.⁵³ Presenting the issue that would become the heart of the forthcoming legal arguments, Cunningham then filed a demurrer to the indictment for the following two reasons: that the indictment "failed to state the cause of death of the alleged victim," and that it "fails to allege a crime under either the common law or the laws of the State of Alabama."⁵⁴

On April 14, Circuit Court Judge Frank B. Embry heard arguments and handled the motions filed by both sides. The eighty-four-year-old judge had already retired from an illustrious career that included practicing law and serving as a member of the Alabama

House of Representatives between his two terms as mayor of Pell City in St. Clair County, Alabama. Beginning in 1943, Embry served two terms as circuit solicitor for St. Clair, Etowah and Blount Counties and, in 1953, he was appointed circuit judge for Blount and St. Clair counties. After retiring from his judicial position, Embry served as a stalwart member and vice chairman of the Loyalist wing of the Alabama Democratic Party. During the 1970s, Embry heard cases as a supernumerary in several counties throughout the state. It was in this capacity that he was asked to serve on Montgomery County's Circuit Court due to the backlog of cases on the docket.⁵⁵

At the outset of the hearing in the Willie Edwards, Jr., murder case, Embry made his position clear on the indictments, notifying everyone present that "This court has a very serious question as to whether the indictments are sufficient." Lawyers from the Attorney General's office and the Montgomery County District Attorney's office argued vehemently that, because Edwards' body had been in the water for a long period of time, it was decomposed to the point that it was impossible for examiners to determine the cause of death. They also pointed out that the specific cause of death would have to be determined through circumstantial evidence presented during a trial. Adamant that the case not reach trial, defense attorneys countered by noting that the purpose of the indictment was to advise the defendants of precisely the charges they faced. In an effort to have the indictments quashed, defense attorney Joe Epsy argued that the prosecution did not specify adequately how Edwards was killed. He asked, "Are they contending he was killed by a gun...by jumping off a bridge...by drowning...by hitting his head on a rock...by catching cold...or by starvation after three months?" In what proved to be a convincing final argument, defense attorneys emphatically asserted that jumping off a

bridge does not necessarily lead to death. York was the only defendant present at the hearing; he sat quietly throughout, showing little emotion as the attorneys engaged in heated exchanges.

Judge Embry ultimately quashed the indictments obtained by Baxley, ruling that they were improperly written and did not aver a cause of death, making them defective and insufficient. On the death certificate, the cause was listed as “unknown.” Under the section labeled “disease or condition directly leading to death,” the death certificate read, “Unable to establish cause of death due to advanced degree of decomposition. Only able to establish identity based on dental work, physical description, and personal effects. Victim apparently had been in water considerable portion of time.”⁵⁶ Without a cause of death listed on the death certificate, when state prosecutors wrote the indictments, they did not include the specific condition—most likely drowning—that caused Edwards’ death; they believed that this was an issue that could be demonstrated during a trial. Judge Embry, however, ruled that indictments needed to specify precisely how the victim died in order to comply with Alabama law. Throughout the hearing, Embry had refused to consider other defense motions including the claim that it was illegal for the attorney general to bring charges nineteen years after the murder occurred. He also ruled irrelevant the motions filed by Baxley’s office to make known the identity of the three alibi witnesses who supposedly could testify to Livingston’s lack of involvement in this murder. Embry stated that these issues could be examined “in the event of a new indictment.”⁵⁷

Montgomery County District Attorney Evans immediately requested a new hearing and said if necessary he would seek a second set of indictments when the county

grand jury reconvened in May. Finding Embry's ruling pedantic, Evans told newspapers, "We think the judge's ruling was erroneous and we have the cases to back up our judgment." He also articulated his confidence in preparing for the rehearing: "we felt the law was very clear and there were abundant cases to show the indictments were properly drawn. We expect to prevail during the rehearing."⁵⁸ Evans' optimism did little to prop up the once again deflated spirits of the Edwards family. When Willie, Sr., who sat in the courtroom listening to every argument and every ruling, heard Judge Embry quash the indictments, the dejected man wondered if he would witness in his lifetime his son's killers convicted and sentenced to prison.

Following Embry's decision and Evans' demands for a rehearing, the defense attorneys held a press conference conveying their disapproval of Evans's disparaging remarks concerning Embry's decision and suggested that "any criticism of the hearing should be directed at the Attorney General's Office." York's attorney, Edward Cunningham, commented that "Judge Embry was absolutely correct in his ruling," and, as an ancillary thought, he added, "criticism of Judge Embry is highly improper and unfounded."⁵⁹ In spite of Evans' denouncement of the judge's ruling, the law entitled the prosecutors to another hearing. Following an official motion filed by the attorney general's office, Embry selected May 12 as the date for the rehearing.

Even before the attorney general's office could present their arguments at the rehearing, another complication arose. Adamant that their client was not involved in this particular crime, Sonny Kyle Livingston's lawyers approached Baxley prior to Embry's ruling the indictments insufficient, offering to have their client submit to a polygraph examination administered by any agency of the attorney general's choosing. What

Baxley did not know, however, was that Livingston's attorneys had already given their client two such tests, both of which he passed. Following the legal adage of never asking a question to which they did not know the answer, Livingston's attorneys had not approached the attorney general in the hopes that their client would pass a polygraph examination; they were nearly certain he would pass another examination given his performance on the first two tests. Baxley took the bait; he and Livingston's attorney, Richard M. Jordan, made a legal agreement that the results of Livingston's lie detector examination would be admissible into evidence at Livingston's trial by either party.⁶⁰

Under Baxley's approval, a test was administered in New York by Richard O. Arther, one of the leading experts of the polygraph machine at the time.⁶¹ On April 14, Livingston and Jordan traveled to New York along with Assistant Attorney Generals George Royer and John Yung. During the middle of the testing, Jordan learned by telephone that Embry had quashed the indictments. The excited attorney informed Livingston of the development, but the bail bondsman decided to continue with the examination, and he passed this test as well. When announcing the results of the lie detector tests to the press, Jordan declared that although his client already knew that Judge Embry had quashed the indictments, he "insisted on taking them [lie detector tests] anyway because he wanted to clear his name" and spare his family the embarrassment. Jordan explained to newspaper reporters that he and the assistant attorney generals watched the administering of the tests through a one-way mirror. He also noted that he, Royer, and Yung had provided Arther with the crucial facts of the case as well as a copy of the transcript of the preliminary hearing to familiarize polygraphists with the case to enable them to ask appropriate questions. Declaring Livingston's innocence, Jordan

proclaimed that the results demonstrated “conclusively” that his client was not involved in the death of Willie Edwards, Jr.

An April 23 letter signed by Richard O. Arther, and sent to the assistant attorney general and to Jordan, confirmed Livingston’s performance on the Arther IV Polygraph Examination. According to Arther’s letter, “there were definite indications of truthfulness when Mr. Livingston answered ‘No’ to all five of his pertinent test questions.” Arther explained that in order to maintain the validity and reliability, this polygraph procedure was restricted to five pertinent test questions. Arther provided a list of these five questions posed to Livingston during the examination:

1. Did you give Tom Ward a false confession about Willie Edwards’ murder in order to make a fool out of Jack Shows?
2. Did you tell Willie Edwards to “hit the water”?
3. Did you force Willie Edwards to jump off the Tyler-Goodwin Bridge?
4. Did you threaten Willie Edwards with a gun?
5. Did you hear Willie Edwards scream as he fell to his death?

Furthermore, Arther indicated that Livingston voluntarily returned the next day to submit to a reexamination in order to verify the consistency of the tests, and “Again there were indications of truthfulness.” Arther concluded, “it is the final opinion of the polygraphists, based upon both Arther IV Polygraph Examinations, that Mr. Livingston is telling the truth to his pertinent test questions.”⁶²

Jordan later informed the *Alabama Journal* that his client “does not feel any personal animosity toward the attorney general. He does feel, however, that the attorney general had been misled.” In a litigious gesture, Livingston later filed a lawsuit against

Baxley, claiming that the attorney general conspired to have him arrested on charges he knew were false, and as the papers reported, Baxley tried to have him transferred into a mental institution in an effort to have him killed. Livingston's anger revolved largely around the fact that while he was in jail following his arrest, Baxley attempted to have him transferred to the Macon County facility which held predominantly black inmates. Prison officials prevented this from occurring.⁶³ Livingston also filed a one million dollar lawsuit against Britt and Baxley's investigators on the basis of malicious prosecution. His attorney Doyle Fuller requested to leave the lawsuit because Fuller did not agree with suing Attorney General Bill Baxley and recognized that the attorney general and his investigators were simply performing their jobs. When asked in a recent interview if he would have remained as Livingston's attorney if the lawsuit was applicable to only Raymond Britt, Fuller responded "absolutely." Fuller had filed a motion asking permission to withdraw from the case because Livingston was handling the matter himself, and Livingston had also accused Fuller of "conspiring" against him. Livingston countered by filing a motion in federal court requesting that a U.S. District Judge not allow Fuller to leave the lawsuit. In court, Livingston fulminated against his former attorney, claiming that Fuller's motion was "made up for the most part of false, scandalous and ridiculous matters and has no place in the records of this honorable court." Both lawsuits were eventually dismissed.⁶⁴

Although Baxley confirmed the fact that the tests supported Livingston's claim of innocence in the Edwards case, the attorney general stated that he had every intention of pursuing the matter. "In the light of all the other evidence, we have absolutely no intention of dropping the case," Baxley announced. "You have to balance one piece of

evidence against another.” He also added, “lie detector tests are not 100 percent infallible. They don’t work on some people.”⁶⁵ However, according to a letter from another polygraph company, Malinowski Polygraph Service, Livingston passed yet another examination administered by this service in Savannah, Georgia on May 24, 1976. These polygraphists asked Livingston if he was at the Tyler Goodwyn Bridge when Edwards was forced to jump in the water or if he pointed a pistol at Edwards. They also asked Livingston if he told Tom Ward that he was at the bridge when Edwards was forced to jump in the water. As a fourth question, they inquired whether Livingston was at Henry Alexander’s house during a discussion of the death of Willie Edwards. Livingston responded with, “No” to all of the questions, and the polygraphists determined that he “did not exhibit any reactions indicative of deception” in answering the relevant questions.⁶⁶

Baxley’s legal agreement with Livingston’s defense attorneys concerning the polygraph examinations angered other members of his prosecutorial team. Montgomery County Assistant District Attorney Charlie Price said Baxley never told him that an agreement had been reached to allow the tests into evidence. “We had no knowledge the tests were given. We were never informed about any agreements concerning their admissibility and we would never have agreed to the tests had we been informed,” the black prosecutor told the *Advertiser*. He insisted that “The matter should have been discussed with us since we are co-prosecutors in the case, if only as a matter of courtesy.” Price also stated that he had every intention of seeking new indictments if Embry did not reconsider his ruling, and, according to the assistant district attorney, the new indictments would be worded differently to avoid any similar complications.⁶⁷

Looking beyond this setback in their case, Baxley and his legal assistants concentrated their efforts on persuading Embry to reestablish the indictments, without which there would be no trial in which they could argue the validity of the lie detector tests. The state prosecutors and the defense attorneys set forth their arguments in memorandums sent to Judge Embry. Establishing the crux of their argument, Baxley and his associates posited that it was “abundantly clear” from the state’s case law that an allegation of the cause of death was not required for an indictment. As they suggested, “It is necessary only to allege the means of death and not how the death was actually caused.” Baxley and his assistant attorney generals then outlined three specific arguments they intended to prove by extrapolating from previous cases: first, in order for an indictment to be sufficient pursuant to Alabama law, it was only necessary to contain an allegation of the means by which the offense was committed; second, the cause of death need not be proved at the trial in chief or can be circumstantially proved; and third, the indictments in this case were sufficient.

As to their first point, the attorneys cited twelve cases that they believed unequivocally demonstrated that an indictment was sufficient if it established the means of death and not necessarily the actual cause.⁶⁸ In their second contention, Baxley and his associates essentially argued that cause of death was not required for an indictment because it could be inferred later from testimony presented at trial and, in certain instances, proving cause of death was not necessarily a prerequisite for convicting a defendant. Illustrating their argument, the prosecutors drew from a 1972 case, *Dawson v. State of Alabama*, in which the defense “insisted that since the cause of death could not be determined from an examination of the decomposed remains of the body there was a

fatal variance between the indictment charging that defendant killed deceased by shooting him with a gun and the failure to prove the means of the killing." However, according to Baxley's summation, the Court of Criminal Appeals held "that there was no variance as the jury could infer from the testimony that the deceased had been shot and therefore it was of no consequence that the toxicologist could find no evidence of any bullet wounds." This case was similar to the Edwards case in that the toxicologists could not determine the exact cause of Edwards' death, but a jury could likely deduce that Edwards drowned after they heard Britt's testimony regarding how the Klansmen forced Edwards to jump into the Alabama river at night wearing all of his clothes and given that two fisherman found his body three months later in the same river.

Explaining their final argument that their indictments were sufficient, the attorneys cited yet another case, *Desilvey v. State of Alabama*, in which the corpse was severely decomposed and the Supreme Court held that the cause of death could be illustrated circumstantially. The indictments in the *Desilvey* case merely stated that the defendant killed the victim "by some means to the grand jury unknown." Baxley's office implored Embry to understand that if he required the state's indictments in the Edwards case to contain an allegation as to the exact cause of death, he was essentially "overruling all the cases in this State that allow cause of death to be proved by circumstantial evidence."⁶⁹

In a memorandum signed by an attorney for each of the accused, the defense relied more heavily on Alabama codes rather than on state judicial decisions in order to exemplify their arguments. The attorneys—Joe Espy, Doyle Fuller, and Edward Cunningham—argued that the attorney general's office failed to state a crime against

their clients in the indictments, and that the state neglected to follow the proper code form when writing these indictments.⁷⁰ Countering the cases presented by the attorney general's office, the three defense attorneys claimed that all but one of those cases dealt with circumstances in which the means obviously led to the cause death. Arguing the Edwards case did not fit into this category, they noted that "If the means obviously cause death, then there is no problem; but as in our cases, if the means do not obviously cause death, then the cause of death must be averred in the indictment in order to tie it all together and properly advise the Defendants of the charges." In other words, the prosecution did not specifically demonstrate in the indictments that forcing Edwards to jump into the river inherently led to his death.

At the heart of each side's arguments was the 1943 case, *Rowe v. State of Alabama*, which shared many axiomatic similarities with the Edwards case. Baxley and his associates noted that in the *Rowe* case, the second count of the indictment read that the defendant killed the victim "by hurling or throwing his body from a bridge into the Alabama river against the peace and dignity of the state of Alabama." This indictment, like the Edwards case, did not allege that the victim drowned. More importantly, the Alabama Supreme Court held that the indictment charging Rowe with murder was sufficient.

The defense attorneys rebutted the prosecution's arguments using *Rowe* on several counts. They pointed out that the defense in the *Rowe* case "failed to raise any preliminary objections to the sufficiency of the indictment." They argued the significance of this failure by explaining that when the state Supreme Court ruled on the case, the judges emphasized that no pre-trial motions were filed. The three defense

attorneys believed that “this clearly indicates that if such motions had been filed, a different result would have been reached.” In other words, had Rowe’s defense lawyer filed motions challenging the sufficiency of the indictment, it might have been quashed. Espy, Fuller, and Cunningham also pointed out that several crucial differences existed between the manner in which Rowe was murdered and how Willie Edwards, Jr., died. For example, another count of the indictments in the *Rowe* case alleged that the defendant hit or struck the victim “with a rock or some hard substance.” Additionally, the deceased's hands in the *Rowe* case were tied when he was thrown into the river. The defense attorneys noted these differences to suggest that a greater probability existed of this victim dying as opposed to the circumstances surrounding Edwards’ death.⁷¹

Although the defense attorneys were correct in that the prosecutors did not follow the precise wording as outlined in the state murder code, Baxley and his colleagues nonetheless presented cases in which judges allowed indictments to stand which only listed the means of death without including the actual cause. The ultimate interpretation in this homicide case fell to the strict constructionist Judge Frank Embry.

At the May 12 rehearing, Circuit Court Judge Embry listened to impassioned arguments for and against reinstating the murder charges. During the proceedings, Assistant Attorney General Jim Ward defended the original indictments, reiterating their argument in the memorandum that state law only required the prosecution to describe how the victim was killed, not exactly what killed him. Ward explained that causes of death were infinite and suggested that a man who was shot could die of shock or bleed to death, but only the fact that he was shot was needed for the indictment. Ward also argued that other cases showed that it was proper to demonstrate cause of death by circumstantial

evidence. Following his associate's remarks, District Attorney Evans argued that the exact cause of Edwards' death could be demonstrated by circumstantial evidence presented at trial. He also accused the defense attorneys of placing the state in the untenable position of alleging a specific cause of death in the indictments that would be impossible to substantiate through autopsy reports. Evans and Ward presented Judge Embry with fourteen cases to illustrate their arguments. Evans protested to the judge, "The defense is trying to lock us into saying he drowned." He continued by explaining that if drowning could not be proven to a jury due to lack of evidence in the autopsy case, there would be a fatal variance in the state's case. At this point, defense attorney Joe Espy leaped to his feet and demanded that the hearing end and "we all go about our business." When it came their turn to present, the defense attorneys suggested that it would be unreasonable to expect their clients to defend themselves against a murder charge when it was anything but obvious that a jumping from a bridge would necessarily kill someone. Doyle Fuller described how as a boy, he and his friends would jump from bridges into the Chattahoochee River without incurring any injuries.⁷²

Five days after the rehearing, on May 17, Judge Embry reaffirmed his decision, again ruling that the indictments were "not sufficient under the law of Alabama." Writing the circuit court order, Embry explained his rationale: "In these cases the indictments merely aver that the Defendants forced one Willie Edwards to jump from a bridge whereby he was killed. The indictments do not aver that Willie Edwards was thereby drowned as is specified in the Code." Concurring with one of the arguments put forth by Fuller and other defense attorneys, Embry concluded that "Merely forcing a person to jump from a bridge does not naturally and probably lead to the death of such a person and

therefore the Court is of the opinion in these cases that the State must aver that the forcing of the decedent from the Tyler Goodwyn Bridge resulted in his death by drowning or some other unnatural cause.”⁷³ The judge stressed that it was necessary to both allege in the indictments and prove at trial the cause of death. Employing legal precedent, Embry cited the case of *Cloud v. State of Alabama* in which the court of appeals reversed a murder conviction and rendered a conviction for manslaughter in the first degree because the state failed to prove that the deceased drowned as they had alleged in their indictment.⁷⁴

According to Bill Baxley, in 1976 state officials were not permitted to appeal these dismissals. His investigator, Tom Ward, expressed his tremendous disapproval at this defeat: “Look at the type of people we were dealing with.” Lambasting Embry’s decision, Ward asked, “Where do you think the sympathy of the judge was...? How do they think he died? The man was beaten around late at night. It was cold. They made him jump into cold water with his clothes on.”⁷⁵ In spite of Ward’s disgust, the three defendants escaped being tried for murder. Refusing to capitulate to Embry’s decision, Assistant Attorney General Jim Ward told the press that state attorneys in conjunction with the Montgomery County District Attorney’s office would seek revised indictments when the grand jury convened in June.⁷⁶

Unfortunately, another significant problem—the most difficult one to date—arose for the state and once again Baxley and his legal team found themselves in a quagmire. On June 1, Baxley was compelled to report to the press that Raymond Britt had admitted that he incorrectly identified Livingston as one of the men involved in murdering Willie Edwards. Attempting to explain the gaffe, Baxley said, “He thought Livingston was

there, but he admitted he was wrong and it was someone else.” During the preceding week, state prosecutors and defense attorneys agreed to have Britt submit to a polygraph test administered in San Diego, California. During the examination, Britt began to falter in some of the statements he had made regarding Livingston’s involvement. According to the attorney general, Britt did maintain, however, that he and three other Klansmen were in the car the night they killed Edwards. Baxley reported that the test indicated Britt was telling the truth about Alexander and York, and that a third man was present.

Although greatly disappointed, the attorney general believed that Britt had made a genuine mistake in naming Livingston. He pointed out that these men in particular were involved in a number of reprehensible activities during the civil rights era, and Britt had most likely inadvertently associated Livingston with this particular incident. Describing the repugnant behavior of the suspects, Baxley reported to the press: “There was so much going on at that time...they were riding the streets every night, beating people.”

While conceding that Britt’s error severely damaged his credibility as a witness, the attorney general vowed to continue the efforts to prosecute this case: “We’re not going to forget it. We still know a crime occurred. That man was horribly and needlessly killed.”⁷⁷ Even so, with Britt’s credibility essentially destroyed, Baxley’s chances of successfully prosecuting were significantly diminished, and he knew it. Even if they could secure new indictments against York and Alexander, defense attorneys would surely point out that Britt incorrectly identified Livingston—who probably would not be indicted this time around given both his and Britt’s performance on the lie detector tests. The lawyers representing York and Alexander would likely ask the jury to consider

that Britt could be incorrect in his identification of either one of these two men—a scenario that would surely constitute reasonable doubt in the minds of the jurors.

Henry Alexander and his attorneys had another trump card up their sleeves as well. Shortly after his arrest, Alexander contacted the Bureau and asked them to furnish him with a letter verifying his status as an informant. Not only did the FBI supply Alexander with a letter in March, a few months later one of their agents went directly to the Alabama Attorney General and asked Baxley to give consideration to Alexander because he was one of the agency's best informants.⁷⁸ By this point, Baxley realized that his case had essentially disintegrated, and he knew that they most likely would not seek to indict Alexander again. In an unusual turn of events, the FBI later claimed they did not approach the Alabama Attorney General regarding this matter. According to a recently-issued FBI report, the agents who last maintained contact with Alexander in 1976 denied ever contacting Baxley. In the report, officials also claimed that any information concerning Alexander's relationship with the Bureau was released only to Alexander himself, although ostensibly Alexander also disclosed his FBI informant status to his attorneys as well. In a recent interview, Baxley retorted that "There is absolutely no question that I talked with an FBI agent about this." Regardless of the discrepancy, neither Baxley nor Montgomery County District Attorney Evans attempted to indict Alexander or York again.⁷⁹

Despite the insurmountable legal problems, the relentless investigator Tom Ward continued to work on the case. One of the most revealing documents located in the attorney general's file on the Edwards case contains hand-written notes from a conversation with Raymond Britt in which he named an additional person who might

have had direct participation in the murder as well as additional suspects who might have been traveling in a second car that night in order to make sure the men in the principal car executed the Klan assignment. Although neither the date nor the author of the document was identified, based on handwriting and context, presumably Ward recorded these notes during a conversation with Britt sometime after the former Klansman faltered during his polygraph examination. Several notations listed in this document contained information regarding two brothers, Wilson and Clayton Bragg. Their mother had died when they were young, compelling one of their sisters to raise her siblings. Wilson Bragg had a trucking business in which he hauled cattle, and he worked for companies in Florida as well as stockyards in Montgomery. According to the document, Britt suggested that it "could have been Wilson Bragg's car with him [Bragg] driving." In a hand-drawn diagram of the car, Ward wrote Bragg's name in the position of the driver's seat, Henry Alexander positioned in the passenger's seat, and Britt in the back with Willie Edwards. According to another notation, Britt made a stronger commitment to the idea that Wilson Bragg was the driver; Britt stated that he "honestly believe[d] Wilson Bragg was driving [the] car." In a recent interview, Jack Shows recalled that they had always suspected Wilson Bragg's involvement.⁸⁰ There were no other notations regarding Clayton Bragg and nothing to suggest any involvement on his part.

According to a May 28 memorandum, Ward wrote that he was unable to contact Wilson Bragg by telephone or at his house.⁸¹ Although Ward recognized that any judge or jury would doubt the veracity of Britt's statements, he wanted to pursue Bragg as a suspect, especially given that Bragg had been involved in another incident along with Livingston and Alexander. In 1960, during a Thanksgiving Day football game between

two black colleges, Tuskegee Institute and Alabama State, police officers arrested five men including Bragg, Livingston, and Alexander and charged them with failure to obey a police officer. Several days prior to the game, local whites made several attempts to create a racial disturbance. Klansmen burned eleven crosses in the city, each of which carried a note with the date “Nov. 24,” the scheduled date of the game. On Tuesday night, police found a fake bomb consisting of eight wooden sticks wrapped in brown paper and a Klan banner on the gate to Montgomery’s Cramton Bowl stadium with a note that read, “This could be a real Thanksgiving Day at Cramton Bowl.” The next night, police received a phone call informing them that a bomb would explode in the Cramton Bowl where the game was to be played. A search of the premises did not reveal any explosives. On the day of the game, the men who were eventually arrested were loitering in front of Glenn’s Grill on Madison Avenue—the same place where the bombers met in 1957—and jeering at blacks who drove past. According to the sheriff, police had chased Livingston, Bragg, and several other men away from a parking lot earlier in the day. When they returned before the start of the game, police arrested them for their recalcitrance. After appealing the decision of the Court of Common Pleas, a jury took only fifteen minutes to acquit Bragg on charges of conspiracy to breach the peace and unlawful assembly. Livingston later appeared in the county Court of Common Pleas to pay a fine of \$25 on a charge of failing to obey a law enforcement officer’s command. A similar charge against Alexander was dismissed.⁸² Even though Bragg clearly associated with Livingston and Alexander, Ward was apparently never able to contact Bragg concerning his possible involvement in Willie Edwards’ murder.

In the same document, Britt again pronounced his strong belief in Henry Alexander's participation. According to Ward's notes, Britt "knows Alexander was in front seat and had a shiny pistol." However, Britt began to doubt himself when it came to James York and Sonny Kyle Livingston, and he qualified his assertions regarding these men. "It's probable Livingston was not in [the] car," Britt admitted to Ward. He also said he was "not certain York was in [the] car, but he possibly was, [I] can't say 'probably.'" Doubting himself further, Britt stated that he did not "sincerely believe" York or Livingston were in the car, "but they may have been." It was not known if faulty memory was responsible for Britt misidentifying Livingston as one of the participants or if he lied about Livingston's presence on the bridge. Livingston and his attorneys have pointed out that law enforcement officials and prosecutors had been trying for years to convict him, and they suggested that Britt's inclusion of Livingston's name would have helped Britt's cause because investigators and attorneys were eager for the opportunity to prosecute Livingston. Doyle Fuller noted that law enforcement officials have tried without success for years to convict Livingston, and Jack Shows conceded that "Sonny Kyle Livingston is like a cat with nine lives." In a recent interview, Livingston maintained that Britt targeted him because Britt wanted to concur with what Ward said about Livingston being involved. However, even during this conversation with Ward, Britt appeared to still believe that Livingston was present. According to Ward's notes, Britt told him, "Sonny Kyle might have been in another car, but he was on the bridge when [the] driver went off 'unless I had a dream.'"⁸³

The remainder of the notations pertained to a second car which may have been present that night. Although he could not be certain, Britt told Ward that he had "a

feeling there was a second car, and noted that another known Klansman, J.B. Fuller, “‘may possibly’ have been in a follow-up car.” According to a memorandum written by Ward on May 28, 1976, they interviewed Fuller in the attorney general’s office, but he denied any knowledge of the Edwards killing. Fuller admitted to being a Klan member, but claimed he left the organization when the bombings started in 1957. Britt also told Ward that Ray Harrelson “damn sure knew about it.”⁸⁴ Harrelson was a known Klansmen and owner of the Little Kitchen restaurant where the Klansmen met initially to plan the execution of the black Winn-Dixie truck driver. During the course of the investigation, Ward had contacted Harrelson about the incident and asked him to come in for an interview. According to Ward’s memorandum dated February 12, 1976, when Ward informed Harrelson they were investigating a Klan-related incident which occurred years ago, Harrelson responded that he would come by the attorney general’s office, “but you know me I am not going to tell you nothing.”⁸⁵ There was no additional information regarding this scheduled interview.

In the end, the attorney general’s office could only offer condolences to Willie Edwards’ family. In a letter dated October 8, 1976, Assistant Attorney General John Yung wrote to Sarah Jean, explaining that “It is with deep regret and considerable sadness that I must write you this letter. This case which this office had against the former Ku Klux Klan thugs who had been indicted for the 1957 murder of your former husband, Willie Edwards, Jr., has collapsed around us, figuratively speaking.” He continued by informing the widow that Livingston, who Yung deemed “the most despicable of the group,” passed a lie detector test given in New York, and “Furthermore, our main witness, an admitted participant, failed a similar lie detector test which he was

given in California. The fact that the results of both of these lie detector examinations could have been admitted in evidence at trial by the defense attorneys virtually destroyed any possibility of our being able to get a conviction." Additionally, Yung explained the significance of Edna Alexander recanting on her previous implicating statements: "the ex-wife of one of the kluxer hoodlums reneged on a statement which she had given us implicating the indicted defendants in the murder of your former husband. This last development completely destroyed any hope we had left of a conviction."⁸⁶

Echoing the regret expressed by his associate, Bill Baxley wrote to Willie's oldest daughter, Malinda Edwards, "I just wish that somehow we could have done better to see that the men responsible for your Father's death had been brought to justice." Conveying the emotional attachments he had developed to the case, Baxley continued, "The thought of your Grandfather returning periodically to the Tyler Goodwin Bridge rends my heart asunder, and I feel helpless and frustrated in not being able to tell him something that would give him some rest and comfort." Trying to offer a small token of consolation, the attorney general wrote, "Although it is small comfort and will not bring Mr. Edwards back, I think we can look forward with hope and thankfulness that those dark and terrible days are now behind us."⁸⁷

And those dark days had passed in many significant respects. Race relations in Alabama had improved immeasurably since 1957, leading to a political climate in which Baxley could investigate old civil rights cases and bring them to court without a resounding public outcry from Alabama residents. In fact, Baxley did procure success in another of his endeavors to prosecute civil rights murders. On November 18, 1977, a jury convicted Robert Chambliss on the charge of first degree murder for his participation in

the 1963 Birmingham church bombing. The court sentenced the seventy-three-year-old Chambliss to life in prison. Baxley had begun his pursuit of the bombers in early 1971, but the lack of information and cooperation from the FBI hindered his investigation. According to the attorney general, his office did not receive the requested FBI reports until 1975.⁸⁸ Baxley's investigation of the bombing case also produced evidence on J. B. Stoner, leader of the National States Rights Party, which led to an indictment on charges of setting an explosive device at the Bethel Baptist Church in 1958. In 1980, a jury convicted Stoner, and a judge sentenced him to ten years in prison.

Although Baxley accomplished his major political aspiration by convicting one of the men responsible for the Sixteenth Street Baptist Church bombing and developing considerable evidence against other suspects, there were definite limits when it came to his state's tolerance of his efforts. After completing the maximum two terms as attorney general, in 1978, Baxley campaigned for Governor and lost. Analyzing the defeat later, Baxley described how during the campaign, wherever he went, there were always some whites who openly refused to shake his hand. Although they usually did not articulate their personal grievances with him, he knew that their disdain stemmed mostly from his efforts to prosecute the white supremacists. Baxley also received a fair amount of hate mail regarding his work on old civil rights cases. One letter, signed "KKK" informed Baxley, "We hope you are proud of yourself, you WHITE NIGGER. We hope and pray that you are soon blessed with the same condition that the nigger lover Kennedy contracted, which is DEAD—a long time dead. It may happen sooner than you think." Although this particular piece of hate mail was postmarked in New York, the attorney general received similar letters from across the country.⁸⁹

In spite of Baxley's valiant crusade to advance his state, the Willie Edwards case slipped through his fingers, leaving him with a profound sense of frustration and disappointment. With all of the legal complications, especially with Raymond Britt's credibility ruined, legally the Edwards case went flatline, not to be resurrected for another seventeen years.

CHAPTER 6

THE LAST CHANCE

In 1992, facing imminent death due to lung cancer, Henry Alexander embraced his last chance to clear his conscience. A few days after Thanksgiving, the sixty-three-year-old emaciated man walked inside the beauty shop on Upper Wetumpka Road where his common-law wife Diane worked. With a worried expression on his face—one that Diane was unaccustomed to seeing—Henry started by telling her, “I need to talk to you. I don’t even know what God has planned for me. I don’t even know how to pray for myself.” Unsure as to what her husband was talking about, Diane replied, “Well, you talk to God all the time. Why can’t you pray?” Slowly shaking his head and drawing in a deep breath, Henry responded, “This is different. I instigated it. That man didn’t do anything wrong.” With his voice cracking and his lower lip beginning to tremble, he continued purging his soul: “I just wanted to be an important person. Nobody thought he would jump. We all thought he would run.” Flabbergasted by what she heard, Diane realized that her husband was confessing that he had helped kill Willie Edwards. Throughout their approximate eighteen-year relationship, Henry had convinced her that he had nothing to do with murder.¹

Finally revealing the truth that day in the beauty shop, Henry admitted to his wife that Edwards would not have died had Henry not identified him as the person who had offended the white woman. “I’m the one that told’em,” Alexander confessed to Diane. He also divulged to his wife that not a day had passed when Edwards’ death had not

bothered him. According to Diane, approximately three weeks after their conversation at the beauty shop and four days before he died, Henry sat outside in his front yard crying and mumbling, “I had no business hating the blacks. They’ve never done anything to me.” He confided to Diane that after the night they forced Edwards to jump into the river, he had prayed for eight days, pleading for him not to die.²

The weeping frail man sitting on his front lawn bore minimal resemblance to the insolent and raucous character he had been. Throughout his life, Alexander had concerned himself with trying to make other people deferential, even afraid, of him. Inept at garnering reverence through appropriate means, Alexander substituted intimidation in order to command respect. Even the first time Diane laid eyes on Henry, he came across as an impertinent person. As a teenager out on date in 1961, Diane saw a truculent man with scratches all over his face stagger out of a downtown restaurant with a combative woman following directly on his heels; the two continued to argue vehemently in the middle of the street. Diane later learned that this man was Henry Alexander. Approximately ten years later, he officially made her acquaintance when she served tables at a local restaurant. After he pursued her for awhile, they began dating, and Diane later moved in with him. According to Diane, Henry waited until a few months before he died to propose marriage, but she refused to marry him because he had rejected her matrimonial offer years ago: “If I wasn’t good enough for him back then when I was asking him to marry me, then I wasn’t good enough for him now.” Throughout their common-law marriage, he continued his vulgar ways; Diane later admitted that Henry could “curse and drink with the best of them.” According to her, everyone knew that

Henry was a Klan member, and he utilized his status as a Klansmen to bully others—Alexander reveled in people addressing him as “Mr. Henry.”³

The longtime Klansman succumbed to cancer on Christmas Eve in 1992. After his death, his wife remorsefully lamented, “Henry left me with absolutely nothing, except his guilt of what he done to Willie Edwards. Henry lived a lie all his life, and he made me live it, too.” Along with this onerous guilt, Henry left behind his various Klan paraphernalia—newspaper clippings, his White Citizens Council membership card, and a braided leather whip he brought to Klan marches. After her husband confessed to his role in Willie Edwards’ death, Diane Alexander waited eight months until August of 1993 to come forward in an interview with a Montgomery television station. On Friday, August 27, in a WSFA-TV interview, she explained that her husband was the person who misidentified Willie Edwards because Henry “just wanted to be important.” Diane insisted that Henry believed Edwards would run instead of actually jumping from the bridge, and she attested that her husband expressed remorse, conveying to her how difficult it was to live with the memory of Edwards’ death. Revealing a deluge of information, Diane also discussed with the television station her husband's involvement with the FBI through a contact who operated under the code name of “Johnny Gray.”⁴

Divulging even more detailed facets of their personal lives, Diane disclosed to news sources a few days later how abusive and belligerent her common-law husband had been. “There wasn’t a day that we lived together he didn’t cuss me about money or something. I didn’t realize how abusive he was until after he had died,” she announced. According to the widow, Henry’s exploitations continued to harm her even after his death: “He left me his guilt. For weeks I could not sleep at night knowing what Henry

done to that man.” According to Diane, her contentious relationship with the Alexander family grew significantly worse after she publicly revealed Henry’s confession; she reported receiving several threats from various people, including members of Henry’s family, who either did not believe that Henry confessed or did not approve of her disclosing this information.⁵

Shortly after her initial television appearances, Diane penned a remorseful letter to Willie Edwards’ widow, Sarah Jean Salter, conveying the disconcerting information she had learned from her husband. In the letter addressed to Salter and “the children of Mr. Willie Edwards, Jr.,” Diane explained how Henry’s revelation contradicted what she had believed to be the truth: "Life went on with me beleiving [sic] with all my heart that Henry did not kill your husband. The years went by and I defended Henry." After taking several months to cope with the astonishment of Henry’s admission of guilt, Diane was finally able to put into words his culpability in the incident. As she explained, "Henry is the one that caused seven mean men to drive Mr. Edwards around and charging him of making a pass at a white woman," and according to Diane, "Henry knew it was a lie." No evidence has surfaced to support the idea that Henry deliberately lied about Edwards being the intended target. Henry did not record his confession, and no other family member has come forward, claiming that he revealed this information. Aside from this issue, Henry’s statement to her that seven men were involved in Edwards’ death did support Raymond Britt’s contention that a second car was present that night. Although in her letter Diane did not specify the individuals that Henry said were involved, she did articulate to certain people that the names Henry supplied to her were the same men arrested for the murder in 1976 along with Britt.⁶

Diane concluded her impassioned letter by trying to explain, but not defend, her husband's behavior and by offering her own interpretations of the situation. Attempting to describe Henry's motivations, Diane explicated, "Henry said he was just running his mouth—He wanted to be big and important.... I know that your husband died for no reason except to make a man look big in the eyes of others." According to Diane, Henry had also told her that "he thought that when Mr. Edwards was told to run or jump that he would run. He said that they would not have shot him." Diane admitted that she honestly did not know if they would have shot Willie Edwards or if Henry had only come to believe this. Henry's insistence that the Klansmen had told Edwards to either jump or run conflicted with Britt's testimony at the grand jury hearing in 1976 when he informed the court that the Klansmen did not provide Edwards with any alternatives; they simply ordered him to "hit the water." Imagining herself in the same terrifying situation that Edwards confronted, Diane confessed, "I am sure if I had been in his shoes I would have jumped too." The only solace Diane could offer the Edwards family was her knowledge of Henry's penitence for his actions: "I do not know why God did not let him serve any time in jail for his part but I do know that Henry was sorry for what he done..." The rueful widow concluded by writing, "I know that this letter does not change anything except to finally let you know that your husband died without a cause. I hope that somehow you and your family will someday forgive Henry as God forgave him."⁷

Although the Edwards family did not necessarily share Diane's presumption that God had forgiven Henry, her letter helped to ease some of the pain experienced by Sarah Jean and her children. After reading the letter, Sarah Jean commented, "It's like something has been lifted off my mind. I just always wanted to know what happened to

him.” Diane traveled to Buffalo, New York to visit Sarah Jean and personally express her remorse for what happened. The two women later appeared on the *Donahue* television show, and Diane also engaged in a long conversation with Willie’s two daughters. Although she could not provide the justice the Edwards family had been unfairly denied for thirty-five years, she did at least provide a small degree of closure. The media allotted significant coverage to this poignant story, with newspapers throughout the country conveying the lurid saga. Although nothing developed beyond preliminary contracts, several television production companies offered Diane a substantial amount of money to sell her story. She contended that she did not want to profit from the events. “It wasn’t my story, it was Henry’s story, and I have not received a dime from anybody,” Diane informed several Alabama newspapers. Diane and Sarah Jean continued to exchange letters until 1995 when Diane abruptly, and for no apparent reason, stopped writing. Diane relocated several times, changed her name, and has avoided the public light ever since.⁸

Within weeks of Diane’s initial television interview, various people came forward articulating their doubts that the supposed deathbed confession ever occurred. One person who publicly expressed his opinion that Henry Alexander was not involved in Edwards’ murder was a black man, Langston Howard, whose job responsibilities included monitoring the steel boilers in a Montgomery hospital. Howard met Henry when the plumber came to the hospital to repair the pipes. In the basement of the broiler room, the two men often discussed their children. Having been divorced twice, Henry usually saw his children only on weekends, but he enjoyed listening to Howard recount stories about his family. Howard told the *Montgomery Advertiser* that he came to

consider Alexander a friend; in fact, one of Alexander's requests prior to his death was for Howard to serve as one of the pallbearers at his funeral. The two men only spoke of the Willie Edwards murder once. According to Howard, one day when the two men stood on the rooftop of the hospital, he asked Alexander if he was involved in the killing. Alexander apparently told him, "I did a lot of mean things when I was younger. Things that God wouldn't like." Even though Alexander never denied his participation, Howard retained his belief that the man with whom he discussed his life was not capable of murdering Edwards.⁹

The most emphatic denial of the alleged confession, however, came from Henry Alexander's children, who categorically rejected Diane's account and have had to reap the consequences of the ignominious reactions it brought upon the family. Jo Anne Alexander, Henry's oldest daughter, told the *Birmingham News* that she, her two sisters, and her brother refuse to accept as true Diane's story of a deathbed confession: "We emphatically deny that our father made a confession to Diane on his deathbed, and we emphatically deny that we have threatened her in any way." She also expressed her disbelief concerning other accusations that people have made about her father. "It's getting so absurd that we next expect them to say that Daddy was involved in the assassination of President Kennedy," she facetiously proclaimed. Several weeks after Diane publicly announced the deathbed confession, Henry's brother had come forward claiming Henry told him that he participated in murdering a black man in Elba in the 1950s, and that he was involved in the Sixteenth Street Baptist Church Bombing in Birmingham. In the Elba case, the attackers forced a black man into a barrel that was

spiked with nails and then rolled it down a hill. No evidence has surfaced confirming the allegations that Henry was involved in either one of these two incidents.¹⁰

Jo Anne Alexander also supplied to local newspapers a letter which she said her father wrote to the family a week before his death. Henry devoted much of the epistle to his conceptions of his relationship with God. He admitted to his family that he was not parsimonious with his money, and he neglected to utilize it in appropriate ways: “I have been blessed to make hundreds of thousands of dollars for myself and others, which I used very little for the glory of God and putting before God. It never collected dust in my world.” In spite of his imprudent spending habits, Henry believed that God had embraced him during the last months of his life. He explained that during the last few days, “I’ve come to realize that I was a lot smarter as a boy than as a man. At an early age I accepted Christ as my savior and He carried me through and forgave me for all my wrongdoing. In the last few months He has picked me up and dusted me off, where it has just been me and Him.” During the final months of his life, Henry joined a bible study class and attended sporadically. Concluding his earnest letter, Henry asked his family to remember his relationship with God and not how he cursed people out.¹¹

Henry’s son, Steve Alexander, also fervently denied his father’s role in the Edwards slaying, and he denounced Diane’s story as incredulous. Approximately one week before the alleged confession, Henry and Steve asked a local lawyer, Lewis Hickman, to prepare a will which would prevent Diane from inheriting any of Henry’s assets. Apparently Henry harbored a strong resentment toward his common-law wife for spending an exorbitant amount of money on a beauty parlor named “Something Unique” and an art store called the “Art Barn.” According to Hickman, “Henry spoke of Diane

with great mistrust and great bitterness. She had taken most of their money, and he felt she had wasted it.” Knowing her avaricious and prodigal spending habits, Henry wrote Diane out of his will entirely although most of his estate had already been given to his children. Steve and several neighbors in the community where Henry and Diane lived believed that Diane’s story was motivated by her anger at Henry, and they point to the fact that during the time when Henry supposedly gave the confession, he was estranged from his wife. In fact, many people knew that the couple had an acrimonious relationship at times during their eighteen years together. Hickman bluntly stated, “It was obvious to me he did not trust her,” and the “statements Henry made to me about Diane would be totally incompatible with what she has said.” Since Henry’s death, Diane’s financial troubles increased dramatically. She had great difficulty paying her bills, and local companies disengaged the utilities in her house.¹²

Following the barrage of disparaging remarks from Henry Alexander’s family members and his attorney, additional accounts surfaced from others who witnessed how Henry’s callousness rendered Diane bitter. Jim Bishop, an employee of Henry’s A&A Heating and Air Conditioning company, confirmed that Diane was incredibly aggrieved about the will. According to Bishop, “She said she didn’t get nothing and she was going to get her share one way or another.” Sue Nichols, a frequent customer at the beauty shop, and Linda Hutson, a former co-worker, also asserted that Diane eagerly awaited the opportunity to acquire Henry’s money upon his death. Nichols told the *Montgomery Advertiser*, “I was in Diane’s beauty shop when I would hear her say, ‘I’ll be glad when that SOB dies, so I can get my money.’” Hutson confirmed that she had heard similar statements and articulated her doubts concerning the validity of the deathbed confession.

Still others believe that Diane fabricated the story of the confession in order to attract publicity and attention. Apparently Diane exhibited a great deal of anger when the *Advertiser* ran a story in May of 1993 about Edna, Henry's first wife, detailing how she suffered from Parkinson's disease and could not pay her medical bills. According to a writer for the *Advertiser*, Diane called the newspaper and made defamatory remarks about Edna and her children, and she demanded to know why Edna received such attention when she believed she deserved publicity as well.¹³

Regardless of the veracity of Diane's account of the confession, her revelation ultimately triggered an internal FBI investigation in 1993 under Bureau Director Louis J. Freeh. Shortly after Diane gave her interview with the Montgomery television station, the Edwards family contacted Morris Dees of the Southern Poverty Law Center in the hopes that he could initiate the legal efforts necessary to disclose the truth surrounding the Bureau's involvement with Henry Alexander. The Edwards family wanted their case handled by the law center given the organization's success in procuring legal victories against hate groups.¹⁴ According to Dees, who first obtained financial success with his mail order and book publishing company before making his mark as a trial litigator, "If the F.B.I. records show that its agents were negligent in handling Alexander as an informant or that they had prior knowledge of his propensity for violence and continued to employ his services, the Edwards family will consider bringing legal action against the United States to compensate them for his death." The primary objective the Edwards family sought was to determine if Alexander was employed by the Bureau as an informant in 1957 when he participated in Willie Edwards' murder. After articulating his amazement at Alexander's arrest record and the subsequent lack of convictions, Dees

commented that Alexander “must have had a guardian angel up there, and I’d hate to know that the angel carried an FBI badge.”¹⁵ Speaking on behalf of the Edwards family, Dees reported that he planned to request access to files pertaining to Alexander’s role as an informant.

On August 31, 1993, Dees drafted a letter to Director Freeh, officially requesting that the FBI examine Alexander’s relationship to the bureau during the time of Edwards’ death and in 1976 when Alabama Attorney General Bill Baxley attempted to prosecute Alexander for the crime. Dees specifically requested that the Bureau furnish him with “unredacted copies of all files concerning Henry Alexander, including but not limited to all FBI memos and correspondence regarding both his activities in the Ku Klux Klan (KKK), his role as an informant, and the FBI’s role in influencing his prosecution for the murder of Mr. Edwards.” Dees, the founder of the Southern Poverty Law Center, explained to news sources that the Bureau’s failure to provide assistance in prosecutions during the civil rights era had come under scrutiny lately and suggested that this was “a good time for the new director to dispel doubt and clear the record by opening the files on Alexander.” Throughout the 1990s, evidence slowly surfaced which revealed that the FBI had on several occasions deliberately withheld evidence from state prosecutors, consequently delaying murder trials for decades. Bureau Director J. Edgar Hoover personally prevented Alabama agents from meeting with prosecutors to present the evidence they had gathered on the Sixteenth Street Baptist Church bombing. Within days of the bombing, federal officials had identified several suspects in the case. Hoover later rejected recommendations from the Birmingham FBI office that their reports should be

forwarded to prosecutors. In 1968, Hoover closed the investigation without directing anyone to file charges.¹⁶

Well aware of the agency's ineffectual performance in these matters and trying to establish a better perception of the Bureau in regards to civil rights issues, FBI Director Freeh acquiesced to Dees' request. After directing agents to thoroughly research relevant files, on November 19, Freeh responded to Dee's letter and cleared the bureau's role in handling the potential prosecution of Alexander as well as in their utilization of him as an informant. As Freeh wrote, "I believe that you and your clients will have confidence in the fact that the FBI had no knowledge of Henry S. Alexander's alleged participation in the death of Mr. Edwards, nor did we influence the state murder prosecution of Alexander." The report also noted that Alexander served intermittently as an informant briefly in 1959 and again from 1961 to August of 1973. Furthermore, according to the FBI files, the Bureau had no knowledge of evidence to suggest Henry Alexander's involvement in the death of Edwards prior to his arrest in 1976 or after.¹⁷

The detailed report confirmed that after Baxley had filed charges against him, Alexander, acting in conjunction with his attorneys, requested documentation to verify his services provided to the FBI as a paid informant. The Bureau provided Alexander with this appropriate documentation on March 23, 1976, approximately one month after his arrest, explaining that it was required to do so under the Freedom of Information and Privacy Act.¹⁸ This release of information that Alexander was not working as paid informant at the time of Edwards' death essentially foreclosed any financial claim Edwards' surviving relatives could make against the Bureau. Disgusted by the FBI's denial of any culpability, Richard Cohen, an attorney with the Southern Poverty Law

Center, chastised the Bureau, saying, “The FBI’s participation in providing Mr. Alexander and his attorney with documents that were used by the attorney in an attempt to influence the prosecution not to go forward is deplorable. And the failure of the FBI to take an active role in helping Alabama prosecutors build a case...is equally inexcusable.” In March of 1976, Montgomery County District Attorney James Evans also requested materials from the Bureau. Evans issued a subpoena requesting any FBI photographs, films, slides, or other documentation which depicted the defendants in the Edwards case involved in any KKK activities from 1957 to 1976. Bureau officials claimed that the scope of the request was too extensive and required that Evans modify his subpoena. According to the 1993 FBI report, Evans did not issue a new order—most likely because he realized by that point that the case against the three suspects had unraveled.¹⁹

Not only did Bureau officials fail to provide the legally requested materials, FBI agents also involved themselves in the Edwards case by approaching Attorney General Baxley about Alexander’s role as an important informant. According to the 1993 report, however, the former FBI agents who last had contact with Alexander in 1976 claimed that they had no recollection of speaking with Baxley about the matter. One former agent remembered providing a letter to Alexander that disclosed Alexander’s role as an informant, but claimed he did not disclose this information to anyone else. According to former attorney general, however, “The FBI absolutely approached me about this. There is no doubt about it.” Baxley remains bewildered about the Bureau’s motivation for denying that its representatives conversed with him during the legal proceedings.²⁰

After receiving the verbose report from Director Freeh, Morris Dees also informed the Edwards family that they could no longer bring a civil suit against Henry

Alexander's estate. Alabama law required that suits to collect for wrongful death be brought within two years of the murder.²¹ Once again Edwards' family members had yet another door leading to the hallways of justice slammed in their faces. They knew that they needed a fresh angle or new information of some sort, and it came from the unlikely source of a television show.

Nearly four years after the FBI exempted itself from any wrongdoing, Willie Edwards' oldest daughter, Malinda, was watching the HBO television show "Autopsy" which featured forensic expert Michael Baden, who served as co-director of the New York State Police Medicolegal Investigation Unit. Through watching the show, Malinda learned that Baden had conducted the reexamination and second autopsy of NAACP Field Secretary Medgar Evers in June of 1991 after Mississippi attorney Bobby Delaughter had reopened the 1963 murder case. Encouraged by what she saw, Malinda contacted Baden about her father's murder and learned that Baden had actually been consulted about the case years before. According to Baden, when he worked as a medical examiner in New York City in the late 1970s, FBI officials contacted him about the prospect of performing an autopsy in a civil rights case in which the attackers threw a black man over a bridge and the body had remained in the water for a substantial period of time. After ascertaining from Malinda the facts regarding Edwards' death, Baden was virtually certain that it was the same case that FBI representatives had discussed with him in the 1970s when they asked him if he thought the cause of death could be determined after many years since the medical examiner could not make a determination during the original autopsy. Although Baden expressed his belief that an exhumation and another autopsy would be beneficial, the FBI never contacted him again regarding this case.²²

Had the Bureau done so, Baden would have had the opportunity to determine if drowning was the cause of death, and he might have been able to provide Baxley with the vital information that had cost him the indictments he had secured.

After Baden agreed to assist Malinda, she sent a letter in July of 1997 to Montgomery County District Attorney Ellen Brooks, soliciting her aid in maneuvering through the legalities associated with an exhumation of her father's body. Malinda and Sarah Jean met with Brooks the same month, pleading for the attorney to reopen the investigation and to attempt prosecuting this forty-year-old case. After listening to this emphatic entreaty, Brooks contacted State Medical Examiner Dr. James R. Lauridson, asking his opinion on the usefulness of an exhumation. After establishing the circumstances surrounding Edwards' death and consulting with Baden, Lauridson concurred with Baden's assessment that an exhumation would be advantageous, and he agreed to perform the autopsy.

Willie Edwards' body was disinterred from the grave site at the New Pleasant Valley AME Zion Church on November 18, 1997, and brought to the Alabama Department of Forensic Sciences in Montgomery. Lauridson procured the assistance of Bill Rodriguez, a forensic anthropologist, and invited Baden to be present at this second autopsy. For two days the medical examiners inspected Edwards' skeletal remains with the exception of his skull, which had been retained by state toxicologist Vann Pruitt in 1957 for evidentiary purposes and was most likely lost during one of the multiple transfers of forensic evidence from one location to another. Under Lauridson's direction, the examiners performed several procedures which were not conducted in 1957; they x-rayed the body and studied every bone. Based on these observations, Lauridson

concluded that there were no fractures or injuries to the bones that would indicate gun shot wounds or other severe trauma to the skeletal structure. They also looked at pictures of the body taken when the flesh was still attached to the bones; these photographs also gave no suggestion that a bullet had struck Edwards' body.

According to Lauridson, the circumstances of this particular individual and case were instrumental in ultimately determining the cause and manner of death. Willie Edwards, Jr., was a healthy young man with no major medical or psychological problems; according to Sarah Jean, he was never ill during the entire time of their marriage.²³ Lauridson systematically ruled out accident as a case of death because Edwards' truck was found several miles away. Suicide was also discounted given that Edwards did not suffer from depression and was doing well at the time of his death with a secure family lifestyle and steady employment. Most importantly, when making his determination on cause of death, Lauridson took into great consideration Raymond Britt's affidavit detailing how the Klansmen forced Edwards to jump into the river. Lauridson detailed his findings in his autopsy report, concluding that Willie Edwards' cause of death was, in fact, drowning and the manner was homicide.²⁴

Vann Pruitt, who performed the initial autopsy, held reservations about Lauridson's findings, particularly his heavy reliance on circumstantial evidence. Although the former state toxicologist admitted that he felt remorseful in 1976 when his listing the cause of death as unknown became problematic for Baxley, Pruitt still defended his initial conclusion that cause of death was not definitive. "In all good conscience I could not say that he drowned, ruling out all other potential causes of death," Pruitt conceded. According to Pruitt, when he examined the decomposed body

after law enforcement officials removed it from the river, “There was not anything I could work with.” He believed Edwards had been murdered, but explained that in his opinion circumstantial information should not play such a prominent role in analyzing cause of death, and he instead confined his conclusions to the actual physical examination. Furthermore, Pruitt did not have the luxury in 1957 of considering the information provided by Raymond Britt in his later confession. Given Britt’s poor performance on his polygraph examination, it is conceivable that he also could have lied about other aspects that night, including how the Klansmen killed Edwards. Before Edwards’ body landed in the river, they could have suffocated Edwards or knocked him unconscious—neither of which would have produced physical evidence easily detectible on a decomposed body. In Pruitt’s opinion, when an examiner determining cause of death allots substantial weight to circumstantial evidence such as a confession, “That opens the door to anything.”²⁵

Lauridson, however, defended his report by explaining that cause of death should be determined by taking all facets of the case into consideration and looking at the predominance of evidence. He believed that drowning was the proper determination because neither he nor Pruitt found any indications of trauma to the body to suggest a wound before Edwards entered the water, and the fact that the body was found several miles downstream. Had Edwards managed to survive the initial fall into the river, but died of other causes—as several of the defense attorneys argued in 1976—it was extremely unlikely that his body would be located in the same river. According to Lauridson, in this particular case, it was necessary to consider the preponderance of evidence.²⁶

Armed with Lauridson's autopsy report and his final diagnosis, Montgomery County District Attorney Brooks filed a motion to officially amend Willie Edwards' death certificate.²⁷ In March of 1998, Judge Charles Price—who had assisted Baxley with the case in 1976 when he served as the assistant district attorney for the county—ordered the Alabama Department of Vital Statistics to change the death certificate. The judge's order called for changes to several sections of the document, including changing the date of death from unknown to January 23, 1957, amending the cause from unknown to drowning, and changing the means of death from unknown to homicide.²⁸ With these vital pieces of information finally in place, the Edwards family once again sought justice through the court system. In a letter dated January 30, 1998, Malinda Edwards appealed to Brooks to officially reopen the case and present to a county grand jury the amended death certificate and evidence from the 1976 proceedings as well as anything new her office might uncover during the course of their investigation. While conceding that the case posed a multitude of difficulties, Malinda explained her family's renewed aspirations for justice: "Our family is still hopeful that we may see some action before the principals in this case are deceased and any hope of justice disappears." She concluded by describing her family's intentions to pursue all available legal avenues in order to "see this to the very end and to know that somehow, justice had prevailed."²⁹ Brooks consented to reopen the case, sanguine that an investigation would yield additional evidence.

Mindful that their assignment would be a formidable one, representatives of the Montgomery County District Attorney's office commenced their investigation—which would ultimately last for approximately one year—by examining previous materials

including police reports from 1957, Attorney General Bill Baxley's case files, and testimony presented in 1976 at the preliminary hearing and the grand jury; they also conversed with former investigators Tom Ward and Jack Shows about their assiduous work on the case and their vast knowledge of the suspects. Following these leads, Denny Merritt, the investigator from the district attorney's office who assumed primary responsibility for researching this case, began conducting interviews with people who possessed intimate knowledge of the murder or who knew those accused of it. In order to conduct one of the most important interviews, Merritt traveled to Jackson, Mississippi to speak with Raymond Britt, who continues to make his residence there. According to Merritt, during this interview, Britt reiterated his belief that a second car of Klansmen was most likely involved in overseeing that the order to target the Winn-Dixie truck driver was properly executed. The investigator noted that "the ones that probably would have been in that vehicle were ones that were higher up in the Klan at that time." Britt explained that the Klan typically executed their assignments in this manner, with those who delegated the orders generally monitoring their implementation. As Merritt stated, "Any time that group of people did something, they were all involved in one way or another." Although Britt again provided names of individuals he believed might have been in the secondary car, Merritt could not definitively confirm their presence.

The most important information Merritt ascertained from his interview came when Britt revealed a different account of the events surrounding Edwards' murder. According to Merritt, the former Klansman "admitted to the inconsistencies [revealed] in the polygraph examinations and gave us another version of what happened which was more indicative of what we knew." In this revised account of what transpired on the

night Willie Edwards died, Britt “basically implicated himself more so than he did originally.” In this latest version, Britt stated that Henry Alexander, James York, and Wilson Bragg were his accomplices, and he admitted that Sonny Kyle Livingston did not participate in Edwards’ murder as he had previously testified—essentially clearing the only remaining prosecutable suspect associated with the case since the others had died. In actuality, Britt and Alexander were the ones on the bridge pointing guns at Edwards and ordering him to jump.³⁰

Britt’s revised account of the murder as well as other pieces of information Merritt uncovered during his investigation supported the claims Livingston had been making for years that he was not involved. After interviewing Britt, Merritt explained that his statements tended to corroborate Livingston’s insistence that he was not involved, however, Merritt added that “the credibility of Mr. Britt is very much in question.” Well aware of the rough reputation which Livingston held, Merritt explained that “A lot of the things that he was alleged to have done and accused of doing, a big percentage of them he probably did, but in this particular incident what we have found to this point is that what he has portrayed is probably the truth.” Even though Merritt admitted that “all accounts” explored during his research suggested that Livingston did not have direct involvement in Edwards’ murder, in the investigator’s opinion, Livingston “knew very well what was going on.”³¹ Through the course of his investigation, Merritt also learned that Livingston most likely did have alibi witness who could account for his whereabouts at the time of the murder. In regards to Livingston’s alibi, Merritt commented that “further investigation revealed that at least what was made available to us probably was the truth.” Moreover, other individuals closely connected to the Klansmen who were most likely

involved expressed their doubts concerning Livingston's alleged participation. In a 2000 interview, Rusty York, son of James York, commented that his father "said Sonny Kyle had nothing to do with it."³²

In a recent interview, Livingston, who by this point owned his own bail bonds business in Montgomery, asserted that he had never met Willie Edwards, and he emphatically stated that he was never a member of the Ku Klux Klan, citing his young age in the 1950s as a reason why the organization would not have even let him join if he had so desired.³³ In another interview with *Talk* magazine, Livingston offered his rendition of the conversation he had with Tom Ward in December of 1975 at the police headquarters building. According to Livingston, he told Ward, "You guys solve 90 percent of crimes. Well, I know one you didn't solve. How about that Winn-Dixie fellow who went off the bridge?" Livingston believed that his comment angered the investigator and fueled Ward to specifically target him. As Livingston asserted, "I got him angry about it. So he made it up that I said I had been on the bridge." The bail bondsman also discredited others who have placed him at the scene. Discounting Diane Alexander's account of Henry's confession, he commented, "There was no way he made a deathbed confession to her. She knew all along that he was on that bridge. She was just out to make some money off it all." Livingston reasoned that Diane only included his name because she wanted her story to sound similar to the confession Britt gave in 1976.³⁴

In an effort to further clear his name, Livingston also provided his own version of what transpired the night Edwards was murdered and how he came to learn of it. According to Livingston, he was present in the Little Kitchen Restaurant when Walter

Boyett, Sr., reported that he had seen a black Winn-Dixie truck driver say something offensive to a white woman and instructed Britt—who according to Livingston helped carry out these types of orders—to do something about the matter. Livingston asserted that he then challenged Boyett, asking, “Why didn’t you do something about it yourself when you saw it happen?” Livingston claimed that he did not hear about the matter for several days until Henry Alexander ultimately informed him about what they did, telling Livingston, “You were lucky you weren’t home last night, because something happened.” Based on what Alexander told him, Livingston explained, “They didn’t get the right fellow. And they drove around with him for three hours before they realized they had the wrong fellow, and they dropped him on the bridge. They did not intend to kill him. They thought he would run from the bridge, but instead he jumped.” Livingston also maintained that as many as eight people were involved in the incident that night.³⁵

Livingston then reasserted his position that Britt was an inveterate liar, and he explained that “Everything that Britt told the police that I did that night is actually what he did.” He also boasted that in spite of the police protection allotted to Britt in 1976, he could have done anything he wanted to him, but maintained he did not want to hurt him because he knew the police would have blamed him. Still livid about Britt’s accusations, Livingston snapped that the “only thing I want to see or hear about Britt is when I open the paper one day and see his name in the obituary.”³⁶

Aside from Britt’s modified account of the participants in the murder and their specific actions, the district attorney’s office unearthed a scant amount of new evidence. Merritt admitted that “very little new evidence was revealed in this investigation,” and Brooks echoed this concession when she told the *Montgomery Advertiser* that their

inquiries “led us to the same conclusions” that investigators reached in 1976.³⁷ Despite the lack of new evidence, in February of 1999, Brooks and the Deputy District Attorney Randy McNeill presented the amended death certificate as well as other evidence to a Montgomery County grand jury. With the immeasurable progress in race relations in Montgomery and the entire South, prosecutors knew they would not have to contend as much with the prejudices that were rampant during the civil rights era. Montgomery in 1999 contained an abundance of visible testaments to the improvements in associations between the races. Black and white residents intermingled on buses and in schools, and signs no longer hung designating separate accommodations for the races. Before she entered the courtroom to testify at the grand jury, Sarah Jean walked to the water fountain inside the courthouse that for years was reserved for whites and took a much belated first drink, a symbolic victory largely lost on her daughter who had spent the later years of her childhood and most of her young adulthood outside of the South. The racial complexion of Montgomery had also changed dramatically since 1957 and 1976. During the 1990s, the black population in Montgomery County increased by 9 percent, while conversely, the growth rate for whites during the same period was only an anemic 0.5 percent.³⁸ The total population for Montgomery County in 1999 was 215,813 people with 94,571 blacks, ninety one percent of whom lived in the city.³⁹ The general improvement in race relations and the concentration of blacks in Montgomery helped create an environment more conducive to prosecuting the Edwards case.

For several days, Brooks and McNeill presented evidence that included testimony from a variety of witnesses and experts, photographs of the bridge and the suspects, documents from previous investigations, prior testimonies, autopsy reports, and scale

models of the bridge. Brooks elected not to seek indictments against any one person in particular, but instead, decided to present to the jury the findings from her office's research and investigation. According to Brooks, she decided to "take the position that we should not presume that any one person was responsible. We took a clean slate to this case."⁴⁰ Much of their rationale for taking this approach was due to the difficult circumstances of the Edwards case. Both James York and Henry Alexander, two primary suspects from the 1976 investigations, had died, as had Wilson Bragg another principal suspect, who according to Raymond Britt was among the chief participants in the abduction and murder. Furthermore, most of the other Klansmen who were most likely in another vehicle overseeing the execution had also died. These suspects included Ray Harrelson and Walter Boyett, Sr., both of whom were higher up in the Montgomery Klan hierarchy in the fifties and both generally gave Klan orders. According to Merritt's investigation, Clayton Bragg, brother to Wilson and also deceased, was most likely in the follow up car as well. The only two men who were still alive and were associated with the case in some fashion were Raymond Britt, who still retained his immunity agreement, and Sonny Kyle Livingston, who passed several polygraph examinations in 1976—which made this case nearly impossible to prosecute.

Regardless of these virtually insurmountable complications, representatives of the district attorney's office had vowed to exert their best efforts at the grand jury hearing, hoping the jurors would find some justification to indict at least one of the suspects. During the proceedings, Merritt testified regarding all of the evidence and statements he had accumulated throughout the course of his investigation. In order to contextualize the Edwards murder, he also attempted to establish for the jury a timeline of civil rights

activity in Montgomery as well as the legal developments of this case. Sarah Jean and Malinda described the traumatic loss they endured and detailed their decades-long pursuit of justice. Sonny Kyle Livingston told the grand jury he did not assume any part in Edwards' execution and ardently proclaimed his successful performance during several polygraph examinations. Labeling Britt as mendacious, Livingston later told the *Advertiser*, "I was not there. The only reason they indicted me [in 1976] is because Britt got up there in court and said that I had done those things...Everything that he said that I did, that son-of-a-bitch did them. I'm tired of my name being connected to it."⁴¹ In a recent interview, Livingston accentuated the fact that he testified openly at the grand jury: "I sat up there and told them everything I knew. I did not take the Fifth [Amendment]. They couldn't indict. That should tell you something."⁴² Medical examiner James Lauridson discussed in detail the change in the cause of death and how he deduced that Willie Edwards drowned as the result of a homicide. Jack Shows elaborated on the investigation he and Tom Ward conducted in 1976 when they were both with the Attorney General's office. He outlined for the jurors who they believed participated in this slaying and how their case later deteriorated.⁴³

Perhaps the more significant issue was not necessarily who appeared before the grand jury, but who did not testify. Britt failed to show in spite of being subpoenaed; unfortunately, authorities could not order Britt to appear at the hearing because the state subpoena only gave them jurisdiction within Alabama and did not extend to Mississippi. Although Britt's absence represented an impediment since he was the only person who could provide a firsthand account as to exactly how the Klansmen killed Edwards, any testimony he provided would have been problematic since many statements would have

contradicted his prior assertions in his confession and previous testimony. Moreover, with Britt's questionable credibility, Brooks and McNeill needed to supply corroborating testimony from another individual or evidence that supported Britt's contentions—a task they could not accomplish. In place of Britt's testimony, prosecutors substituted the statements Denny Merritt recorded during his interview with Britt. Diane Alexander, the former common-law wife of Henry, also did not make herself available to testify. Randy McNeill made initial contact with her and conducted one interview, but was unable to communicate with Alexander beyond this. Although during this initial conversation Alexander indicated that she believed Livingston was present the night the Klan brutally murdered Edwards, any statements that she could have provided would have all been hearsay.

Despite the courageous efforts exhibited by Brooks and her colleagues, the grand jury failed to return any indictments. Detailing their conclusions in a concise report, the jurors explained their reasoning: “Edwards was murdered in Montgomery County by members and / or associates of the Ku Klux Klan. No true bills of indictment are being returned in this case because of the death of some suspects and because of insufficient evidence due to the 1976 immunity and polygraph agreements with some suspects.”⁴⁴ Although the determination of cause of death alleviated the problem that had cost Baxley his indictments, the district attorneys not only inherited the other complications present in 1976—namely Britt's unreliability and the results of Livingston's lie detector tests—but also had to contend with the deaths of other suspects who had been prosecutable. Ultimately, they were left with the frustration of knowing that by the time they reopened the investigation, it was too late to indict anyone. Analyzing the problematical history of

the case, Randy McNeill concluded that it “took a big hit when Britt failed the polygraph examination.”⁴⁵ This event, in conjunction with Livingston passing his examinations, essentially nullified Britt’s claims that Livingston was involved. Identifying the major obstacle in prosecuting Livingston, McNeill reflected, “The problem in the case is that you have Britt saying he [Livingston] was there but no evidence to suggest Livingston was there.” Denny Merritt emphasized the fact that there was no physical evidence such as a murder weapon to connect suspects to the crime; instead the night Edwards died, the Klansmen used weapons of “threats, force, and coercion.” Referring to an even larger impediment, Denny Merritt lamented, “The biggest part of the problem that existed with this case is the era we lived in here in South.”⁴⁶ Many suspects and other people who held intimate knowledge of Klan activity refused to relinquish what they knew before they died. In this respect, the white south was like a snare trap when it came to acknowledging many of the violent crimes stemming from massive resistance; once the steel wire of secrecy snapped down, it was virtually impossible to pry it open again.

Realizing that this might have represented their final opportunity to witness a successful prosecution and conviction, Willie Edwards’ family members grew upset with what transpired during the grand jury proceedings. Inundated by feelings of frustration, Sarah Jean lashed out at the district attorney’s approach to the case: “Ellen [Brooks] knew the grand jury wouldn’t indict anyone if she didn’t give them names of people to indict.” A misunderstanding between Brooks and the Edwards family regarding when the district attorney’s office acquired knowledge of the immunity agreement made between Britt and Baxley also fueled the tense situation. Brooks was paraphrased in a March 2, 1999 *Montgomery Advertiser* article as stating that she was unaware of the

immunity agreement before submitting evidence to the grand jury. However, according to Brooks, she was well aware of the agreement prior to that point and explained that the *Advertiser* paraphrased her incorrectly. Randy McNeill also wrote the Edwards family to clarify the situation concerning their knowledge of the immunity offer: “We discovered the immunity deals investigating the case, but we still felt that it was in the best interest of all to present the case in hopes that appearance of witnesses before the grand jury would uncover something more in which we could legally proceed against those who murdered your father.” McNeill’s elucidation did little to extinguish the discontentment of Sarah Jean and Malinda.⁴⁷

Brooks also felt exasperation in regard to the immunity agreement, but her feelings stemmed from the fact that Raymond Britt—the only living individual with a substantial degree of the culpability in the murder—was shrouded in immunity. As Brooks asserted, “The most disappointing point in the whole thing was to learn that the person against whom it appeared we had the best case had been granted immunity.” Brooks’ office looked into the possibility of having this immunity agreement revoked; according to McNeill, they researched the legalities of the issue and consulted with other attorneys.⁴⁸ Ultimately, they could not find a legal way to rescind this deal and decided not to challenge its validity—a determination that ultimately would have been made by a judge and not a grand jury. As Brooks concluded, “...under the law, we found that there was no way to revoke that agreement, sufficient to obtain a conviction.”⁴⁹ After reaching this determination, the two attorneys abandoned the idea of challenging Britt’s unconditional immunity, essentially ensuring that the grand jury could not indict him.

This grant of immunity has never been put before a judge. Although a difficult argument to make, an attorney could advocate that Britt's immunity should be revoked considering that, according to the results of his polygraph examination, he lied about Livingston's involvement. Britt's failure during the lie detector test concerning this issue was the final nail in the coffin of Baxley's disintegrating case and the predominant reason why Montgomery County District Attorney Evans decided not to seek another set of indictments when the next county grand jury convened. One of the leading cases on immunity in the state was the 1979 case *Gipson v. State of Alabama*. In this particular case, the court ruled that the grant of immunity to Gipson was not valid for several reasons. While contending that it was invalid because the Assistant District Attorney had no authority to enter into the agreement, the court also explained that "even assuming the Assistant District Attorney had the authority to make the agreement," the agreement was still invalid because Gipson violated the terms and conditions of it. Believing that Gipson had played only a minor part in the murder of the victim, the attorney had offered him transactional immunity in exchange for his testimony against other suspects at the grand jury and at any other proceedings. After taking a lie detector test—as stipulated in the immunity agreement—Gipson failed this examination, leading officials to confront him concerning these results. At that point, Gipson admitted that he lied and confessed that he had actually shot the victim, but claimed that the shooting was the result of a struggle and it was an accident.⁵⁰ In the Edwards case, although Britt had always maintained that he was present and participated in the verbal and physical abuse in the car, he initially claimed that when the Klansmen were on the bridge with Edwards, he had remained inside the vehicle. Approximately twenty-two years later, during his

interview with Denny Merritt, Britt confessed to actually pointing his gun at Edwards and forcing him onto the bridge's ledge. The question before a judge would revolve around the issue of Britt's lack of truthfulness about the degree of his involvement and if this discrepancy would be enough to revoke his immunity.

One of the primary issues involved in challenging Britt's immunity agreement would be the admissibility of lie detector tests. In this case, part of what would prove that Britt was not entirely truthful would be his lie detector test administered in San Diego, California. Although polygraph examinations are generally not admissible in court, in this case, an attorney could argue that prior agreements made by Attorney General Bill Baxley would permit their inclusion. In the agreement made between Baxley and Livingston's attorney Richard Jordan regarding Livingston's lie detector tests, the attorney general and Jordan also included as one of the stipulations that Britt was to submit to a polygraph examination for the purpose of determining his truthfulness regarding Livingston's participation in Edwards' murder. Furthermore, both parties agreed that "The results of any such polygraph examination of Raymond C. Britt, Jr., shall also be admissible into evidence at the trial of William Kyle Livingston, Jr., in either written or oral form, or both, by either party without objection of the other party..."⁵¹ Although Livingston's case never made it to the point of prosecution due to Embry quashing the indictments, if it had, both parties had agreed to allow the results of Britt's test into evidence at Livingston's trial. An attorney could conceivably argue that since these tests would have been admitted into evidence at the murder trial, they should be admissible at a hearing to challenge the immunity agreement. To date, none of these issues has been argued in a court of law.

In a recent interview, forensic specialist Michael Baden also expressed his dissatisfaction with Britt's protection from prosecution and with the failure to secure indictments. He expressed indignation over the fact that the circumstances in this case were not brought to the public's attention in a courtroom setting: "Justice in my mind is having a fair disclosure in the court of law. Having a full open airing of the case would help everyone." He also articulated his frustration in regard to the state's laws concerning grand jury secrecy. Alabama law requires that grand jury proceedings in the state remain secret, and it forbids those who testified before the jury to divulge the contents of their testimony. Baden articulated his opinion that these laws are an encumbrance to the larger objective of justice: "The grand jury instead of being a sword for the public to discover what happened is instead a shield to protect [those who were accused.]"⁵² Although designed to protect individuals who were accused but not indicted for a crime, the grand jury secrecy laws prohibit the public sector from acquiring access to any information presented to during the hearings.

In the end, Willie Edwards' family members were left only with deeper feelings of disappointment, frustration, and despondency. Sarah Jean expressed her dejection over the latest failed attempt: "I was very, very upset with it, because I had the impression that we were going to get an indictment. This has been going on for 42 years." Lamenting on Montgomery's racial atmosphere, she commented, "I really thought things were a little better in 1999, but it seems like things are remaining the same. It doesn't seem like it's going to get anywhere...not in Montgomery, Alabama."⁵³ As Sarah Jean understood, this case crystallized how enduring racial prejudices and

unfortunate circumstances prevented prosecutors from rectifying one of the grotesque reminders of Montgomery's racial violence, a scar which still has not faded.

CHAPTER 7

CONCLUSION

The recent investigation and attempted prosecution of the Willie Edwards, Jr., case was representative of a larger effort on the part of a younger generation to acknowledge and amend a racially-haunted chapter in this nation's history. After enduring years of injustice in which southern police departments haphazardly investigated civil rights violations, lawyers refused to try cases, and all-white juries often condoned egregious acts of violence, family members of civil rights martyrs finally witnessed a revitalized interest and a new willingness on the part of federal, state, and local prosecutors to pursue old murder cases. This generation of lawyers and investigators consisted predominantly of white men and women who did not come of age in a society where segregation was an accepted way of life; they grew up watching heinous acts of violence go unpunished and consequently developed a quest to redeem these historical travesties. Their intolerance of the unspeakable acts committed by white supremacists motivated them to clear away the tarnished marks of a segregationist past, adding a better ending to a legacy of suffering and injustice.

With these prosecutors paving the path, a new era of tolerance emerged, allowing witnesses to finally voice their knowledge of civil rights violations instead of being scared into silence by threats of retaliation in the forms of ostracism or even bodily harm for testifying against the white race. This racially progressive climate allowed black men and women to publicly demand proper investigations and prosecutions for their deceased

relatives without having to fear as greatly for their lives. Killers who once believed that no southern juries would ever convict them found themselves in the later stages of their lives sitting at defendants' tables before racially mixed juries who often convicted these men, sentencing them to spend the rest of their lives confined to a jail cell.

Embarrassed by previous racist behavior on the part of local and state prosecutors as well as federal agents, this generation of attorneys and law enforcement officials has been driven to rectify these injustices. An examination of state civil rights trials illuminates a multitude of judicial abuses and negligence. During a murder trial in Lyons, Georgia, two jurors testified as character witnesses for the white defendant, William "Spud" Howell, who was charged with murdering a black businessman, Robert Mallard. The jury deliberated for only twenty five minutes before acquitting Howell, despite eyewitness testimony from the victim's wife.¹ All-white jurors were not the only ones who flagrantly abused the legal system. Southern judges also pardoned whites who were convicted of executing blacks. One of the worst examples of this miscarriage of justice was apparent in the way an Alabama judge handled the conviction of a young white murderer. On the same day as the Sixteenth Street Baptist Church bombing, in the suburbs north of Birmingham, a thirteen-year-old black boy, Virgil Ware, sat on the handlebars of a bicycle while his older brother James pedaled. Two white teenagers, Larry Joe Sims and Michael Lee Farley, rode on a motorscooter decorated with Confederate stickers. They had just come from a segregationist rally. As they rode past Virgil and James, Sims pulled out a .22-caliber gun and fired twice, hitting Virgil in the chest and the face. He fell to the ground and died on the pavement as his helpless older brother watched. After Sims and Farley confessed to the murder, a jury found them both

guilty of manslaughter and a judge sentenced them to seven months in prison. However, Sims—the teenager who actually pulled the trigger—was released after only a few days in custody. The trial judge, viewing the delinquent’s behavior as puckish, simply ordered him not to have another “lapse.”²

In recent years, additional evidence has continued to surface revealing deliberate actions on the part of the FBI to interfere with and actually prevent state prosecutions of civil rights cases. According to a former Bureau agent, FBI informant Delmar Dennis, who testified against Byron De La Beckwith in 1994, had told agents almost thirty years earlier in 1965 that he had heard Beckwith brag about killing Medgar Evers. Apparently, the FBI deliberately withheld this information from state prosecutors. According to Jim Ingram, the commissioner of public safety in Mississippi who supervised a network of informers in the state during the 1960s, the FBI felt it needed to protect Dennis’ role as an informant in order to build their case against those who murdered the three civil rights workers James Chaney, Andrew Goodman, and Michael Schwerner. “There was no way the FBI wanted to blow Dennis’ cover. Certainly the killing of Medgar Evers was of great importance, but with Delmar Dennis, we knew he would tell us all about the Neshoba case,” Ingram reported. Refusing to divulge this information concerning the Medgar Evers case was just one of many examples of the Bureau’s deliberate maneuvers that delayed justice for years. Luckily for the family of Medgar Evers, in 1994, a jury of eight blacks and four whites finally convicted Byron De La Beckwith for the murder, and a judge sentenced him to life in prison. Unfortunately in the Willie Edwards case, after the FBI failed to provide the information sought by state prosecutors in 1976

documenting the Klan activities of the defendants, too much time had elapsed for a successful prosecution.³

The Edwards case has been hindered by especially difficult circumstances that were not present in other cases which recently have been successfully prosecuted. Moreover, certain other cases have had fortuitous advantages for prosecutors that the Edwards case did not. For example, in February of 2003, a federal jury convicted Ernest Avants for the 1966 killing of Ben Chester White, a sixty-seven-year-old black farmhand. The federal government prosecuted this case after they learned that White was killed in the Homochitto National Forest—as federal property, this gave the FBI jurisdiction to investigate and allowed United States attorneys to prosecute. The FBI also recently reopened the investigation on the murders of Henry Dee and Charles Moore, two black college students killed in the same national forest. Willie Edwards, Jr., however, was not killed on the federal property, and the government has not found any other circumstances that would grant federal jurisdiction.

Another complication with this case is the amount of unknown information surrounding Edwards' murder. For example, it has not been determined if the alleged inappropriate comments were ever made to the white waitress (who no investigator has identified as of yet), or if the Klan simply decided that they were going to kill a black man that night. Additionally, the actual intended target—if there in fact was one—has not been identified. Based on the information obtained by Tom Ward and Denny Merritt, this individual was most likely Lee Ernest Williams. However, when Ward questioned Williams in 1976, the truck driver quickly suggested that another driver, Edward Wells, was involved with a white woman along the Sylacauga route. The most crucial

unanswered question in this case is who was involved in murdering Willie Edwards.

Britt believed that a second car was present that night, but he could not be certain. Aside from Britt, no one else publicly came forward to admit his participation in the brutal slaying. Based on the recent investigation conducted by the Montgomery County District Attorney's office and other supporting documents from previous investigations, the other murderers most likely included James York, Henry Alexander, and Wilson Bragg. However, as of yet, there is no forensic evidence to support this contention, and most likely none will ever surface.

In spite of the virtually insurmountable obstacles, Edwards' family vows to continue the quest to ultimately find justice. Sarah Jean proclaimed, "I will not stand until I get justice for him. I'm going to keep on if it takes the rest of my life to do it."⁴ Malinda Edwards continues to make efforts to contact people who might be able to provide assistance. She wrote letters to Johnnie Cochran (former attorney for O. J. Simpson), the governor of Alabama, the Department of Justice, and even President Clinton. Malinda and Sarah Jean approached Redding Pitt, the United States Attorney for the middle district of Alabama. Although he wanted to help the family by presenting the case to the Justice Department, he was forced to leave office before he could see the matter through. As of now, no other attorney or the FBI has taken the initiative to pursue this case any further.

Many things associated with Willie Edwards' life and death have disappeared from Montgomery: the Edwards' old house on Rice Street was torn down years ago, as was the Tyler Goodwyn Bridge. The poor structural design and the narrowness of the bridge led the *National Observer* to label it "the eighth most dangerous in the nation,"

and a state highway director to call it the “number one bad bridge in the state.” When heavy trucks that exceeded the bridge’s posted six-ton weight limit traveled across it, the bridge shook terribly. In 1978, the Federal Highway Administration approved a construction project to link Millbrook’s highway 143 with Interstate 65, which eventually closed the seventy-two-year-old Tyler Goodwyn Bridge.⁵ Many of Willie Edwards’ family members and neighbors have moved away from Montgomery and outside of the South, and others have died without seeing his killers prosecuted. However, there is one permanent reminder of his life and untimely death. His name is among the forty engraved in a civil rights memorial in Montgomery. This commemorative monument serves as an indelible reminder of the violent actions committed by several Klansmen who tormented the city during the civil rights era and killed an innocent black man.

The quotation originally from the Book of Amos that is engraved in the granite on the wall of the civil rights memorial is Martin Luther King’s oft-quoted, “Until justice rolls down like waters and righteousness like a mighty stream.” Despite the valiant efforts emanating from Alabama prosecutors and a determined family, the Willie Edwards case unfortunately may never be one of those in which water does cascade down, helping to rinse clean a horrible injustice, but one of too many cases in which justice slipped elusively through the cracks, becoming forever irretrievable.

Most Americans have never heard of the names Virgil Ware, Ben Chester White, or Willie Edwards, Jr. They do not know the tragic stories of a thirteen-year-old child shot in the chest and face right in front of his brother; an incredibly poor working man who used wire to hold together the soles of his shoes who was shot to death after three white men lured him into a forest under the pretense of needing help looking for their

dog; and a hard-working man driving along a route that wasn't even his own who was forced at gunpoint to plummet to his death. Learning about these injustices fuels a determination to prevent similar crimes from going unpunished again.

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- ⁵⁹ *Montgomery Advertiser*, May 29, 1957; Interview with Jack Shows, July 27, 2002.

- ⁶⁰ *Birmingham News*, May 29, 1957; *Montgomery Advertiser*, May 29, 1957.
- ⁶¹ *Montgomery Advertiser*, May 29, 1957.
- ⁶² *Montgomery Advertiser*, May 29, 1957.
- ⁶³ Interview with Jack Shows, July 27, 2002; *Montgomery Advertiser*, May 30, 1957.
- ⁶⁴ *Alabama Journal*, May 29, 1957; *Birmingham News*, May 29, 1957; *Montgomery Advertiser*, May 30, 1957.
- ⁶⁵ *Montgomery Advertiser*, May 30, 1957, January 1, 1958; *Alabama Journal*, May 29, 1957.
- ⁶⁶ *Montgomery Advertiser*, May 30, 1957, January 1, 1958.
- ⁶⁷ King, 180.
- ⁶⁸ Garrow, *Memoir of Jo Ann Gibson Robinson*, 288.
- ⁶⁹ *Montgomery Advertiser*, May 30, 1957.
- ⁷⁰ *Atlanta Constitution*, May 30, 1957.
- ⁷¹ *Alabama Journal*, May 30, 1957; *Montgomery Advertiser*, May 30, 1957, January 1, 1958.
- ⁷² *Alabama Journal*, May 30, 1957; *Montgomery Advertiser*, May 31, 1957.
- ⁷³ *Alabama Journal*, May 31, 1957; *Birmingham News*, May 30-31, 1957; *Montgomery Advertiser*, May 31, 1957.
- ⁷⁴ *Alabama Journal*, May 31, 1957; *Montgomery Advertiser*, May 31, 1957; *New York Times*, May 31, 1957; *Pittsburgh Courier*, June 8, 1957.
- ⁷⁵ *Montgomery Advertiser*, May 31, 1957.
- ⁷⁶ *Montgomery Advertiser*, May 31, 1957; *New York Times*, May 31, 1957; *Washington Post*, May 31, 1957.
- ⁷⁷ Memorandum to FBI Director from SAC, Mobile, June 4, 1957, FBI Papers.
- ⁷⁸ Interview with Jack Shows, July 27, 2002; Fields, 64; Interview with Reverend Robert Graetz, September 18, 2002; *Montgomery Advertiser*, May 28, June 1, 1957.
- ⁷⁹ *New York Times*, June 6, 1957.
- ⁸⁰ *Atlanta Constitution*, May 31, 1957; *Montgomery Advertiser*, May 31, 1957; *New York Times*, June 1, 1957; *Pittsburgh Courier*, June 8, 1957.
- ⁸¹ Quoted in the *Montgomery Advertiser*, June 3, 1957.
- ⁸² *Alabama Journal*, May 31, 1957.
- ⁸³ Walton, 53.
- ⁸⁴ Robert A. Caro, *The Years of Lyndon Johnson: Master of the Senate*. (New York: Alfred A. Knopf, 2002), 946; *New York Times*, June 1, 1957.
- ⁸⁵ Walton, 53.
- ⁸⁶ Branch, 220 (Length of Senate Debate); Letter to Congressional Colleagues from Congressman Adam Clayton Powell, Jr., Richard B. Russell Collection.
- ⁸⁷ *Montgomery Advertiser*, June 1, 1957.
- ⁸⁸ *Montgomery Advertiser*, June 3, 1957.
- ⁸⁹ *Montgomery Advertiser*, June 4, 7, 15, 1957.
- ⁹⁰ *Montgomery Advertiser*, July 24, 1957; Office Memorandum to Director, FBI, from SAC, Mobile, July 25, 1957; FBI Papers.
- ⁹¹ *Pittsburgh Courier*, August 3, 1957; *Montgomery Advertiser*, July 25, 1957.
- ⁹² *Montgomery Advertiser*, July 26, 1957; Caro, 980-973-989; Branch, 220.
- ⁹³ *New York Times*, August 1-2, 1957 (first quotation); *New York Times*, August 3, 1957 (second quotation); Branch, 221.
- ⁹⁴ *Montgomery Advertiser*, January 11, 1957.
- ⁹⁵ *Alabama Journal*, November 26, 1957.
- ⁹⁶ Branch, 202; *Montgomery Advertiser*, January 1, 1958.
- ⁹⁷ *New York Times*, December 29, 1957.
- ⁹⁸ *Montgomery Advertiser*, January 1, 1958.
- ⁹⁹ *Montgomery Advertiser*, February 5, 1957.

Chapter 4

¹ Interviews with Sarah Jean Salter, April 22, 2003; Reather Edwards Cross, October 14, 2002; Edna Edwards, May 24, June 25, 2003.

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- ² Interview with Edward Claibon, May 21, 2003.
- ³ Interview with Edna Edwards, June 25, 2003.
- ⁴ Interviews with Reather Edwards Cross, October 14, 2002; Edna Edwards, June 25, 2003.
- ⁵ Interviews with Reather Edwards Cross, October 14, 2002; Edna Edwards, May 24, June 25, 2003.
- ⁶ *Montgomery Advertiser*, August 31, 1993.
- ⁷ Interviews with Reather Edwards Cross, October 14, 2002; Sarah Jean Salter, July 25, 2002.
- ⁸ Interview with Edna Edwards, June 25, 2003.
- ⁹ Interview with Sarah Jean Salter, April 22, 2003.
- ¹⁰ Interview with Edward Claibon, May 21, 2003.
- ¹¹ Interviews with Sarah Jean Salter, April 22, 2003; Juanita Duncombe, April 29, 2003.
- ¹² Interview with Sarah Jean Salter, April 22, 2003.
- ¹³ *Montgomery Advertiser*, January 23, 2000.
- ¹⁴ Interviews with Sarah Jean Salter, April 22, 2003.
- ¹⁵ Interviews with Sarah Jean Salter, April 22, 2003; Edna Edwards, May 24, 2003.
- ¹⁶ Marriage Certificate, Montgomery County Alabama, June 22, 1952; Interviews Sarah Jean Salter, June 25, 2002; Reather Edwards Cross, October 14, 2002; Edna Edwards, May 24, 2003.
- ¹⁷ Interviews with Winston Singleton, May 9, 2003; Juanita Dumcombe, April 29, 2003; Annie Mae Steiner, May 7, 2003.
- ¹⁸ Interview with Winston Singleton, May 9, 2003.
- ¹⁹ Interview with Lindsay Kirksey, Jr., January 21, 2003.
- ²⁰ Interview with Ruby Johnson, May 20, 2003.
- ²¹ Interview with Winston Singleton, May 9, 2003.
- ²² Interviews with Reather Edwards Cross, October 14, 2002; Edna Edwards, May 24, 2003; *Montgomery Advertiser*, January 23, 2000 (Edna quotation).
- ²³ Affidavit, Confession given by Raymond C. Britt, Jr., State of Alabama, Montgomery County, February 20, 1976, Attorney General's Capital Offense Case Files, ADAH.
- ²⁴ Interview with Winston Singleton, May 9, 2003.
- ²⁵ Interview with Sarah Jean Salter, July 25, 2002.
- ²⁶ Ibid.
- ²⁷ Supplementary Offense Report, Montgomery Police Department, Montgomery, Alabama, January 23, 24, 1957 (hereafter cited as Supplementary Offense Report, Montgomery Police Department); Affidavit, Confession given by Raymond C. Britt, Jr., State of Alabama, Montgomery County, February 20, 1976, Attorney General's Capital Offense Case Files, ADAH.
- ²⁸ Supplementary Offense Report, Montgomery Police Department, January 23, 1957.
- ²⁹ Interview with Sarah Jean Salter, April 22, 2003.
- ³⁰ Interviews with Sarah Jean Salter, April 22, 2003; Juanita Duncombe, April 29, 2003; Lindsay Kirksey, Jr., January 21, 2003; Anonymous Source.
- ³¹ Interview with Jack Shows, July 27, 2002.
- ³² Memorandums to Jack Shows from T. J. Ward, January 9, 13, 1976, Attorney General's Capital Offense Case Files, ADAH.
- ³³ Interviews with Reather Edwards Cross, October 14, 2002; Edna Edwards, May 24, 2003; Winston Singleton, May 9, 2003.
- ³⁴ Interviews with Ruby Johnson, May 20, 2003; Edward Claibon, September 16, 2002.
- ³⁵ Supplementary Offense Report, Montgomery Police Department, January 24, 1957, Attorney General's Capital Offense Case Files, ADAH.
- ³⁶ Interview with Edna Edwards, May 24, 2003.
- ³⁷ Supplementary Offense Report, Montgomery Police Department, January 23, 1957, Attorney General's Capital Offense Case Files, ADAH.
- ³⁸ Supplementary Offense Report, Montgomery Police Department, January 25, 1957, Attorney General's Capital Offense Case Files, ADAH.
- ³⁹ Supplementary Offense Report, Montgomery Police Department, January 26, 1957; Attorney General's Capital Offense Case Files, ADAH.
- ⁴⁰ Statement from Lee Ernest Williams to Investigators Jack Shows and T. J. Ward, January 9, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH; Interview with Denny Merritt, April 10, 2003.

⁴¹Supplementary Offense Report, Montgomery Police Department, January 26, 1957; Attorney General's Capital Offense Case Files, ADAH.

⁴² *Montgomery Advertiser*, January 26, 1957.

⁴³ FBI letter from SAC, Mobile to Director, FBI, March 22, April 8, 1957; material supplied by Malinda Edwards.

⁴⁴ Interview with Sarah Jean Salter, April 22, 2003.

⁴⁵ State of Alabama, Department of Toxicology and Criminal Investigation, Case No. 50-50-45-4/23/57-22255, April 23, 1957, material supplied by Malinda Edwards; Supplementary Offense Report,

Montgomery Police Department, April 23, 1957, Attorney General's Capital Offense Case Files, ADAH.

⁴⁶ Memorandum to Chief Tom Carlisle, Department of Public Safety, from C. J. Rehling, PhD and State Toxicologist and Vann V. Pruitt, Jr., Toxicologist, May 1957; Memorandum written by Vann Pruitt, Jr., April 26, 1957, material supplied by Malinda Edwards; Interview with Vann Pruitt, Jr., January 27, 2003; Gerald Posner, "A Murder in Alabama," *Talk Magazine*, August, 2000, 99.

⁴⁷ Memorandum to Chief Tom Carlisle, Department of Public Safety, from C. J. Rehling, PhD and State Toxicologist and Vann V. Pruitt, Jr., Toxicologist, May 1957; Memorandum written by Vann Pruitt, Jr., April 26, 1957, material supplied by Malinda Edwards; Interview with Vann Pruitt, Jr., January 27, 2003; Gerald Posner, "A Murder in Alabama," *Talk Magazine*, August, 2000, 99.

⁴⁸ *Montgomery Advertiser*, April 24, 1957; Posner, 99 (Shows quotation).

⁴⁹ Interviews with Sarah Jean Salter July 25, 2002; Ruby Johnson, May 20, 2003.

⁵⁰ Interviews with Reather Edwards Cross, October 14, 2002; Edna Edwards, May 24, 2003.

⁵¹ Interview with Sarah Jean Salter, July 25, 2002.

Chapter 5

¹ *CNN.com, law center news*, May 17, 2000. Available at: <http://www.cnn.com/2000/LAW/05/17/church.bombing.03/>

² Hemphill, 155.

³ *Birmingham News*, September 16, 1963.

⁴ Sikora, 40; *New York Times*, March 10, 1976 (newspaper quotation).

⁵ Memorandum to Jack Shows from T. J. Ward, January 8, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

⁶ *Ibid.*

⁷ *Montgomery Advertiser*, January 25, 2000.

⁸ Interview with Jack Shows, July 27, 2002.

⁹ Memorandum to Jack Shows from T. J. Ward, January 8, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹⁰ Statement from Edna Alexander to Investigators Jack Shows and T. J. Ward, January 7, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹¹ Memorandum to Jack Shows from T. J. Ward, January 13, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹² Statement from Robert Lewis Mulder to Investigators Jack Shows and T. J. Ward, January 7, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹³ Memorandum to Jack Shows from T. J. Ward, January 8, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹⁴ Statement from Willie Edwards, Sr., to Investigators Jack Shows and T. J. Ward, January 7, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹⁵ Memorandum to Jack Shows from Investigator Tom Ward, January 13, 14, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹⁶ *Ibid.*; Statement from Wilber E. Adams to Investigator Tom Ward, March 5, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.

¹⁷ Statement from Lee Ernest Williams to Investigators Jack Shows and T. J. Ward, January 9, 1976; Memorandum to Jack Shows from Investigator Tom Ward, February 18, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH (both documents).

¹⁸ Interview with Jack Shows, July 27, 2002.

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- ¹⁹ Memorandum to Jack Shows from T. J. Ward, January 13, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.
- ²⁰ Memorandum to Jack Shows from T. J. Ward, January 13, 14, 1976; Statement from James "Jimmy" York to Investigator Tom Ward, January 18, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH (all documents).
- ²¹ Agreement of Immunity, signed by Attorney General William J. Baxley and James D. York, January 13, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.
- ²² Memorandum to Jack Shows from Tom Ward, February 23, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.
- ²³ Statement from Reverend John L. Jackson to Investigator Tom Ward, January 17, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.
- ²⁴ Memorandum to Jack Shows from T. J. Ward, January 23, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.
- ²⁵ Memorandum to Jack Shows from Tom Ward, February 13, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH. Documents concerning Raymond Britt (especially interviews conducted with Britt) are noticeable absent from the Attorney General's Capital Offense Case Files at the Alabama Department of Archives and History.
- ²⁶ Statement from Teresa Faye Vance to Investigator T. J. Ward, February 19, 1976, Alabama Attorney General's Capital Offense Case Files, ADAH.
- ²⁷ Ibid.
- ²⁸ *Alabama Journal*, February 21, 1976; *Atlanta Journal and Constitution*, February 21, 1976.
- ²⁹ *Montgomery Advertiser*, August 11, 17, 1957.
- ³⁰ *Montgomery Advertiser*, December 31, 1957.
- ³¹ *Montgomery Advertiser*, February 28, 1960.
- ³² Statement of William Kyle Livingston, Jr., Montgomery Police Department, Montgomery, Alabama, February 28, 1960.
- ³³ Statement of Ray Jenkins, Montgomery Police Department, Montgomery, Alabama, February 28, 1960; Interview with Ray Jenkins, March 4, 2003.
- ³⁴ Supplementary Offense Report, Montgomery Police Department, February 29, 1960.
- ³⁵ Supplementary Offense Report, Montgomery Police Department, May 8, 1965; *Montgomery Advertiser*, May 9, November 18, 1965; *Alabama Journal*, July 26, November 17, 1965.
- ³⁶ *Montgomery Advertiser*, April 2, 1966, March 1, 1967, November 20, 1968, February 25, 1969; *Alabama Journal*, March 2, 1967, November 19, 1968.
- ³⁷ *Alabama Journal*, November 5, 1973.
- ³⁸ *Alabama Journal*, January 23, 24, 1976; *Montgomery Advertiser*, January 24, February 21, 1976.
- ³⁹ FBI Profile on James York, May 20, 1963, FBI File on James D. York.
- ⁴⁰ *Montgomery Advertiser*, February 21, 1976; Memorandum to W. C. Sullivan, December 14, 1964, FBI File on Henry Alexander.
- ⁴¹ Interview with Bill Baxley, August 6, 2002.
- ⁴² *Alabama Journal*, February 21, 1976; *Montgomery Advertiser*, February 21, 1976; *Pittsburgh Courier*, February 28, 1976.
- ⁴³ *Alabama Journal*, February 23, 1957; *Montgomery Advertiser*, February 24, 1976.
- ⁴⁴ Interview with Edward Cunningham, January 27, 2003.
- ⁴⁵ *Alabama Journal*, February 26, 1976.
- ⁴⁶ *New York Times*, February 27, 1976; *Montgomery Advertiser*, January 26, 2000.
- ⁴⁷ *Alabama Journal*, February 27, March 1, April 20, 1976; *Montgomery Advertiser*, February 27, March 2, 1976; *New York Times*, February 27, 1976.
- ⁴⁸ *Alabama Journal*, March 5, 1976; *Montgomery Advertiser*, March 6, 1976; *New York Times*, March 6, 1976.
- ⁴⁹ *Alabama Journal*, April 2, 1976; *Montgomery Advertiser*, March 31, April 2, 1976.
- ⁵⁰ Interview with J. Doyle Fuller, February 11, 2003.
- ⁵¹ *State of Alabama v. Henry S. Alexander*, Motion to Dismiss, Motion to Quash, Demurrer, Plea in Abatement, March 18, 1976.
- ⁵² *State of Alabama v. James D. York*, Motion to Suppress, 1976.
- ⁵³ *State of Alabama v. James D. York*, Motion to Dismiss Without Prejudice, 1976.

⁵⁴ *State of Alabama v. James D. York*, Demurrer, March 18, 1976.

⁵⁵ *St. Clair News Aegis*, October 15, 1981; “The Heritage of St. Clair County, Alabama,” entry on Frank Bernard Embry, Ashville Museum and Archives, Ashville, Alabama. In 1977, Judge Embry was asked to serve on Alabama’s Supreme Court with his son, Thomas Eric Embry who had represented the *New York Times* in the now famous libel lawsuits filed by Montgomery Police Commissioner Sullivan, Governor John Patterson, and other public officials.

⁵⁶ Certificate of Death, State of Alabama, 7894, April 25, 1957.

⁵⁷ *Alabama Journal*, April 14, 1976; *Montgomery Advertiser*, April 15, 1976; *New York Times*, April 15, 1976; *Pittsburgh Courier*, April 24, 1976.

⁵⁸ *Atlanta Journal and Constitution*, April 15, 1976; *Montgomery Advertiser*, April 15, 1976.

⁵⁹ *Montgomery Advertiser*, April 16, 1976.

⁶⁰ *State of Alabama vs. William Kyle Livingston, Jr.*, Stipulation and Agreement entered into by Richard M. Jordan and Attorney General William J. Baxley, 1976.

⁶¹ After received a Bachelor of Science degree in police administration from Michigan State and a Master of Arts degree in psychology from Columbia University, Richard Arther completed his polygraph internship in Chicago at John E. Reid and Associates and received his certificate as an expert polygraphist. In 1953, he established New York’s first full-time polygraph suite. In 1958, Arther helped found the National Training Center of Lie Detection. Since 1964, he had been both its Director and President. In 1964, he founded the Polygraph Examiners of New York State organization. The Arther IV Polygraph, which was designed according to Arther’s specifications, was the most sensitive lie detection instrument in use anywhere in the world as of 1974. This information was obtained from a document constructed by Richard O. Arther and located at the SPLC.

⁶² Letter to Assistant Attorney General George W. Royer, Jr. and Richard M. Jordan, Esquire, from Richard O. Arther, President of Scientific Lie Detection, Inc., April 23, 1976; Attorney General’s File, Supplied by Southern Poverty Law Center, Montgomery, Alabama, (hereafter: SPLC).

⁶³ Interviews with Jack Shows, July 27, 2002; J. Doyle Fuller, February 11, 2003.

⁶⁴ Undated article, Alabama Attorney General’s Capital Offense Case Files, ADAH; Interview with J. Doyle Fuller, February 11, 2003.

⁶⁵ *Alabama Journal*, April 20, 1976; *Montgomery Advertiser*, April 21, 1976.

⁶⁶ Letter to Richard Jordan from Benjamin F. Malinowski of Malinowski Polygraph Service, May 25, 1976; Supplied by SPLC.

⁶⁷ *Montgomery Advertiser*, April 22, 1976.

⁶⁸ Using a 1952 case as an example, they argued that after the means of death were inflicted, a victim might die from a variety of medical conditions: “When someone is stabbed or cut with a knife, for example, he may die from hemorrhaging to death, shock, complications from surgery necessitated by his wounds, etc.” What the court recognized in this case was that it was not necessary to state the actual medical cause of death, but merely the means that preceded and contributed it, such as being stabbed with a knife, or in this case, “forcing him to jump from a bridge...by threatening to shoot him with a pistol.”

⁶⁹ Memorandum of Law, To Circuit Judge Frank Embry, submitted by Alabama Attorney General William J. Baxley and Alabama Assistant Attorney General James S. Ward, Regarding *State of Alabama v. William Kyle Livingston, Jr., Henry Alexander, and James D. York*, 1976.

⁷⁰ Alabama code, Title 15, 259 (form 79), specified that in murder cases involving an alleged drowning, the indictment should read that the defendant “unlawfully, and with malice aforethought, killed” the victim “by pushing him into the river, whereby he was drowned.” The indictments in this case failed to contain the last clause concerning the drowning of the victim.

⁷¹ Memorandum, To Circuit Judge Frank Embry, submitted by attorneys Joe Espy, Doyle Fuller, and Edward Cunningham, *State of Alabama v. William Kyle Livingston, Jr., Henry Alexander, and James D. York*, May 13, 1976.

⁷² *Alabama Journal*, May 12, 1976; *Montgomery Advertiser*, May 13, 1976; Interview with Doyle Fuller, February 11, 2003.

⁷³ *State of Alabama v. William Kyle Livingston, Jr., Henry Alexander, and James D. York*, the Circuit Court of Montgomery County, Order written by Judge Frank Embry, May 17, 1976.

⁷⁴ *Ibid.* Later, the courts ruled that the means of murder need not be included in the charge, see *Doss vs. State of Alabama*, 484 so. 2d 1156 (Ala. Crim. App. 1985).

⁷⁵ *Montgomery Advertiser*, January 26, 2000.

- ⁷⁶ *Montgomery Advertiser*, May 18, 1976.
- ⁷⁷ *Alabama Journal*, June 1, 1976; *Montgomery Advertiser*, June 2, 1976; *New York Times*, June 2, 1976.
- ⁷⁸ *Montgomery Advertiser*, August 29, 1993.
- ⁷⁹ FBI Statement, November 8, 1993, FBI File on Henry Alexander; Interview with Attorney General William Baxley, August 6, 2002; *Washington Post*, December 2, 1993; Interview with Anonymous Source.
- ⁸⁰ Interview with Jack Shows, July 27, 2002.
- ⁸¹ Memorandum to Jack Shows from T. J. Ward, May 28, 1976, Attorney General's Capital Offense Case Files, ADAH.
- ⁸² *Alabama Journal*, November 24, 1960, February 28, 1961; *Montgomery Advertiser*, November 25, December 2, 1960.
- ⁸³ Hand-written notes located in the Attorney General's file on Willie Edwards, Jr., undated, Supplied by SPLC.
- ⁸⁴ *Ibid.*
- ⁸⁵ Memorandum to Jack Shows from Investigator Tom Ward, February 12, 1976, Supplied by SPLC.
- ⁸⁶ Letter from Assistant Attorney General John Yung to Sarah Jean Salter, October 8, 1976, Supplied by SPLC.
- ⁸⁷ Letter from Attorney General William J. Baxley to Malinda Edwards, August 31, 1977, Supplied by Malinda Edwards.
- ⁸⁸ *Birmingham News*, November 19, 1977; *Birmingham News*, December 29, 1977.
- ⁸⁹ Sikora, 165.

Chapter 6

- ¹ *New York Times*, September 4, 1993; *Christian Science Monitor*, September 10, 1993; *Montgomery Advertiser*, January 27, 2000; *Buffalo News*, September 16, 1993.
- ² *Ibid.*
- ³ *New York Times*, September 4, 1993; *Montgomery Advertiser*, January 27, 2000.
- ⁴ *New York Times*, September 4, 1993; *Atlanta Journal and Constitution*, August 28, 1993; *Montgomery Advertiser*, August 28, 1993.
- ⁵ *Montgomery Advertiser*, September 1, 1993.
- ⁶ Letter from Diane Alexander to Sarah Jean Salter, 1993, Supplied by Malinda Edwards; Interviews with anonymous sources.
- ⁷ Letter from Diane Alexander to Sarah Jean Salter, 1993, Supplied by Malinda Edwards.
- ⁸ *USA Today*, September 7, 1993; *Montgomery Advertiser*, September 8, 1993, January 27, 2000; *Birmingham News*, September 9, 1993.
- ⁹ *Montgomery Advertiser*, September 17, 1993.
- ¹⁰ *Birmingham News*, September 10, 15, 1993; *Montgomery Advertiser*, October 17, 1993.
- ¹¹ *Ibid.*
- ¹² *New York Times*, September 6, 1993; *Montgomery Advertiser*, September 1, December 1, 1993.
- ¹³ *Montgomery Advertiser*, October 17, 1993.
- ¹⁴ In 1987, the SPLC obtained a \$7 million judgment against the United Klans of America for the lynching death of Michael Donald in Mobile, Alabama. Additionally, the center won a lawsuit against Tom Metzger and his White Aryan Resistance on behalf of the family of a black man murdered in Portland, Oregon.
- ¹⁵ The Southern Poverty Law Center, "F.B.I. Asked to Produce Records of Ku Klux Klan Informant Who Murdered Black Man," August 31, 1993, Supplied by SPLC; *Atlanta Journal and Constitution*, September 1, 1993; *Birmingham News*, September 4, 1993.
- ¹⁶ FBI Notice, November 8, 1993, FBI File on Henry Alexander; The Southern Poverty Law Center, "F.B.I. Asked to Produce Records of Ku Klux Klan Informant Who Murdered Black Man," August 31, 1993; Dees quoted in *Atlanta Journal and Constitution*, September 1, 1993; *Clarion-Ledger*, July 4, 2000.
- ¹⁷ Letter to Morris Dees from FBI Director Louis J. Freeh, November 19, 1993, FBI File on Henry Alexander.
- ¹⁸ *Montgomery Advertiser*, December 1, 1993; *New York Times*, December 5, 1993.
- ¹⁹ FBI Statement, November 8, 1993, FBI File on Henry Alexander; Interview with Attorney General William J. Baxley, August 6, 2002.
- ²⁰ *Ibid.*

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- ²¹ Letter to Malinda Edwards from Morris Dees, Southern Poverty Law Center, August 19, 1993.
- ²² Interview with Michael Baden, May 3, 2003.
- ²³ Interview with Sarah Jean Salter, April 22, 2003.
- ²⁴ Interview with Dr. James Lauridson, April 28, 2003; Report of Autopsy, November 22, 1997, Alabama Department of Forensic Sciences, Montgomery Division.
- ²⁵ Interview with Vann Pruitt, January 27, 2003.
- ²⁶ Interview with Dr. James Lauridson, April 28, 2003.
- ²⁷ Motion to Amend Death Certificate, Circuit Court for the Fifteenth Judicial Court, Montgomery County, Alabama, December 23, 1997.
- ²⁸ Order, Circuit Court for the Fifteenth Judicial Court, Montgomery County, Alabama, February 3, 1998.
- ²⁹ Letter from Malinda Edwards to Montgomery County District Attorney Ellen Brooks, January 30, 1998. Provided by Malinda Edwards.
- ³⁰ Interview with Denny Merritt, August 5, 2002, April 10, 2003.
- ³¹ Interview with Denny Merritt, August 5, 2002.
- ³² *Montgomery Advertiser*, January 23, 2000.
- ³³ Interview with William “Sonny” Kyle Livingston, July 28, 2003.
- ³⁴ Posner, 126-127.
- ³⁵ Ibid.
- ³⁶ Ibid.
- ³⁷ Interview with Investigator Denny Merritt, February 11, 2003; *Montgomery Advertiser*, March 2, 1999.
- ³⁸ *Montgomery Advertiser*, September, 1999.
- ³⁹ Population Estimates for Counties by Race and Hispanic Origin, July 1, 1999; Population Estimates Program, Population Division, U.S. Census Bureau.
- ⁴⁰ Interview with Ellen Brooks, August 9, 2002.
- ⁴¹ *Montgomery Advertiser*, March 2, 1999.
- ⁴² Interview with William “Sonny” Kyle Livingston, July 28, 2002.
- ⁴³ Alabama law requires that grand jury proceedings in the state are to remain secret. The law also forbids those who testified before the jury to divulge the contents of their testimony. Those individuals who testified before this grand jury regarding the Willie Edwards, Jr., murder were only permitted to discuss their statements in general terms without disclosing specifics.
- ⁴⁴ Report of the Montgomery County Grand Jury, February 16, 1999, Special Session of the Special Grand Jury.
- ⁴⁵ Interview with Randy McNeill, May 2, 2003.
- ⁴⁶ Interview with Denny Merritt, August 5, 2002.
- ⁴⁷ Email message from Randy McNeill to Malinda Edwards, March 2, 1999, Supplied by Malinda Edwards; *Montgomery Advertiser*, March 2, 1999, January 28, 2000 (Sarah Jean quotation).
- ⁴⁸ Interview with Randy McNeill, May 2, 2003.
- ⁴⁹ *Montgomery Advertiser*, January 28, 2000.
- ⁵⁰ *Gipson v. State of Alabama*, 375 So. 2d 514 (1979).
- ⁵¹ Stipulation and Agreement entered into by Richard M. Jordan and Attorney General William J. Baxley, *State of Alabama v. William Kyle Livingston, Jr.*, Montgomery County Circuit Court, Case No. 279-76.
- ⁵² Interview with Michael Baden, May 3, 2003.
- ⁵³ *The Associated Press State and Local Wire*, March 2, 3, 1999.

Chapter 7

- ¹ *USA Today*, September 25, 1992.
- ² *Free At Last: A History of the Civil Rights Movement and Those Who Died in the Struggle*. (Montgomery: The Civil Rights Education Project, The Southern Poverty Law Center, 1989), 60.
- ³ *Boston Globe*, February 13, 1994.
- ⁴ Ibid.
- ⁵ *Alabama Journal*, July 18, 1971, October 27, 1978; *Alabama Journal*, Undated articles, “Eighth ‘Most Dangerous’ Bridge Still Being Used,” and “Tyler Goodwin Span to Re-open.” All articles are part of Bridges, Elmore County file, Alabama Department of Archives and History, Montgomery, Alabama.