

March 14, 1965

A FEW RECENT DEATHS IN ALABAMA

Let us set aside, for the moment, the 21 unsolved bombings that have occurred in Birmingham since 1955. And let us not consider at this time the bombings, beatings, and mutilations that Negroes have suffered in Alabama in recent years, regardless of their affiliations with the civil rights movement. We will just look at the facts surrounding a few recent deaths that have a civil rights tinge to them. Let the reader draw his own conclusions about "freedom from fear" in Alabama and about the swiftness of retributive justice in that state.

Case History #1, William L. Moore: William Moore was a 35 year old, white mail carrier from Baltimore, Maryland. His heritage was Southern and he had a very individualistic approach to helping better conditions in the region of his boyhood. Alone, he planned to walk from Chattanooga, Tennessee to Jackson, Mississippi and deliver an anti-segregation message to the governor, at that time Ross Barnett. It was Moore's vacation and he fearlessly sought to use this time-off to demonstrate his belief in his principles and that he was free to express them anywhere. Moore wrote President Kennedy:

I will be engaged in interstate travel and theoretically under the protection of the 14th Amendment to the Constitution guaranteeing equal rights and privileges to all citizens.

I am not making this walk to demonstrate either federal rights or state rights, but individual rights. I am doing it . . . for the South and hopefully to illustrate that . . . peaceful protest is not altogether extinguished down there.

He carried signs announcing his beliefs.

William Moore's faith in freedom of the highways in Alabama was misplaced. Moore got as far as Attalla in Etowah County, Alabama. On April 24, 1963 he was gunned down along U.S. Highway 11. Reactions to this murder were swift. The Justice Department announced there was no indication any violation of federal law was involved, but Attorney General Kennedy asked the FBI to give whatever assistance local authorities requested. Governor Wallace called the murder "a dastardly act" and offered a \$1,000 reward for the killer. Al Lingo, who headed the Alabama State Troopers, pledges his support and offered help. Within a few days the local sheriff arrested a suspect, a grocer who lived 30 miles from the scene of the crime. Ballistics tests showed the suspect's weapon had fired the shots that killed Moore, and the sheriff was confident enough of the evidence to ask that a charge of first degree murder be lodged against him. No one felt the necessity

to call a special meeting of the grand jury, and so this was put off until the jury's regular meeting time. Five months later, on Sept. 13, after all the public shock and publicity had disappeared, and as massive civil rights demonstrations were erupting in Birmingham, the grand jury refused to indict the suspect. No comment was given by the foreman of this panel. The state of Alabama washed its hands of the Moore affair.

Case Histories #2, #3, #4, and #5, Four Young Girls: Perhaps the nation has already forgotten Carole Robertson, 10, Darol Denise McNeir, 11, Addie Mae Collins, 14, and Cynthia Dianne Wesley, 14. They were in the Sixteenth Street Baptist Church in Birmingham, preparing themselves for Sunday School the morning of September 15, 1963. About 100 others were present. Without warning a dynamite blast ripped through the church, injuring twenty people and killing the four girls. Their deaths were as swift as was William Moore's. (His alleged killer, incidentally, was freed just two days before.)

Once again reactions were quick. This was the state's big chance to solve a racial bombing in Birmingham — there had been 43 since the end of World War II and none had been solved. Within recent months there had been eight. Governor Wallace announced to a college audience that the bombings were "dastardly acts." Al Lingo of the Highway Patrol took complete charge of the investigation. "Arrests are imminent" was the comment from the governor's office on Sept. 29. Wallace went on nationwide TV to announce that "the crime will be solved." Then Lingo made his arrests, bragging, "We are stepping in the right direction. We are making progress."

Three men with Ku Klux Klan records were taken into custody and charged with illegal possession of explosives, Lingo being unable to prove any connection with the church bombing. Maximum penalty for this offense was 180 days in jail and a \$100 fine, a misdemeanor. They were bonded out on payment of \$300 bail money.

In October the three men were hauled into Recorder's Court, one of the lowest courts in Alabama but which had jurisdiction in this minor crime. All three were convicted, sentenced to 90 days, and given a fine of \$100 each. They appealed their conviction to the next highest court, the state circuit court, and in June 1964 this court overturned the conviction. They were set free since the state had provided insufficient evidence.

In November of 1964 the FBI announced that it knew the identities of the "small group of Klansmen" who had committed the crime. But the Bureau also said it did not have enough evidence to make arrests. The FBI commented on their own efforts: "This investigation was prejudiced by premature arrests made by the Alabama Highway Patrol. Consequently it has not yet been possible to obtain evidence or confessions to assure successful prosecution."

Meanwhile, with an unbelievable lack of tact, the Alabama Board of Pardons and Paroles chose October of 1963 to review the case of Jesse

Mabry, who was serving a twenty year sentence for taking part in the 1957 castration of a Negro man during a Ku Klux Klan courage ritual. The Board considered Mabry's excellent prison record, and he was released in February of 1964.

The killers of the four young girls, whoever they may be, remain at large. "I personally think I know who did it," said Lingo recently, "but I cannot discuss the case because it will interfere with our continuing investigation."

Shortly before the Alabama courts freed the suspected church bombers, the Sixteenth Street Baptist Church was rebuilt. The Selma Times-Journal reported: "The sanctuary is brighter now than it was before the bombing. Blonde wood panels cover the pulpit, the choir box and the balconies, instead of the previous mahogany-colored wood. The new floor is of light-colored wood." Already the four girls had been forgotten by some.

Case History #6, Virgil Ware: While the dead and injured still lay in the ruins of the church on that September 15th, Virgil Ware rode on the handlebars of his brother's bike as the older boy pedaled through the Negro section of Birmingham. Neither 13 year old Virgil nor his 16 year old brother knew anything about the bombing. A motor-scooter plastered with confederate stickers and carrying two white youths sped past them. One of the white boys pointed a .22 pistol at Virgil and shot him twice. He died minutes later, part of the harvest of violence of that day.

Both of the white boys were soon apprehended and signed confessions. They were both Eagle Scouts, aged 16 and 17. They were charged with first-degree murder and released on \$10,000 bond. When they came to trial in March the charge was dropped to second-degree manslaughter. Both were convicted and sentenced to seven months imprisonment. Within days, the youth who had done the shooting was summoned before the sentencing judge. The judge lectured him: "For God's sake, don't have another lapse." He was put on probation for two years and sent home free.

An aunt of Virgil Ware's broke down as a reporter interviewed her shortly after the boy's death. "Ain't nothing like this happened here before," she sobbed. "This must be some newcmer in here, or something...."

Case History #7, Johnny Brown Robinson: Hardly anything at all has been reported about this case. Johnny Robinson was 16 years old. On September 15, shortly after the church bombing, Negroes had turned to the streets in hysterical frustration. Some threw rocks. Birmingham police claimed that Johnny was throwing rocks at their cruiser. They ordered him to stop, and when he kept on throwing rocks, they shot over his head with a shotgun. Johnny died from the lead

pellets that struck him in the neck. The officers' testimony led the coroner and investigating grand jury to decide the weapon had been discharged accidentally. Johnny Robinson's case is a very obscure one. Or is it?

Case History #8, Jimmy Lee Jackson: Thirty-five miles north of Selma, Alabama at Marion, the county seat of Perry County, local Negroes marched on the courthouse. It was Thursday night, February 18, 1965. State troopers moved in on the people as they knelt in the streets, brutally beating women and children. Several newsmen were beaten by local whites as the troopers stood by watching, making no effort to help. The beating of the newsmen was the story that made the headlines and embarrassed the government of Alabama.

Few papers made much of another incident that occurred on that night. Jimmy Jackson, 26, an unemployed mason was in a Marion cafe hours after the beatings occurred. State troopers rushed in looking for persons who had earlier thrown coke bottles at them. They grabbed Jackson and a trooper shot him in the abdomen. Jackson ran from the cafe with the troopers in pursuit and beating him. He was finally taken to a hospital in Selma since no doctor in Marion would treat him. On February 26, Jimmy Lee Jackson died of complications resulting from his wound. Before he died Jackson revealed to hospital attendants the circumstances of the shooting.

That same night, Jimmy's mother and 80 year old grandfather had both been beaten by troopers. Mayor Pegues of Marion later confided to reporters: "Quite frankly, there wasn't much of a battle." He continued that he was "dreadfully upset" about the newsmen getting beaten.

Both Al Lingo and Sheriff Jim Clark were in town for the "battle." But Lingo has been tight-lipped about Jimmy Jackson's killing. All he would say is that he had "made a thorough investigation of the shooting and . . . turned my findings over to the circuit solicitor to take necessary action." (Recently Lingo admitted a trooper shot Jackson.) This circuit solicitor is the state prosecutor for the judicial district which includes Marion, a man by the name of Blanchard McLeod. Mr. McLeod is cited as a defendant in three suits filed by the Justice Department against several Alabama state and county officials for interfering with the voting rights of Negroes. McLeod has also boasted that he is a member of the Wilcox County White Citizens Council and a charter member of the Dallas County Citizens Council. He has assured the public that he has the name and a statement from the person who did the killing -- he has declined to say if it was a trooper -- and that a grand jury investigation would be held within a few weeks. Three weeks have passed since he made that statement on February 27 and still no investigation has been held. There will, however, probably be an investigation of the beating of the newsmen. Even the Alabama Press Association is demanding that. And Wallace has promised them the dastardly act will be looked into.

Case History #9, Reverend James J. Reeb: Rev. Reeb was in Selma with other out-of-state clergymen in response to a request made by civil rights leaders there after a Selma-to-Montgomery march was put down brutally by state troopers and Sheriff Clark's posse. He was a Boston Unitarian, father of four, and only 38 years of age. Four white residents of Selma attacked Reeb and two minister companions March 9 on the streets of that city. One attacker clubbed Reeb from behind. Two days later he died of head injuries in a Birmingham hospital after futile attempts by surgeons to save him.

As of this writing, the four men have been arrested by Selma authorities and charged with murder. They are auto salesmen, not "rednecks" fresh from the countryside with nigger-hate in their eyes and liquor on their breaths.

Federal charges -- for violating Reeb's civil rights -- have also been lodged against the four. It is possible that the U.S. Government can make its charge stick. One wonders if the state of Alabama is capable of justice.