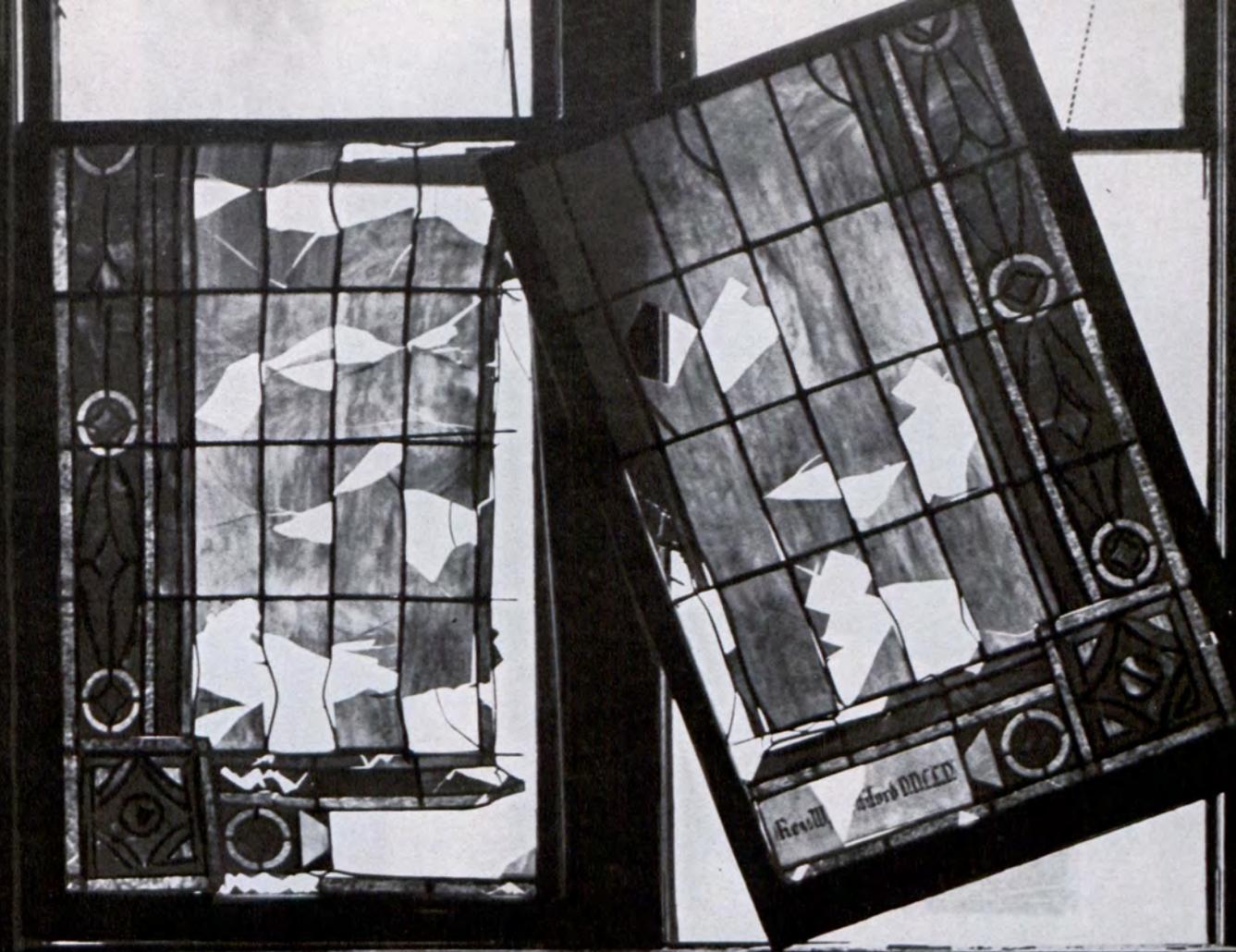


THE SATURDAY
EVENING
POST
FOUNDED BY
Benjamin Franklin



Shattered windows of the 16th Street Baptist Church stand askew after blast that killed four young Negro girls.

The Birmingham Church Bomber

By George McMillan

LAWMEN KNOW WHO HE IS. ALL THEY LACK IS THE EVIDENCE THEY NEED FOR A CONVICTION. HERE IS THE UNTOLD STORY OF HOW FBI AGENTS AND ALABAMA POLICE OFFICERS LEARNED HIS IDENTITY—AND WHY THEY EXPECT TO BRING HIM TO JUSTICE.

In all the hatred and fear and violence that have marked the present racial upheaval in America, no single incident has so shocked the conscience of the country as the bombing of Birmingham's 16th Street Baptist Church last September 15. The explosion under the church stairway at 10:22 that morning hurled rubble for blocks, injured 19 people and killed instantly four young Negro girls inside the church. The wanton, brutal crime sickened Americans on both sides of the Mason-Dixon line and gave new impetus to the drive for civil-rights legislation. As nothing else had done—or perhaps could do—it epitomized the ugliness of racial conflict. President Kennedy, echoing the national temper, said he felt a "deep sense of outrage and grief." And the FBI immediately announced from Washington that it was starting "the biggest manhunt since the Dillinger case."

Since then, however, there has been only silence from the FBI, and the crime remains unsolved. "The investigation is a sham on the part of law agencies in an effort to soothe the national conscience and placate Negroes," the Rev. Fred L. Shuttlesworth, Negro leader of the Birmingham

TEN DAYS AFTER THE

in a position to see anyone who placed the bomb beneath the back stairs of the church—if it had been thrown or placed there with a short fuse. Nine of these people were right around the corner; two of them walked within three feet of the bomb seconds before it exploded. The janitor came down the steps just before they were blown into rubble—he had time only to reach the front of the church along the sidewalk before the bomb went off. In fact, his presence so close to the explosion led to a rumor that he either had planted the bomb himself or knew who had, but the investigation later cleared him of all suspicion. And at least four other people were continuously in sight of the steps for at least 15 minutes before the bomb exploded.

The 16th Street church is so close to the downtown business district of Birmingham that, during weekdays, many cars owned by white people are parked around it. But on Sunday there are none. And at this time of racial tension the Negroes who were out on the street near the church that Sunday morning would certainly have noticed any car with a white man or men in it that drove up to the church, and stopped long enough to throw or place a bomb.

All of this provided virtually certain evidence that the bomb had been planted in advance and detonated by some kind of timing device. The presence of these witnesses also convinced the police that the timing device had not been an ordinary fuse. Such a fuse burns at a rate of about two minutes per yard. To last 15 minutes, the fuse would have had to be more than 20 feet long. That much fuse, burning that long, would have made enough smoke to call attention to the bomb. It would also have made a slight sizzling noise which the janitor, for one, would almost certainly have heard as he passed within inches of the bomb.

Both the FBI and the Birmingham police therefore began to develop theories about the kind of timing mechanism that was used to trigger the bomb, and both have conducted experiments to test their theories. But neither agency will discuss its theories or say which of them seems most likely. No enforcement agency likes to give away its case.

One of the theories, however, is that the time mechanism was nothing more than a simple wax candle. Such a device could be made by fixing a short conventional fuse to a book of paper matches and the matches to a candle, so that when the candle burned down, it would light the matches which then would ignite the fuse. The delay time would depend on the length of the candle, which could be set in an open container with the dynamite. This kind of fuse would make very little smoke, if any, and no noise.

One law-enforcement agency experimenting with such a fuse received some very helpful hints from an unexpected source. A speaker at a racist meeting held in the Birmingham area a short time after the bombing told his audience in step-by-step detail exactly how to build a timing device with a candle. Local authorities reportedly have in their possession a tape recording of that speech.

Despite all theories, however, the FBI did not find in the debris any conclusive physical evidence of the bomb or the tim-



Tears streak the face of Mrs. Claude A. Wesley after funeral services for her daughter Cynthia, 14, killed in the explosion.

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civil-rights movement, has charged bitterly. There is cause for his bitterness: 21 previous bombings in Birmingham are still unsolved. But law agencies are determined that the church bombing shall not be the 22nd. And the investigation has been no sham.

Law-enforcement officials know who the bomber and his accomplices are—have known for months. But they have still not been able to put together the kind of airtight case they need to take "Mister X" to court. The FBI is convinced, however, that he will sooner or later make a slip—and when he does, a lawman will be there.

Several arms of the law have worked on the case. Only the FBI itself knows how many agents it assigned to Birmingham. Bureau officials say there were "more than thirty-five," but some estimates put the number as high as 100. In addition, Jefferson County Sheriff Mel Bailey and his deputies were deeply involved in the investigation. So were the Alabama state police under Col. Al Lingo. And, of course, the Birmingham city police were on the case from the start.

Two of the first men on the scene after the explosion were Lt. Maurice House,

head of the Birmingham detective force, and one of his men, Detective Marcus Jones. They were a good team, House and Jones. They had worked together over the years in the detective division of the Birmingham police department but never so closely as in the months just past.

When Jones and House got to the wrecked church that Sunday, the uniformed police and firemen were already there, trying to rope off the area. A menacing, angry crowd of Negroes had gathered. Some were throwing rocks at the police. Others were crying hysterically. As soon as Homicide finished its work on the bodies of the four victims, Jones and House and the local FBI men went into the church for a quick check, found nothing, and decided at once to call in FBI lab men from Washington.

A bombing is one of the most difficult of all crimes to solve: The explosion itself usually destroys the evidence. There is no weapon to be left behind, no cartridge shell. Dynamite, the explosive in most such bombs, is usually wrapped in paper which goes up in dust with the blast. The best hope for evidence is in the timing mechanism. If a time clock was used, for example, pieces of the metal might be found someplace around the scene.

While waiting for the FBI lab men,

Birmingham police started on the next thing that had to be done at once: trying to find everybody who had been at the scene of the crime at the time the bomb went off. They started by canvassing the neighborhood. House, Jones, FBI agents and other law-enforcement men worked together, interviewing everyone in the houses and on the streets as they moved in concentric circles outward from the church itself. They worked all that day and on through the night.

Late that afternoon the two FBI lab men arrived. They divided the blast area into quarters and began meticulously sifting the rubble. They put every solid object into bags for further study.

The next morning Jones and House asked a city engineer to prepare a scale map of the neighborhood around the church. On the map they began to place people, one by one, as they weeded out hundreds of fragments of information. After weeks of this search, police decided they had the scene figured out. "We're pretty sure we've got a true picture, pretty sure we've seen and talked with everybody who was on the scene," Lieutenant House told me. "We've pieced it together, and it all makes sense."

The picture showed that there were 14 people on the scene who would have been

CHURCH BOMBING THE KILLERS STRUCK AGAIN—THIS TIME AT THE LOCAL POLICE.

ing device, and therefore does not know for sure how the bomb was detonated. One official in the case told me that the only piece of physical evidence found was a fishhook, but he either did not know or would not say what function this homely object might have played in the construction of a timing device.

Meanwhile the search for the bomber, or bombers, was going on in another way. It was obvious from the first day that although many, perhaps most, of the white people in Birmingham were deeply segregationist, not many would plant a bomb under a Negro church on Sunday morning. That would take a special kind of person, a special kind of mentality.

It has been an open secret among southern police departments for some time that the number of men who will commit overt acts of premeditated violence out of racial hatred is actually quite small. Atlanta proved the point. When the Atlanta police force, with the community behind it, determined to prevent disorder during the school integration there, it prepared dossiers on all the known racial troublemakers in the South. It was one of the first instances, perhaps the first, of a southern police department's making a forthright attempt to fix in advance the point from which violence could be expected, and being prepared to meet it in its predictable form. And the effort succeeded: Atlanta was integrated without violence.

Southern racist groups like the Ku Klux Klan are not particularly dangerous—not as organizations. The danger, according to an expert on the southern racists, lies in the few individuals "whose

own taste for and experience in violence itself leads them to commit criminal acts."

After the Birmingham church bombing the FBI "checked out every Klansman and possible suspect in the Southeast," one FBI official told me—more than 8,000 individuals. More important, the bureau—working with the Birmingham police department, Sheriff Bailey's office and the Alabama state police—focused particular attention on the few really violent men and the hardest of the hard-core organizations.

Even before the 16th Street bombing the FBI had begun to move in on these tiny clusters of violent bigotry. "The FBI has saturated the hate groups with informers in the past eighteen months," a southern police official told me. As it turned out, informers who had been recruited by Sheriff Bailey's men and the city police were at least equally helpful.

Turning on the heat

If any policeman, deputy, FBI agent, or law-enforcement official were asked, he would deny it, but the evidence is clear that everybody on the side of the law now turned the heat on this group of potential suspects.

According to *The Thunderbolt*, a fiery newspaper published by the National States Rights Party, whose headquarters are now in Birmingham: "After the Negro-church bombing the N.S.R.P. headquarters was practically surrounded by FBI agents. Not only our members but Citizens Council, K.K.K., United Americans for Conservative Government members were almost daily harassed."

"There's no doubt about it," says a policeman who watched the FBI at work on the case. "They stayed right on the backs of these characters. They went to their bosses, asked questions of their landladies, dogged their footsteps, made it uncomfortable for them."

The kind of men responsible for the 16th Street bombing are not the sort to take police surveillance without violent protest. Theirs is the type of mentality that fundamentally hates all authority and retaliates compulsively when the heat is on. Ten days after the church bombing they struck back.

At 2:31 A.M. Wednesday, September 25, there was a small explosion (probably one stick of dynamite) in a Negro residential section of Birmingham. The blast made enough noise to bring a flurry of telephone calls to police headquarters. The information was instantly relayed to patrolling cruisers, and within 10 minutes at least 50 law-enforcement men—"nearer 100" according to one reporter on the scene—were in the neighborhood, looking for the bomb site.

They owe their lives to the fact that they failed to find it. Thirteen minutes later another bomb went off at the same spot. This one was a shrapnel bomb—a couple of sticks of dynamite in a rusty five-gallon paint can crammed with nails, bolts and other sharp bits of metal. The police are convinced that the trap was intended for them—and to kill them. The two bombs were planted where a pie-shaped vacant lot came to a point at a three-way intersection. The spot was some distance from any house, and the early-morning hour made it unlikely that

the bomb was intended for any one victim living in the neighborhood.

"It was meant for us," a patrolman told me. "It was set to allow just enough time for us to get there. If we had found the bomb, maybe fifty officers would have lost their lives or been mangled."

"Up until that shrapnel bomb went off," said a man who has worked with the police in Birmingham, "a lot of the cops really believed that the bombers had never meant to hurt anyone, only to intimidate 'em. Some of the police even believed that the Sixteenth Street bomb had gone off at the wrong time, that it hadn't really been meant to hurt anybody, not to say kill anybody."

"But the shrapnel bomb changed all that. It convinced the police that these bombers weren't just a bunch of sags who wanted to scare niggers."

The public reaction to the shrapnel bomb was one of consternation. "They're throwing dynamite anywhere, everywhere," said the Reverend Mr. Shuttlesworth. "It's clear that law and order have broken down." He called on President Kennedy to send troops to Birmingham.

Governor Wallace, as alarmed as anyone by the bombings and the national revulsion they had caused, reportedly put the heat on Colonel Lingo's state police. And the following Sunday he announced from Montgomery that "State investigators expect to break the Birmingham-church case within the next few hours."

Lawmen in Birmingham—city and county men and the FBI—were shocked by this announcement. They were convinced that the state police didn't have enough evidence to wrap up the case;

Lawman stands guard while Birmingham firemen and ambulance attendants remove covered body of one victim from wrecked church after the lethal bombing last September 15.



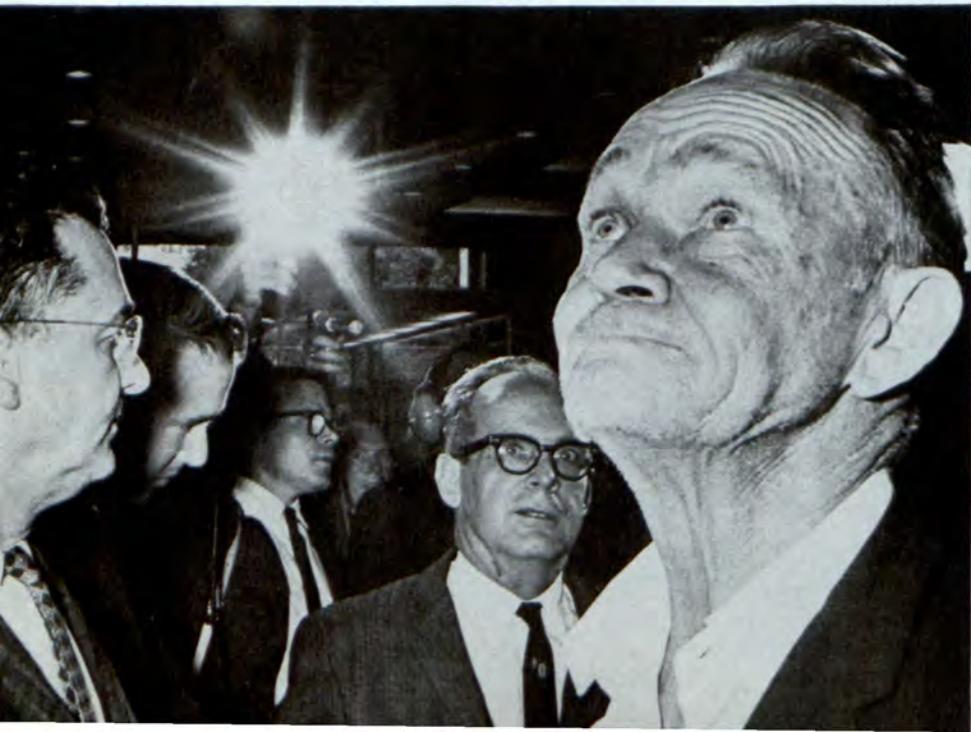


State police chief, Col. Al Lingo, ordered the arrest of three men.

ARRESTS BY STATE POLICE FAILED TO BREAK THE CASE.



Arrested by state police: top left, John W. Hall; top right, Charles Cagle; bottom right, R. E. Chambliss. Police hoped—in vain—they might shed light on bombing. Instead, they were convicted of illegal possession of dynamite, are now free on bail.



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that Colonel Lingo's men must be depending on evidence they themselves had gathered. And they knew they hadn't completed the investigation to their own satisfaction.

A few hours after Wallace made his announcement, the state police arrested two men, R. E. Chambliss, 59, and Charles Cagle, 22. Both were from Birmingham, and both had been involved in Klan activities. Cagle had been arrested near Tuscaloosa last September 29, and charged with carrying a concealed weapon, although a date has not yet been set for his trial. Chambliss had a record of several arrests—but no convictions—in connection with Klan activities.

The state could hold Chambliss and Cagle only 72 hours without a charge, and state police began grilling the two suspects. Apparently the police thought the men had information that might lead to a solution of the church bombing, but Chambliss and Cagle would not talk.

The state then charged the two with illegal possession of dynamite. (Eventually another man, John W. Hall, was arrested on the same charge.) The three were tried on October 9, 1963, in City Recorder's Court in Birmingham, were fined \$100 each and sentenced to 180 days in jail. All have appealed the sentence and conviction, and are now free on bail.

In the opinion of the FBI and the city and county police, the arrest of Chambliss, Cagle and Hall seriously hurt the chances of building a case against the men who planned the 16th Street-church bombing. They considered it a premature arrest in a major case.

The action obviously warned the bombers that the law-enforcement agencies knew a great deal about the crime, probably even the names of the individuals involved. This meant they were in grave danger, for it was a crime that well might mean the death sentence.

At the same time, however, the arrests betrayed the fact that the police did not yet have the kind of evidence needed to bring the bombing case into court. And even people with twisted minds could hardly miss the point that, as things now stood, the greatest threat to their safety was that someone involved in the crime would talk.

At a place and a time that cannot yet be revealed, a group of men including the man who made the bomb, the man who placed it and everyone who knew the identities of those involved, met. They called it "the kiss-of-death meeting."

"If any one of you ever talks, it will be the kiss of death for you," the leader of the meeting warned. "We join hands here and now in swearing that each of us takes a vow to kill the man who gives anything away to the police."

"And they weren't kidding either," says a policeman who knows about the kiss-of-death meeting. "There was a time when they used to brag more or less openly about these bombings. But it finally got through their heads that some of them might pay a fearful damned price for running around blowing people up."

The church bombers had good reason for alarm. At the time Colonel Lingo made his arrests, the FBI, the city police and the sheriff's office all knew who had engineered the 16th Street bombing, although they will not say how or when they learned the truth. And they knew who his accomplices were.

"The FBI knows who bought the dynamite, who made the bomb, who

placed it there, and who engineered the crime," I was told by Macon Weaver, U.S. attorney in Birmingham.

"We know every detail about it," Lieutenant House, the Birmingham detective chief, told me. "We just don't have the evidence."

The ringleader in the Birmingham-church bombing—an out-of-state man—has "probably been involved in more bombings than any one individual in the South," I was told by a high police official in another southern city. "Invariably that bastard is in the general area when a bomb goes off."

Police and FBI either know or have good reason to believe that this Mister X planned the 16th Street-church bombing at a meeting in Birmingham two weeks before it happened; that he was at the house of the men who planted the bomb two nights before the bombing, and that his car was parked two blocks away from the 16th Street church on the Sunday morning the bomb went off.

Mister X is under constant surveillance. "Of course we can't literally stay with him twenty-four hours a day," said a law-enforcement official. "But we put him to bed every night and check him first thing every morning. If we have reason to think that something is brewing, then we really tail him." Mister X knows he is being followed. "Generally he is able to tell the difference between a local detective and an FBI man," said a city police official. "He hates us but he hates the FBI even worse. When it's the FBI tailing him, sometimes he doubles back, spits at them, yells something at them."

"You hogs!" is a favorite epithet. Police believe his hostility would not be limited to insults if he should ever catch a law officer prowling around his home. Not long ago I persuaded a detective in the southern city where Mister X lives to take me out to the bomber's house for a look. We went on a rainy night, out into the raw suburbs, finally onto a muddy, unpaved road.

"I'll shoot my way in"

"The bastard's house is right up there," said the detective, pointing. There was nothing to see but a wall of darkness.

"Can't we get any closer?" I asked. "You can get out and walk if you want to," he said, "but I'm not goin' any farther. We get up in there and we would have to shoot our way back out. Maybe the day will come when I've got enough evidence to arrest him. When that day comes, I'll go up in there and get him even if I have to shoot my way in."

"There is nothing on earth I would like better than to put that bastard on the scene"—that is, on the scene of a crime, at the time of the crime, with a witness to his presence.

Mister X has never yet been found at the scene of the crime, however. "He has a distinguishing physical characteristic," a detective explained, "and he always tells his buddies it's too dangerous for him to be seen, that he would be noticed, marked and remembered."

A police officer who has observed Mister X for some time described how the church bomber works: "OK, there's racial trouble, or the promise of it, or some integration situation coming up in some southern town or other, let's say. All right, Mister X shoves off for that place. He goes there. He may speak at a rally or two of some Klan Klavern or some other racist organization like that.

"If he doesn't already know where the

hard core of nuts is in that community, he will talk around a little, feel the situation out, find those birds. Then he'll get with them. He often uses a hotel room, asks these birds to meet him there. When he gets them together, he'll say:

"OK, you fellas have got trouble here with these niggers and their friends the Communistic Jew S.O.B.'s. You've got to *do* something. There's nothing like a bomb. If I were you people, I'd put a bomb down someplace.

"I can bring someone in here to do the job. It'll cost you about \$500, with materials. Can you fellas raise that much?" And, as time has proven, they very often do raise the sum."

The "materials" Mister X refers to are dynamite and timing devices, which do not cost that much. The rest of the money goes to him, for he makes almost his entire living out of the hate movements. He asks for \$1,000 if he is going to have to use some of his own "specialists" instead of local men. For many years he had a small core of men in Chattanooga, Tenn., who did his ugly work for money. More recently he has relied on men from the Atlanta area.

There was a time when Mister X used to haul dynamite himself, but now he has grown too cautious for that. One day recently he was driving through a southern city and inadvertently went through a red traffic light at an intersection. He was being followed at the time. The car following him sent a message to a police cruiser in the area, which quickly apprehended Mister X, arrested him for the violation and took him to headquarters.

No sooner had this happened than a police wrecker appeared on the scene, hauled Mister X's car off to the police garage, where a small army of policemen and FBI agents attacked it like an army of starved ants. Out came the seats, the spare tire, the contents of the pockets—every single loose item in the car. Each was carefully laid on the garage floor and photographed, but nothing of interest was found. Then, just as quickly as they had stripped the car, they put it together again and returned it to the spot where Mister X had left it. He drove off unaware that it had been shaken down. He will probably learn about it for the first time when he reads this.

"He's so hot now that the only way we'll ever get him is to back up to him, maybe get him for conspiracy," a police official told me. A federal conspiracy charge could be made against Mister X if there were evidence that he had conspired in Memphis, say, to bomb a place in Birmingham, especially if he carried somebody across a state line to do the bombing. He has done that in the past. It is unlikely that he will do it again.

Nor are any of the people with whom I talked really very hopeful that they can find anybody to turn state's witness. "You've pretty nearly got to have somebody who was at the meeting when it was planned," U.S. Attorney Weaver said. "And just remember that the people who did this are going to the chair."

But the lawmen who are after Mister X aren't going to lose interest in proving him guilty of the church bombing. "This is one case that's not going to cool off," said a newspaperman—"not as long as there's a racial crisis going on in the streets of Birmingham."

Most of all, the FBI still wants to get Mister X. "We will get him, too," said a high FBI official. "He'll make his mistake. We're going to solve this case if it takes ten years."

THE END



Birmingham detective Marcus Jones (on telephone) and Lt. Maurice House worked as a team, played major part in investigation.