

Return to HU

'63 BOMBING DATA WITHHELD BY F.B.I.

MAR 20 1976

Alabama Official Confirms That Bureau Ignored His Requests for 4 Years

NYTimes

By WAYNE KING

Special to The New York Times

MONTGOMERY, Ala., March 18 — The Federal Bureau of Investigation withheld the results of its inquiry into the 1963 bombing of a Birmingham church from the Alabama Attorney General for more than four years despite repeated requests for the data.

The state's Attorney General, William Baxley, confirmed that the bureau had withheld its extensive information — which other sources said included the incriminating results of a polygraph test given to a man suspected of making the bomb — from the time of his initial request in 1971 until last December. Mr. Baxley's office has been conducting its own investigation into the bombing, which killed four black children, since he took office in 1971.

The F.B.I. information was given to Mr. Baxley only after a newsman learned of the bureau's refusal to cooperate with the Baxley investigation and inquired about it in Washington.

An F.B.I. spokesman in Washington said that when the request for the information was received in 1971, it was sent to the Civil Rights Division of the Justice Department, which had control of the information, the spokesman said. Four years later, he said, the Justice Department got around to responding.

No Reason Offered

The spokesman had no explanation of why the information was held up. Local law enforcement officials, particularly in racially troubled Southern areas, often have complained of difficulty in obtaining such F.B.I. data.

A Justice Department official, said, in response to the statement from the F.B.I. spokesman, that no one in the Civil Rights Division could be found who remembered the bureau passing on Mr. Baxley's request in 1971.

Mr. Baxley said, that his investigation of the bombing was continuing, adding, "We're confident that we're making progress."

Although the case has never been officially closed, it was handled both at the state and Federal levels, when Mr. Baxley took office in 1971.

Mr. Baxley, asked about the difficulty in getting the F.B.I. information, said that he understood the bureau's reluctance to release such information during the early 1960's, when there was some fear on the part of the bureau that its information might be leaked by unsympathetic law enforcement officers in the South. But he said he considered such fears groundless today.

Investigation Hindered

The refusal of the bureau to provide the information meant that state investigators were unable to develop leads turned up by the bureau at the time, and it also entirely forestalled the questioning of certain individuals since it was felt that there should not be any contact with them until it was known what they might have told the F.B.I.

Among the withheld information, the Times has learned, was he report of lie detector test administered to a suspect believed to have made the bomb used in the explosion, and believed placed by another party, a prime target of the Baxley inquiry. The test showed that the suspect lied when he denied having made the bomb in his home workshop. Polygraph test results are not admissible in court as evidence in such cases, but they do provide important corroboration to investigators. The man is now dead.

As a result of the renewed state inquiry into the church bombing, Mr. Baxley, office has already brought unrelated murder indictments against three former Ku Klux Klansmen accused of forcing a black man to jump to his death from a bridge outside Montgomery 19 years ago.

"There were a whole series of bombings — two others in Birmingham, plus one here, previously unsolved — that we could make a case on right now," Mr. Baxley said, "but the statute [of limitations] has run out."

Mr. Baxley said those bombings were related to the church bombing in Birmingham.

"We're about a smidgen of an inch away from solving one that occurred near an occupied dwelling — and there is no limitation on that," Mr. Baxley said.

Motivated by Hatred

Asked about the relationship between the Birmingham bombings and those in Montgomery and elsewhere in the South, Mr. Baxley said, "The relationship is haphazard. Some were related, some were not."

"All were motivated by intense hatred. Another relationship is that they were all done by the scum of the earth."

Mr. Baxley said that some of the individuals implicated in the fatal Birmingham church bombing referred to themselves as "the missionaries" or "the missionary group."