



mission was convicted on a bribery charge. Three Circuit Court clerks were convicted of various offenses.

Gov. Wallace, according to Baxley and several others familiar with Alabama government, has not interfered in Baxley's pursuits.

One of those pursuits has been the investigation of a 19-year-old case—the death of Willie Edwards Jr., a black truck driver. Baxley charges that on the night of Jan. 23, 1957, Edwards was forced at gunpoint by some Klansmen to jump 40 feet from a highway bridge to the Alabama River below.

Edwards' body was found three months later along the riverbank in Montgomery. Now, Baxley is seeking first-degree murder indictments of three men he says took part in that incident. His case is based in part on the testimony of former Klansman Raymond Britt, who says he was a witness and who has been granted immunity.

In March, murder indictments were returned against William (Sonny) Kyle Livingston Jr., 38, James York, 73, and Henry Alexander, 46.

But the indictments were thrown out April 14 by Circuit Court Judge Frank B. Embry because, he said, Baxley had not demonstrated whether Edwards died from drowning or from a fall and had not proven that a crime had been committed.

That same day, Livingston was taking a polygraph examination in New York. The results, Baxley and defense attorney Boyle Fuller had agreed, would be admitted as evidence in further proceedings. Livingston "passed all the tests," Fuller said. Livingston calls witness Britt "a liar."

Embry later refused to reinstate the indictments.



**BILL BAXLEY**

... "ought to be solved"

however, prosecutors plan to seek new ones against all three men.

"This is no problem," said Baxley. "It means a two- or three-month delay after 19 years."

Baxley is convinced that his pursuit of old civil rights cases has not hurt him with Alabama's policemen and state troopers, whom he regards as a source of political strength.

Policemen feel that "when they make an arrest, Baxley will prosecute," said Tom Smiley, secretary of the Alabama Law Enforcement Officers Association. The association honored Baxley as its "outstanding lawman" of 1973.

Baxley favors the death penalty, a shift from his college days. The conversion came during the short period of time he was in private practice. He was appointed to defend a man charged with the armed robbery of a convenience store, an offense then punishable by death in Alabama.

"I talked to my client, and he told me one thing, then another," Baxley said. "I was young, and after three or four wild goose chases I realized he was lying to me. So I told him he could get the electric chair and suddenly, we had our first meaningful conversation."

"I became convinced the

death penalty was a deterrent. The reason he didn't shoot that store clerk was not because of his compassion for the man, it was because he was afraid of the electric chair."

The Supreme Court, Baxley said, was wrong when it said the death penalty had been used indiscriminately against blacks. "All other laws were the same," he said, "and that doesn't mean we throw out the other laws."

The death penalty is one of the few political questions on which Baxley and Dr. Richard Arrington disagree, Arrington said. Arrington is one of three blacks on Birmingham's nine-member City Council.

In January, Arrington introduced a resolution calling for a full-scale council investigation of the church bombing in 1963. He was the only black member to vote for the resolution, which failed 7 to 2.

"The city government has always been suspiciously quiet on this," Arrington said, "... and it was obvious (at the time of the bombings) that either we had the sorriest police department or there was some police collusion. The fact that Bill Baxley is conducting an investigation means a lot to me. If a case can still be made, he'll make it."



Associated Press

Rubble-filled crater in church where four black girls died during '63 bombing.



Associated Press

**Tyler Goodwin Bridge, from which Willie Edwards Jr. allegedly was forced to jump.**