

ALABAMIAN GUILTY IN '63 CHURCH BLAST THAT KILLED 4 GIRLS

EX-KLANSMAN GETS LIFE TERM

Appeal Planned by Defendant, 73 —Prosecutors to Seek Further Indictments in Racial Case

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BIRMINGHAM, Ala., Nov. 18—Fourteen years after a dynamite bomb exploded here at the 16th Street Baptist Church and killed four young black girls in one of the worst racial incidents in Southern history, a jury of three blacks and nine whites delivered a murder conviction in the case today.

The jury, its integrated composition indicative of the vast changes that have taken place in Birmingham and the rest of the South since 1963, found Robert E. Chambliss, a 73-year-old former Ku Klux Klansman, guilty of first-degree murder in the bombing and sentenced him to life imprisonment.

Lawyers for Mr. Chambliss said they would appeal. Should the appeal fail, Mr. Chambliss would probably have to spend at least 10 years behind bars before becoming eligible for consideration for parole.

"God knows I have never killed anybody," he said moments after the verdict was announced and sheriff's deputies were approaching to lead him away. "God knows I have never bombed anything in my life and wasn't down at that church."

More Indictments Will Be Sought

Jubilant prosecution lawyers immediately announced that they would seek further indictments in the incident, which burdened Birmingham with a worldwide notoriety that has embarrassed and worried a great many of its citizens in recent years. The lawyers did not indicate how many other persons were being investigated.

Mr. Chambliss was indicted on four counts of murder. Today's verdict related to only one of them, the charge that he had "placed, or caused to be placed," a timed explosive device at the church that took the life of 11-year-old Denise McNair while she was attending Sunday school.

The child, who would have been 26 years old yesterday, was the daughter of Chris McNair, a Birmingham photographer. He is also one of a dozen or so blacks who, partly because of the civil rights revolution set off by the death of his daughter and others, has been able to win a seat in the Alabama House of Representatives.

Mr. McNair was a witness in the Chambliss case, but he was not in the courtroom when the jury returned. Pressed later for his reaction, he said:

"I'm not going to comment. I'm not

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getting involved one way or the other."

Altha Robertson, the mother of Carol Robertson, one of the three other girls killed in the bombing, was left almost speechless by the verdict. Standing outside the oak-paneled courtroom as Mr. Chambliss was led away, she finally managed to say through trembling lips, her cheeks glistening with tears:

"Things are better in Birmingham now. Things are looking up. It does make you feel better."

Birmingham's Mayor, David J. Vann, said that he hoped the conviction would focus the attention of the world on the "many changes" that have taken place here in recent years. He noted that Birmingham, like most other places in the South, now has integrated schools, integrated government, integrated public accommodations and integrated churches.

In the early 1960's Birmingham was a place of segregated schools, segregated restaurants, segregated hotels, segregated restrooms, even segregated water fountains. The police used dogs, clubs and fire hoses to keep blacks "in their place."

Six Hours of Deliberation

The Chambliss jury, most of its members white housewives in their 40's from working-class backgrounds, deliberated about six hours on the evidence presented in three days of testimony and cross-examination. It was sequestered four hours last night and two this morning before emerging to present its finding.

The foreman, Kermon P. Lewis, a computer specialist, told Judge Wallace C. Gibson:

"We, the jury, find the defendant guilty of first-degree murder as charged in the indictment and fix his sentence at life imprisonment in the penitentiary."

Mr. Chambliss slumped and swallowed hard. Then he turned and looked imploringly at one of his lawyers, Art Hanes Sr., a former mayor, who had worked on the case with his son, Art Jr. Mr. Hanes said nothing.

A few moments later, after telling the court again that he was innocent, Mr. Chambliss, a retired city mechanic with a long police record of violent confrontation with blacks, made a final request. "No cuffs, no cuffs," he said as deputies prepared to take him to prison. They put their manacles away.

Then, leaving the courtroom, he turned to his lawyers and said dejectedly, "What a shame to put that whole thing on the back of an old 73-year-old man."

He was no longer the combative segregationist who, a few months before while leaving a grand jury room had attacked a black television cameraman, calling him "nigger."

Decision Called Difficult

Discussing the Chambliss verdict after the jury was dismissed, Mr. Lewis said it was "very difficult" to reach. "It took nearly all of the evidence to convince us," he added.

The prosecution's case was built mainly on circumstantial evidence, gathered by a team of lawyers and investigators headed by Attorney General Bill Baxley. A 36-year-old political moderate, Mr. Baxley has been praised more than he has been condemned for eropening the long-dormant case.

Some of the evidence used to convict Mr. Chambliss was taken from the file of the bombing compiled 14 years ago by the Federal Bureau of Investigation. Mr. Baxley, after viewing the file, concluded that the Federal agents had had enough information within two or three weeks of the incident, which took place about 10 A.M. on Sept. 15, 1963, to go to court.

Conviction Held Unlikely

Justice Department officials told him that they had promised their sources anonymity and, furthermore, had agreed that there was no reasonable possibility of winning a conviction in the case back then, given the racial attitudes prevalent in Birmingham and the South in the early 1960's.

Mr. Baxley opened the trial by asking life imprisonment for Mr. Chambliss. He said that he preferred the death penalty but he noted that in 1973 the United States Supreme Court had outlawed capital punishment in Alabama for crimes committed during the racially inflamed 1960's.

There were several major points in the prosecution's case.

First, witnesses testified that Mr. Chambliss, before the bombing, had stored "oversized firecrackers" at his house, that he had boasted about having enough "stuff" to blow away half of Birmingham, that he had talked about ways to make time bombs and that, in reference to blacks, he had predicted that "After Sunday, they'll beg us to let them segregate."

Next, there was testimony that Mr. Chambliss had been seen near the church a few hours before the bombing. Finally, a witness told the jury that Mr. Chambliss had remarked after the blast, while watching a television news show: "It wasn't meant to hurt anybody. It didn't go off when it was supposed to."

Defense lawyers argued that the prosecution's witnesses could not accurately remember what had happened 14 years before. They said that no one had seen Mr. Chambliss plant a bomb and that no remains of a bomb had been found. They scoffed at a fishing float that the prosecution said was part of a timing device.

Finally the defense lawyers urged the jury not to convict an "innocent man" to strengthen Birmingham's reputation. They urged the jurors to "think back on the way Birmingham was in 1963 and to keep in mind that Mr. Chambliss did not have any monopoly on rough talk back then."

The bombing of the 16th Street Baptist Church, which has since been rebuilt, was one of more than 50 bombings, here in the 1960's. It took place during a tense period to desegregate city schools and won the city the nickname "Bombing-ham."

Mr. Chambliss, whose violent confrontations with blacks date back to the 1940's, was arrested soon after the church bombing and charged with possession of dynamite. He was acquitted.

The prosecuting authorities said today that Mr. Chambliss would probably not be tried on the three other counts of murder against him unless his appeal on today's conviction was successful.



Associated Press

Robert E. Chambliss, right, conferring with his attorney, Art Hanes Jr., shortly before jury returned verdict in Birmingham, Ala., yesterday.