

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF ALABAMA

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4
5 INTERVIEW OF

6 **WILLIAM JOSEPH BAXLEY II**

7 Former Attorney General for the State of Alabama

8
9 as a part of the
10 ORAL HISTORY PROJECT

11 of the
12 U.S. DISTRICT COURT
13 MIDDLE DISTRICT OF ALABAMA

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19 Interviewed by George W. Royer Jr.

20 March 7, 2016

21 in Birmingham, Alabama

22 and

23 March 9, 2016

24 at the Frank M. Johnson Jr. Federal Building

25 and United States Courthouse

1 MR. ROYER: Today is March 7th, 2016. I'm George
2 Royer. I'm at the offices of Bill Baxley's law firm in
3 Birmingham, Alabama. And we're going to talk about Bill's years
4 as Attorney General of the State of Alabama and the stories that
5 surrounded those years.

6 Bill, you were 28 years old when you decided to run for
7 Attorney General of Alabama. What made you decide to run and
8 why, at age 28, did you think you could win?

9 MR. BAXLEY: Well, going back a few years, I had been
10 the DA in Dothan since mid '66. And Dothan is a fairly good
11 sized judicial circuit, Houston and Henry Counties, busy enough.
12 And I tried all the cases myself. I had several assistants, but
13 I think I tried nearly every felony case. And there were dozens
14 and dozens of them a year.

15 So by the time I ran for Attorney General, I had
16 tried -- gosh, a couple hundred cases, probably, and had a good
17 record. And the Attorney General, who was my opponent, the
18 incumbent, he began sending me around in other parts of the
19 state to try cases. I was sent to Andalusia to try one. Then I
20 got sent to Huntsville, to Madison County, for a major
21 investigation involving the DA and the sheriff and the city
22 attorney or assistant city attorney. And I stayed up there for
23 a couple of months.

24 And long story short, I was very unimpressed with the
25 AG's office, by and large. And I felt like that they weren't

1 doing what the Attorney General ought to do. And I felt like if
2 he's going to have to send me to try all these tough cases all
3 over the state, then I might as well be the Attorney General.
4 And the ending of the case in Huntsville had -- I thought he
5 undercut me, so that added to it. And then on top of all that,
6 I didn't agree politically with him.

7 Back at that time, we didn't have any Republican Party
8 in Alabama to amount to anything. And what we had, the
9 philosophical division was within the Democratic Party where you
10 had the loyalists and the states' righters, or Dixiecrats. And
11 I was always a loyalist. And he, my opponent, was kind of a
12 hard-core states' righter. So I politically differed with him
13 and felt like the direction of the state should go in, in
14 addition to the Attorney General's work, ought to be a different
15 direction than what he believed. And so that's why I decided to
16 run.

17 I felt like that I would surprise people. I felt like
18 I had made a good reputation in the Wiregrass, Southeast
19 Alabama. And I did some research on his prior elections, and it
20 seemed like that every election he ever ran, he -- his strongest
21 area was the southeast corner, the Wiregrass, which is -- and I
22 felt like that I was going to do better than he did in those
23 areas where he was usually strong. And sure enough, I did.

24 And then the loyalists faction of the Democratic Party
25 was strong all across North Alabama and in the Tennessee Valley.

1 And I had good connections with even the senior statesmen in
2 that branch of the party, Bob Jones; John Sparkman; Senator
3 Hill; Governor Folsom's people; Albert Rains, our congressman;
4 Carl Elliott, our congressman; and so -- and Bob Vance and the
5 loyalist faction on the state democratic committee. So I felt
6 like I would do well in North Alabama; so I felt like, all
7 along, I could win. And I ran a tough, aggressive campaign
8 against him, and he didn't combat it.

9 MR. ROYER: And you got a significant number of
10 newspaper endorsements across the state in major newspapers.

11 MR. BAXLEY: Yeah. That was a big factor in the
12 outcome of the election. I tell you, there's an interesting
13 story about how that happened too.

14 Now, I had a good record as DA, if I do say so myself.
15 So the newspapers were -- they wouldn't have endorsed me if they
16 hadn't felt like I had a good record. But there are two areas
17 that I think resulted in my being able to get the newspaper
18 support that I did.

19 And the first one was my dear friend, Julian Butler,
20 from Huntsville. He was very close to the editor of the
21 *Huntsville News*, which was the morning paper at the time in
22 Huntsville. And I knew him -- the editor a little bit, but
23 Julian was one of his best friends. And so he got behind me and
24 enthusiastically wrote this early, early endorsement that was
25 just a glowing endorsement. And he, in turn -- Tom Langford had

1 been kind of a protege of Vincent Townsend, who was the guy who
2 pretty much was the head honcho at the *Birmingham News*. And so
3 Tom Langford got Mr. Townsend interested in me. And so that
4 started a -- kind of a chain reaction.

5 But there's -- I said two factors. There were really
6 three. I also was very close to the people at the *Alabama*
7 *Journal*, Ray Jenkins, because of my friends Wayne Greenhaw and
8 Tom Cork. And so Ray Jenkins and the *Alabama Journal* endorsed
9 me fairly early on.

10 But then the best part of the story has nothing to do
11 with anything other than family and connections. My uncle, my
12 favorite uncle, was a traveling salesman for a paper company.
13 He sold newsprint. And he was my mother's younger brother, and
14 I loved him all my life. He was -- but he traveled all over the
15 state calling on weekly newspapers. And he was a very likable,
16 outgoing person; and so he knew every weekly newspaper owner and
17 publisher by selling their newsprint to them. And so he made it
18 a campaign to get them to endorse his nephew.

19 And, now, if I hadn't had a good record and probably if
20 I hadn't also been endorsed, by then, by the *Huntsville Daily*
21 and the *Alabama Journal*, they might not have been so eager to
22 please. But nearly every weekly in the state that endorsed
23 anybody endorsed me. There were one or two that might have gone
24 with my opponent; but overwhelmingly, they endorsed me. And the
25 reason was my uncle was friends with them from selling them

1 newspaper print.

2 MR. ROYER: You won the election and were sworn in on
3 January the 18th, 1971. You were 29 years old and were the
4 youngest Attorney General in the country. And as you said, a
5 lot different than the previous Attorney General. Tell me what
6 the first thing you did was when you came into office.

7 MR. BAXLEY: Well, I'm not sure about the times of
8 what. But the first thing I remember doing was the night before
9 I got sworn in, they had issued us a certificate of election and
10 a badge and other credentials, including -- this was before the
11 days of the 800 numbers. They had a little card that had all
12 the major cities in Alabama -- 10, 12, 15 of the major cities --
13 and it had a phone number for each city.

14 And the way it would work, if you were in Decatur or
15 Mobile or Florence or Dothan, you'd pull out that little card
16 and see that number. It would be a local phone number in
17 Decatur or in Florence. And so you dialed that number, and it
18 would ring at the state switchboard in Montgomery. And then one
19 of the ladies that worked the switchboard, you know, they would
20 recognize your voice. And you'd say, "How about ringing my
21 office?" Or you could say, "How about ringing so-and-so's
22 office?" or, "How about hooking me up to this number in Mobile?"
23 if you were in Decatur. And so they would plug you in and ring
24 it for you in Mobile.

25 And so I knew that I would be using that little card

1 very frequently. So I sat down and, in each corner of that
2 little card, I wrote one of those little girls' names that had
3 been killed in the church bombing back in '63. And that was one
4 of the things I was determined I was going to try to solve. And
5 so I wanted to be reminded every time I used that card that I
6 wanted to try to, if I could, solve and prosecute the people
7 that were responsible for killing those little girls. And I
8 wanted to be reminded of it every time I used that card.

9 And so one of the first things that we did was go over
10 and start looking through the files of the state troopers. And
11 then later we got copies of the files from Birmingham police and
12 Jefferson County police and started working on that bombing
13 case.

14 We also started -- at some point fairly soon I made a
15 list of all these cases that had been filed to try to hold back
16 the tide of justice, I suppose would be a good way to describe
17 it, suits against -- to try to block efforts to let black people
18 serve on juries, to vote, all kinds of school cases and other
19 cases, just -- and I made a list of all those that the State
20 was -- had filed and brought.

21 MR. ROYER: These were lawsuits that had been filed by
22 the previous Attorney General.

23 MR. BAXLEY: Yes. Yes. Absolutely. They were pending
24 lawsuits.

25 And so I determined at a fairly early point -- I can't

1 remember, again, the time -- that I was going to dismiss all
2 those. And so after we got them together and checked them out,
3 there's a good story about -- that was eye opening to me about
4 that.

5 I told my staff to get them dismissed. And the head of
6 our civil division, who was not one of my appointees, who was a
7 merit system person, was a man named Gordon Madison, a very
8 distinguished gentleman. And he was elderly. He was my daddy's
9 age; was friends with my daddy. And Mr. Madison was head of the
10 civil division and was -- in my opinion and I think most
11 people's opinion, was by far the most able, best lawyer in the
12 AG's office before I brought in my group. And he was a very,
13 very able lawyer. Went to the University of Virginia. He was
14 originally from Tuscaloosa. But he would have been the one that
15 would have had to go dismiss them, because he was the one that
16 was handling the cases.

17 And so the morning that -- he'd went down and dismissed
18 all those cases or filed, wherever they were pending. The bulk
19 of them were in Judge Johnson's court in the Middle District.
20 So that afternoon Lucy, who was my confidential assistant, came
21 in and said Mr. Madison wanted to see me. And I thought, "Oh,
22 my gosh." And I didn't have any idea about his beliefs or
23 anything like that. And I thought -- all I thought of, what
24 popped in my head, was, "He's going to be so upset about having
25 to dismiss those lawsuits that he's going to quit or retire or

1 resign and -- as a matter of principle over it because he
2 disagrees with me. And it's going to be a bunch of bad
3 publicity right here at the beginning for me, as a young
4 upstart, coming in and running off a distinguished lawyer like
5 Gordon Madison."

6 And I said, "Tell him I'm real busy and see if he can
7 see somebody else."

8 And she said, "No, he says he's got to see you
9 personally."

10 And so I said, "Well, tell him I'm busy. He's just
11 going to have to wait."

12 So I was dreading it. And I let him sit out there
13 outside my office for a long time and -- thinking that maybe he
14 would give up.

15 And it got past quitting time. He was still out there.
16 And so I said, "Well, I'm going to have to take my medicine
17 sooner or later."

18 So at some point I called him in and was just dreading
19 what he was going to say and do. And so he sat down, said,
20 "Bill," or "General, I just wanted to come in and see you
21 personally and look you in the eye and shake your hand and thank
22 you for giving me the opportunity to dismiss those cases today."
23 Said, "This is the first time in a long, long time, quite a few
24 years, that I've been able to walk out of a federal courthouse
25 with my head held high. And I wanted to look you in the eye and

1 thank you for letting me do that."

2 And it still kind of makes chills come over me to think
3 about Mr. Madison saying that. It was so opposite of what I was
4 expecting.

5 MR. ROYER: There were a number of lawsuits pending,
6 one of which was a lawsuit involving the Milk Control Board.
7 And you did something in that lawsuit that had never been done
8 before in Alabama.

9 MR. BAXLEY: Yeah. That was an issue that I felt like
10 was popular with the public. It was -- the Milk Control Board
11 controlled the price of milk. And milk just simply cost more at
12 the retail level in Alabama than it did in any other state
13 around that I knew of. And there had been several suits
14 against -- trying to knock this out; and, of course, the
15 Attorney General's Office always defended the Milk Control Board
16 because it was created by a legislative act. And so I thought
17 that -- I want to file a motion -- I don't want to be open to
18 where somebody could criticize me for not representing the State
19 and doing my duty. So there was one pending in front of Judge
20 Johnson --

21 MR. ROYER: In the Middle District?

22 MR. BAXLEY: In the Middle District. Uh-huh.

23 -- attacking the Milk Control Board. And so I filed a
24 petition -- I went down to see Judge Johnson and told him that I
25 was getting ready to file this petition. And so we filed a

1 petition that I be allowed to change sides and not required to
2 represent the State blindly and, instead, I be allowed to
3 represent the people in what I thought was right, especially if
4 I thought the state action was wrong. And I thought that, A,
5 this was on the popular side of what people wanted anyway on
6 that issue. But B, if I got that ruling from Judge Johnson,
7 that that would allow me, in the future, to have a freer hand on
8 other issues that might not be so popular.

9 And so Judge Johnson convened a three-judge panel. And
10 it was Judge Rives, Judge Johnson, and I can't remember who the
11 third one was.

12 MR. ROYER: I have the opinion, but it doesn't say who
13 the third judge was.

14 MR. BAXLEY: I bet it does on the bottom.

15 MR. ROYER: Oh, here. Judge Pittman.

16 MR. BAXLEY: Yeah. Judge Pittman. Judge Virgil
17 Pittman. That's right.

18 And so the three-judge panel -- Judge Johnson, Judge
19 Rives, and Judge Pittman, one circuit and two district -- ruled
20 that the Attorney General could represent his conscience and was
21 not bound to represent every state agency. And I thought that
22 was a wonderful precedent to give me some freedom to argue for
23 the causes that I believed in the whole rest of the -- and I did
24 the rest of my two terms.

25 And an interesting postscript to that. After I won

1 that issue and was allowed to switch sides, so to speak, in the
2 milk control issue, Judge Johnson ruled against me on the Milk
3 Control Board matter. And so we didn't get to knock out the
4 Milk Control Board at that time. Later it -- we were able to do
5 it another way. But Judge Johnson ruled what he felt was right
6 and probably was the law, that if the Legislature was fool
7 enough to pass such a law, that it was up to the people to
8 remedy it at the ballot box.

9 MR. ROYER: That case established an important
10 precedent. And that was as Attorney General, you didn't have to
11 blindly represent state agencies when you thought they were in
12 the wrong.

13 MR. BAXLEY: Yes. Absolutely. I think that more AGs
14 across the country, to this day, ought to cite that as
15 precedent.

16 MR. ROYER: You instituted an interesting policy
17 shortly thereafter with regard to law enforcement officers who
18 had been charged with criminal offenses in federal court and in
19 state court. And tell me about that.

20 MR. BAXLEY: Okay. I had always had good relations
21 with most of the law enforcement agencies -- all of them that I
22 had ever worked with. And I taught in the police academy the
23 whole time I was DA and continued to do so for a while as
24 Attorney General. And I felt like that most of the law
25 enforcement officers in Alabama were honorable, good people. Of

1 course, you have some bad eggs and some rotten apples in every
2 barrel. But most of them I felt like were good, honest people
3 where if they have the proper leadership and backing would do
4 what was right and if they were shown the correct way to go.

5 And so sometime fairly early in my first year, I think
6 probably about May or so, the first black sheriff in Alabama,
7 Lucius T. Amerson from Macon County, got charged in federal
8 court and got indicted for violating civil rights. He and his
9 chief deputy, a deputy named Coleman, Deputy Coleman -- they
10 were both African American, and they got indicted for violating
11 the civil rights of a prisoner.

12 And the facts in the case were this prisoner was pretty
13 rowdy, and he broke loose from -- somehow or other in the jail
14 and seized some pistols and ran jailers off and barricaded
15 himself in the jail and was shooting and threatening to shoot.
16 And so they finally had to come in and I think shoot tear gas --
17 a long standoff. And when they finally subdued him, the sheriff
18 and Deputy Coleman were not exactly gentle with him. They, I
19 mean, didn't -- no life-threatening injuries, but they didn't
20 treat him with kid gloves either.

21 But I felt like, all in all, that it was wrong to
22 charge any law enforcement officer under the facts in that case
23 with what they did. But in addition, I felt like this one had
24 the racial overtones. He was the only -- first black sheriff --
25 I think still the only black sheriff in Alabama. And for a

1 black sheriff, the first to be convicted of violating the civil
2 rights at that time, I thought would be a huge setback to trying
3 to have more representative law enforcement officers because
4 very -- there were very few black officers anywhere in Alabama
5 at that time. And I thought it was -- and so I felt like that
6 if I came in, instead of saying, "I'm just going to defend
7 Sheriff Amerson" -- because it would be a bad precedent because
8 of his race -- that I would announce a policy that we would back
9 law enforcement. And we would investigate the case, and if we
10 felt like the officer was acting in good faith and he wanted us
11 to -- of course, I'm saying "he," because there weren't any
12 "she" officers much at the time either -- but that we would
13 either assist with his own counsel of choice or defend him
14 ourselves.

15 And so I got the officers of the state police
16 organizations and announced that that was going to be our
17 policy. And then I announced pretty soon after that that the
18 first one I was going to defend was going to be Sheriff Amerson.
19 And so we tried the case in front of Judge Varner in the Middle
20 District. We tried it in front of a jury in Opelika.

21 MR. ROYER: Who prosecuted it?

22 MR. BAXLEY: Ira DeMent, Judge DeMent, and Broward. My
23 two favorite federal prosecutors of all time. They were good --
24 tough, tough, tough, but good. And I just -- I loved them both.
25 But they -- when you went up against either one of them, you had

1 your hands full too. And so we tried it. It was touch and go.
2 But the jury -- best I remember, it was an all-white jury. It
3 might not have been, but I think it was. And they acquitted
4 Sheriff Amerson and Deputy Coleman.

5 And then later I tried another series of cases with two
6 white state troopers that Judge DeMent and Broward prosecuted.
7 Again, I thought they were -- the officers had acted without
8 being -- I thought they acted within the line and scope of their
9 authority and exercised judgment that I didn't find out of -- I
10 didn't think the conduct was enough to be prosecuted criminally.
11 And we tried those in Opelika, and both of those were in front
12 of Judge Varner, and we won not guilty verdicts on both of those
13 too. But I tried several over the whole eight years of
14 officers, and other people in our office tried several.

15 MR. ROYER: You defended Sheriff Purvis in Mobile, as I
16 recall.

17 MR. BAXLEY: Yes. Now, Sheriff Purvis was a little bit
18 different in that we were in a support role with Sheriff Purvis.
19 He had his own lawyer, Barry Hess, who was a very able lawyer in
20 Mobile. And we came in and played a supporting role and were
21 able to kind of fund some of the expenses, the State was. But
22 our -- our help with Sheriff Purvis -- I enjoyed what we did and
23 thought we were right, but the heavy lifting was done by Barry
24 Hess in his case.

25 But we had a good record of the ones we defended. I

1 don't remember that we lost any of them.

2 MR. ROYER: I think, all told, the office represented
3 six to eight law enforcement officers.

4 MR. BAXLEY: That's probably -- probably true. Maybe a
5 couple more. I don't know.

6 MR. ROYER: When you came into office in 1971, the
7 State's antipollution laws were notoriously weak. And there was
8 a significant amount of air pollution in Birmingham. And you
9 filed a lawsuit in the spring of 1971 against U.S. Steel, U.S.
10 Pipe & Foundry, and another other -- a number of other large
11 manufacturers. Tell me about that.

12 MR. BAXLEY: Well, I had gotten involved with wanting
13 to establish an environmental division because the State, up
14 till then, had never done anything to try to protect the
15 environment.

16 And so I hired Hank Caddell, who was a native of
17 Decatur. And Hank had gone to school at the University of
18 Alabama and then went to law school at Harvard. And Hank was a
19 brilliant guy who -- he got admitted into medical school at
20 Johns Hopkins and law school at Harvard and finally chose going
21 to law school. And Hank wrote me and said -- when he was a law
22 student and said that he was interested in what we were doing
23 and would like to talk about coming back and going to work in
24 the office and working in the environmental field.

25 So I created an environmental division, the first one

1 ever, and made Hank the chief of it. Then he later hired all
2 kind of brilliant young people that -- or we hired them -- that
3 wanted to work on the environment. And they did a lot of things
4 that I thought were groundbreaking that I was very proud of.

5 But the one you're talking about, the suit on the
6 Birmingham air pollution, it was against all -- a lot of the
7 heavy industry leaders here in Jefferson County. And as I
8 remember, I think George Beck headed that up, my Deputy Attorney
9 General, one of the best lawyers in -- right now, as we speak,
10 is the United States Attorney for the Middle District. George
11 is one of the best lawyers this state's ever had.

12 And we went, as I remember, under the negligence and
13 nuisance theory. And we didn't have much -- that much to go on
14 at the time as far as statutory protection, which we later got
15 some fairly decent laws passed. But I think that George tried
16 that one mostly under the nuisance doctrine.

17 And without going to trial, when the businesses -- they
18 didn't do this right away. But after a period of time, when
19 they saw that we were serious and that we weren't going to back
20 down and they couldn't exert pressure on us to -- they tried to
21 do the "going to cost us jobs," blah, blah, blah, blah, get us
22 to back off that way and put pressure on us and get some of the
23 editorial writers against us and "this is anti-business," blah,
24 blah, blah.

25 But when they finally saw that we weren't going to back

1 down -- and it took I don't know how many months for that to
2 sink in -- I think that all of them ended up settling. And we
3 came in and they started making improvements. I know U.S. Pipe
4 was the first one to come in and propose a settlement, and U.S.
5 Steel was the toughest one. They finally did.

6 And there's an interesting story about how that
7 happened. I was a very big fan of one of our circuit judges in
8 Talladega named Bill Sullivan, William Sullivan. And he somehow
9 had gotten to be friends with the chairman of the board of U.S.
10 Steel. And so early one morning at my apartment -- Judge
11 Sullivan had my home number. He called me and woke me up very
12 early and said the chairman of the board of U.S. Steel wanted to
13 settle. And so, I said, "Am I hearing you right, Judge?" And
14 sure enough, we got a settlement.

15 And U.S. Steel put in what we felt like was
16 state-of-the-art equipment and cost them millions and millions
17 of dollars. And I thought at the time that that was a wonderful
18 investment, because I thought with them spending all that money
19 here in Birmingham, that they -- they never would close and shut
20 down that facility. But that didn't turn out to be true.
21 Fast-forward 20, 30 years later, they shut it down. But --

22 MR. ROYER: There was a story that your mother heard
23 your name on a radio show --

24 MR. BAXLEY: Oh, yeah.

25 MR. ROYER: -- in connection with that lawsuit.

1 MR. BAXLEY: That was -- my mother was a great fan of
2 Paul Harvey, who had a radio program. And I was never a fan of
3 Paul Harvey's. But she just wouldn't miss Paul Harvey's radio
4 news show. And so one day on that pollution suit, Paul Harvey
5 had something called I think "The Rest of the Story." And so
6 "The Rest of the Story" that day was about me and my effort in
7 that pollution -- group of pollution lawsuits. And so my mother
8 was just beside herself. She was so happy that her little boy
9 was being mentioned by Paul Harvey on the Paul Harvey radio
10 news.

11 MR. ROYER: Now, some of your supporters in Birmingham
12 were dismayed by the filing of that lawsuit.

13 MR. BAXLEY: Yeah, quite a few of them were. One of
14 my -- one of the men I admire a lot and was very respected in
15 the business community was a man named Mervyn Sterne. And he
16 had founded Sterne, Agee & Leach, which was an investment
17 banking firm over a hundred years old till they sold out last
18 year. Mr. Sterne passed away years ago.

19 Mr. Sterne was a good, good person. He supported me
20 because he -- his heart was in the right place on the civil
21 rights issue. And so Mr. Sterne supported me and was a
22 contributor, but he also was a big -- big part of the business
23 community in Birmingham. So the business community thought that
24 what -- they honestly thought that what I was doing was bad for
25 business and bad for jobs, and so several of them got pretty

1 upset. Mr. Sterne called me and was very anguished about these
2 lawsuits; and for a while, I was worried about whether
3 Mr. Sterne was going to remain my friend.

4 But I had a good friend that worked for Mr. Sterne, and
5 he called me, oh, a week or so after Mr. Sterne had told me he
6 was upset. And he said, "I don't think you're going to have to
7 worry about Mr. Sterne being upset with you anymore."

8 And I said, "Good. Good. That's wonderful news.
9 Why?"

10 He said, "Well, we got a pollution alert this morning.
11 And right before noon, his doctor called and said, 'Mervyn, you
12 need to get on home over that mountain and get inside, because
13 this pollution alert is going to kill you if you stay downtown
14 and breathe this air very long.'" He said, "I think Mr. Sterne
15 might switch sides and be on your side."

16 MR. ROYER: When you came into office, Alabama had a
17 judicial system that stretched back to the common law. One of
18 its facets was the "justice of the peace" system. And justices
19 of the peace no longer exist, but they did then and were a
20 fairly important cog in the judicial machinery. But there
21 was -- there was a problem with the way justices of the peace
22 dispensed justice. If you would tell us about that.

23 MR. BAXLEY: Well, JP courts, they were elected in
24 various little districts around. And you didn't have to have
25 any legal training to be a justice of the peace. And the real

1 problem with them -- I mean besides the fact you had no legal
2 training --

3 MR. ROYER: They would handle misdemeanor offenses --

4 MR. BAXLEY: Yes.

5 MR. ROYER: -- traffic offenses and minor offenses --

6 MR. BAXLEY: Yes. Traffic offenses, misdemeanor
7 offenses, maybe some assault and batteries and things of that
8 nature. Any misdemeanor could go to a JP court as well as to
9 county courts, district courts.

10 But the JPs didn't get a salary, and they only got paid
11 by fees that were paid as part of court costs. And so the only
12 time that you owed court costs was if you were found guilty, so
13 the JPs could only be paid if they found somebody guilty. And
14 so that really shocked my conscience; and I felt like it was
15 just horribly wrong to have a system where the judge's, so to
16 speak, livelihood depended on finding you guilty. And that's --
17 as common knowledge -- we did more investigation -- the
18 conviction rate in JP court was astronomical, I mean like 99.9
19 percent, and most JPs, it was 100 percent. And so -- I mean,
20 you had a few around that would try to be impartial and took the
21 oath of office seriously, but most of them felt like it was
22 their duty to find the people guilty.

23 So I started trying -- and they were pretty
24 entrenched -- to figure out a way to get rid of the "justice of
25 the peace" system and finally decided the only way to really do

1 it was issue an Attorney General's opinion. So we issued an
2 Attorney General's opinion saying it was unconstitutional. We
3 opined it unconstitutional, as I remember.

4 MR. ROYER: The Attorney General could issue opinions
5 to state officials --

6 MR. BAXLEY: Yes.

7 MR. ROYER: -- that were official pronouncements of the
8 State.

9 MR. BAXLEY: Yes. They weren't binding like court
10 rulings. But if somebody relied on one, then they were
11 protected under it by following it.

12 And so then there was another part -- aspect to being
13 Attorney General. In Alabama, the Attorney General had more
14 power, more organic and constitutional power, than most states.
15 And the Attorney General can take over any case anywhere in the
16 state, can take it over, assign it to another DA, or whatever --
17 come in, assign it to one of his assistants. And so I announced
18 after that opinion that we were going to take over any case in
19 JP court and dismiss them. And so if you want to get -- any
20 officer that wanted to have a chance to get their case not be
21 dismissed had to put them in the regular court system.

22 And then later, under I think -- I reckon the judicial
23 article, they came back and did it the proper way by
24 constitutional amendment and abolished JP courts once and for
25 all. But we had effectively abolished them for a couple of

1 years before the judicial article passed because we just didn't
2 allow any more cases to go there.

3 MR. ROYER: In addition to filing the anti-pollution
4 lawsuit in Jefferson County against the steel industries, you
5 also began a very active role in protecting the environment in
6 Alabama. You filed, for example, a lawsuit to cease strip
7 mining in the Bankhead Forest and filed some lawsuits in Mobile
8 over oil leases and over shell dredging in the Bay. Tell us a
9 little bit about that role of the Attorney General in those
10 lawsuits and in protecting the environment generally.

11 MR. BAXLEY: Well, until we came in, there was no role
12 for the AG. He -- there had never been anything that I think
13 that the AG had done. And I don't think there were many states
14 where the AG was active. There were a couple where they were
15 beginning to get active. But after I hired Hank Caddell -- I
16 mentioned him earlier -- he brought in these real bright,
17 aggressive legal minds. And that became probably our most
18 active division in the office. And they came up all over the
19 state with various lawsuits in various environmental concerns to
20 address them, rectify them, stop them.

21 And you mentioned strip mining. That was a big part of
22 it. The one in the Bankhead Forest was an early one.

23 MR. ROYER: There were no state laws of any real
24 consequence that regulated strip mining back in those days.

25 MR. BAXLEY: No. We were able to get a fairly good,

1 for the time, water pollution statute passed and air pollution
2 statute. But I remember Ben Erdreich was in the -- and Chriss
3 Doss were in the house, I believe. And I don't want to leave
4 anybody out, but they were, I think, active in that. And then
5 Hank and his group -- gosh, we had so many in there that were
6 outstanding, Rick Middleton and Gil Kendrick and -- I think you
7 were in there for a while, George.

8 MR. ROYER: I was.

9 MR. BAXLEY: Yeah. George Royer.

10 And we -- and we had others who would come in that were
11 in other divisions that would come in and help out. And
12 everybody in the office just pitched in and helped. You might
13 be in the criminal appellate division; but if you could pitch in
14 in the consumer division or the environmental division, they
15 would do it.

16 We -- the best thing -- I've told a jillion people
17 this. The best thing that I ever did in my public career was
18 the people that I brought back in office. We had the best group
19 of people in that office that I've ever known of to be assembled
20 in state office.

21 MR. ROYER: At one time you had more Ivy League lawyers
22 than any law firm in the state.

23 MR. BAXLEY: Probably did. And I've been told -- I
24 don't know -- I can't vouch for this. I've been told at one
25 time we had -- more than 50 percent of the female lawyers in

1 Alabama were in our office. And I think somebody told me that
2 50 percent of the black lawyers were in our office. I don't
3 know if that's accurate. I suspect it's true of the females.

4 But we had -- those environmental lawsuits, that was
5 very interesting. That shell dredging lawsuit we filed in
6 Mobile Bay and then the one against Mobil Oil on the drilling in
7 the Bay was interesting. I can go into more detail on those if
8 you want me to or --

9 MR. ROYER: Tell us -- there are some interesting
10 stories behind the Mobil Oil oil lease lawsuits.

11 MR. BAXLEY: Okay.

12 MR. ROYER: Tell us about that.

13 MR. BAXLEY: When it -- they had leased -- when the
14 prior administration signed the first leases in Mobile Bay and
15 Mobil had bought, I think, the bulk of the leases. And they
16 paid a fraction of what it turned out probably the going rate
17 should have been. And we had some environmental concerns about
18 drilling in the Bay because Mobile Bay and the delta north of
19 Mobile is a very, very rich, abundant area of -- important to
20 the ecology, and they're very fragile, very, very -- extremely
21 fragile.

22 And so we felt like that the -- there weren't proper
23 safeguards there in case there was an accident, and we tried to
24 block the drilling by Mobil. And so we filed a lawsuit against
25 them. And we were in circuit court in Baldwin County, state

1 court, and it drug on for two or three years. And it -- we
2 ended up -- I don't want to get ahead of myself, but we ended up
3 losing the lawsuit; but it took three or four years, maybe more.

4 And so after we lost the lawsuit, Chevron had had a
5 lease and won some bids in the Mobile Delta, which was north of
6 the Bay. And so they were represented by a lawyer named Sage
7 Lyons, who was the -- had been speaker of the house. And Sage
8 came to see me one day and said, "You know, I represent Exxon,"
9 and said, "We want to drill on our lease that we won in the
10 Delta, and we don't want to have to fight y'all. And we know
11 you lost your Mobil case and you'll lose in ours, but you were
12 able to tie them up three or four years. And we don't want to
13 be tied up three or four years. And so I want to make you a
14 proposition. If you will tell us what you want us to do
15 environmentally, make us a list, we'll sign on and make an
16 agreement and do it in writing and do everything that you want
17 us to do on that list."

18 And I said, "Well, Sage, I've got to run it by my
19 folks, but," I said, "that sounds to me like it's something we
20 want to do." And I said, "Let me talk to them, and I'll get
21 back with you."

22 And so I called Hank and set up a -- go to lunch. You
23 went, I think Kendrick went, and Hank and I forgot who else.
24 And we went out to this restaurant, Martin's, that still has
25 good vegetables. And so I told everybody, Hank being the chief

1 of the division, what Sage had said, that I thought we ought to
2 do it and I needed them to come up with a list of what
3 protections we wanted and what we wanted them to do, and be
4 reasonable about it, but be tough.

5 And so Hank didn't want to do it. And I said, "Hank, I
6 don't understand this." And most of the others at the table, as
7 I remember, were more reasonable about it and realized it was a
8 good deal for us, because we had lost in the end our lawsuit
9 against Mobil and would eventually lose one, on that -- with
10 that precedent, against Chevron.

11 So I had some help from his other people of trying to
12 get Hank into agreeing that we would do that. And so I said,
13 "All right, Hank." He finally caved in. Says -- and I said,
14 "All right, Hank. You get me a list. What do you want them to
15 do? Let me make the list. You call out what you want them to
16 do." And so Hank -- I never will forget -- he stretched his
17 fingers like that, said, "Well, first thing I want them to do is
18 to sell all their goods and donate the proceeds to the poor."

19 And we finally got Hank to come off of his magic
20 carpet, and we got a pretty good list of protections that we
21 required. And they signed on and, as far as I know, lived up to
22 everything they said they would do.

23 MR. ROYER: Alabama had, when you came into office, a
24 very strange set of laws that dealt with draft beer. If you
25 would, tell us about that and what you tried to do about it.

1 MR. BAXLEY: Okay. Well, I loved draft beer. And you
2 could only get draft beer under the law in one county, and that
3 was Baldwin County. And the reason was the beer distributors
4 didn't want to fool with draft beer. It had a much shorter
5 shelf life and required refrigeration, and the profit margins
6 weren't nearly as great for draft beer. So the beer
7 distributors didn't want to have draft beer all over the state.

8 But when they passed the law originally, in the law was
9 a little quirky statement that said you can't have draft beer
10 except for those counties that have a -- it might have said
11 predominantly foreign ancestry population. And they were
12 talking about Germans. And so the determination was made that
13 the only two counties that could have draft beer were Baldwin
14 and Cullman, because they had sizable German populations. Well,
15 Cullman was dry, and so Baldwin was the only place we could get
16 draft beer.

17 So I filed a lawsuit -- I think it was in federal court
18 in the Middle District -- and said that this -- this was
19 unconstitutional in application, I believe, in its application,
20 because it singled out a small group that got this benefit to
21 the exclusion of all others. And I think in the alternative, it
22 said it should apply statewide to any county that is not
23 majority American Indian population, because every other county
24 has a predominance of foreign-born population. And I felt good
25 about my legal strategy.

1 And I never will forget. One of my good friends from
2 law school was former -- retired Alabama Supreme Court Justice
3 Champ Lyons. And Champ, at the time, was practicing in
4 Montgomery. So Champ, like I did, loved draft beer. And Champ
5 got hired by the beer distributors to be on the other side of
6 that lawsuit. So Champ says, "Well, it was the first real test
7 of me being able to litigate an issue and give it my all when I
8 philosophically was on the other side." And so Champ ended up
9 beating me in the case. We lost that case. But that was kind
10 of a -- I reckon some might call it a diversion; but to me, I
11 thought it was important.

12 MR. ROYER: You have, of course, as you've told us,
13 defended law enforcement officers that you believed were in the
14 right when they acted. But you also had several law enforcement
15 officers that you prosecuted during the years you were Attorney
16 General. And the first one was a sheriff in Talladega County
17 who had been a supporter of yours. If you would, tell us about
18 Luke Brewer and the investigation and what ultimately happened.

19 MR. BAXLEY: Okay. Luke Brewer -- he had been a
20 supporter of mine. Helped me get elected. And he was one of
21 the true characters that I ever met. He was a real character.
22 But he had gotten -- maybe he had always been -- I don't know --
23 but he had gotten to where he was taking some positions that
24 were pretty -- pretty terrible. It had to do with enforcing
25 bootleggers. And there were two judges in particular, a county

1 judge and a circuit judge, that were taking a position that the
2 laws ought to be enforced about bootlegging. And they were
3 pretty hot after the sheriff about not enforcing them.

4 Now, Talladega had two judges. One was Judge Sullivan
5 I mentioned earlier. And Luke let Judge Sullivan alone. He
6 knew not to mess with Judge Sullivan. But the other circuit
7 judge was Judge Powers, Bill Powers, and the county judge was
8 Judge Myron Waits. And so Luke got to where -- I think he got
9 to drinking his self. And he started going in there and just
10 dog cussing and threatening Judge Waits and Judge Powers and
11 threatening physical harm and political harm and all kind of
12 other things.

13 And Judge Waits had an ear that was, I reckon -- he
14 didn't have an ear or just a little bitty part of an ear. And
15 Luke went in there, and they started recording him and his
16 threats. And I've got transcripts of the -- just vulgar, vulgar
17 talk, threatening two judges. And he called -- he told Judge
18 Waits, said, "I'm going to stomp you in the ground, you
19 crop-eared SOB." And I thought -- and, of course, the DA, who
20 was a nice fellow -- but he didn't have the stomach to take on
21 Luke, who had a -- was pretty powerful in the county. He had
22 been sheriff probably 20, 24 years.

23 And so when it came out and I started reading what Luke
24 was doing to those judges, I knew that something had to be done.
25 So that was the first time since Phenix City that the Attorney

1 General's office had come in and gotten actively involved in an
2 impeachment. And so we investigated it and used state
3 investigators and worked up a case and ended up trying the
4 impeachment trial before the Alabama Supreme Court.

5 Back then we only had -- they had to build a witness
6 stand. And the only other impeachment that had been tried
7 before then was one that I had tried when the Attorney General
8 had sent me, as the DA, to try the impeachment trial on the DA
9 in Madison County. I mentioned that earlier. This was back in
10 the sixties.

11 And so then in '71 -- I reckon we started the
12 investigation of Luke in '71. Probably went to trial in '72,
13 and we were successful. And the Supreme Court, for the first
14 time in many, many years, removed a sheriff. I think the last
15 one was Oliver McPeters in Madison County back in the forties or
16 so.

17 MR. ROYER: Back during that period of time, the
18 Supreme Court had exclusive jurisdiction to handle impeachment
19 proceedings against constitutional officers.

20 MR. BAXLEY: Yes. Yes. And -- except for the senators
21 and representatives, which had to be done by the Legislature --
22 the house that they were in.

23 MR. ROYER: Bill, this is a wonderful old photograph.
24 Tell us about this photograph, who's in it, and what the
25 occasion was.

1 MR. BAXLEY: This was in January of 1975 on
2 Inauguration Day when I was taking the oath of office for my
3 second term as Attorney General. And I was up there taking the
4 oath and looking out at the crowd, making my talk, and you
5 couldn't miss Big Jim Folsom in the crowd. Then I looked and
6 saw Judge Johnson. Judge Frank Johnson was there. And that --
7 it really had a special meaning for me that Judge Johnson, who
8 was one of my heroes, that he would come up there and stand in
9 that cold for my swearing-in. So after, I went down in the
10 crowd and was lucky to get a picture of -- with Judge Johnson
11 and Big Jim. And that's one of my favorite pictures.

12 MR. ROYER: Bill, we talked earlier about when you
13 established the precedent through your suit against the milk
14 board that you could intervene in lawsuits where you felt that
15 the interest of the people of the State was not being properly
16 represented by the State's defense or participation in the
17 lawsuit. And you later took that precedent one step further,
18 and you actually filed suit on behalf of the citizens of the
19 State against state agencies that you felt were in the wrong.

20 And tell us a little bit about a lawsuit that you filed
21 against two state agencies, the State Sovereignty Commission and
22 the Commission to Preserve the Peace. And if you would, for
23 those of us who don't remember, tell a little bit about what the
24 State Sovereignty Commission was and what the Commission to
25 Preserve the Peace was.

1 MR. BAXLEY: The Sovereignty Commission and the
2 Commission to Preserve the Peace were both created for the sole
3 purpose to try to preserve segregation and try to hold back the
4 civil rights movement. And they were passed in the sixties.

5 The Sovereignty Commission was more active than the
6 Commission to Preserve the Peace, and they did some harmful
7 things, actually. They interfered in voter registration in
8 quite a few counties. And they had their own expert on how to
9 get around federal -- the federal voting rights law and other --
10 and judicial decisions. And they got involved in jury -- trying
11 to keep as many all-white juries as you could, nonrepresentative
12 juries.

13 So at some point I got the guys in my office to come up
14 with some theories that we could probably put them out of
15 commission, hopefully. And we ended up filing suit against both
16 the State Sovereignty Commission and the Commission to Preserve
17 the Peace. Mississippi also had a Sovereignty Commission, and
18 they had been in the news over the last few years with trying to
19 get their records made public. I think they were more
20 successful in Mississippi about that in recent years.

21 But we were -- we took them on. And we didn't get --
22 we didn't get them judicially declared out of commission; but
23 shortly after we filed the suit, the Legislature quit funding
24 them. So all's well that ends well, and we did away with them.

25 MR. ROYER: In 1972 Bull Connor was president of the

1 Public Service Commission. And he ran -- announced that he was
2 going to run for reelection. And you did something that was
3 unheard of for a politician, and that was to get involved in
4 another politician's race. Would you tell us about that and the
5 history behind that and why you decided to make that decision.

6 MR. BAXLEY: Okay. Of course, Bull Connor was famous
7 or infamous, being police commissioner in Birmingham and what he
8 did during the demonstrations in Birmingham. But he was an
9 almost violent segregationist. And he finally got voted out in
10 Birmingham. And after that, he ran for the president of the
11 state Public Service Commission and got elected and served two
12 or three terms. And the year that I was doing a law clerkship
13 for the Alabama Supreme Court --

14 MR. ROYER: This was right when you had first graduated
15 from law school.

16 MR. BAXLEY: Yes. '64 and part of '65. And every
17 morning and every afternoon, the law clerks would take a coffee
18 break. And we'd go across the street from the then-judicial
19 building to the state office building and -- they had a
20 cafeteria there -- and go drink coffee or get a doughnut or
21 something like that.

22 And so one day we were in there, and we had some vacant
23 seats. We had a big round table and some vacant seats. And
24 this black guy came down pushing a wheelchair with Bull Connor
25 in it. Bull Connor by then had had a stroke. And the black

1 gentleman asked us if Commissioner Connor -- it was pretty
2 crowded -- could sit at our table. And so people said yes. And
3 so he moved a chair and pushed his wheelchair up there. And
4 then, of course, the black gentleman couldn't sit down, because
5 blacks weren't allowed to sit down in the state cafeterias. And
6 so he had to go over there and stand behind against a wall.

7 And Connor just -- it was infuriating to me because of
8 his racist language. And he started telling all these terrible,
9 terrible stories. And he was proud of all the racist acts he
10 had done in Birmingham, was thinking that we were all interested
11 in them, I suppose. And so he told the -- used horrible
12 language. And I thought, "How can somebody sit there -- this
13 black man is caring for him, coming and wiping his mouth when he
14 would get crumbs all over it and then going back over there and
15 pushing him around everywhere and lifting him up. And how can
16 he use language like that and be so insensitive?"

17 And then he started telling a story that really got
18 under my skin. He was bragging about when he was police
19 commissioner what he had done to Eleanor Roosevelt. And
20 Mrs. Roosevelt, she was -- my grandmother just loved Eleanor
21 Roosevelt, and I admired her greatly. And he told these
22 terrible stories. He bragged about almost roughing her up and
23 having his police taking her and putting her outside of
24 Birmingham, saying, "You can't come back to Birmingham. We're
25 going to arrest you." And I thought, "This is the most awful

1 thing to sit here and listen to this."

2 And so fast-forward. That was in '64 or '65. And --
3 well, seven years later, I'm well into my first term as Attorney
4 General. Bull Connor is still president of the Public Service
5 Commission, and he's running for reelection. And he had four
6 people running, I think, three running against him. And he led
7 the ticket by far, Connor did, and the second-place finisher was
8 a former state senator from Dekalb County, from Valley Head,
9 named Kenneth Hammond. Nickname was Bozo Hammond. And I liked
10 Kenneth Hammond very much. And so Connor led the ticket and had
11 about 48 percent of the vote and Hammond trailed, though -- was
12 the second place, but he had like 22 percent, something like
13 that. So it was going to be a runoff.

14 And I went home to Dothan and was watching television
15 one Sunday afternoon, and they had some kind of program about
16 the demonstrations that had gone on in Birmingham in the
17 sixties. And they had footage of Bull Connor doing these
18 terrible things and ordering the firemen to shoot hoses at the
19 marchers and the police dogs biting, attacking innocent
20 marchers. And I sat there and watched that, and I thought --
21 and I thought back on that encounter that I had had with him
22 when he talked about Eleanor Roosevelt in the coffee shop. And
23 I said, "You know, I want to do something, if I can, to let that
24 man know that the people of Alabama have defeated him. Before
25 he dies, he needs to know that they've rejected him."

1 And so I got back to Montgomery that Sunday night, and
2 the next day called Kenneth Hammond. And I said, "Kenneth, if
3 you'll let me, I'll endorse you and try to give people a reason
4 not to vote for Bull Connor. But I don't want to do it if you
5 think it would interfere." It usually was considered that it
6 would be unpopular for one officeholder to meddle in another
7 one's race. And so Kenneth said, "Well, I'm beat if you don't."
8 Said, "You can't make up this kind of lead." Said, "Connor's
9 going to win, so it ain't going to hurt anything. Go ahead."

10 And I knew that you couldn't beat Connor by saying
11 those awful things, those racist things he had done, because
12 people knew about them and still voted for him. But I thought
13 that I might could hit on something that would resound with
14 people, because I had been sending people over to the Public
15 Service Commission to represent the consumer in rate cases where
16 the utilities would try to get rates raised. And Governor
17 Wallace was doing the same thing as governor. He was sending an
18 attorney over there, Maurice Bishop, and both of us were -- his
19 attorneys and my attorneys were trying to represent the rate
20 payers. And Connor never did show up for the hearings by then,
21 but --

22 So I had a press conference; had everybody turn out for
23 it. And I said, "I have been sending attorneys over for the
24 last year and a half to represent the rate payers and the
25 consumers and taxpayers of Alabama to try to keep the utilities

1 from raising their rates exorbitantly, and Governor Wallace has
2 sent his attorneys over. And, really, as long as Bull Connor is
3 president of the Public Service Commission, we are wasting the
4 taxpayers' money, because he is going to vote with the utilities
5 every time. He doesn't attend the hearings. He rubber-stamps
6 anything the utilities want. And if you want your rates to be
7 fair and to have a fair hearing, then it's impossible to get
8 that or argue about it as long as Bull Connor is president of
9 the Public Service Commission, because he is lock, stock, and
10 barrel in the pockets of the big utilities of this state. And
11 so I want to urge you to not vote for Mr. Connor. And the only
12 way you can do that is go in and vote for his opponent, Kenneth
13 Hammond, and try to get somebody impartial on the Public Service
14 Commission, because Bull Connor will not -- is not impartial."

15 And so that made front page of all the newspapers and lead story
16 on the six o'clock news and ten o'clock news all over the state.

17 And a few days passed, and Bull Connor issued a press
18 release. He didn't come out in public. And so the press
19 release said something like, "I am astonished and astounded at
20 the impetuous young Attorney General for his action," blah,
21 blah, blah, saying this, that, and another.

22 So that gave me another opening. And I took that press
23 release and had another press conference and said, "This is
24 going to be a short one. I just want to wave" -- and this press
25 release was issued by the Public Service Commission in Bull

1 Connor's name. Of course, Bull Connor didn't come out in public
2 and say this. This was handed out. I said, "This is proof that
3 Bull Connor is not functioning, because Bull Connor has never
4 used the word 'astounded' or 'astonished' or 'impetuous young
5 Attorney General.'" I said, "I challenge him to come out in
6 front of the cameras and define those words for you. He's never
7 used them in his life. This press release was probably written
8 by the utility lawyers for the big utilities that write
9 everything else for him, write his orders for him."

10 And so sure enough, on election day a miracle happened,
11 and Kenneth Hammond made up all the ground and defeated Connor
12 fairly handily. And so I was real, real pleased. I still, to
13 this day, like Connor; but I ended up -- I mean, like Hammond,
14 but I ended up having to prosecute him later, which was sad.

15 Another interesting thing Kenneth Hammond did, at the
16 time -- at that time I still was the only person that had hired
17 African Americans in the office. They worked in the Attorney
18 General's office by then, but nowhere else. And when Hammond
19 came in, he hired the -- became the second department to hire an
20 African American. Hired John Knight, who's now still in the
21 Legislature representing Montgomery County, as his executive
22 assistant in the PSC.

23 MR. ROYER: Bull Connor wasn't the only segregation era
24 functionary that you had the opportunity to have a run-in with.
25 Tell me about Tom Turnipseed, who he was and what your encounter

1 with Tom Turnipseed was.

2 MR. BAXLEY: Tom Turnipseed was a nice-looking, big guy
3 from South Carolina. And he came down to work with the Wallace
4 campaigns for president and moved to Montgomery and lived in
5 Montgomery for years, six or eight years, I suppose. And he got
6 pretty high up in the Wallace campaign hierarchy.

7 And so it was -- would have been '71 when -- when I was
8 representing Sheriff Amerson. We mentioned that earlier. And
9 at some time during that, I took off for a weekend, went to
10 Panama City. I used to go to Panama City back then. And
11 there's a place I used to love to go to called Angelo's Steak
12 Pit. And I was at Angelo's with my friends, and Tom Turnipseed
13 was in there. And he was -- I never will forget how he was
14 dressed. He had on a white linen suit and a black string bow
15 tie and a big old planter's hat.

16 And so when I came in, he had had several drinks. I
17 reckon I had too. And so we shook hands. I was -- always try
18 to be pleasant to everybody. And he started jumping on me and
19 saying, "You've just signed your political death warrant by
20 representing blankety-blankety-blankety-blank," talking about
21 Sheriff Amerson. And he said, "We're going to -- it's going to
22 defeat you. We're going to defeat you."

23 I said, "Well, you know, you're entitled to your
24 opinion. I'm entitled to mine. I'm entitled to do what I want
25 to."

1 He says, "Yeah. It's going to cost you your job too,
2 because we're going to go after you." And he said, "We're going
3 to do the same thing to you we did to Albert Brewer."

4 And I said something like, "Well, Tom, get your best
5 hope."

6 And then at some point after that, it got reported to
7 me -- like I say, by then, I had hired black assistants. And
8 the second one that I had hired was a fellow named Dan Thompson
9 who liked to, for exercise, play basketball. And he would go
10 down to the YMCA.

11 MR. ROYER: Dan was a Harvard Law School graduate.

12 MR. BAXLEY: Yes. Dan finished at Harvard. And then
13 Dan's dad was a physician. He was from a fine old family. And
14 Dan was pretty athletic, and he would go to the Y. Back then,
15 we had a -- what we called a white Y and a colored Y, the white
16 Y downtown and the, quote, colored Y was the Cleveland Avenue
17 YMCA. But Dan would go with other guys from the office and play
18 basketball at the regular downtown Y.

19 And so it got reported to me by several people that
20 Turnipseed was going down there playing too. He was a big guy.
21 And he started trying to really injure Dan in scrimmages and
22 trying to get other people to try to just hurt him simply
23 because of the color of his skin. And I thought, "This guy's
24 worse than what I thought."

25 And so fast-forward two or three years. And the

1 Attorney General of South Carolina was an older man named Dan
2 McLeod who was a fine old southern gentleman. Very decent,
3 honorable, honest guy. Kind of a scholar. Now, he was a
4 segregationist, as most everybody in office except me was back
5 then, but he was not a vicious, nasty person. He was kind of
6 like Sam Ervin.

7 So he came down to Montgomery and came to see me. And
8 I was asking him, "Well, Dan, what you doing in town?" And he
9 was mysterious, and he wouldn't tell me. And he didn't -- I
10 couldn't understand why he was -- he mentioned he had to go
11 before the Public Service Commission for something, to check
12 some records and some other things.

13 So just ironically, a couple of weeks after Dan left
14 and I couldn't figure out what he was doing in town, two writer
15 friends of mine that were from one of the Carolinas -- and they
16 wrote quite a few books on southern politics -- came through
17 town. We went out to eat at the Elite. And they started
18 talking about -- wanted to know if I remembered a man named Tom
19 Turnipseed.

20 I said, "Yeah. Sure I do. Why?"

21 He said, "Well, he's running for Attorney General of
22 South Carolina, and he's going to beat Dan McLeod." And says,
23 "What he's doing is he's --" it turned out what he was doing was
24 taking -- everything that I had run and used against my
25 opponent, he was doing it against McLeod and was really

1 appealing to the black voters. They said, "He's going to get
2 overwhelming, almost unanimous support from black voters, and
3 he's going to beat Dan McLeod."

4 And he was advocating all the things that we had been
5 doing in Alabama. And what Dan McLeod was doing was trying to
6 document some things on Turnipseed. And one of them was
7 fighting the utilities, like we had been over there fighting in
8 the Public Service Commission.

9 So I called Dan McLeod. I said, "Dan, I know now what
10 you were doing down here. I didn't know Tom Turnipseed was
11 running against you." But I said, "It's almost criminal for him
12 to be -- with his viewpoints like they were down here." And
13 they were more than just philosophical, they were vicious, his
14 feelings about black people. And I said, "If you will let me,
15 I'll do what I can to try to help with the black vote in South
16 Carolina even though I don't know anybody."

17 He said, "Well, anything you can do, I'd appreciate."
18 He said, "I just didn't feel comfortable telling you why I was
19 down there, but," he said, "yeah, I think I'm going to get
20 beat."

21 And so I made a list of various black leaders in
22 Alabama in various fields that I knew and respected, and I think
23 they respected me. And so I called them all up one at a time,
24 told them the background of Turnipseed and how he reacted about
25 me representing Sheriff Amerson and what he would try to do to

1 Dan Thompson and other things that I knew about him that were --
2 and I said, "He is going to get the black vote and going to
3 defeat the Attorney General, who is a fairly decent fellow, in
4 South Carolina. And you need to call your counterpart and tell
5 them who they're fixing to get in bed with, so to speak,
6 politically by getting in bed with Turnipseed and by supporting
7 and signing on with Turnipseed."

8 And most of them all agreed to do it -- or almost all
9 of them agreed to do it. And so they called all their
10 counterparts and really explained what Turnipseed had been like
11 in Alabama, and it started switching the blacks. And enough of
12 them switched back and did not vote for Turnipseed to where Dan
13 McLeod narrowly defeated Turnipseed.

14 And till the day he died, Dan McLeod gave me credit for
15 turning that election around. And Turnipseed gave me credit for
16 it too. He called the *Birmingham News* and gave them this story
17 about me meddling in his race and -- out of vindictiveness. He
18 wouldn't say -- you know, he didn't tell the real truth of what
19 all he had said. But out of jealousy and vindictiveness I had
20 meddled in this race and cost him the election.

21 And so the *Birmingham News* called me for a comment, and
22 I reckon I kind of disingenuously nonreplied. I didn't lie. I
23 wouldn't do that. But I -- I said, "Well, you know, that's
24 funny that he says that. I don't think I know a single soul
25 that votes in South Carolina except Dan McLeod." And I said, "I

1 know he voted for himself." But I said, "I don't know how I
2 could be any influence in South Carolina, because I don't know a
3 single soul up there." But I was glad to have a payback on that
4 one.

5 MR. ROYER: Among the people that you prosecuted when
6 you were Attorney General was the mayor of the city of Decatur.
7 His name was Charles Guntharp. Tell us, if you would, about
8 what that case was about and a little bit about the prosecution.

9 MR. BAXLEY: Charlie Guntharp was a very likable guy
10 who was the mayor of Decatur. And he was my friend, political
11 and kind of social. And he owned a funeral home, was his
12 full-time job in Decatur. And I liked him a lot, liked the
13 mayor. But he had a drinking problem and he was a Jekyll and
14 Hyde. He was as pleasant as he could be when he wasn't
15 drinking; but when he got to drinking, he turned vicious.

16 And he had too much to drink one night, and he had
17 accused a Decatur policeman or former policeman, I reckon it
18 was -- no, no. He had a policeman with him. He accused this
19 guy in Decatur of being with his wife. And so Guntharp goes out
20 with the policeman and meets the guy and shoots and kills him.

21 And the DA in Morgan County, who was my friend, recused
22 himself from the trial and asked us to come in and prosecute it.
23 So I had to come in and prosecute Charlie Guntharp. And that
24 was not -- not pleasant, but it had to be done. I had to do my
25 job. And we tried the case, and the jury convicted him. But it

1 was -- it was a stressful trial because I did have good feelings
2 for Guntharp. But he got convicted, served time, and got
3 paroled.

4 I ran into him at the beach one time in Panama City
5 years later, and it was -- he was out on parole. He came over,
6 was friendly, but I told the people I was with, I said, "We
7 better get out of here. Because if he's in here in a bar
8 drinking, then I know how he acts." So we left.

9 MR. ROYER: One of the things that the office did --
10 that you did -- that gathered some of the most publicity was
11 stopping the speed trap at Fruithurst. Tell us about that, how
12 that came to your attention and what you did and your assistant
13 attorney generals did.

14 MR. BAXLEY: You know, that was the most popular thing
15 that I did in the whole eight years that I was Attorney General.
16 Certainly not the best or most momentous thing -- far, far from
17 it -- but as far as sheer popularity, that was the most popular
18 action that I took as Attorney General the entire eight years.

19 How it started, well, Fruithurst is in Cleburne County
20 and a little ole bitty town. Only had a couple hundred people
21 in it. And it was right on the main road between Birmingham and
22 Atlanta, Highway -- I reckon it's 78. And it was before I-20
23 was totally opened, so there was a stretch of 78 that went
24 through Cleburne County and went right through this little town
25 Fruithurst.

1 And so we started getting mail from people all over the
2 country, and it was all so similar. And it came from all kind
3 of different people across the spectrum. And they talked about
4 getting stopped in this little town of Fruithurst, and some of
5 them -- in Cleburne County, and what had happened to them. And
6 with that many different letters coming in, unprovoked and not
7 any coordinated campaign, it was obvious there was some -- where
8 there was smoke, there had to be some kind of fire.

9 So we started looking into it. And we saw how many
10 citations of traffic tickets were being written.

11 MR. ROYER: I think the town had 250 people. It had
12 six full-time police officers and collected over \$200,000 in
13 fees the year before.

14 MR. BAXLEY: I think that's right. I think that's
15 right. A town with six full-time officers and 250 people. And
16 instead of patrolling the town, which didn't need that -- you
17 know, they could have probably gotten by with a part-time town
18 marshal or something. But they stayed out there on that -- in
19 hiding. And the whole goal was to raise revenue for the town.

20 But I made the mistake of thinking that the mayor and
21 the city officials were -- if they were told the right -- what
22 was right, that they would cut it out. And so I set up an
23 appointment with the mayor and met with him, explained to him
24 how that wouldn't do and it being bad for the state of Alabama,
25 kind of a black eye on us and all the letters I was getting.

1 And so he acted like he understood. I told him what was
2 probable cause and what -- proper, accepted police -- you know,
3 and they ought to do about patrolling. And he -- "oh, yeah, oh,
4 yeah, oh, yeah." But then nothing changed.

5 So I called him back and got a little firmer. Still
6 nothing changed. And then we started seeing that -- and other
7 deputies would come in and do worse things. They would steal
8 and make people pay bribes. And so the whole thing got -- the
9 more we got into it, the worse and worse that we realized it
10 was.

11 And so I did two things. I got volunteers from the
12 office, all lawyers, men and women, and I got state troopers to
13 assign a bunch of troopers to us. And we borrowed a nice
14 trailer, a mobile home type thing. And so we moved it up right
15 on the highway outside of -- on 78, parked it off, manned it 24
16 hours a day with troopers and with lawyers. And we also
17 simultaneously filed a lawsuit in federal court in Birmingham to
18 get the federal judge to order the town to quit doing this.

19 And so I remember the quote I gave to the press media.
20 And I said, I have tried to teach them, the city officials, a
21 lesson in constitutional law, and they didn't learn it and
22 wouldn't take it to heart. So now I've decided I'm going to
23 teach them one of economics.

24 And so what would happen when they -- whenever the town
25 of Fruithurst would stop somebody, a state trooper escorting one

1 of my lawyers would go up as soon as the trooper -- as soon as
2 the policeman finished writing them a ticket, and we'd hand them
3 cards and say, "We want to apologize to you on behalf of the
4 state of Alabama. You have been the victim of a speed trap run
5 by this town of Fruithurst. And if you will allow us, if you
6 will turn over your ticket to us and allow us to represent you,
7 we'll represent you for free, the Attorney General will,
8 Attorney General's Office, and we will try your case. We'll
9 lose it in city court. Then we'll appeal it to circuit court
10 and make them come try it. Then if we lose there in front of a
11 jury -- we'll ask for a jury trial -- we'll appeal it to the
12 Court of Criminal Appeals. And if we lose there, we'll carry it
13 to the Supreme Court of Alabama."

14 And the whole purpose of this, for them to collect an
15 \$80 speeding ticket, they'll have to pay a lawyer to go through
16 all this process of appeals and it will cost them probably a
17 couple thousand dollars to collect an \$80 traffic ticket. So
18 that's where I meant I would teach them a lesson in economics if
19 they wouldn't learn one about the Constitution.

20 And so that went on for a while. I can't remember now
21 how long, but long enough to where they finally realized that
22 they couldn't -- a town of 200-something people couldn't fight
23 the Attorney General's Office and couldn't afford to pay the
24 exorbitant costs.

25 And then as it came along, we also, I think, made

1 progress and ended up with a decree in federal court enjoining
2 them permanently from doing it. So we shut them down.

3 But that was -- for some reason, that grabbed the
4 imagination of the public. Whereas a lot of the other things we
5 did didn't catch on that much, this one did and we got all kind
6 of mail and comments about that.

7 MR. ROYER: Another lawsuit that the Attorney General's
8 Office filed that caught the imagination of the public was a
9 lawsuit involving where the Tennessee Valley Authority should
10 have its headquarters. If you would, tell us about that
11 lawsuit.

12 MR. BAXLEY: Oh, that was one that was close to my
13 heart. The original law that created and set up TVA provided
14 that its headquarters would be in Muscle Shoals, Alabama. And
15 for reasons that I never quite understood, they set up the
16 headquarters in Knoxville, Tennessee. They put a little seal,
17 the official seal, in some office in Muscle Shoals, but the
18 thousands of jobs that that brought went to Knoxville.

19 And through the years they made efforts to try to get
20 it moved, in accordance with the law, to Muscle Shoals. And
21 they first -- and they took it to court several times and they
22 tried legislatively, but the Tennessee congressional and senate
23 delegation would thwart efforts congressionally. And they'd use
24 first the Depression, then the War, and various other things as
25 reasons why they couldn't move right then. So it always kind of

1 interested me that I would like to look into that.

2 So when Judge Carnes, who had come to work for me as a
3 student, young undergrad student at Alabama -- when he was in
4 law school, I assigned him the project one summer of working and
5 going to Washington. And he -- his whole function that summer
6 was to learn everything that occurred in the creation of the
7 Tennessee Valley Authority and be able to advise us on how to
8 craft a suit that would have a chance of winning.

9 And so he read every word. And I suspect to this day,
10 just knowing Judge Carnes, he is probably the most knowledgeable
11 person alive about the history of the TVA and how it got
12 created. But he did his usual outstanding job.

13 And we took what he had found as a student in the
14 summer, and we drafted a federal lawsuit filed in the Northern
15 District and drew Judge McFadden. And Judge McFadden was -- he
16 was a smart judge. He was no-nonsense. And I was a little bit
17 afraid that if he thought there was even the remotest chance
18 that I was trying to use that lawsuit for publicity, that he
19 wouldn't take kindly to it. So I tried to downplay and tried to
20 make sure that didn't get any publicity.

21 And so we litigated that thing in front of Judge
22 McFadden. And TVA didn't help their -- their lawyers didn't
23 help their legal position with Judge McFadden because they were
24 so arrogant. They'd come in and say things like, "You have no
25 jurisdiction over us. We're a separate federal agency and we're

1 the equivalent of you." And they would say that to the Judge,
2 and that was not something you'd say -- or I'd say to any judge,
3 much less one of the temperament of Judge McFadden.

4 But we -- based on what Carnes had done, we were ready.
5 And we had our record ready and we had all these historical --
6 what had occurred documented. And so when he came out with an
7 opinion, he ruled with us and shocked a lot of people and ruled
8 that they were going to have to move thousands of jobs from
9 Knoxville to Muscle Shoals.

10 And TVA appealed, and the Eleventh Circuit -- it could
11 have been the Fifth Circuit still then, but I think -- I think
12 it was, by then, the Eleventh Circuit. They just -- I think
13 they -- even though the law was clear of what Congress had
14 ordained -- and Judge McFadden was right, I think, in his
15 rule -- I think they felt like they couldn't be a party to
16 costing untold tens of millions of dollars and uprooting
17 thousands of families and ordering that headquarters moved. So
18 they found somehow some reason to hide behind, I say, as to
19 where Judge McFadden should have been reversed. And so we ended
20 up losing on appeal. But I still know that we were right on
21 what the law provides. And it's still there today. The statute
22 says that the headquarters is supposed to be in Muscle Shoals,
23 and it's not.

24 MR. ROYER: One of the most interesting and unusual
25 cases that you prosecuted criminally was a judge in Huntsville

1 in 1974. Tell us about the Judge McDonald case.

2 MR. BAXLEY: Okay. We got a complaint that Judge
3 McDonald, who's the district court judge, Tom McDonald, in
4 Huntsville -- that he -- when female defendants would come
5 before his court -- he had misdemeanor jurisdiction and also
6 preliminary jurisdiction on felonies for preliminary hearings
7 and things. And when he'd get a female defendant, particularly
8 a fairly young one, he would proposition them and worse. And
9 you can't imagine how most of those people -- it put them in a
10 position -- the judge that they've got a criminal case in front
11 of was hitting on them.

12 And so we investigated it pretty thoroughly and became
13 convinced it was absolutely true. Found five or six or seven
14 cases that we had -- and they weren't talking to each other.
15 And they -- very similar things happened. And we became -- I
16 became absolutely convinced of the -- they were telling the
17 truth. This was about as shocking a conduct as I had ever heard
18 of of a judge doing it up to that point.

19 So we -- I thought the goal was to get him removed from
20 the bench. And that was before Alabama had the Judicial Inquiry
21 Commission and the Court of the Judiciary to discipline judges.
22 And back then it was just kind of an ad hoc committee of the Bar
23 that could -- without any real authority, could do some things
24 to judges. It didn't have any real teeth in it.

25 And so I put our case together and went before the

1 committee of the Bar. And some of the senior members of the
2 Huntsville-Madison County Bar -- they were good lawyers, well
3 respected, good people, but they didn't want to believe this
4 stuff about Judge McDonald. He was their age and their buddy.
5 So they didn't -- weren't interested in the evidence.

6 And they came down and said, "Oh, oh, he's a wonderful
7 judge. Don't do anything." And whatever the committee was
8 called back then caved in. And so I said, good gosh. This
9 is -- this is unbelievable that they're going to not even really
10 look at this thing and let this judge continue to prey on these
11 female defendants who are in his court.

12 So I said, "Well, we'll just skin that cat another
13 way." And so we made some bribery cases, the bribe being the
14 offering and accepting of -- the bribe being the acceptance of
15 sexual favors. And so we indicted Judge McDonald -- got the
16 grand jury to indict him. And I said if they -- even though my
17 goal was not to put him in jail -- it was to remove him from the
18 bench -- I said, We'll just -- they're forcing us to go this
19 criminal route."

20 So we tried him and they sent in Judge Moore, L. S.
21 Moore from Centreville, who was a wonderful old gentleman, very
22 distinguished judge. Judge Moore came in. He became convinced
23 that everything that the State -- we were presenting was true.

24 So a jury, Madison County jury -- we tried it --
25 convicted Judge McDonald, and Judge Moore sent him to jail. And

1 when he got convicted, that's removed him from office. And he
2 would have been a lot better off if he had just stepped down,
3 because we never would have indicted him. But he actually
4 served time in jail. And that's one that I'm very glad we were
5 able to stop somebody in a position like that. Doing something
6 like that is just intolerable.

7 MR. ROYER: Bill, one of the most unusual cases that
8 you prosecuted when you were Attorney General involved a
9 reclusive, wealthy landowner in Jackson County. His name was
10 Hugh Otis Bynum. Tell us, if you would, about Hugh Otis Bynum.

11 MR. BAXLEY: Well, the Hugh Otis Bynum trial, I
12 believe, is the most interesting trial that I've participated
13 in. Of all the cases I was in, I think that was the most
14 interesting of all of them as far as the courtroom drama.

15 Hugh Otis Bynum was a descendent of the original
16 settlers, white settlers, in Jackson County. They're
17 the founders of Scottsboro. And he was a strange, strange bird,
18 to say the least. And all the facts as well as the attorneys
19 are what made that so interesting. He was defended by Roderick
20 Beddow, Jr. and Al Bowen and Jimmy Fullan, three of the most
21 able and best lawyers that I ever went up against. I had
22 several epic courtroom battles with them, but we were very good
23 friends. I miss them all. They're all gone now. But, gosh,
24 they were tough and -- but they were good. And they represented
25 Hugh Otis, and it was just -- every day was like an Ali-Frazier

1 rematch in the courtroom.

2 Hugh Otis was a sicko in a way, but he was also a
3 racist. And he -- he also -- he was a nut about thinking that
4 people were trying to come on his land. And he had thousands
5 and thousands and thousands of acres. Neither Hugh Otis nor any
6 of his sisters had ever gotten married. But they protected that
7 land -- he did.

8 And it all started when a young black kid, teenager,
9 was, for some reason, on some of Hugh Otis's land and Hugh Otis
10 shot him. And so they made a case against Hugh Otis. It didn't
11 kill him. Didn't hurt him seriously, thank goodness. But
12 they made a case against Hugh Otis, and the grand jury indicted
13 him. He fought it. And the jury convicted him.

14 And so Hugh Otis had a list of people that were
15 involved in his conviction that he wanted to kill. And the
16 foremost of them was Bob Collins, the sheriff. He blamed Bob
17 Collins with his arrest for shooting this kid. Jay Black, the
18 DA at the time, who was from Fort Payne -- but Fort Payne and
19 Dekalb and Jackson were in the same circuit. So he made a list
20 of people he wanted to be killed. And it was -- Bob Collins was
21 head of the list. Jay Black was on it, two or three others.
22 The mayor of Scottsboro was on it.

23 And the lawyer that advised him on who to pick for his
24 jury was Loy Campbell. And then Loy had since become a judge.
25 But he blamed Loy with picking the wrong jury for him because

1 they convicted him, and so Loy was on that list. But the
2 primary target was supposed to be Bob Collins.

3 Anyway, long story short, Hugh Otis, after trying for a
4 long time to get somebody to kill all these people, found
5 somebody to plant a bomb. And they first went over to Bob
6 Collins' house and got scared away, so they put a bomb in Loy
7 Campbell's car. And by then, as I say, Loy Campbell had become
8 a circuit judge. And he went out to crank his car, and the bomb
9 exploded and blew both of his legs off. It didn't kill him, but
10 he was in bad shape. Loy was a wonderful person. Smart, good.

11 And the investigation got nowhere. And so many months
12 after the fact -- Loy had already recovered; it had probably
13 been over a year -- somebody asked us in the Attorney General's
14 Office to look at it. And we got to looking at it, and we
15 went -- after a couple of suspects didn't pan out, but then we
16 got on -- it turns out Hugh Otis was the one that was behind it.
17 Of course, he didn't know anything about planting bombs, but he
18 had hired it done. He hired -- so we got some pretty good
19 testimony from -- broke some people and made a case against Hugh
20 Otis. And we tried it. It was a full courtroom every day, and
21 there was a line. They had -- everybody that wanted to get in
22 couldn't get in. And when they would stop for a break in the
23 morning and in the afternoon and they'd open the doors, you had
24 people selling peanuts and things like that that would come in
25 and walk up and down the hall selling peanuts. And it was -- it

1 MR. ROYER: Today is March the 9th, 2016. I am George
2 Royer, and I'm here with Bill Baxley. We're in the Frank M.
3 Johnson Federal Building in Judge Myron Thompson's courtroom.
4 This is a continuation of the oral history of Bill Baxley
5 regarding his years in the Attorney General's Office.

6 Bill, as I said, we're here in the Frank M. Johnson
7 Federal Building. You knew Judge Johnson well. If you would,
8 would you share with us your recollections and reminiscences of
9 Judge Johnson, not only as a judge, but as a person.

10 MR. BAXLEY: Well, Judge Johnson is one of the three or
11 four real heroes that I've had in my life. And he -- I was
12 really fortunate and blessed to not only be in his court, but to
13 become a friend. He carried me fishing with him down on the
14 Gulf several times, and those were great trips and great
15 memories. And we -- he would come over to my house to eat when
16 I was Attorney General, and he and Ruth would have me over to
17 their house.

18 He loved, when he would go to New Orleans, to bring red
19 beans back; and Ruth would cook red beans and rice. He was just
20 a very different person outside of the courtroom than he was on
21 the court, but he still commanded respect, just his presence,
22 wherever he was.

23 In fact, when I was coming into this courtroom this
24 morning, I was reminded. The first time I ever came in this
25 courtroom was before Judge Johnson was judge. And I was a

1 little bitty boy, probably six or eight years old, and my daddy
2 brought me to Montgomery. We lived in Dothan, of course. And
3 he brought me to see Judge Kennamer. Judge Kennamer was the
4 federal judge then. And Judge Kennamer brought me in the back
5 and let me sit in his chair up here. And so I thought I was
6 something, sitting in his chair.

7 And then after we left here, my dad carried me to the
8 Capitol. And it had to be in the forties, because it was during
9 Big Jim's first term. And Big Jim wasn't there that day, but
10 they let me sit in the governor's chair. So boy, I thought I
11 was something. I had come to Montgomery and sat in Judge
12 Kennamer's chair and then sat in the governor's chair.

13 So later, after I was a law clerk -- while I was a law
14 clerk at the Supreme Court of Alabama, my roommate was Walter
15 Turner, who worked with us in the AG's office. But Walter was
16 Judge Johnson's clerk. And so in '64 or '65 when Judge Johnson
17 had the trial about the Selma-to-Montgomery March -- it lasted
18 many days and had Dr. King and Reverend Abernathy and all the
19 others were witnesses. And Walter got Judge Johnson to let me
20 come down and watch the whole trial from -- I sat right over
21 there against that wall. It was really just watching history.
22 And I wouldn't take anything for those memories.

23 MR. ROYER: You respected Judge Johnson so much, you
24 named one of your children after him.

25 MR. BAXLEY: Yeah. I've got -- my three youngest sons

1 are all named after Fifth and Eleventh Circuit judges, Robert
2 Vance Baxley, Richard Rives Baxley, and Frank Johnson Baxley.

3 In fact, I got to be friends with Judge Rives because
4 of Judge Johnson. Judge Rives' wife had passed away, and so
5 Judge Johnson asked if it would be okay one time when he was
6 coming over to the house if he brought Judge Rives. And so from
7 then on, we would always invite Judge Rives when Judge and Ruth
8 Johnson came. And I was doubly blessed to get to know both
9 Judge Rives and Judge Johnson.

10 In fact, a lot of people don't realize what a huge
11 influence on Judge Johnson that Judge Rives was. Judge Rives --
12 I mean, Judge Johnson would have been great wherever he was, but
13 he was molded and backed up and made even better by the
14 influence that Judge Rives had on him.

15 MR. ROYER: There was -- your first son is named Louis.

16 MR. BAXLEY: Right.

17 MR. ROYER: And there was a time when you were on the
18 way to the beach where you stopped in to visit Judge Johnson and
19 had Louis and your wife, Lucy, with you.

20 MR. BAXLEY: Yes. Louis was probably four or five
21 years old. And we were living in Birmingham and were on the way
22 to Gulf Shores, and so we stopped by to see Judge Johnson. He
23 might have asked me to. I can't remember. Or maybe to just
24 introduce my son to him. And so Judge Johnson picked Louis up
25 and put him in his lap in his chambers and was drawing something

1 for him. And we got several pictures of my son sitting in Judge
2 Johnson's lap. And it turns out what Judge Johnson was drawing
3 was a picture of the USS Alabama. And so he sketched out and
4 then put on there, USS Alabama.

5 And earlier this year when we were moving some stuff,
6 my wife Marie found those pictures and found that sketch that
7 Judge Johnson had drawn for Louis. And so she put them in a
8 frame and gave them to Louis for a Christmas present this past
9 year.

10 MR. ROYER: That's a great story.

11 As I said earlier, we're here in Judge Myron Thompson's
12 courtroom. And shortly after you took office, you made history
13 by hiring the first African American Assistant Attorney General,
14 who was Myron Thompson. Would you tell us about that.

15 MR. BAXLEY: Okay. Well, Myron wasn't just the first
16 African American Attorney General, which he was. He was the
17 first African American state employee that was not a custodial
18 worker. The state was lily white except for janitors and
19 personnel like that and personnel in the cafeterias. So one of
20 the things I wanted to do from the first day was to hire
21 qualified black people to work in the Attorney General's Office.

22 And so I started looking for somebody that, you know,
23 would be able to handle it. And the first two or three that I
24 tried to get to come, for various reasons couldn't, primarily
25 because the state salary didn't pay enough to where they would

1 leave where they were. The first person I talked to was
2 J. Richmond Pearson, who was working for the U.S. Attorney's
3 Office in Birmingham, Northern District. And it would have been
4 a cut in pay, and he -- so he wasn't interested.

5 Then I offered the job to a young man whose uncle was
6 kind of a friend of mine. He worked at the Whitley Hotel. His
7 name was Billy Carter. And Billy, for some reason, didn't want
8 to do it. And then I offered it to Jay Cooper from Mobile, and
9 he turned it down.

10 Then I tried to get -- gosh, there was one -- oh, Judge
11 Price. Charlie Price. And he was working for the Justice
12 Department in Washington. I kidded him. It was the Nixon
13 Justice Department, and he didn't want to leave that because of
14 the cut in pay. But he said that after he saved a little money
15 and after he had a few years' experience, he would be interested
16 in coming back home. And so sure enough, about three years
17 later, Judge Price called and said that he was ready to come
18 back. But by then, we already had Judge Thompson and Dan
19 Thompson, who was working in the office. Judge Price was the
20 third.

21 But the way it came about with Myron, with Judge
22 Thompson, my dad -- I was home for Thanksgiving my first year in
23 office. And my dad knew that I had been searching, trying to
24 hire an African American, and had been turned down. So we were
25 home for Thanksgiving, and my dad asked me -- I think the

1 Wednesday afternoon before -- said, "Are you still trying to
2 find an African American to come to work as an assistant AG?"
3 And I said, "Yeah."

4 He said, "Well," said, "you know my friend,
5 Mr. Glanton." And my dad was friends with Judge Thompson's
6 grandfather, John Henry Glanton. And so he said, "Mr. Glanton's
7 grandson is finishing law school at Yale, and Mr. Glanton really
8 wants him to come back to Alabama. And you want to see if you
9 can talk to him about coming back?" And I said, "Sure."

10 He said, "Well, let me call Mr. Glanton." So the next
11 afternoon, Thanksgiving afternoon, Mr. Glanton came over to our
12 house and told me about Myron and said how much he wanted him to
13 come -- he was -- you know, Myron had such a great record, he
14 was being offered jobs everywhere, big New York firms, anywhere
15 else he wanted to go.

16 And so I said, "Gosh, he's got -- I don't need to meet
17 him, interview him. Just knowing what you've told me and that
18 he's your grandson is enough for me." But he said, "No, you
19 need to come interview him. We'll get him to come down here."

20 So he set up a thing for I reckon probably the next
21 holidays that they had from school. And Myron came down, did
22 his interviews. And we offered him a job and he accepted. And,
23 like you say, the rest is history.

24 He was the first African American to come to work for
25 the State other than, like I say, the categories I mentioned

1 earlier. I had a meeting -- I think you told me you were
2 there -- of all the people in the office before Judge Thompson
3 came. He probably doesn't even know about this. I told them, I
4 said, "All right. We're getting ready to hire an African
5 American as Assistant Attorney General. And I want you to know
6 if any of you don't think you can treat him with the courtesy
7 that everybody else is treated and act professionally, that you
8 need to leave now. You can transfer out to some other
9 department, because it's not going to be tolerated." And
10 everybody said, "No, no. No problem. No problem."

11 And so Myron was -- I mean this as a compliment, but he
12 was almost like a Jackie Robinson compared to what -- the
13 obstacles that were in his way. It never seemed to bother him.
14 And he also had to be -- like Jackie Robinson did, Jackie
15 Robinson had to be better than a normal white athlete. And I
16 think Judge Thompson had to be -- the spotlight was on him, and
17 he had to be better than a normal white assistant would have had
18 to be. And he was. And I think it's wonderful that this
19 courtroom that Judge Johnson served so long in is now Judge
20 Thompson's courtroom.

21 MR. ROYER: Beginning in the mid-1970s, the office
22 reopened investigations into civil rights era crimes that had
23 been committed by Klansmen and white supremacists in Alabama.
24 One of the first ones that was actually brought to fruition
25 involved the murder of Willie Edwards Jr., a bread truck driver,

1 in Montgomery. Would you share with us your recollections of
2 that case and the individuals involved.

3 MR. BAXLEY: Okay. Well, that was really an outgrowth
4 of the church bombing case. My chief investigator was Jack
5 Shows. And Jack was retired chief of detectives for the
6 Montgomery Police Department.

7 And the way I got to know Jack, Jack was a crackerjack
8 detective for the city of Montgomery. And when Dr. King's
9 church, Dexter Avenue Baptist Church, got bombed and Dr. King's
10 house got bombed -- and thanks goodness nobody was injured in
11 either bombing -- but Jack Shows, as a detective, got very
12 interested in those cases. And it was very unpopular, but he
13 stayed on those cases until he solved them. And they got
14 confessions -- it was the Montgomery Klan that planted the
15 bombs -- and got signed confessions from them.

16 And to his credit, the DA, Billy Thetford at the time,
17 brought them to trial -- and his assistant, Maury Smith. But
18 all-white, all-male juries, even in the face of signed
19 confessions, acquitted them. And -- but I heard and found out
20 about Jack's work on those cases when I was a law clerk, so I
21 made it a point to get to be friends with Jack Shows.

22 And so then when I got elected Attorney General, I told
23 Jack ahead of time, I said, "Jack, if I get elected, I want you
24 to think about retiring and coming up and being my chief
25 investigator." And he knew what I wanted to do about those --

1 that bombing case and others.

2 And so we were working on the bombing case. And before
3 we centered in on the Chambliss group, we got a tip that it was
4 the Montgomery Klan. I should have had enough sense to realize
5 the Birmingham Klan was mean enough. They didn't have to import
6 anybody from Montgomery to do it. But we went after a rabbit
7 trail, so to speak, in thinking that the Montgomery Klansmen had
8 planted the church bombing case in Birmingham. And while they
9 were working on that, one of them blurted -- one of the suspects
10 blurted out that, no, they didn't -- they had quit the Klan by
11 then because of that killing of the Winn-Dixie driver.

12 So Jack and Tom Ward, who was another retired
13 Montgomery detective -- something triggered their memory about a
14 Winn-Dixie driver. And they went back and finally found an old
15 clipping where a Winn-Dixie truck driver, a black young guy
16 named Willie Edwards -- where he had gone missing. And they
17 found his body, oh, gosh, weeks or months after that in the
18 Alabama River way downstream. And they never made it a homicide
19 case. They just never investigated the case. But they got --
20 because of that tip of what the Klansman said, then Jack and Tom
21 Ward started working on the possible homicide of Willie Edwards.

22 And sure enough, we got a couple of them to finally
23 confess. And it was several Montgomery Klansmen that had --
24 simply because Willie Edwards was black and he was driving a
25 Winn-Dixie truck, they had gotten a report that a black

1 Winn-Dixie truck driver earlier had whistled or something or
2 winked at a white woman up in Elmore County. And so they
3 stopped the first Winn-Dixie truck they saw with a black driver.
4 And it happened to be this Willie Edwards, who wasn't even
5 working -- wasn't even the one that was wrongfully accused of
6 winking or whatever. And they just took him out, left the truck
7 running with the lights on -- it was at night -- beside the road
8 and carried him up to the Tyler-Goodwin Bridge and, at pistol
9 point, after hitting him with the pistol and everything, made
10 him jump. And it killed him. And so we later indicted several
11 of the Klansmen for his murder.

12 And I never will forget an emotional thing about that.
13 We -- Jack carried me out to his father's house. His father, by
14 then, was very elderly. And Jack carried me out there late one
15 evening to tell him that we had solved the case of where his son
16 had been killed. Because it had never been listed as a
17 homicide. And the old man had always known that his son had
18 been killed, because he knew his son wasn't the kind to just go
19 missing. And he had tried and tried to get the Montgomery
20 police to look at it but never could.

21 So Jack carried me out there, and we told him that we
22 had solved who -- the case and were getting ready to present it
23 to the grand jury the next day and were going to arrest the
24 people. And I never will forget the old man shook my hand and
25 said, "Well, thank you." Said, "I'm ready to go home now." And

1 I wasn't sure what he was talking about.

2 And when I left, Jack had been talking to him, you
3 know, over the several weeks of the investigation. And so I
4 said, "What's he talking about, Jack?" Jack said, "He means
5 that he's ready to die," and said, "He's waiting to see what
6 could be done someday about what happened to his son, and he's
7 now ready to die." And within I bet you three months, that old
8 man passed away. And that's a story that really still makes
9 chill bumps pop up on me to think about that one.

10 But the bad news on that one is even though we had
11 confessions and felt like we solved the case, the indictments
12 got thrown out, got quashed, because they didn't do an autopsy
13 because it was not a homicide investigation. So we couldn't
14 prove the cause of death. And I suspect that was probably valid
15 law because you do have to, in the indictment, allege what's the
16 cause of death, and we didn't know whether it was a gunshot
17 wound or the broken neck because of the fall or drowning or
18 hypothermia or whatever it was. We didn't know. And so the
19 indictment got quashed. But at least the family had some
20 satisfaction of knowing what had happened and how it happened,
21 and we had the confessions.

22 MR. ROYER: The investigations that were open during
23 that period of time caused a fair amount of controversy in white
24 supremacist circles. And there was an individual who held
25 himself out as a, quote, doctor, closed quotes, Dr. Edward

1 Fields. And he wrote you a letter that was nasty and racist and
2 vitriolic, and you wrote a response to that letter. And I'm
3 going to read you the response, and I want you to tell us about
4 it. It was fairly short.

5 It said, "Dear Dr. Fields: My response to your letter
6 of February the 19th, 1976, is, 'Kiss my ass.' Sincerely, Bill
7 Baxley, Attorney General."

8 MR. BAXLEY: Well, I got a letter from Dr. Fields. He
9 was the number two guy in the National States' Rights Party and
10 also active in several branches of the Klan. Number two guy to
11 J. B. Stoner, who was a violent racist and probably the most
12 anti-Semitic person in a century in America. He operated out of
13 the Atlanta area.

14 And so when word got out that we were investigating the
15 church bombing case -- and that was several years after the
16 investigation started. We -- and the word didn't get out till
17 we started issuing subpoenas to the Klansmen. That's how the
18 word got out and got made public that we were investigating that
19 bombing case. Before then, we didn't want publicity out of it.

20 And so I got some hate mail, but I got this letter from
21 Dr. Fields. And it was -- I considered it a threat, a political
22 threat. Called me a traitor to my race and how dare I persecute
23 these white Christian patriots that we were subpoenaing. And he
24 said, "We hereby demand a response to this letter." So I
25 thought, "All right. He wants a response; I'll give him a

1 response." So that was -- that letter that I wrote was in
2 response to the letter that he wrote me and demanded -- I put
3 "doctor" in quotes.

4 And the ironic thing about that is I never would have
5 told anybody about that letter. I would have been ashamed of my
6 mother knowing I had used that language. But the Klan and the
7 white supremacists, they publicized that letter and put it out
8 in their publications. And that's how it got in the mainstream
9 media. And that letter still pops up every now and then. There
10 was a series of stories earlier this year, not long ago, because
11 it was the fortieth anniversary of it last month. And it made
12 the -- made the press again. But probably nobody would have
13 ever known about it if they hadn't publicized it themselves.

14 MR. ROYER: Well, it was short and to the point.

15 In the first part of your oral history, you told us
16 about having defended law enforcement officers that you thought
17 were in the right, even though they had been charged criminally.
18 Sheriff Lucius Amerson, for example, in Macon County who was
19 being prosecuted by United States Attorney for civil rights
20 violations. And you also had occasion to prosecute law
21 enforcement officers that you believed were in the wrong. And
22 I'm referring now to the Bernard Whitehurst case. If you could,
23 tell us about that case and how you came to become involved in
24 it.

25 MR. BAXLEY: Okay. Bernard Whitehurst was a young

1 black male that lived here in Montgomery. And there had been a
2 robbery at a -- I think it was a convenience store. And so the
3 Montgomery police were on the alert for a robber, and it was a
4 description that generally described the way Whitehurst looked.

5 And so a patrol car, Montgomery patrol car, saw
6 Whitehurst walking down the street, and they thought he looked
7 like -- he matched the description of that possible robbery
8 suspect. So an officer got out of the car, and Whitehurst
9 started running and ran away from him. And so the officer
10 pulled out his service revolver and shot Whitehurst in the back.

11 And so when they went over to -- the sergeants came
12 over and they started investigating, they realized that he
13 wasn't -- it became apparent, the closer they looked, that he
14 wasn't the robbery suspect and he didn't have a weapon on him.
15 And so Montgomery police -- as it turned out, this was not the
16 first time this has ever been done, but they had to get what
17 they called a drop gun. So they went down to the evidence
18 locker or whatever they had at the Montgomery Police Department
19 and got a pistol and came and dropped it out by Whitehurst
20 before they moved his body and concocted this story that he had
21 pulled a gun and the officer shot in self-defense.

22 And the DA in Montgomery County was Jimmy Evans. And
23 Jimmy was a classmate of mine and eccentric in some ways, but
24 his heart was right on civil rights. He was that way in school,
25 one of the handful that I remember felt like I did back when we

1 were students. And Jimmy just routinely put every death on the
2 grand jury docket, and the grand jury would investigate it.

3 And so they were investigating this Whitehurst death
4 and had no reason to think anything wrong of it. And the
5 officers all came up and testified under oath before the grand
6 jury falsely. They said that Whitehurst had pulled the pistol
7 and it was in self-defense and blah, blah, blah. And so somehow
8 or other, just by accident -- I don't think that Jimmy was even
9 suspicious -- but it popped up that that weapon, serial number
10 on that weapon, had been seized earlier and was in the
11 possession of the Montgomery Police Department. And it had to
12 be a drop gun, a planted gun.

13 And so Jimmy started investigating them then, and the
14 Montgomery Police Department or some people there started doing
15 some really horrible things to Jimmy Evans. And they started
16 following him around, harassing him with calls, making threats,
17 cutting his tires. And they were doing some pretty -- pretty
18 terrible things to Jimmy, who was the DA.

19 And I had kind of gotten crossways with Jimmy because
20 he had asked for our help as Attorney General several times, and
21 we'd come in each time and helped him. And Jimmy was not the
22 easiest person to work with. He wanted to do things his way,
23 and I wanted things to be done our way. And so I told Jimmy
24 that I wasn't going to come take any more cases in his office.
25 And then when this came up and Jimmy came up there to my office

1 and -- when I found out what was happening to him and what
2 Montgomery police had been doing, I said, "All right, Jimmy.
3 We'll come in and I'll take it on personally." Because it
4 shocked me. And you could not allow that kind of a situation to
5 develop where a DA is -- a prosecutor is doing his duty and then
6 law enforcement are doing the things to the prosecutor like they
7 were doing to Jimmy. It was similar to what we discussed the
8 other day up in Talladega that the sheriff was doing to judges.

9 So I had good contacts at Montgomery Police Department.
10 And I called some leaders that I knew down there, met them for a
11 drink. And I said, "Look. I'm taking over this investigation.
12 And this kind of stuff that y'all are doing to Evans ain't going
13 to work with me, and you know it ain't going to work. And all
14 you're going to do is get folks in a lot worse trouble." And I
15 said, "You know we've got state troopers just like y'all have
16 got policemen. They've got just as many guns as y'all do, and
17 this stuff better stop." And I said, "We're going to do this
18 straight up, and we're going to do it right. And we're not
19 going to charge anybody that hadn't done anything, but all this
20 stuff, like what y'all are doing to Evans, better stop and it
21 better stop right now." And it did. We never had any more
22 instances of that.

23 And we came in, got to the bottom of it, and got
24 indictments against several of the officers eventually -- I
25 can't remember how many -- two, I know, maybe more. And for

1 some reason, though, the hierarchy at the Montgomery Police
2 Department and the mayor thought the people were innocent or --
3 whatever they thought, they defended the officers and the city
4 hired their defense lawyers. And so it got pretty heated, and
5 we got the grand jury actively involved with possibly doing
6 something to a good number of people down there for what they
7 had done, among other things, to Jimmy Evans.

8 And so one thing led to another, and finally -- the
9 president of the city council was Emory Folmar. The mayor was
10 Jim Robinson. And Jim was a good mayor, I thought. Very
11 presentable. Made a good impression for the city. But he was
12 lock, stock, and barrel defending -- and I think he really
13 believed them -- the officers. Emory was more pragmatic. And I
14 think Emory wasn't as -- I think Jim was a very active Sunday
15 School type, and he believed people, whatever they told him.
16 Emory was tough. I mean, he was -- I'm not saying he didn't go
17 to Sunday School too, but he was a tough guy. And you -- you
18 didn't -- Emory just came in and took over negotiations for the
19 city. And he agreed that whoever I submitted, he would require
20 them to submit to a polygraph by an expert of our choosing, our
21 agreement.

22 And we agreed on this expert that we had used before
23 out in San Diego named Cleve Backster. So any of them that --
24 that didn't pass the polygraph would be fired or resign. A
25 couple of them resigned rather than take it. A couple of them

1 failed the polygraph. We would take them to San -- I must have
2 made eight or ten trips to San Diego during all this.

3 And so it ended up with the mayor resigning, and Emory
4 became the mayor. And then the police chief resigned. And then
5 various others in the hierarchy that it turned out had some
6 knowledge of this resigned.

7 And we indicted the officers that had actually
8 committed the perjury. The only offenses we felt like that were
9 strong enough were the actual perjury of the lying to the
10 Montgomery grand jury. And so we tried those cases I think
11 three times, and it was a hung jury every time. I know we tried
12 it twice, I think maybe three times. And it became obvious that
13 we weren't ever going to get a conviction and also they weren't
14 ever going to get an acquittal; so we ended up -- after
15 everybody that had any hand in it had retired or resigned or
16 left the police department, then we dismissed the cases.

17 And I think that those cases there plus one more that I
18 tried in Tuscumbia -- I think they're the only jury cases that I
19 prosecuted when I was Attorney General that I didn't get
20 convictions on. But we got either two or three mistrials in
21 those cases. And I -- I'm not sure; the Whitehurst family might
22 have sued the city after that and -- but, of course, we weren't
23 involved in that. I'm not sure what happened in that regard.

24 MR. ROYER: That was in 1976.

25 And another important thing that happened in 1976 was

1 that one of the last surviving Scottsboro boys, Clarence Norris,
2 received a pardon from the governor. And you and the office
3 were deeply involved in that. If you would tell us that story,
4 I would appreciate it.

5 MR. BAXLEY: Okay. Donald Watkins was a young lawyer
6 in Montgomery with Fred Gray's firm. And Watkins wrote either
7 me or Milton Davis, who was one of my assistants that was also
8 African American -- Milton was a great guy. I think he was the
9 fourth -- he might have been the third and Price the fourth.
10 But anyway, he was one of the early hires that we made. And
11 Milton, another great guy. But somehow or other -- if it came
12 to me, I assigned it to Milton. Or it came to Milton and Milton
13 brought it to me. I can't remember which.

14 But the NAACP Legal Defense Fund out of New York had
15 begun representing Clarence Norris, and Clarence Norris was the
16 last surviving Scottsboro boy. I don't know whether I need to
17 go into detail about the Scottsboro boys or not. They were --
18 that's an interesting story but one probably too long. But he
19 was the last one still alive. That was a famous, famous, famous
20 cause that, unfortunately, highlighted the injustice of the
21 Alabama state judicial system at the time. And it was worldwide
22 news back several decades before.

23 Anyway, most of these Scottsboro boys had gotten the
24 death penalty, and their cases had gone up several times to the
25 U.S. Supreme Court. That was one of the groundbreaking cases

1 about jury discrimination that was -- by the U.S. Supreme Court,
2 was one of those Scottsboro boy cases.

3 And this guy, Clarence Norris, had finally escaped.
4 Governor Bibb Graves had commuted his death penalty eventually
5 to life imprisonment, and he got parole. And then they picked
6 him up for a violation of parole and put him back in prison, and
7 he escaped. And he went to New York and lived, gosh, almost 30
8 or 40 years without ever being in any trouble of any kind under
9 an alias. He married and raised a family. Had a job. It was I
10 think a job in the sanitation or the street department, city of
11 New York.

12 But anyway, he was getting on up in years, and he
13 wanted to clear his name. He knew he was innocent. And so he
14 contacted -- and somehow got referred to the NAACP Legal Defense
15 Fund, and they contacted Watkins and got Watkins to contact our
16 office to see about getting him a pardon. And they wouldn't
17 tell us his alias or where he lived. Wouldn't tell us even that
18 he was in New York. They said that it was Clarence Norris, but
19 that was not the name he was living under. And they wanted us
20 to see about getting him a pardon.

21 And so I assigned it to Milton. And I said, "Milton,
22 we've got to -- we got to look into this before we decide what
23 we do. And I want us to go back just like we were investigating
24 this case from the beginning."

25 So we looked at that case, the original charges, like

1 we were investigating a rape case and concluded that these
2 Scottsboro boys were all innocent. The rapes -- they didn't
3 occur.

4 And that was the same conclusion that Judge Horton,
5 Judge -- another heroic judge in Alabama. He was a state judge
6 up in Limestone County. He, after a series of trials, concluded
7 that these people were innocent and set the jury verdict aside.
8 And it was so unpopular that he got defeated in the next
9 election. And his opinion where he set that verdict aside is a
10 classic.

11 But anyway, we became absolutely convinced beyond any
12 doubt of their innocence -- of Clarence Norris's innocence and
13 all of them's innocence. But like I say, all the rest of them
14 were dead.

15 So I wrote a very long letter to the pardon and parole
16 board, three-person board at the time, and I set out that we had
17 thoroughly investigated it, that he was innocent, and that he
18 was -- we thought he was entitled to a pardon.

19 And so the regulations were that you could not give
20 somebody a pardon if they were on escape. And so the chairman
21 of the pardon and parole board was a man named Mr. Ussery. He
22 was originally from Dothan. And it had two other members, Sara
23 Sellers and one other, all white. And so they said, "Well,
24 he'll have to turn himself in and be docketed in the prison.
25 And then when he's in prison, we'll consider his case."

1 So when we conveyed that to the lawyers for the
2 NAACP -- by then they had been coming down and meeting with us
3 too. Of course, the heavy lifting was being done by Milton,
4 most of the work -- all of it he would report to me, but Milton
5 did the work. I reckon I made the decisions.

6 But needless to say, after his experience in the
7 Alabama justice system and Alabama prison system, he wasn't
8 going to turn himself in and go, you know, hoping for a crystal
9 ball. So they weren't interested in that at all.

10 So I tried and tried to reason with the parole board
11 and ended up convincing two of the three to agree to a pardon.
12 But -- and two out of the three would usually be enough for a
13 parole or even a pardon unless the person got sentenced to the
14 death penalty. And so since he'd originally gotten the death
15 penalty and had it commuted by Governor Bibb Graves, it required
16 a unanimous vote. And Mr. Ussery wouldn't do it. The other two
17 became advocates of it, but Ussery wouldn't back down. And he
18 and I swapped letters two or three times, four times, maybe.

19 And so finally I decided I'd go see Governor Wallace.
20 And Governor Wallace appointed Ussery to the board and had
21 reappointed him. And interestingly enough, Ussery was coming up
22 for appointment again sometime in the future. So I met with
23 Governor Wallace and went over the background and told him
24 what -- you know, what we had done.

25 And to Wallace's great credit, he -- the only thing he

1 asked about was that he -- was I totally convinced of his
2 innocence, and he wanted me to tell him a little bit about that.
3 And so Wallace -- I don't know what he did, but he called
4 Mr. Ussery over to his office and, quote, reasoned, end of
5 quote, with Mr. Ussery. And Mr. Ussery changed his mind and
6 said he had had second thoughts, and so they had the unanimous
7 vote to give him his pardon.

8 And all the lawyers and Clarence Norris and -- you
9 know, they came and told us who -- where he was then. And
10 Wallace signed his pardon and did all the paperwork, and they
11 flew down. And Roy Wilkins, who was the executive director of
12 the NAACP, came with them. And the chief lawyer, Nate Jones --
13 Nat Jones, Nathaniel Jones, with the NAACP Legal Defense Fund
14 came down. And I had a big luncheon for them over at the Sahara
15 Restaurant which was opening that day, and Clarence Norris came.
16 And he -- he signed a copy of the pardon and gave -- Milton got
17 a copy and I got a copy. And it's got Clarence Norris's
18 signature across the top and Governor Wallace's signature on the
19 bottom. And Clarence Norris was just an unassuming -- you could
20 be around him and just tell he was innocent if you didn't know
21 the facts.

22 So all is well in the end, I suppose. But then later,
23 I think this past year, the Legislature finally passed something
24 posthumously for all the others giving them a pardon. But that
25 finally, after decades of injustice, at least righted the

1 records of the Alabama judicial system for that infamous episode
2 known as the Scottsboro Boys Case.

3 MR. ROYER: Another one of the notorious figures from
4 the civil rights era was a -- and you mentioned his name
5 before -- a rabid segregationist in Georgia, J. B. Stoner. And
6 under your administration, the office conducted an investigation
7 of Mr. Stoner's activities. And ultimately, he was indicted for
8 felony offenses arising out of what he did during that period of
9 time. If you would, tell us who J. B. Stoner was and what those
10 cases were about.

11 MR. BAXLEY: Okay. Before I get into the Stoner thing,
12 can I go back and tell one other story about the -- a P.S. on
13 the Clarence Norris case?

14 MR. ROYER: Certainly.

15 MR. BAXLEY: I mentioned Nathaniel Jones, who was the
16 head lawyer for NAACP. And later he got appointed to the
17 Circuit Court of Appeals, the one in Ohio. And that circuit --
18 I can't remember which one it is. Tennessee -- the Sixth
19 Circuit. Okay. The Sixth Circuit. Judge Jones was appointed
20 to the circuit bench for Tennessee, which sat in Cincinnati,
21 among other places.

22 And so there was a guy that got -- from Alabama that
23 got convicted in Tennessee on a drug offense. And his brother
24 knew me and hired me after I was in private practice to appeal
25 his brother's conviction. And so he was out on bond and we

1 appealed and they set it for oral argument in Cincinnati; and so
2 David McKnight, one of my partners, flew up with me to argue the
3 case. And the client and his brother and their family came and
4 were in the courtroom to hear our great oral arguments.

5 And so when we stood up -- David and I divided the
6 argument. David was going to do the opening part and I was
7 going to do the closing part. So when David stood up, he said
8 that he -- "David McKnight, Baxley, Dillard, Dauphin, McKnight."
9 And so Nathaniel Jones was a judge on that panel. And so he
10 spoke up and said, "Mr. McKnight, before you get started," said,
11 "you mentioned that firm 'Baxley'." Said, "I have a friend down
12 there, used to be Attorney General, named Bill Baxley. Is he
13 any relation to that Baxley in that firm?"

14 And McKnight says, "There he sits right there." Said,
15 "That's him."

16 He says, "Oh, my gosh. I didn't think you had aged
17 that much," but said, "Okay. Good to see you, Bill."

18 And so after we finished the arguments, my client and
19 his family were just on cloud nine. They thought that -- this
20 is great. The judge up here in Cincinnati is friends with our
21 lawyer. So long story short, I thought we had a good argument,
22 but Jones Jay wrote the opinion affirming my man's conviction
23 and he had to stay in prison. So --

24 But anyway, sorry to interrupt with that, but I thought
25 that was an interesting story.

1 MR. ROYER. No, that's a great story.

2 MR. BAXLEY: Do you want to get back to Stoner now?

3 MR. ROYER: J. B. Stoner.

4 MR. BAXLEY: Okay. I mentioned Stoner a little
5 earlier. Stoner was the most anti-Semitic person this country
6 almost has ever produced, certainly one of them. And he was our
7 first suspect in the Birmingham church bombing case even before
8 we got off on the Montgomery Klan. We spent I think the better
9 part of a year going after Stoner's group.

10 We had had a tip -- turned out not to be true -- that
11 Stoner had done it. And, sure enough, Stoner and his group did
12 a lot of bombings all over the Southeast, including the Jewish
13 temple in Atlanta where the bomb actually exploded. They
14 planted a bomb at the temple -- one of the temples in Birmingham
15 that didn't go off. They planted -- Stoner planted some bombs
16 at the city council -- Birmingham city council people's homes
17 that didn't go off.

18 And so Stoner had done a lot of bombings, but he didn't
19 do that -- the church bombing. But he was -- he and his group
20 were in Birmingham that weekend, so -- but it just happened, by
21 chance, that's one of the bombings he was not involved in. But
22 anyway, while we were chasing Stoner for the church bombing
23 before we found out that it wasn't him, we did find out that he
24 had bombed Reverend Shuttlesworth's church back in the fifties,
25 I think '57.

1 And Reverend Shuttlesworth was the number one leader in
2 the movement in Birmingham and, in my opinion, the bravest of
3 the brave. Of all the activists all over the South, I think
4 Shuttlesworth was the bravest of all of them, almost to the
5 point of being not careful. He just -- he had -- he thought
6 that the Lord would take care of him in any situation. And it
7 was incredible the personal bravery that he showed. The airport
8 in Birmingham is named for him now.

9 But anyway, we found out that -- we didn't have a case
10 on the church bombing, but we did have a case for the old '57
11 case where he had bombed Reverend Shuttlesworth's church. And
12 we ended up having a really -- what we thought was a good,
13 strong case on that bombing; but there was one hang-up about it.
14 Thank goodness nobody was injured in that bombing, not a soul.
15 But under the Alabama statute of limitations, the statute of
16 limitations expires, I think after five or ten years, if it's a
17 bombing of -- where there's no injury; but it never expires if
18 there's a bombing where there's an injury or a death of an
19 occupied -- in or an occupied -- excuse me -- dwelling. And
20 Shuttlesworth's church, the statute for the bombing of that
21 church had long since expired -- statute of limitations.

22 But it was located in a residential area, and it
23 wasn't -- gosh, it wasn't a yard, hardly, between the sides of
24 that church and residences on either side of it. So my good
25 guys in the office that were good legal scholars got in the

1 books. And we determined -- or they determined -- that although
2 we couldn't charge him for bombing Reverend Shuttlesworth's
3 church, if we could find out who lived in those houses and who
4 occupied them back in '57, that we could indict him for setting
5 off a bomb or explosives dangerously near to an occupied
6 dwelling, to wit, such-and-such an address occupied by
7 so-and-so.

8 So we went back and did some -- they did some good
9 detective work. And we actually indicted Stoner not for the
10 church, but for setting off explosives dangerously near occupied
11 dwellings and proved that case against him. And he got
12 convicted and got the maximum sentence, ten years, and put him
13 out of commission. But he died a few years ago, several years
14 ago, totally unrepentant.

15 MR. ROYER: He was a fugitive from justice for a while
16 after the indictments.

17 MR. BAXLEY: Yes. And he had a judge that refused to
18 extradite him for a couple of years too, and so it took us a
19 while to get him back. But he -- they even had -- we had --
20 during World War II when Stoner was a high school student, he'd
21 write -- wrote letters to Hitler giving him tips on what he
22 needed to do even stronger against Jewish people and things like
23 that. And we had those letters. We had copies of them. Of
24 course, I reckon it shows how stupid he was to think that during
25 the war with Germany, his letters were going to get through from

1 America to Germany. But we had those letters.

2 But he -- Stoner is one that never changed his views
3 from childhood to his death bed, old age. And he was -- it was
4 his group that Dr. Fields worked for, was his number two man.
5 And one other one that was part of that group, James Earl Ray's
6 brother. James Earl Ray, the assassin of Martin Luther King's
7 brother was in that Stoner group.

8 And so we had a Grand Dragon from Alabama named Don
9 Black who, when he was a high school kid, left home and went
10 with the Stoner group out of Georgia. And so he got in some
11 kind of altercation with James Earl Ray's brother, Jerry, and
12 Jerry Ray shot Don Black. And so -- it didn't kill him. And so
13 they had to come back -- but he had to go to the hospital. And
14 when he got out, he had to come back home to Limestone County,
15 Alabama, with his parents.

16 And Jack Shows, who I mentioned earlier, my chief
17 investigator, that was when we were working on the Stoner --
18 thinking Stoner had done the bombing. So we decided that since
19 he had been shot by Jerry Ray, that he might harbor some ill
20 will and tell us some stuff on Stoner and them. So we went up
21 there to his parents' house -- I didn't go. I can't remember
22 who went. It might have been you. But I know Jack and some of
23 the others went.

24 And went in there to -- his parents were fairly
25 well-to-do, respectable people. And I don't know how he got his

1 viewpoint. But when they went in there to see him, he didn't
2 harbor any ill will. And when they led us back to his room, he
3 had a little old Hitler mustache and Hitler hairdo. And he
4 jumped up and did "Heil, Hitler" and had Nazi flags and stuff
5 all on his wall. And he wasn't any help at all. He later
6 became head of the Klan in Alabama, though, and later got
7 indicted for trying to have a war in one of the Caribbean
8 islands and went to prison. But --

9 MR. ROYER: Bill, in our earlier conversation you told
10 us that one of the very first things that you did when you came
11 into office was decide that you were going to do whatever you
12 could to solve the 16th Street Baptist Church bombing in
13 Birmingham where the four little girls were killed. Tell us
14 about your investigation and the subsequent prosecution of that
15 case.

16 MR. BAXLEY: Okay. That could be a whole book instead
17 of a brief chapter. But the Birmingham church bombing case was
18 one of the most tragic events that ever happened in Alabama.

19 On September the 15th, I believe, of 1963, a bomb went
20 off in the 16th Street Baptist Church in downtown Birmingham and
21 killed four little girls. One of them was 11. Three of them
22 were 14. They were in the church going -- in the break between
23 Sunday School and service. And the FBI investigated it, but
24 nothing was ever done.

25 So when I came in office, I wanted to see if we

1 couldn't find out who had killed those little children and do
2 something about it. So fairly soon after being sworn in, I got
3 the files from the public safety department, state troopers.
4 Later we got copies of the files from Birmingham Police
5 Department and Jefferson County Sheriff's Office, and we started
6 working on it.

7 Most of the information in those files was worthless
8 because -- it's hard to believe now, but those agencies at the
9 state level and the county level, local level, spent the bulk of
10 their investigative time on this theory that the blacks had
11 placed the bomb themselves and blown up their own church to kind
12 of, quote, get sympathy, end of quote, for their cause. It's
13 hard to believe, this day and age, that anybody would seriously
14 contend that, but that was the theory that was pursued.

15 And so I mentioned a little earlier we got off on some
16 wild goose chases -- one in Montgomery, one about J. B.
17 Stoner -- but eventually we started making some progress. And
18 we began focusing on a group of Klansmen in Birmingham that were
19 led by a guy named Robert Chambliss. His nickname was Dynamite
20 Bob, and he gloried in that nickname. He had been responsible
21 for, gosh, 20 or 30 or 40 bombings over a course of 25 years in
22 the Birmingham area, and just a vicious guy.

23 But after we started making progress and focusing on
24 the Chambliss group, we realized pretty soon that within
25 minutes, literally minutes of the bomb going off, they were the

1 main and only suspects that the FBI had. And so we started
2 running across people who would say, "Well, we told this to the
3 FBI back when it happened," blah, blah, blah.

4 So it became rather obvious to me that we needed to try
5 to get with the FBI and get them to work with us and make sure
6 that, you know, people who were telling us something were
7 consistent with what they told the FBI and also see if they knew
8 stuff, other stuff.

9 And I thought that I had had a pretty good record as DA
10 in Dothan and as Attorney General of cooperating with the FBI
11 and working with them. And so I thought that if I went through
12 channels and requested their cooperation, that there wouldn't be
13 any problem, because their federal statute of limitations was
14 five years and they had closed their file in '68. And so it
15 wasn't that we would be interfering with anything they were
16 doing. And so I sent an innocuous request to them to work with
17 us and couldn't get a reply. They wouldn't say no, but they
18 wouldn't say yeah. They wouldn't say anything.

19 And I was patient for a long time because, number one,
20 I knew that there was good reason for the FBI to be suspicious
21 of any law enforcement officer or any office holder in the Deep
22 South because they had -- I mean, I knew they had good cause to
23 be suspicious, and I thought they were going to have to check me
24 out and find out that I was sincere. And I thought that would
25 take some time, but it drug on and on and on and on and on.

1 And at some point in time, J. Edgar Hoover died. And
2 so that made me more patient because I thought, "Well, with
3 Hoover gone, maybe it -- there will probably be a change." And
4 we went through two or three directors, and nothing changed. We
5 couldn't hear anything.

6 And so one time -- and I can't remember exactly what
7 year, but I remember Gerald Ford was president and the Attorney
8 General was a guy named Levi. And so it had to be probably
9 around '75. And I was in Washington. And I had a good friend
10 in Washington -- was originally from Alabama -- named Jack
11 Nelson. And Jack was the bureau chief -- Washington bureau
12 chief for the Los Angeles Times and had been for decades. He
13 was one of the most distinguished reporters that we've ever had
14 in Washington.

15 And Jack and I were friends. And usually when I would
16 go to Washington I would go out to Jack's house or we'd go out
17 to eat or go meet for a drink or something. And so this
18 particular trip, I went out with Jack. And he knew that I had
19 been working for years on that bombing case.

20 So he said, "Are you still working on that bombing case
21 with 16th Street church?"

22 And I said, "Yeah. But it looks like we're going to
23 have to shut it down because we can't -- we're to the point
24 where we've got to get cooperation from the FBI, and we -- and I
25 can't" -- and I explained it to him. Explained I hadn't gotten

1 an answer.

2 So he said, "Well, you know, I might could help you
3 with that." He said, "Do you want me to try to see what I can
4 do about getting them to work with you on it?"

5 I said, "Yeah."

6 He said, "All right. Are you sure?"

7 I said, "Yeah. Absolutely." I said, "We're out of the
8 water if we don't."

9 So -- and we moved on to something else. Eventually I
10 went back to the hotel. Jack went home. Early the next morning
11 my phone rang, and it was Jack. He says, "Well, you had your
12 coffee yet?"

13 I said, "Oh, yeah. I've had two cups."

14 He said, "Well, are you sure you want me to try to get
15 the FBI to work with you on that bombing case?"

16 And I said, "Oh, absolutely." I said, "We're gone.
17 We're going to shut it down if we don't."

18 And he says, "All right. I just wanted to make sure
19 your answer was the same after you had some coffee as it was
20 after you had all those beers you drank."

21 So I said, "Yeah. It's the same."

22 So about, I reckon, a week or ten days, two weeks
23 later, Jack called me and said, "I think you might be hearing
24 something from the FBI before too long." Said, "I met with
25 them, and," said, "I think it will work out."

1 Now, I didn't learn until way later, way, way later,
2 what Jack had done. But Jack had gone over there to the Justice
3 Department. He knew their top PR guy. They had a good
4 relationship. He respected Jack. And so Jack went over there
5 and told this guy that -- he said, "My bosses at the Times have
6 authorized us to run a front page, week-long expose that the
7 authorities in Alabama are ready to bring murder cases against
8 Klansmen that bombed and killed those little girls back in '63
9 and the FBI is blocking that from being done." Said, "We're
10 going to run that front page. We're going to bring the families
11 of those little girls up here and take their pictures. We're
12 going to bring the prosecution team up here and take their
13 pictures on FBI steps and Justice Department steps. We're going
14 to syndicate it and submit it for a Pulitzer," blah, blah, blah.

15 And so the guy said, "Well, wait a minute. Hold off.
16 Hold off for a couple of weeks. Give me a couple of weeks on
17 it."

18 And Jack, who passed away a few years ago, never, ever,
19 till the day he died, told me whether he really had the
20 authority from his bosses to do that or whether he was just
21 pulling a bluff on them. So I don't know. My suspicion is that
22 Jack was reeling them in.

23 But anyway, not too long after that I got a call -- I
24 was out on the road somewhere, and I got a call from the special
25 agent in charge of the Birmingham office. And he said,

1 "Mr. Baxley," said, "that request of yours to cooperate with you
2 on that investigation of that church bombing," said, "that's
3 been approved." Not saying there had been a three- or four-year
4 lapse between the request and the approval. Of course, he
5 didn't mention anything about Jack. But that's the reason it
6 was.

7 Now, of course, I must say that I learned 25 years
8 later that my definition of cooperation and the FBI's definition
9 of cooperation is 180 degrees apart. The guy, when he was on
10 the phone, said, "Now, we can't let our files out of the office.
11 But what we'll do, we'll make an office available for you to
12 send somebody, one of your team, up. And he can work here as
13 long as it takes, and we'll work with him."

14 So I went back into the office and decided I'd get a
15 new set of eyes looking at it. We had a real good investigator,
16 one of the best ever, named Bob Eddy, who at one time was the
17 sheriff in Huntsville, Madison County. And Bob had come to work
18 in our office. And so I decided -- Bob had not been working on
19 the case. So I called Bob in. I said, "Bob, I want you to give
20 up all your other cases. We'll reassign them. And you go to
21 Birmingham and get you a motel room or rent you an apartment --
22 State will pay for it -- and find out what we've done so far on
23 this bombing case. You take it over. Go to the FBI. They're
24 going to provide you an office and work with you. And you stay
25 up there until we solve this case."

1 So Bob familiarized himself with what we had and then
2 went to Birmingham. And it turns out that if Bob knew enough to
3 ask for something -- this is their definition of cooperation --
4 then they would bring what he asked for to him and let him read
5 it. And that was a lot of help. But if he didn't know -- they
6 wouldn't let him just look at their files.

7 And it turned out when Doug Jones was prosecuting the
8 later two, after a 25-year gap, that I learned that if they had
9 told us some of the other stuff in those files, we could have
10 prosecuted Blanton back when we tried Chambliss and probably
11 convicted Blanton back 25 years earlier. But they -- they did
12 not do what I call "cooperation." But they did share when Bob
13 knew enough to ask for it. And without that, we probably
14 wouldn't have been able to go forward with the case. So I'm
15 grateful for what help that we got.

16 And I do want to say this too. I don't fault those FBI
17 agents at all. They did a super job investigating that case,
18 and their hearts were in it too. My fault is with the
19 decision-makers higher up in the department that make the rules
20 about what is cooperation and what's not. But those agents that
21 did the investigation were super and did a terrific job.

22 But we -- only three of the four were still alive:
23 Chambliss, a guy named Cherry, and Tommy Blanton. And the case
24 on Chambliss was stronger than on the other two. So I made two
25 decisions, really. One, I decided only to charge Chambliss

1 because I was afraid that if we charged all three of them --
2 back then you could get separate trials in Alabama. One of the
3 ones where we didn't have a stronger case might, working around,
4 go to trial first, and we might lose. And then that would block
5 us from going any further. And also Chambliss was the
6 ringleader. He was the -- I thought if we convicted him, it
7 might make some people open up.

8 And the second decision --

9 MR. ROYER: Tell us about the group that they were --
10 Klan group that they were a member of.

11 MR. BAXLEY: Okay. They were members of the Eastview
12 Klavern of the Ku Klux Klan. And the regular Klan meeting would
13 be -- get this -- in the FOP, Fraternal Order of Police, lodge.
14 But Chambliss and his group had an offshoot. They felt like
15 that the regular Klan wasn't tough enough. And so they had
16 their own little group that -- after the Klan meetings, they
17 would go meet under the Cahaba River Bridge, which is still
18 there on 280. And they'd meet underneath that bridge, and
19 that's where they did their planning for all these bad things
20 they did, including this bombing.

21 And so the second decision, getting back to that, I
22 decided to charge him with four separate cases, four murder
23 cases, one for each of the children. And the reason I decided
24 that was I thought that if we were to lose one of the cases,
25 maybe at some point somebody else would talk or they'd have some

1 more evidence and they might could charge him with one of the
2 other little girls that wasn't tried. Now, that probably
3 wouldn't stand up to a double-jeopardy challenge, but I thought
4 it was worth doing. So that's why we ended up trying only
5 Chambliss and only for the death of Denise McNair, the little
6 11-year-old girl.

7 But we ended up going to trial with Chambliss. And
8 Judge Wallace Gibson was the judge it was assigned to, and Art
9 Haynes Sr. and Art Haynes Jr. were the lawyers representing
10 Chambliss. And the Hayneses were good lawyers and good people
11 and my friends. I liked and respected them both. Art Sr. had a
12 certainly different political philosophy than I did, but he was
13 a good person. And they were good, tough lawyers. You knew you
14 were in a battle when you went with them, but they were fair.
15 They didn't do things underhanded. They -- I've got a lot of
16 respect for both of them. In fact, Art Jr. retired several
17 years ago as a circuit judge in Jefferson County and served --
18 had a distinguished career on the bench.

19 But we went to trial. A lot of funny things happened
20 during the trial, interesting things. I could tell you about
21 some of those.

22 MR. ROYER: Please do.

23 MR. BAXLEY: Well, I tell you, I'll start with
24 something before the trial, even before we started working with
25 the FBI. We had found -- there was a lady by the name of

1 Mrs. Kirthus Glenn who was visiting in town. And she was
2 staying -- a guest at a house right behind the 16th Street
3 church. And the night -- the Saturday night before the Sunday
4 bomb went off, she was sitting on the porch out there right
5 across the alley from that church with her host. It was a hot
6 night. And she was sitting out there about two o'clock in the
7 morning and saw a car pull up in that alley, and it was
8 Blanton's car. And it was four white men in it. And two of
9 them got out, and one of them carried something around the
10 corner of the church and then, pretty soon, came back and they
11 left. And she got a good look at them, especially the one
12 sitting in the passenger front seat. And she wrote down a
13 description of the car and the tag number.

14 And so it turned out the FBI got her down to look at a
15 bunch of pictures. And the only one she could pick out
16 positively was Chambliss. He was the one sitting -- and she got
17 a good look at them. They were under a street light, and the
18 dome light came out. And she picked Chambliss unequivocally
19 out -- his picture out. And, of course, Blanton, she had the
20 tag number and the description. It totally matched his car.
21 Had long antenna on the back -- she described it -- one of those
22 ham radio, I reckon, antennas, CBs or whatever.

23 And so we found her, Shows and his group found her, and
24 she was living in Detroit. And so I sent Shows and some others
25 up there to interview her. And Jack came back. I couldn't wait

1 for him to get back. And he came in to report to me, said,
2 "Well, I've got good news and bad news. Which one you want
3 first?"

4 I said, "Give me the good."

5 He said, "Well, we found Ms. Glenn. She's a nice lady,
6 very presentable, very intelligent, the kind of lady that a jury
7 would love. And she doesn't back down. She can, to this day,
8 identify Chambliss and describe Blanton's car. And it's as
9 clear as a bell. Said she never will forget it. She just -- we
10 couldn't ask for anybody any stronger or better than Ms. Glenn."

11 I said, "Well, Jack, what in the world can be bad news,
12 then?"

13 He said, "Oh, she won't come back to Alabama under any
14 circumstances."

15 Now, back then -- I better digress -- you couldn't make
16 a witness from out of state come to court. You couldn't
17 subpoena them, make them come. Nowadays, I think every state --
18 I know Alabama does -- has passed statutes that are called
19 reciprocal witness or reciprocal subpoena statutes. And you can
20 enforce a subpoena in the court of another state, and the judge
21 there can order you to go back to the other state. So you
22 wouldn't have that problem now. But back then, we didn't have
23 that.

24 And so I said, "Well, Jack, go up there and tell her
25 this, this, this, this, and this."

1 He says, "We've already done that. We told her that.
2 She said that won't work."

3 I said, "You go back and tell her." I said, "I'm going
4 to write it down for you." I sketched it out.

5 So he went back up there, and he came back. Said,
6 "She's as nice as she can be." Said, "She -- both times she put
7 out cookies and cakes and made tea for us and coffee and little
8 goodies, but she is not coming back to Alabama."

9 I said, "All right. I'll tell you what we'll do."

10 By then I had hired quite a few African American
11 assistant AGs. And so I thought -- now, none of them had been
12 working on this case. And so I thought -- of the ones that I
13 had hired, I felt like the most outgoing, personalitywise, was a
14 guy named Milton Belcher. I don't know if you remember Milton
15 or not. Milton was -- had a very outgoing personality, easy to
16 meet and like. In fact, he was president of his student body at
17 Elba High School when the -- they only had about two or three
18 black students, and Milton was president of the student body.

19 But anyway, since he was the most personable, I
20 thought, I thought I'd send him up. I said, "Y'all take
21 Milton." And I got Milton in there and told him to get read up
22 on the case and go up there. I said, "Now, you talk this lady
23 into coming back."

24 So they went up there and they came back. They said,
25 "She was nice. She put out all these goodies, but she ain't

1 coming."

2 And I said, "Am I surrounded by incompetence? Do I
3 have to do everything that's done around here? Come on. We'll
4 go back and I'll show you what y'all should have done all -- the
5 whole time."

6 So we all go back up there. And so we go to her house.
7 She puts out goodies for us and just as -- like they said,
8 perfect, nice. And so I tried to talk to her. And she said,
9 "Mr. Baxley," says, "I've explained this to your people several
10 times." Said, "I appreciate you. And your people are nice and
11 they've been courteous, but," said, "I would not allow -- after
12 I pass away, I would not allow my body to be flown over the
13 state of Alabama in an airplane. I am not under any
14 circumstances, for any reason, coming back to Alabama."

15 And so I tried -- I mean, I -- I've never tried more
16 sincerely or more pleading, more earnest. Didn't do any good.
17 And I was having to, by then, fight back anger as well as
18 despair, because I was getting kind of mad at her and put out
19 with her for not seeing our side of it.

20 And I picked up on that coffee table by where the
21 goodies were -- she had an old *Jet* magazine. And this *Jet*
22 magazine was the recap of the Montgomery bus boycott, and I
23 think it may have been the whole issue was devoted to it. And
24 so I just opened it, and it flew open to a double page. Had a
25 picture of Ms. Parks, Rosa Parks, and her attorney, Fred Gray.

1 And on the other side it had Dr. King being bonded out of jail
2 and Fred Gray, who was his lawyer. And Fred, by then, had been
3 elected one of the first two blacks to the Legislature, and Fred
4 and I had been friends.

5 In fact, he had tried the *Amerson* case with me. He was
6 Sheriff Amerson's cocounsel and did a great job. Actually
7 participated in Sheriff Amerson's trial with me. Fred and I had
8 been friends. Fred later became the first African American
9 president of the Alabama Bar Association.

10 So I handed that book -- I said, "Ms. Glenn, you see
11 this magazine?" I called it a book; it was a magazine. I said,
12 "You see this man right here by Ms. Parks and by Dr. King?" I
13 said, "This is a man that they trusted -- Dr. King trusted the
14 birth of the Civil Rights Movement to him. He was the lawyer
15 for Dr. King, Ms. Parks, and the movement, the lawyer that
16 argued their cases in court, carried them all the way to the
17 U.S. Supreme Court, won them. We wouldn't have the civil rights
18 benefits that are on existence now if it hadn't been for a lot
19 of people, but this man is one of them. He's the one that
20 Dr. King chose and trusted to turn it over to." I said, "If
21 that man were to come up here and tell you you need to rethink
22 this and go to Alabama, would you do that?"

23 And she said, "Well, I would certainly consider it."

24 Now, that was such a sea change from the way she had
25 been every other time, I said -- I told Shows, I said, "We're

1 out of here. We're out of here. Let's go." So we stopped --
2 back then we still had pay phones. And I said, "Stop at the
3 first pay phone." We stopped a block from her house.

4 I called Fred -- was lucky I got him -- explained the
5 situation and asked him would he come up there. We had a state
6 plane -- had a state jet that we'd used every time, going
7 everywhere on this. And so I said, "Well, I'll send the state
8 jet to pick you up." So we went down there and got Fred. I had
9 Shows call; Ms. Glenn agreed to see us the next morning.

10 So we went back over there, and she had goodies out for
11 us again. And -- but, now, she -- she was no shrinking violet.
12 So before she would sit down and or let us sit down or talk, she
13 got that magazine. And she opened it to the picture of Fred and
14 Dr. King, Fred and Ms. Parks. And thank goodness Fred was one
15 of those guys that aged well. He still -- he didn't look like
16 he had aged much. So she held that magazine up there by Fred's
17 head and looked at that picture and looked at him, looked at
18 that picture, looked at him, moving her head back and forth.
19 And finally she folded it up and said, "Well, it is you. Y'all
20 sit down."

21 And so Fred told her what -- what she ought to do and
22 explained things. And that made the difference. She agreed to
23 come back. And she did come back and was one of our two best
24 witnesses. She was -- she and Chambliss's niece were the two
25 best witnesses that we had.

1 Ms. Glenn passed away and couldn't testify in Doug's
2 later trials, but -- and she wouldn't probably -- she probably
3 would have only been a good witness in the Blanton case. She
4 could have described his car.

5 But that's one good story. And I can tell you some
6 things at the trial if you've still got time.

7 MR. ROYER: Sure. Please do.

8 MR. BAXLEY: Okay. Let's -- I'll tell two. Both of
9 them shows how a blind hog can find an acorn.

10 The defense had announced that they were going to
11 present evidence. And so after we had rested our case and they
12 started in -- I can't remember who all they put on, but they --
13 their last witness before calling Chambliss was Chambliss's
14 nephew, who was a Birmingham policeman. And so I cross-examined
15 him. And I did as about a good a job as I've ever done in a
16 courtroom cross-examining him and pretty much ate his lunch. It
17 was one of the few times I've been satisfied with -- when I
18 finished that I had done everything I could do. But I made him
19 look pretty bad.

20 So he got out of the witness stand -- box and came
21 walking around. And Art Sr., Art Haynes Sr., stood up and said,
22 "Our final witness, Your Honor, we will call Robert Chambliss."
23 And Chambliss had just seen what had happened with his nephew,
24 and he said, "No. I ain't getting up there."

25 And, of course, you learn, I reckon first week of law

1 school, that one of the biggest no-no's is a prosecutor can't
2 ever comment on a witness's failure to take the stand. And so I
3 spoke up and said, "What did he say?" Acted like I couldn't
4 hear.

5 And Chambliss started hollering louder, "No, I ain't
6 getting up there."

7 I said, "What did he say? What did he say?"

8 He said, "I ain't getting up there. I ain't going.
9 No, no, no."

10 And the judge started banging his gavel. And so the
11 Hayneses were trying to shut him up. And Judge finally said,
12 "Take the jury out. Take the jury out."

13 So the Hayneses explained to the judge that this caught
14 them by surprise, and so he let them put on the record that --
15 the Hayneses covered themselves that Chambliss had
16 double-crossed them in doing that. But the jury heard every bit
17 of it.

18 And I thought, "You know, this is about as good a way
19 to end your case as you could possibly have. And it can't be
20 any reversible error. I didn't comment on him. I just said,
21 'What did he say?' and he kept repeating it himself." So that
22 was something just thrown in our lap that Chambliss did to
23 himself.

24 MR. ROYER: Bill, there were many stories that came out
25 of the Birmingham church bombing trial. You just told one about

1 Robert Chambliss refusing to take the witness stand. What were
2 some other stories that came out of that trial?

3 MR. BAXLEY: Well, I'll tell you one that I thought was
4 very interesting, and it shows how you can have some help that
5 you don't know you're getting sometimes. It came time to make
6 the final arguments. And one of the assistants that was helping
7 try the case along with my Deputy Attorney General, George Beck,
8 was an assistant AG named John Yung. And so it came time for
9 the final arguments, and I was going to go last. And the
10 arguments went on all morning, and we broke for lunch. And
11 after lunch, I was going to come do my final summation. Then
12 the judge was going to charge the jury, and the jury would get
13 the case.

14 So at lunch I wanted to wander around by myself, and I
15 wandered around downtown Birmingham. And I still, to this day,
16 can't remember whether I had anything to eat or not. I might
17 have had a hot dog. But I came back. Court was going to start,
18 say, one or 1:30, and I came back about ten minutes before it
19 was due to reconvene.

20 And when I came in, Yung was up at the front of the
21 courtroom. And he said, "Baxley, Baxley, come here." He said,
22 "I've been waiting for you." And so he's up there fooling
23 around with exhibits. He was getting the exhibits ready to make
24 sure that we had everything in that would go to the jury.

25 And so I said, "John, I'm getting my thoughts to

1 myself. I can't come up there now."

2 He said, "No, come here. I've got to show you
3 something."

4 I said, "Unh-unh, John. I can't do it."

5 He said, "Baxley, you stubborn goat, come up here. Let
6 me show you something."

7 And I thought, "Oh, rather than argue with him, I'll go
8 see what he wants." So I reluctantly got up and went up there.
9 "What?"

10 He said, "Look at this. Look at this." And he handed
11 me State's Exhibit 1. And it was Denise McNair's death
12 certificate. And, of course, Denise, as I mentioned earlier,
13 was the little 11-year-old whose case we were trying for her
14 death.

15 And so I looked at it, and I said, "Okay. So what?
16 It's her death certificate."

17 He said, "Baxley, you imbecile." Says, "Look at the
18 date of birth."

19 And so I looked. And whatever day that was, that was
20 her birthday. And it was just incredible to me that -- we
21 couldn't have timed that or mapped it out. Just some blind luck
22 that fell in our laps.

23 So I was able, with what Yung showed me, to add a good
24 closing to my argument. And so what I did was I -- I had spread
25 out at the start of my argument on the jury panel -- I mean the

1 railing -- all the exhibits that I wanted to highlight, gruesome
2 pictures and damage to the church, and on the end was Denise's
3 death certificate.

4 So at the very end of my argument, I picked up the
5 death certificate. And I said -- talked about it and how her
6 life had been cut short. I said, "But I want you to look at
7 State's Exhibit Number 1. You'll have it back in the jury room
8 with you. And I want you to look at this date right here." And
9 I read it. And I said, "You know that's today."

10 I said, "Had it not been for the blind hatred and the
11 actions that this defendant helped set in motion, there would
12 have probably been a birthday celebration tonight at the McNair
13 house. There may have been cake and ice cream. And could have
14 been talking about a lot of things, about school or college or
15 maybe about work or about even marriage or children or
16 grandchildren or whatever. But," I said, "tonight won't be a
17 night for celebration in the McNair house and most other nights
18 won't be either, but especially this night, her birthday night."

19 I said, "You 12 people will be given an opportunity
20 that no other people on earth will ever get. You'll have an
21 opportunity to give Denise McNair a birthday present, one that I
22 believe that she will know about, one I know in my heart that
23 she's going to know about. You 12 people will have an
24 opportunity to, for her birthday, finally bring Denise's killer
25 to justice." And I sat down.

1 And when -- and I ad-libbed a little -- I mean, added
2 in a little more. I noticed that several of the jurors kind of
3 teared up and began wiping tears away during that part about
4 that death certificate and it being her birthday. And that's
5 when I started kind of getting a good feeling, like I had gotten
6 when Chambliss did that thing about not taking the stand.

7 And that was just blind luck. I didn't -- not only
8 didn't notice it, when Yung pointed it out to me, he had to tell
9 me what it was. I couldn't even -- when I was reading it, it
10 didn't -- it escaped my perception. But I just think it was
11 some kind of higher power made those coincidences come together.
12 And that was a good way to end the argument.

13 MR. ROYER: What were some of the other interesting
14 stories that came out of that trial?

15 MR. BAXLEY: Well, I'll tell you two. One was told to
16 me by Art Haynes Jr. And like I mentioned, they -- Art -- both
17 Hayneses were great lawyers and good people. But when the jury
18 came back and found Chambliss guilty, Art's daddy made Art Jr.
19 go over to Ms. Chambliss's house to tell her that the jury had
20 found him guilty.

21 And so Art said he went over there and that -- it was
22 the middle of the day, but the house had all the curtains and
23 blinds and shades pulled together. And it was dark inside, no
24 lights on. And so he knocked on the door and this voice said,
25 "It's open. It's unlocked. Come in."

1 So he said he went in. Said, "Ms. Chambliss was in her
2 housecoat and lying on a couch with a wet bath cloth on her
3 forehead."

4 So he said, "Ms. Chambliss," said, "I'm sorry. Dad
5 told me to come over here and tell you the jury came back not
6 long ago and found Robert guilty of first-degree murder. And
7 they've taken him off to jail, and he's in jail. And you need
8 to get up some clothes and belongings and take them down there
9 and leave them at the jail for him, because he won't be coming
10 home."

11 And she said, "What?"

12 He said, "Well, he won't be coming home, because he's
13 been found guilty of first-degree murder. There's no bond.
14 He'll be in jail."

15 She says, "Well, what does that mean? How long?"

16 He said, "Well, we're going to appeal the case, but,"
17 said, "it will take about two years for the court to ever get --
18 to hear it. But -- and we're going to give it our best, but
19 Judge Gibson has tried a very -- got a clean record here, and
20 it's going to be difficult to get an appellate court to undo
21 this and reverse it. But we'll give it our best shot."

22 She says, "Well, what does that mean? When will he get
23 out?"

24 And he said, "Well, that's what I'm trying to tell you,
25 Ms. Chambliss. It's not likely that he's going to get out. In

1 fact, it's unlikely that he'll ever get out. At his age, if
2 it's upheld, which I'm afraid it probably will be, the
3 conviction is upheld, he'll have to serve the rest of his life
4 in jail. He won't ever get out again."

5 She said, "Do you mean he won't ever come in this house
6 again?"

7 And he says, "Well, again, we're going to give it our
8 best shot, but I'm afraid that it's very unlikely that he'll
9 ever come in this house again."

10 So he said, "With that, she sat up and said, 'You mean
11 to tell me he won't ever come in this house again?'"

12 And he said, "That's what I'm afraid of,
13 Ms. Chambliss."

14 And she said, "Are you sure?"

15 He said, "Well, that's what I'm trying to tell you.
16 It's what we think."

17 And he said then she took that bath cloth off of her
18 forehead and flung it all the way across the room against the
19 wall and jumped up and started letting the shades up and opening
20 the curtains and singing, "Glory, glory, hallelujah. Thank you,
21 Jesus. Thank you, Jesus. Oh, thank you, Blessed Savior.
22 Hallelujah, hallelujah, hallelujah," and just dancing around.

23 And what they didn't know, the lawyers didn't know,
24 these Klansmen were so violent, most of them, including
25 Chambliss, they mistreated all the women in their lives. And

1 all the Chambliss females -- Ms. Chambliss, her sisters, her
2 niece -- of course, her niece, I mentioned earlier, I think, in
3 passing, testified for us. And they didn't know that
4 Ms. Chambliss had been given this information as well, and all
5 of them cooperated with the FBI back when it happened. In fact,
6 Ms. Chambliss had allowed the FBI to put a bug in their cuckoo
7 clock, but it never did pick up anything except cuckoos.

8 But the other story that I think is kind of touching to
9 me -- I've got very, very few regrets about anything that I ever
10 did in any office, in fact, really, very few about anything I've
11 done in life. Very little that I would do differently. But one
12 of the biggest regrets I had was that I went out of office
13 without being able to prosecute or try the others that I knew
14 were guilty in this case, Cherry and Blanton. And after I left
15 office, the other people that came in as AG wouldn't touch --
16 they thought it was unpopular, and so they didn't touch it with
17 a ten-foot pole. And so I was -- I was anxious and worried some
18 over the years that I hadn't finished and prosecuted those other
19 people. And I knew they were guilty, and they were still
20 walking around free.

21 And what I didn't know -- and this is the point I'm
22 trying to make. If I had known this, I would have rested a
23 little better for 25 years. But there was a kid during that
24 Chambliss trial that was going to law school in Birmingham at
25 Cumberland School of Law. And he was cutting class every day

1 and coming to watch that trial. And he came every day. He
2 watched all of it, the arguments, everything. And that kid was
3 a young man named Doug Jones.

4 And nearly 25 years later, Doug was the U.S. Attorney
5 for the Northern District of Alabama. And so Doug and his
6 office picked back that case up. And the federal statute had
7 run, but he got Judge Pryor, who at that time was the Attorney
8 General, to appoint him as the sitting U.S. Attorney, a special
9 Assistant Attorney General. And he used the federal grand jury
10 to investigate it. Then as Assistant Attorney General, he went
11 over to the state grand jury and brought indictments against the
12 other two, Blanton and Cherry.

13 And so that kid that watched that trial came in as the
14 lead prosecutor, as the incumbent U.S. attorney, and convicted
15 both of the other two that were still alive, Blanton and Cherry.
16 And so, really, in a way, for finishing what I couldn't finish,
17 Doug will always be one of my heroes too. And he got the juries
18 to convict -- Alabama juries to convict both of them. And
19 Cherry died in prison like Chambliss did, and Blanton is still
20 there.

21 MR. ROYER: When you were Attorney General for the
22 eight years you were in office, George Wallace was the governor.
23 And being Attorney General, you had occasion to have dealings
24 with George Wallace on a frequent basis and knew him well.
25 Would you share for us your impressions and recollections of

1 George Wallace.

2 MR. BAXLEY: Well, I liked Governor Wallace personally.
3 Although he and I philosophically were opposite and I
4 disapproved of his actions, especially early on in his tenure as
5 governor, I couldn't help but like him. And he and I got along
6 well together. He -- in fact, in that bombing case, he
7 cooperated, allowed the state troopers to do anything I asked of
8 them, allowed us -- our office to use the state plane. He -- I
9 couldn't have asked for better cooperation than what I got from
10 Governor Wallace. And I think I got to know him about as well
11 as anybody knew him.

12 I don't think that -- in fact, I'm convinced absolutely
13 that deep down, George Wallace didn't hate people because of the
14 color of their skin. Of course, that begs the question. What's
15 worse, those people that are haters like Bull Connor, I think,
16 was and Lester Maddox over in Georgia and maybe Ross Barnett in
17 Mississippi and several others that I could name -- but Wallace
18 was not a hater, even though he did some hateful things. So
19 that raises the question of what's worse, you know, somebody
20 that knows better?

21 But I think Wallace, in his heart, tried to make life a
22 little bit better as far as providing what we consider or what I
23 consider progressive things for those that are least able to
24 afford them like free textbooks and things of that nature.

25 MR. ROYER: In his early years, he was a member of the

1 progressive wing of the Democratic Party.

2 MR. BAXLEY: Yes. He was in the progressive wing of
3 the Democratic party. He was a big Folsom supporter. I think
4 he was Jim Folsom's South Alabama campaign manager in one of
5 Folsom's elections.

6 So -- and Wallace was the most gifted politician I ever
7 knew, and I've known quite a few of them. Most of them over the
8 last 50 years I've had occasions to be with them. I've had
9 occasions to be with Governor Wallace when he would be in a room
10 with other governors. And as far as charisma and personality,
11 he was like a dollar over a dime over the others.

12 And, like I say, even though I disagree with those
13 things that he did like standing in the schoolhouse door and the
14 speeches that he made, as far as personal in his dealings with
15 me and my office, we couldn't have worked any better than we
16 did. And so I've got really warm feelings about him personally.

17 And I will say this. Even though, again, some of the
18 things he did were just so, so wrong, but he tried, I think, in
19 later years every way that a human could to apologize for it and
20 to say he was sorry. With some people that's never enough. But
21 he did, I think, see that what he had advocated in the beginning
22 was wrong. And I think that speaks well of him too.

23 MR. ROYER: Governor Wallace and Frank Johnson were law
24 school classmates.

25 MR. BAXLEY: They were, I think, good friends. And

1 then Judge -- what Governor Wallace did in the campaign to Judge
2 Johnson was wrong. And I think that Governor Wallace really,
3 really regretted that and wanted Judge Johnson's forgiveness,
4 but Judge Johnson would never forgive him. I think Judge
5 Johnson felt personally betrayed that somebody that he
6 considered his friend would do and say the things that Governor
7 Wallace said about him. Judge Johnson was one of those that
8 would not -- would not accept Governor Wallace's later
9 apologies.

10 MR. ROYER: Bill, we've covered a lot. Is there
11 anything that you would like to talk about that we haven't
12 talked about?

13 MR. BAXLEY: No. I've just been extremely lucky and
14 extremely blessed to be able to work with the people I've worked
15 with and do some of the things we did. And I will always be
16 thankful and grateful to the people of Alabama for giving me the
17 opportunity they gave me to serve eight years as Attorney
18 General and four years at lieutenant governor.

19 It's -- I wouldn't trade my life for anybody's that I
20 ever know of. I wouldn't want to be any other profession or job
21 than being a lawyer. I've enjoyed -- after I left prosecution
22 and left being Attorney General, I had a very active career as a
23 trial lawyer all over the state. I think I've tried a case of
24 some kind in every county in the state, all 67, certainly all
25 the federal districts.

1 MR. ROYER: You tried some important cases in this
2 courtroom.

3 MR. BAXLEY: Yes, yes. This courtroom, like I
4 mentioned earlier, brings back a lot of memories. I've had some
5 major civil and criminal trials, from the defense standpoint, in
6 this courtroom and in this courthouse. And some of them were
7 big news cases.

8 MR. ROYER: You represented Tom Coker when he was
9 prosecuted.

10 MR. BAXLEY: That was -- Tom Coker was involved in the
11 case fairly recently. Milton McGregor and several others were
12 charged in federal court. Tom is a wonderful person. And we
13 went through two long trials in Judge Thompson's -- this
14 courtroom right here. And the jury eventually acquitted Tom --
15 in fact, all of them -- on all counts.

16 I represented another good person, Mack Roberts,
17 several years ago. He was the highway director under several
18 governors. But he got charged along with Governor Siegelman and
19 was in that trial and was tried in -- not this courtroom, but in
20 this courthouse, the Frank Johnson Courthouse. And he was
21 acquitted as well. And both Mack and Tom are wonderful people
22 and, I'm convinced, were totally innocent. And I'm glad juries
23 saw fit to agree with us that they were innocent.

24 Earlier I represented one of the first, if not -- in
25 fact, the first, I think, black cabinet officer that Governor

1 Wallace appointed, Jesse Lewis. He had a trial in Judge
2 Thompson's courtroom. And a codefendant -- the codefendant was
3 represented by Judge DeMent, Ira DeMent. And so Judge DeMent
4 and I had a good time representing them.

5 I think that might have been Judge Thompson's first
6 jury trial. And I felt like we were entitled to a JNOV, a
7 directed verdict. And Judge Thompson didn't rule, and he kept
8 it under advisement. He didn't deny it. He just kept it under
9 advisement and sent it to the jury. And the jury, thank
10 goodness, came back with a not guilty verdict on Mr. Lewis. And
11 I think Judge Thompson probably -- with that being his first
12 trial or certainly one of his first trials, he wanted to wait
13 and see what the jury did before he had to make that decision.

14 I'll tell you another story about Judge Thompson
15 that -- being in this courtroom is bringing back a lot of
16 memories to me. But fairly early after he got appointed, a
17 matter -- I had a matter before him, and it was a civil matter.
18 And for some reason, it looked like it was going to be a long
19 vacation weekend, maybe a Monday holiday.

20 And so my wife at the time and -- Lucy and my son --
21 Louis was a little boy, very little boy, three or four years
22 old. And we went to -- took off and went from Birmingham to
23 Gulf Shores, Orange Beach, where we have a condo, and went down
24 Thursday during the day. And got to my condo about middle of
25 the afternoon Thursday afternoon, and the phone rang. It was

1 the office.

2 And said, "We're glad we got you. We've been calling."

3 Said, "You've got to call Judge Thompson's office. It's
4 urgent."

5 And so I called Judge Thompson's office and his
6 assistant or law clerk said, In that case, so-and-so and
7 so-and-so versus so-and-so and so-and-so, Judge Thompson wants
8 all the parties and their lawyers to be in his office at nine
9 o'clock in the morning. He's calling a special conference.

10 And I said, "Oh, me. Nine o'clock tomorrow morning?"

11 They said, "Yep."

12 And I said, "Well, look. I've got a real problem." I
13 said, "I have -- I am in Orange Beach, and it's almost four
14 o'clock. And I didn't bring -- going to the beach, I didn't
15 bring a suit, a coat and tie. And would you find out -- I mean,
16 I just can't -- I'd have to wake up at midnight or earlier,
17 drive to Birmingham, get my coat and tie, and drive back to
18 Montgomery. Would you find out if Judge Thompson might possibly
19 agree to have the conference in his chambers and excuse me from
20 wearing a coat and tie and let me just come with my little golf
21 shirt and khakis?"

22 And he said, "I don't know. I'll -- we'll find out and
23 I'll get back with you. Give me your number."

24 So I waited. And I was thinking, oh, man, I'm so worn
25 out from driving down here. Now to think I have to drive back

REPORTERS' CERTIFICATE

We, Patricia G. Starkie and Risa L. Entrekin, Registered Diplomate Reporters and Official Court Reporters for the United States District Court for the Middle District of Alabama, do hereby certify that the foregoing 120 pages contain a true and correct transcript to the best of our ability of the Interview of William Joseph Baxley II on March 7, 2016, and March 9, 2016.

In testimony whereof, we hereunto set our hand this 30th day of November, 2016.

PATRICIA G. STARKIE, RDR, CRR
Official Court Reporter

RISA L. ENTREKIN, RDR, CRR
Official Court Reporter