

Justice for Four Little Girls: The Bombing of the Sixteenth Street Baptist Church Cases

By Doug Jones

On September 15, 1963, four young African-American girls, Denise McNair, Addie Mae Collins, Cynthia Wesley, and Carol Robertson, died from a bomb blast that ripped into the ladies lounge of the Sixteenth Street Baptist Church in Birmingham, Alabama. The shockwave created by this senseless tragedy was felt around the world and proved to be a pivotal point in the struggle for civil rights in this country. But it was not until May 1, 2001, that a jury in Birmingham convicted Thomas Edwin Blanton, Jr. of murder for his role in the bombing. A year later, on May 22, 2002, another Birmingham jury convicted Bobby Frank Cherry, who was the last surviving suspect in the crime. I had the privilege of prosecuting both cases.

The first of the Sixteenth Street Baptist Church bombing cases was actually prosecuted in 1977 by then Alabama Attorney General Bill Baxley. As a second-year law student, I cut classes and watched from the balcony of the courtroom as the trial of Robert Chambliss unfolded. I never imagined that twenty-four years later I would stand in the same courtroom as the United States Attorney for the Northern District of Alabama and finish prosecuting the Sixteenth Street Baptist Church bombing cases. Chambliss was convicted and died in prison. It was not until May 2000 that a state grand jury indicted Blanton and Cherry, who were later separated for trial.

The Blanton and Cherry trials took jurors on a journey back through history. Some of the jurors had lived during the time of the bombing, while others had only learned about it in school. The prosecution used black-and-white video footage and photographs to walk jurors through the black-and-white world of 1960s Birmingham, a constant, albeit subtle, reminder throughout the trial of a once-segregated city.

The juries' historical journey started in Birmingham in 1957, when Rev. Fred Shuttlesworth attempted to enroll his children in the all-white Phillips High School. He was met by an angry mob of white men, about ten of whom proceeded to attack Rev. Shuttlesworth and his wife in front of the school. The scene was captured on 8mm film and is standard footage in most civil rights documentaries. The footage of the mob beating of Rev. Shuttlesworth also had additional importance in the Cherry case.

To the courtroom spectator, Bobby Frank Cherry appeared to be anybody's grandfather: a 71-year-old man more comfortable wearing overalls in the garden than wearing a suit sitting in a courtroom. Witnesses identified Cherry, however, in the thick of the mob attacking Rev. Shuttlesworth and using what appeared to be brass knuckles. Beginning with opening arguments, jurors were shown what Bobby Frank Cherry was like as a 33-year-old man in 1963: a member of the Ku Klux Klan (KKK) who resorted to violence to stop integration.

Jurors then learned through photographs and testimony that 1963 and the months leading up to the bombing were pivotal times for the city of Birmingham and the civil rights movement. In the spring of 1963, the famous "children's marches" were organized by Dr. Martin Luther King, Jr. and others to integrate the public facilities of downtown Birmingham. Civil rights leaders and marchers protesting segregation faced Birmingham Public Safety Commissioner Bull Connor's high-pressure fire hoses and police dogs. In the summer of 1963, the national civil rights movement also gathered steam with the March on Washington, where Dr. King delivered his famous "I Have a Dream" speech. That same summer, the United States Court of Appeals for the Fifth Circuit ordered Birmingham's schools to integrate, and on August 19, 1963, a federal judge in Birmingham approved the school board's desegregation plan.

American Bar Association Young Lawyers Division
The Young Lawyer

On September 10, 1963, five days before the Sixteenth Street Baptist Church bombing, two African-American students, Dwight and Floyd Armstrong, enrolled at Graymont Elementary School in Birmingham. For the first time, Birmingham had an integrated school system; Blanton and Cherry saw their segregated way of life eroding. It was, I believe, no coincidence that five days after the schools were finally integrated a bomb was placed under the steps of the Sixteenth Street Baptist Church on a Sunday morning as young church members prepared for a youth worship service.

The evidence that was introduced in the Blanton and Cherry trials had many similarities. Testimony from the victims' families and from those on the scene was essentially the same in both trials, but the evidence that pointed to the guilt of each defendant was considerably different.

The Blanton jury heard evidence of the defendant's hatred for blacks and his membership in the Ku Klux Klan. Tapes were played of conversations between Blanton and an informant in which Blanton joked about "bombing my next church." There was testimony by James E. Lay, a former civil defense worker who identified Blanton and Chambliss as the men he saw standing by the side of the church at 1:00 a.m. two weeks prior to the bombing. The man Lay identified as Blanton was holding some type of satchel and standing next to the steps where the bomb was eventually placed. Investigators who had interviewed Blanton following the bombing testified about Blanton's inconsistent statements concerning his whereabouts the weekend of the bombing. Finally, the jury heard Blanton himself, on tape, admitting to being part of meetings where the bomb was planned and made.

In the Cherry trial, there were witnesses, including an ex-wife, a granddaughter, and a former co-worker, who came forward and gave compelling testimony about Cherry's admissions to them over the years. Like Blanton, Cherry also gave many conflicting statements about his whereabouts the Saturday night before the bombing. His latest version of where he had been that night was that he was home early because his wife was dying of cancer and that he always watched live studio wrestling on television at 10:00 p.m. However, the prosecution introduced medical records proving that Mrs. Cherry was not diagnosed with cancer until 1965, two years after the bombing, and that there was no Saturday night wrestling on TV in 1963. Most significantly, Cherry admitted to being at the Modern Sign Shop with Blanton and Chambliss on the Friday night before the bombing—the same Friday night and location where Blanton said on tape that "we" had planned and made the bomb.

In both trials, the prosecution's case concluded with our most powerful witness. There were actually five little girls in the ladies lounge of Sixteenth Street Baptist Church that Sunday morning. Sarah Collins Rudolph, Addie Mae's sister, was the lone survivor of the bombing. As our last witness, she testified about walking to church that morning with her sisters and going into the basement and the ladies lounge with Addie. As she went to wash her hands, she turned around and saw Addie tying the sash of Denise's new dress. The explosion then trapped her beneath rubble, which caused her to be unable to move and see. While testifying on the witness stand, I asked Sarah what happened after the explosion. "I called out for my sister," she said. "What did you say?" I asked next. "I called out Addie, Addie, Addie," her words echoing in a silent courtroom much as they would have thirty-eight years earlier in the rubble of the church. "Did she answer you back?" I asked. "No," she said softly. "Did you ever see her alive again?" I then asked. "No," she said as she wiped back tears. The State of Alabama then rested its case.

It took the jury only two and a half hours to find Tommy Blanton guilty on four counts of first-degree murder. It took the Cherry jury about six hours to reach the same result. Blanton and Cherry were immediately sentenced to life in prison and were whisked out of the courtroom by sheriff's deputies.

American Bar Association Young Lawyers Division
The Young Lawyer

It is impossible to express the emotion felt by the prosecution team and the satisfaction gained from being a part of these cases. I have said many times that I wish every lawyer, at least once, could work on a case *that* meaningful to so many people. The Blanton and Cherry cases remind us that we as lawyers work in a service profession. Our job is to seek justice for our clients no matter what the obstacles or delay. Justice delayed does not have to mean justice denied.

While you might never litigate a case that has such a nationwide impact as the Sixteenth Street Baptist Church bombing cases, every case that you do work on has an impact on your clients. Each of your clients, whether they are injured children, defrauded consumers, or the families of victims, deserve as much attention and effort as Carol, Cynthia, Addie Mae, and Denise.

Doug Jones is a partner in the firm of Haskell Slaughter Young & Rediker in Birmingham, Alabama. He was the United States Attorney for the Northern District of Alabama from 1997 to 2001. He can be contacted at gdj@hsy.com.
