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White, Black, and Blue: The Battle Over Black Police, Professionalization, and Police  
Brutality in Birmingham, Alabama, 1963-1979

A thesis submitted in partial fulfillment of the requirements for the degree of Master of  
Arts at Virginia Commonwealth University.

by

Bryan Scott Kessler

Bachelor of Arts, Samford University, 2010

Director: Dr. John T. Kneebone  
Associate Professor, Virginia Commonwealth University Department of History

Virginia Commonwealth University  
Richmond, Virginia  
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## ABSTRACT

WHITE, BLACK, AND BLUE: THE BATTLE OVER BLACK POLICE,  
PROFESSIONALIZATION, AND POLICE BRUTALITY IN BIRMINGHAM,  
ALABAMA, 1963-1979

By Bryan Scott Kessler, Master of Arts

A thesis submitted in partial fulfillment of the degree of Master of Arts at Virginia Commonwealth University.

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This thesis explores the municipal politics and race relations in Birmingham, Alabama, from October 1963 to November 1979. While Birmingham is a centerpiece of the traditional Civil Rights Movement for its staging of the Bull Connor and Martin Luther King, Jr., confrontation in 1963, there has been little examination of the continuing struggles between the black and white communities in the years after the media spotlight. Of particular concern are the battles between the black community, white power structure, and the city's police department over black policemen, professionalization and modernization, and police brutality. The changing role and tactics of black leadership in the city is also a major interest.

## INTRODUCTION

Birmingham, Alabama, was in the national spotlight for most of the spring and fall of 1963, much to the chagrin of its civic leaders. Media attention began in April when a group of ministers, led by Martin Luther King, Jr., and Fred Shuttlesworth, defied court orders and publically marched the streets to protest segregation in the city's downtown retailers. The spotlight grew as images emerged of Bull Connor's police using dogs and fire hoses to combat a throng of marching children. National outrage at the state of the Magic City worsened with the publication of King's "Letter from a Birmingham Jail," which marked even the city's moderate white clergy as "an archdefender of the status quo."<sup>1</sup> The nadir, however, came in September when a bombing of the Sixteenth Street Baptist Church resulted in the death of four girls. The tragedy assured Birmingham's legacy as "Bombingham" and the "Johannesburg of America;" the city's purpose, it seemed, was as antagonist to the greater thrust of progress. When the passage of the Civil Rights and Voting Rights acts marked a triumphal end to the "traditional" Civil Rights Movement, 1963 Birmingham emerged as the era's "climactic battle," in the words of

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<sup>1</sup> Martin Luther King, Jr., "Letter from a Birmingham Jail," in *Why We Can't Wait* (New York: Signet Classics, 2000), 107.

Pulitzer Prize-winning native Diane McWhorter, which propelled King and his followers to their ultimate success.<sup>2</sup>

As most historians acknowledge, however, the reality of the fight for civil rights is much more complex than the traditional narrative allows. By condensing the movement to a King-centered and legislation-ending timeline, this understanding serves to homogenize local concerns and centralize leadership. Moreover, a wider swath helps condense the various actors to Manichean positions of either complete goodness or pure evil. Differences in motivations among leadership in the black and white communities, not to mention among the populace, also tend to disappear as the timeline quickens along the march from *Brown v. Board* to the civil rights legislation. In order to get a greater understanding of the era's complexity, the focus needs to shift to contextualization over episodization.

This thesis aims to contextualize the experience of white and black Birmingham's struggles in the years following 1963, when King focused his attention elsewhere and the media spotlight softened. This framework allows for an exploration of the ways in which local leaders in both the black and white communities negotiated the lingering problems and resentments in Birmingham. Of particular interest is the ways in which negotiations and protests were handled, and the differences emerging among the various leadership groups in the black community. Philosophical shifts for how to best accomplish progress can be traced as the leadership in either community changes. Birmingham's story from October 1963 to November 1979 sheds light on the shifting motivations and expectations

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<sup>2</sup> Diane McWhorter, *Carry Me Home: Birmingham, Alabama, the Climactic Battle of the Civil Rights Movement* (New York: Touchstone, 2001).

of the city's residents, hopefully providing greater understanding into the true accomplishments of the "post-Civil Rights" South.

Historians have largely been content to leave Birmingham in the stasis of the events of 1963. Many of the preeminent works on the city, while compelling additions to the historiography, culminate their studies with the Sixteenth Street Bombing. Foremost in the public consciousness are Dianne McWhorter's *Carry Me Home: Birmingham, Alabama, and the Climatic Battle of the Civil Rights Movement*, which won a Pulitzer Prize in 2002, and Taylor Branch's *Parting the Waters: America in the King Years, 1954-63*, a 1989 Pulitzer honoree. Although McWhorter's focus is more personal and Branch's objective, both books deal with Birmingham through the big events in the spring and summer of 1963, King's Birmingham.<sup>3</sup> Even scholars who look beyond the traditional events for insight into Birmingham's peculiar history effectively close their timelines at the end of 1963. A prime example is Glenn Eskew's *But for Birmingham*, an investigation into the interaction of the local and national movements at the heart of the civil rights era. Eskew's monograph provides great insight into the particularities of the Birmingham situation and the interactions between the Southern Christian Leadership Conference, Alabama Christian Movement for Human Rights, and National Association for the Advancement of Colored People. His narrative, however, concludes with the March on Washington and the church bombing. The battles over police integration, professionalization, and police brutality elicit a short mention in the rush to conclude the city's story.<sup>4</sup> Similarly, Louise Passey-Maxwell's dissertation, "Remaking Jim Crow:

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<sup>3</sup> McWhorter, *Carry Me Home*; Branch, *Parting the Waters*.

<sup>4</sup> "After street demonstrations in 1966, the city finally hired four Negro policemen, nearly two decades after Atlanta had made a similar move." Glenn T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina, 1997), 326.

Segregation and Urban Change in Birmingham, Alabama, 1938-1963,” covers significant ground and highlights the policies and urban planning that abetted segregation in the Magic City since the Depression. Her analysis highlights the housing and accommodations ordinances that supported segregation, yet she too decides to end her narrative of Birmingham with “Connor’s ‘Last Stand’” in spring 1963.<sup>5</sup> How the city adapted after Bull Connor left office is an afterthought. The important thing to these scholars is how Birmingham arrived at 1963, not how its leaders and citizens acted in the years following.

The greater historiographical trend in the civil rights’ era has been to expand beyond the boundaries of the traditional narrative. Understanding that the traditional Civil Rights Movement is too narrowly defined and focused on King and the *de jure* segregation of the South, historians have looked to the stories of other eras and periods not memorialized by constant media attention at the time. Foremost among these works is Thomas Sugrue’s *The Origins of the Urban Crisis*. Examining the hyper-segregated metropolis of Detroit, Michigan, Sugrue explored the ways in which racism and hidden segregation contributed to a city-suburban split eerily similar to the worst offenders in the South.<sup>6</sup> His thesis was expanded into a broader study of civil rights’ battles in the North in *Sweet Land of Liberty*. This book, which aimed at a more totalizing approach to the fight for freedom in the postwar North, brought greater emphasis to the troubles that plagued black and white communities struggling to coexist. Sugrue pays special attention to the relationship between the police force and the black community, which was

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<sup>5</sup> Louise Passey Maxwell, “Remaking Jim Crow: Segregation and Urban Change in Birmingham, Alabama, 1938-1963” (PhD diss., New York University, 1999), 403.

<sup>6</sup> Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, NJ: Princeton University Press, 1996).

consistently strained with arguments and demonstrations against police brutality and for greater protection.<sup>7</sup> His explication of the police relationship with black communities calls for further exploration of this powerful issue of contention.

As Sugrue expanded the understanding that the Civil Rights Movement was too narrowly defined, a new generation of scholars emerged who sought to explore the effects of the “post-Civil Rights Era” in the South. Informed by new studies on the suburban geography, these works focused on the conservative revolution among the white majorities that surrounded major cities of the South. The most influential on my academic career are Kevin Kruse’s *White Flight: Atlanta and the Making of Modern Conservatism* and Matthew Lassiter’s *The Silent Majority: Suburban Politics in the Sunbelt South*. While their ultimate conclusions differed, both works examine the post-Civil Rights Movement actions of two major New South cities, Atlanta and Charlotte. Their works have added much to the historiography of the post-*Brown* South and the effects of the civil rights’ fights.<sup>8</sup> As I read these works, I was struck that Birmingham was a tantalizing option for this kind of study. It uniquely stood as a New South city, though one with remnants of the blue-collar industrialism suggested by its “Little Pittsburgh” nickname, that had faced national scrutiny due to its battles in 1963. While both Atlanta and Charlotte had some demonstrations and civil rights’ activity during the traditional phases, neither had to grapple with such a public memory of a “climactic” civil rights battle. The question of how a city such as Birmingham dealt with its legacy as a national scourge demanded further investigation.

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<sup>7</sup> Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008), 152-58, 319-47, 390-96, 453-57.

<sup>8</sup> Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton, NJ: Princeton University Press, 2005); Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton, NJ: Princeton University Press, 2006).

That legacy did pose significant trouble as the city tried to move forward as a biracial metropolis. It emerged most clearly not in a resurrection of the Connor coalition, although reactionaries certainly held sway in the city's police department and among many white residents; instead, the most troublesome part of Birmingham's story post-1963 came when white officials weighed their accomplishments against the city's demons. Through this prism, it was conceivable to cast even the slightest, temperate retreat from Connor's excesses as a sign of a "new spirit" in race relations. As the city professionalized its forces and countenanced the occasional meeting with black leadership, the white power structure could believe itself superior to previous generations. Yet, as the city's professionalization and modernization resolved some problems caused by antiquated policies and structures, it also revealed to many black residents how far apart the fortunes of the city's whites and blacks really were. The sins of the past had deep structural and psychological remnants, and it would take committed action to correct those problems. Birmingham's post-1963 progress encouraged the city's power structure both to celebrate how far the city had come and to minimize the deep problems that still existed. At the same time, that very progress spurred some residents to a greater examination of the underlying problems between the police and the black community. This thesis will track these vastly different responses in its examination of municipal politics and race relations in Birmingham post-September 1963.

## CHAPTER ONE: QUALIFICATIONS AND JUSTIFICATIONS

“The only thing white folks understand is for Negroes to get in the street and stay in the street. We will march so much the cops can’t get no rest and we can’t either.” –Fred Shuttlesworth, to a meeting of the Alabama Christian Movement for Human Rights, February 1967<sup>9</sup>

Smoke and glass. That was what the *Birmingham Post-Herald*’s reporter evoked in a harrowing retelling of the events of the Sunday morning in September 1963 when a dynamite blast rang through the Sixteenth Street Baptist Church.<sup>10</sup> When the dust had settled, four little girls were dead, among numerous others injured. “Bombingham,” it appeared, was alive and well, even after the city’s white moderates had deposed notorious Public Safety Commissioner Bull Conner and supposedly set the Magic City on the track to national respectability. Less than six months removed from the seeming “climactic battle” of the civil rights movement,<sup>11</sup> when Martin Luther King, Jr., and Fred Shuttlesworth orchestrated Easter boycotts and street marches as a frontal assault on segregation in the city, the streets of Birmingham yet again raged with the threat of spiraling violence. As April’s sight of the crusading children facing down the water hoses and German Shepherds of Conner’s police thugs had enraptured a nation and projected the promise of the next generation against Jim Crow, the Sixteenth Street Bombing smothered that optimism with the stark reality of segregationists’ determination to fight.

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<sup>9</sup> Police surveillance notes on “Negro march,” 20 February 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>10</sup> “Bomb Blast Kills 4 Children, Injures 17 at Church,” *Birmingham Post-Herald*, 16 September 1963.

<sup>11</sup> Diane McWhorter, *Carry Me Home: Birmingham, Alabama, the Climactic Battle of the Civil Rights Movement* (New York: Touchstone, 2001).

Sixteenth Street, then, served the nation as a harrowing warning of the years to come, presaging the Mississippi Freedom Summer and Selma and Memphis, and juxtaposing the national nightmare that countered King's recently-elucidated "dream."<sup>12</sup>

Yet to the citizens of Birmingham, the bombing could never be just a symbol, even if it did quickly become a reminder. The physical destruction of the church, which would take years to fully rebuild, and the tormenting absence of the four little girls grounded Birmingham's black community in the concreteness of their struggle. As the days dragged on without arrests for the dynamiters that caused such destruction, longtime concerns against police brutality and the lack of black representation on the police force resurfaced. The question as to who spoke for Birmingham's black community threatened to reemerge with it.

Dismayed at the lack of action on the bombing case and with the slow pace of integration among local businesses, King returned to Birmingham on October 7, 1963. Reports followed that he was again threatening mass demonstrations if the local white merchants and city officials continued to delay in meeting the mandates of the black community. He recommitted himself and the Southern Christian Leadership Conference (SCLC) to combining efforts with Shuttlesworth, whose Alabama Christian Movement for Human Rights (ACMHR) still held weekly meetings for activists and community members. Shuttlesworth, through the ACMHR, had sent a meeting request on October 4<sup>th</sup> to the city council: "It is enough, we believe, to know that problems exist, and to seek—

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<sup>12</sup> For more information on the Sixteenth Street Baptist Church bombing, see Frank Sikora, *Until Justice Rolls Down: the Birmingham Church Bombing Case* (Tuscaloosa: University of Alabama Press, 1991).

however unpleasant it may be—to do something about them.”<sup>13</sup> The council did not reply. In true absence of the administration’s attention, the ministers soon focused their energies on the integration of the police force, a longtime goal of Shuttlesworth and the ACMHR. They made particular note of a recent call by police to increase the force by twenty men.<sup>14</sup> If the city found itself in such dire need of police, King and Shuttlesworth supposed, the jobs ought to go to help rectify the racial imbalance on the force. In a statement to the city administration, the ministers demanded the appointment of twenty-five black policemen “within the next two weeks” and called for a “face-to-face meeting” with the city council to discuss other concerns. If these requests were not met, King threatened a “larger and more determined” march on the city.<sup>15</sup>

Their demands sparked a flurry of activity in City Hall, and George Seibels, the councilman in charge of the Committee on Public Safety tasked with supervising police matters, responded firmly against the ministers’ request. While reserving the right to make a determination on the issue later, Seibels’s committee deplored the use of “fear or intimidation from any pressure group.” In what would become a constant refrain for Seibels and the city council when dealing with black policemen, he maintained that “action, if any, will be within the framework of our civil service laws.”<sup>16</sup> Seibels’s admonishment of pressure groups was not solely directed at King and Shuttlesworth. Two separate petitions for black policemen, one from ninety city residents and the other from forty-four prominent business leaders, appeared as ads in the *Birmingham News* and

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<sup>13</sup> ACMHR, “Statement Adopted at Birmingham Mass Memorial Service for Jimmy Lee Jackson and Rev. James Reeb,” at Kelly Ingram Park, ACMHR Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>14</sup> “20 More Policemen to Be Asked,” *Birmingham News*, 7 October 1963.

<sup>15</sup> “City Ponders,” *Birmingham News*, 8 October 1963.

<sup>16</sup> “Council Ponders Negro Police, Hits Intimidation,” *Birmingham News*, 8 October 1963.

*Birmingham Post-Herald* around the time that the black leaders made their demands.<sup>17</sup>

Similar petitions of support also came from the Young Men's Business Club,<sup>18</sup>

Birmingham Trade Council,<sup>19</sup> and other prominent business leaders.<sup>20</sup>

The *Birmingham News* editorialized in favor of black police as well, citing aborted attempts in the 1950s as a failure of leadership that brought "consequences more troublesome than those the police commissioner suggest[ed] might come from appointment of Negro police." The paper argued that the time to correct the faults of the past was at hand: "We have put this matter off for years, and we are paying the penalty for inaction. It is past time that we faced up to reality."<sup>21</sup> While Seibels and the city council wanted to make this strictly an administrative concern, the people of Birmingham, no matter for or against, were going to speak up.

Among black Birmingham, the leadership factions seemed ensconced from the earlier protests. In *But for Birmingham: The Local and National Movements for Civil Rights*, Glenn Eskew gives a fine delineation of black Birmingham's old guard, apart because of age and stronger economic ties to the community from the activists, usually younger ministers. King and Shuttlesworth lead the activists, and they often broke with the perceived reluctance of old guarders like A.G. Gaston, the community's business tycoon; Arthur Shores, a prominent attorney; Luther Pitts, president of Miles College;

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<sup>17</sup> "Negro Police Hiring to Be Considered," *Birmingham News*, 7 October 1963.

<sup>18</sup> Alan W. Heldman to Albert Boutwell, 25 September 1963, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>19</sup> Birmingham Trade Council to Commissioners, City of Birmingham, n.d., Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>20</sup> George G. Brownell to Bishop C.C.J. Carpenter, 7 October 1963, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>21</sup> "Negro Police Have Value," *Birmingham News*, 7 October 1963.

and J. L. Ware, a prominent minister.<sup>22</sup> These divisions arose quickly on the return of King and Shuttlesworth; the *Birmingham News* reported that Gaston and Shores “called for an end of ‘outside interference’ in Birmingham’s racial problems until their results can be assayed.”<sup>23</sup> They were members of the Community Affairs Committee on Group Relations, an attempt by the city’s moderate leaders at biracial cooperation in dealing with the city’s racial issues. Their position mirrored attempts to find a workable way out of the demonstrations the previous spring. In the *Birmingham News*’s assessment of the city’s racial factions, Gaston and Shores projected responsibility, not rebellion: “The paradox is that, while Negro outside leadership holds rallies in church speaking in bold, threatening terms, local Negro residents are quietly discussing the problems before the community with responsible whites.”<sup>24</sup> Ultimately, this committee did choose to join other elites in the city and support the hiring of black policemen.<sup>25</sup>

For all the appearances that the traditional lines would remain, Shores and Gaston nevertheless both affixed their names to a petition on “Birmingham’s Moment of Crisis: A Statement of Concern and Conviction.” Containing the signatures of 117 prominent citizens of Birmingham’s black community, the statement began by deploring the current status of black life in Birmingham:

Our churches and homes have been bombed, and no one has been charged with the bombing. Our children have been wounded and killed, and no murderer has been convicted. Therefore, we fear for our lives and the lives of our families. We are forced to stand guard at our homes. Negro citizens find it extremely difficult to trust the agents of law enforcement—local, state or federal.<sup>26</sup>

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<sup>22</sup> Glenn T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1997).

<sup>23</sup> “King,” *Birmingham News*, 7 October 1963.

<sup>24</sup> “What Is Racial Situation in Birmingham This Sunday, Oct. 13?” *Birmingham News*, 13 October 1963.

<sup>25</sup> “Mayor Gets New Call for Negro Police,” *Birmingham News*, 12 October 1963.

<sup>26</sup> “Birmingham’s Moment of Crisis: A Statement of Concern and Conviction,” ad, *Birmingham News*, 20 October 1963.

The ad sought to dispel the rumors and dismissals of “outside agitators” that had marked King’s and Shuttlesworth’s returns. Despite their current home addresses, King and Shuttlesworth “are our leaders; their goals are ours, our struggle is theirs.” The signers said they were “proud to endorse and support the leadership” of the two activists, particularly on the hiring of black policemen, “the logical first step the city of Birmingham must take now.” Anticipating Seibels’s defense and answering Boutwell’s common devotion to the civil service standards, the citizens chided city officials not to let “unnecessary bureaucratic machinery to stand in the way of its clear and present duty.”<sup>27</sup>

Despite the admonition, Boutwell and Seibels rejected King’s proposals for hiring twenty-five black policemen by his deadline, which they considered nearly impossible. Instead, they offered a preliminary report that guaranteed further study on the issue. The city officials again trumpeted the clarion call of standards, with the mayor committing, “I intend to follow the procedures of civil service, without fear and without favor or discrimination.” If Birmingham was to be the modern city that the administration promised, it could not resort to ignore the rules simply to serve a social benefit. “The methods of hiring public employees is not and cannot be dictated by individuals or groups,” Boutwell maintained. He restated that the civil service exam carried no restrictions of race, thanks to a 1958 court case led by Shuttlesworth that allowed blacks access to the test.<sup>28</sup> If no blacks qualified, then that was a question of the poor quality of black applicants, not an indictment of the whole system. Better recruitment and public support was needed, but the city would not accede to King’s demands.<sup>29</sup>

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<sup>27</sup> “117 Commend Shuttlesworth, King, Ask Negro Policemen,” *Birmingham News*, 20 October 1963.

<sup>28</sup> “Step-by-Step on Negro Police Issue,” *Birmingham News*, 12 March 1966.

<sup>29</sup> “City Rejects Negro Police Proposals,” *Birmingham News*, 22 October 1963.

In the ministers' first significant negotiation with the mayoral-council system as elected, they could not gain the high ground in the way they had when dealing with Connor. They called off the proposed demonstrations, admitting some unpreparedness in "getting Negroes to apply for police jobs." In postponing the threat of demonstrations, Shuttlesworth professed to seeing "some signs [the city] intends to hire Negro policemen," and said that they would await the results of Seibels's study. They tried to cast the decision as providing the leadership a "face-saving way out," but it was King and Shuttlesworth who failed to achieve their immediate demands. The mayoral-council system, with its moderate cast and commitment to "standards," proved a harder enemy than the two were used to in Birmingham. Integration of the police force would have to wait.<sup>30</sup>

Seibels's preliminary report assured citizens that the Committee on Public Safety, Health and Education, which he chaired, took police integration seriously. He mentioned that the committee was conducting a study of how black police were used in other Southern cities; this study, not "arrogant and unrealistic demands," would determine the course of action in Birmingham.<sup>31</sup> Seibels intended for his study to be exhaustive. The findings would include both a questionnaire, sent out to southern cities that employed black policemen, and personal investigations by city councilors and the chief of police.

Seibels explained the situation that necessitated his study in the introductory letter to the southern mayors that accompanied the questionnaire. For many years, he explained, city officials and prominent citizens have discussed the desirability of "using Negro policemen in Negro communities." Respectable and responsible community

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<sup>30</sup> "Negroes to Hold Off Demonstrations," *Birmingham News*, 23 October 1963.

<sup>31</sup> "City Rejects Negro Police Proposals," *Birmingham News*, 22 October 1963.

leaders, both white and black, have called for the action with the understanding that the civil service laws would still govern the process. In Seibels's presentation, an accurate expression of the prevailing mindset of the city's administration, this collective action was disrupted by King and Shuttlesworth, who "immediately hopped on the bandwagon, in an obvious effort to claim personal credit for any future action the city might take." Seibels presented his study as an attempt by reasonable city officials to resist King's "impossible demands" and to project balanced guidance in the face of the "professional outside agitators."<sup>32</sup> Seibels underscored that the study's effectiveness depended on ascertaining "facts and pertinent information" and presenting a "clear, unbiased report of the facts, devoid of emotionalism and 'hear say.'"<sup>33</sup>

The committee sent out questionnaires to a hundred southern cities and towns, all of which had, or at once had, blacks working on the police force. Not surprisingly, the greatest number of cities hailed from states outside the Deep South, namely North Carolina and Florida. Still, the uniqueness of Birmingham's lily-white force was evident by looking at the cities where the questionnaires were sent. The Magic City was by far the largest city without at least one black policeman; Atlanta, New Orleans, Charlotte, Louisville, Miami, Nashville, Dallas, and Richmond were all on the list of inquiries, as was the civil rights hotbed of Greensboro, North Carolina. Birmingham also stood out even in Alabama; Mobile, Tuscaloosa, Decatur, Huntsville, and even Montgomery, could claim desegregated police forces long before the largest city in the state.<sup>34</sup>

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<sup>32</sup> George G. Seibels, form letter, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>33</sup> George G. Seibels, form letter, Boutwell Papers.

<sup>34</sup> Public Safety Committee, breakdown of cities, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

These questionnaires asked the mayors, police chiefs, and sheriffs specific questions related to the hiring practices, employment experience, work assignments, and the local reaction. To supplement this information and receive a first-hand account, the councilors traveled to selected cities, including Little Rock and Memphis and prepared detailed notes on the systems of governance and how local leaders handled a desegregated police department.<sup>35</sup> In total eighty-nine of those solicited sent back a completed questionnaire to Birmingham through the fall and winter months of 1963, and the Committee on Public Safety presented its findings the following February. Aside from a detailed summary of the questionnaires' answers, which it broke down by the varying sizes of the cities, the committee presented general remarks that highlighted salient points. These observations recast the raw material to promote the city's views as set forth in October. A 48-41 split in favor of civil service hirings enabled the committee to stress that "most negro policemen have been hired under the civil service but some before there was any civil service."<sup>36</sup> Lost in that statement was the significant, while not preponderant, number of the forty-one whose black policemen entered the force outside the civil service even though the system existed. Such cases did not support the mayor's or city council's requirement that the civil service system be followed. Birmingham's elected officials could feel reassured that normal operating procedures protected the civil service system and seemed to keep down any tension that might emerge between white and black police; only three cities reported having any significant confrontations.<sup>37</sup> White

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<sup>35</sup> For example, see Eleazar C. Overton, "Report on the Municipal Operation of Little Rock, Arkansas," 10 February 1964, Boutwell Papers, 7.41, BPLDAM.

<sup>36</sup> Committee on Public Safety, Health and Education, "Public Safety Committee Report," 13 February 1964, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>37</sup> Committee on Public Safety, Health and Education, "Public Safety Committee Report," 13 February 1964.

leaders, the study seemed to show, could and should fully embrace the benefits of black policemen for Birmingham.

Even as Seibels and other elected officials took solace that their study made police desegregation a rational choice, the study's results also pointed to a widespread system of tokenism and paternalism in using black policemen that would be the seeds of black frustration and dissent. Seventy-four of the eighty-nine cities used blacks exclusively in "Negro areas" with the purpose of keeping their own "under control." Just twenty-nine, barely a third, vested black officers with the power to arrest whites; the majority expected black policemen to call in a white officer to arrest white criminals. One can easily understand why the draft report originally read: "With two exceptions out of ninety it appeared the proper use of negro policemen did serve a useful purpose."<sup>38</sup> The notion that there was a "proper use" of blacks as policemen was not simply presumed; it was practiced across the South. Thus, the argument between Birmingham's white and black communities would not only involve calls for immediate integration but also disagreements over the expected roles of blacks once they entered the force.

With the passage of the Civil Rights Act of 1964, which outlawed segregation in public accommodations and proscribed discriminatory hiring practices for private businesses, Birmingham's white leaders now found the mandate of "law and order" aligned with integration. While they previously spoke about caution and upholding the law of the land, federal weight had shifted to criminalizing discrimination. How Boutwell, Seibels, Brownell, or other white leaders individually felt about this change is

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<sup>38</sup> Notes of George G. Seibels, Jr., 10 February 1964, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL; the ultimate wording was settled as "it appeared *that* the use of Negro policemen" see Committee on Public Safety, Health and Education, "Public Safety Committee Report," 13 February 1964.

unclear. The prevailing mindset of the city's elected officials and business leaders can be gleaned, however, from an examination of "Birmingham – Operating a Business or Labor Union Under Title VII of the Civil Rights Act of 1964," a sixty-three page booklet disseminated to local business owners and labor officials. It was written by W. C. Hamilton, Boutwell's executive secretary, and co-sponsored by the Chamber of Commerce.

Hamilton proclaimed the resulting report as "no more than an effort to put into layman's language the general effect of Title VII of the Act" while denying any concern with discerning "the constitutional or moral validity of the Act."<sup>39</sup> To that end, most of the sixty-three pages consisted of a detailed breakdown of the new requirements of the anti-discrimination laws and a warning for when compliance was required. Disclaiming any legal expertise, the author highlighted important aspects of coverage that might cause potential trouble to local businesses and warned: "No emphasis can be too strong upon the absolute necessity to review and revise job descriptions and qualifications, recruitment solicitations, application forms, interviewing procedures, hiring techniques, post hiring employment practices, [and] records-keeping."<sup>40</sup>

Hamilton committed serious attention to dispelling myths about what constituted discrimination under Title VII. In a telling admission of the concerns of local leaders, readers were reassured that Congress enacted a higher standard of proof to disqualify ability tests, such as ones used under Birmingham's civil service laws. Of concern to white leaders was a 1963 Illinois court ruling in *Myart v. Motorola, Inc.*, which found the

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<sup>39</sup> W.C. Hamilton, *Birmingham: Operating a Business of Labor Union Under Title VII of the Civil Rights Act of 1964* (Birmingham: Chamber of Commerce, 1965): 1, in Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>40</sup> Hamilton, *Birmingham*, 35.

company's written test discriminatory "because it did not reflect and equate inequalities and environmental factors among the disadvantaged and culturally deprived groups."<sup>41</sup> Were *Myart*'s implication extended, it would have significant impact on many of Birmingham's businesses. Instead, the author reassured, Senate revisions of Title VII protected admittance tests from a results-based overhaul. Citing the opinion of a legal expert in the *Brooklyn Law Review*, they noted the lower bar for compliance: "The issue in any case where the use of any ability test is questioned is not whether the test is professionally developed, or whether it is a good test or a bad test, but whether it is used in good faith or with the intent to discriminate."<sup>42</sup> As long as a test's practitioner proclaimed innocent motives, discriminatory results would be overlooked. This was certainly welcome news for the defenders of Birmingham's civil service system.

Sprinkled among the notes of caution and consolation, however, were comments that betrayed the feelings of many of Birmingham's ruling whites. While the memorandum claimed neutrality on the issues, these passages highlighted the gulf that separated the black and white communities. The last section, which ostensibly dealt with the beneficiaries of Title VII, did not hesitate to lay blame for blacks' failures in the marketplace on leaders like Shuttlesworth, Gardner, King, and others at the forefront of the Movement: "Negro ministers who are generally the most vocal of the Negro leadership, innumerable sermons have been preached about 'rights' – almost none have been preached on the individual and collective responsibility of Negroes to make

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<sup>41</sup> Hamilton, *Birmingham*, 31; *Myart v. Motorola* (later, *Motorola, Inc. v. Illinois Fair Employment Practices Commission*) was eventually reversed on appeal by the Illinois Supreme Court in 1966, see Andrew Lee Hinkle, "A Review of Legal Challenges to Personnel Testing," *Journal of Behavioral Health Services and Research* 8, no. 2 (Sept. 1981): 49-51.

<sup>42</sup> Hamilton, *Birmingham*, 31.

themselves qualified to exercise those rights of equal opportunity.”<sup>43</sup> Instead of promoting better standards and demanding improvement from their community, civil rights leaders “appeal to emotion and to prejudice of their own,” missing the real points of personal work ethics and standards of quality.<sup>44</sup> The report both expressed the collective presumptions of the city’s white leadership and reified these beliefs to the memo’s recipients. Their comments reveal a continuing distaste for Birmingham’s black activists and a commitment to incremental change, even as the legal status of segregation and hiring discrimination had lost all ground. Caution and control, not quick change, were still the watchwords among the white leadership.

While the city leaders stuck to civil service laws as vital to Birmingham’s standing as a respectable metropolis, the cries of discrimination by Shuttlesworth and others persisted. Despite reassurances from legal sources that “Title VII does not apply to state, county, or city government” and that the *Myata* ruling was a non-factor, some leaders wanted to protect the civil service system from future suits.<sup>45</sup> The approaching July 1965 deadline for full implementation of Title VII put into full relief the continuing absence of black policemen in Birmingham. The city’s black leadership coalesced around the issue and presented a combined front in a May 1965 meeting with the mayor and public safety committee. In attendance were Gaston, representing the old guard and the business elite; Luther Pitts, president of Miles College; Rev. Joseph Lowery, vice president of the SCLC; and Rev. Ed Gardner, co-founder of the ACMHR.<sup>46</sup> The group collectively presented Boutwell with a petition that listed “urgent and immediate

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<sup>43</sup> Hamilton, *Birmingham*, 62.

<sup>44</sup> Hamilton, *Birmingham*, 63.

<sup>45</sup> Hamilton, *Birmingham*, 63.

<sup>46</sup> List of members of committee appointed to meet with mayor, 12 May 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

problems which should be alleviated at once;” yet again, the appointment of “Negro policemen and policewomen” topped the list of concerns, alongside complaints against police brutality and calls for improved education and housing.<sup>47</sup>

Seibels’s response to the coalition stressed yet again his commitment to the civil service system as currently constructed. Although he reaffirmed a belief in the beneficence of black police, citing the results of his 1964 study, the councilor would not countenance any discussion that subverted the exam’s standards. The problem, he admitted, was that policemen’s exams were “becoming more technical and difficult each year.” The city found it “increasingly difficult” to hire even white policemen as a result. Yet, the situation in Birmingham mirrored larger developments with police entry exams nationwide. To lower the expected marks or overturn the exam would undercut Birmingham’s national reputation and mark the city as second-class. Any suggestion to alter these standards for the benefit of “certain groups” was simply “unthinkable.”<sup>48</sup> Instead, Seibels admonished “the responsible Negro leadership” for its inability to provide or recruit “properly qualified” applicants.<sup>49</sup>

While Seibels presented a front-line defense for the exam, the overwhelming inability of black applicants to pass the exam troubled Boutwell. Following the May meeting, the mayor’s office reached out to local leaders such as Gaston,<sup>50</sup> Shores,<sup>51</sup> and John J. Drew, a prominent insurance executive, with names of future examinees, who

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<sup>47</sup> Citizens of Birmingham, “Petition to the Honorable Mayor and City Council of Birmingham,” 27 May 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>48</sup> George G. Seibels, Jr. to Negro leaders, 28 May 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>49</sup> George G. Seibels, Jr. to Negro leaders, 28 May 1965.

<sup>50</sup> W.C. Hamilton to A.G. Gaston, 10 June 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>51</sup> W.C. Hamilton to Arthur Shores, 10 June 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

were provided with advance training. When even these “special efforts” failed to surmount the exam hurdle,<sup>52</sup> the mayor’s concern intensified. He expressed his dismay in a letter to the president of Birmingham-Southern College: “There have been enough who, from their general pre-testing knowledge appeared to be able to pass the examination but failed that it would seem to justify a re-examination of testing and grading procedures.”<sup>53</sup> Boutwell hesitated to cast blame at the Personnel Board, which supervised the exam, and he claimed to have the support of the board’s chair, Ray Mullins, in calling for an investigation led by a group of faculty from local colleges. At the heart of this investigation, Boutwell declared, was the integrity of the civil service system in which the city’s leaders had placed so much faith:

In order that the total community, of all races, creeds and national origins, as well as the City government may be fully assured of the complete fairness of testing and grading, we believe we need, indeed must have the competence of professional examination and objective judgment of these procedures.<sup>54</sup>

His call to action was met by the presidents of Birmingham-Southern,<sup>55</sup> Howard,<sup>56</sup> and Talladega colleges,<sup>57</sup> all of whom expressed a desire to ensure the fairness of the civil service system.

Boutwell’s investigation fell through, however, when the Personnel Board rejected his committee as “not proper” and out of the city administration’s purview.<sup>58</sup> The

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<sup>52</sup> John J. Drew to W.C. Hamilton, 12 June 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>53</sup> Albert Boutwell to Howard M. Phillips, Sr., 15 July 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>54</sup> Albert Boutwell to Howard M. Phillips, Sr., 15 July 1965.

<sup>55</sup> Herman H. Long to Albert Boutwell, 20 July 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>56</sup> Leslie S. Wright to Albert Boutwell, 20 July 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>57</sup> Albert Boutwell to Howard Phillips, Sr., 6 August 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>58</sup> Personnel Board of Jefferson County minutes, 20 July 1965, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

board's intransigence concerned the mayor, who understood the need for investigation if for no other reason than to "dissolve such doubts" about the exam's fairness among Birmingham's black community.<sup>59</sup> Although the Personnel Board was able to evade investigation by Boutwell's committee, it merely delayed the inevitable. In late August 1965, the Citizens' Supervisory Commission of the Jefferson County Personnel System, a legislatively-ordained super-committee of local leaders that had authority over the Personnel Board,<sup>60</sup> contracted Chicago-based consulting firm J. L. Jacobs and Company to "evaluate the practices involved in the employment of policemen, with special regard to whether or not there is discrimination against Negroes."<sup>61</sup> The Jacobs report provided a full and thorough investigation of the Jefferson County civil service exam and other hiring practices. The firm surveyed the exams and monitored the test-taking and grading procedures. With the help of McCann Associates, a Philadelphia firm that specialized in government recruitment and selection, Jacobs probed all aspects of the selection process, from the time limits to the recruitment procedures. Speaking to the concern that Birmingham's leaders, both black and white, had for the results of this survey, the firm commended the willing cooperation of "the officials of the City of Birmingham, the

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<sup>59</sup> Albert Boutwell to Dan Hudson, n.d., Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>60</sup> The Citizens' Supervisory Committee automatically included whoever held positions considered important to the (white) community, including the heads of the Chamber of Commerce, Labor Council, PTA, and judges in the U.S. District Court. A full list for those on the committee in 1965 is in Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL. Worth special note is the membership of the presidents of Howard and Birmingham-Southern colleges, both of whom supported Boutwell's investigation.

<sup>61</sup> J.L. Jacobs & Company, "Police Employment Practices in Birmingham: Summary of Findings and Practices," 1, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

leaders of the Negro community,” and even the “members of the Jefferson County Personnel Board.”<sup>62</sup>

The report, according to the authors, intended to answer the question “Why are there no Negro Policemen in Birmingham?”<sup>63</sup> Quickly dismissed were racist intentions by the Personnel Board, Police Chief Jamie Moore, or Boutwell, all of whom claimed to support of black policemen in conversations with the investigators. The commitment of the local black community and leadership was reaffirmed. Still, despite seeming good faith, the results were dire. In the 1964-1965 fiscal year blacks comprised only thirty-three of the 439 applicants for the police exams, a meager seven-and-a-half percent. These included the ten applicants whose names the city administration provided to the black leadership for special training. All but two of the special examinees, along with all the other twenty-three applicants, failed their written test. More disconcerting, and the spur for Boutwell’s initial investigation request, the two candidates who passed, whom local leaders considered well-qualified, did not receive certification because of “unfavorable information received on investigation of their personal history records.”<sup>64</sup> If even the hand-picked candidates were failing, was there not something at fault, an inherent discrimination, in the civil service practices themselves?

The Jacobs investigation’s ultimate conclusions depended upon how the firm defined discrimination. Since the goal of the civil service system was “to provide qualified persons capable of performing the duties of the positions into which they are hired,” the firm delineated discrimination strictly along the lines of standards and

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<sup>62</sup> J.L. Jacobs & Company, *Jefferson County Personnel Board, Birmingham, Alabama: Police Employment Practices in Birmingham* (Chicago: J.L. Jacobs & Co., 1965), 2, Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>63</sup> Jacobs, *Jefferson County Personnel Board*, 1.

<sup>64</sup> Jacobs, *Jefferson County Personnel Board*, 1.

competency. Discrimination, the firm argued, consisted of either “changing the score of a candidate,” impeding a citizen’s right “to apply and compete,” or rejecting a candidate “for any reason other than his lack of competence.”<sup>65</sup> To the investigators, in setting “reasonable standards of competence” a civil service system avoided the dreaded discriminatory label. Using the high bar of deliberate bias, the Jacobs report found “no evidence of *intentional* discrimination against Negroes or against any other candidates in the hiring of policemen on the part of the Jefferson County Personnel Board.”<sup>66</sup>

If the report’s finale smacked of the Jacobs firm mollifying the report’s sponsor, the findings and recommendations scattered throughout the report present a more nuanced picture of the civil service employment process. Acknowledging subtler forms of discrimination, often unintentional yet just as harmful, the authors aimed to determine whether the system set standards too high, established too high educational requirements, used biased test questions, or failed “to remove distrust and suspicion” in its employment process.<sup>67</sup> While there was no discernible malice in the test scoring practices, the third chapter—titled “Is There Discrimination in the Questions?”—did highlight problems in the composition of the tests themselves. While denying the presence of any overt racially biased questions, the report found a number of questions to be culturally and economically biased, which disproportionately affected black applicants.<sup>68</sup> Such questions were common in commercially available tests, including those used by the Personnel Board for Book I of the two-part test. Contributing factors like the homogeneous background of most major test constructors and the relative age of many of

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<sup>65</sup> Jacobs, *Jefferson County Personnel Board*, 2.

<sup>66</sup> Jacobs, *Jefferson County Personnel Board*, 43.

<sup>67</sup> Jacobs, *Jefferson County Personnel Board*, 3.

<sup>68</sup> Jacobs, *Jefferson County Personnel Board*, 9.

these tests hinted that the biased questions were “largely unintentional,” but motivation did not dispel the problems. The report wisely surmised: “Whether deliberate or unintentional, bias in questions is equally unfair to the persons against whom the questions are biased.”<sup>69</sup>

A problem also emerged in the exam’s Book II, a collection of eighty-five multiple choice questions compiled by the Personnel Board. This section covered “Law Enforcement Principles and Procedures,” but the consultants found half of the questions required “substantial police knowledge” that could only be obtained from training or study.<sup>70</sup> Since the civil service exam was supposed to ascertain those capable of police work with proper training rather than simply ferret out those already with substantial knowledge, Book II placed an unreasonable expectation of expertise for applicants. Most of these questions, however, appeared identical to those in home study guides, which were available in the main Birmingham Library and in many local bookstores.<sup>71</sup> The questions, therefore, served more as an indicator of those with “considerable technical police knowledge” instead of determining an applicant’s expected competency for police training.<sup>72</sup> Although the report once again posited the discrimination as unintentional, it recommended to the Personnel Board that the “examination be completely changed—that the commercial test used in Book I be abandoned and that the subject matter in Book II be thoroughly revised.”<sup>73</sup>

The other major recommendation of the report stemmed from an investigation into the reasonableness of the time periods imposed on the candidates. Most studies,

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<sup>69</sup> Jacobs, *Jefferson County Personnel Board*, 9.

<sup>70</sup> Jacobs, *Jefferson County Personnel Board*, 11.

<sup>71</sup> Jacobs, *Jefferson County Personnel Board*, 11.

<sup>72</sup> Jacobs, *Jefferson County Personnel Board*, 18.

<sup>73</sup> Jacobs, *Jefferson County Personnel Board*, 20.

according to the authors, acknowledged that educational disadvantages contributed to lower reading speed among blacks than whites. Meanwhile, timed tests, especially ones where the expectation was that few candidates would answer all the questions, placed a premium on reading speed. In the opinion of the consultants, the time limits on the police exam were too tight and “operate to the disadvantage of the Negro candidates.”<sup>74</sup> Book I’s limit was singled out as particularly troublesome, as sixty percent of black candidates, compared to thirty-one percent of whites, had stopped by question twenty-eight, just over half way through the fifty-question exam.<sup>75</sup> Of concern to the investigators was the necessity of such tight limits, since they knew of “no studies which have attempted to correlate reading speech with the ability to learn to become a well-qualified policeman.”<sup>76</sup> Candidates with poor reading speed were penalized, without that being a reasonable standard to determine their competency as police. Thus, the report recommended eliminating the time limits, or at the least they “should be made much more liberal.”<sup>77</sup>

In light of the recommended overhaul to the exam’s composition and time limits, the firm’s final analysis appeared particularly whitewashed. The report’s conclusion granted a pardon to the Personnel Board and instead heaped the blame onto the city’s public officials:

If the City of Birmingham and its Police Department will be as non-discriminatory in appointing and in treatment after appointment *as the Personnel Board has been in selection and examination*, the problem will approach solution. The tremendous need in the entire situation is for extensive recruitment efforts

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<sup>74</sup> Jacobs, *Jefferson County Personnel Board*, 25.

<sup>75</sup> Jacobs, *Jefferson County Personnel Board*, 24.

<sup>76</sup> Jacobs, *Jefferson County Personnel Board*, 24.

<sup>77</sup> Jacobs, *Jefferson County Personnel Board*, 27.

and the creation of a climate in which the better qualified Negroes will seek the positions of policemen in larger numbers.<sup>78</sup>

While the authors could reasonably disavow any calculated plan by the Personnel Board to keep blacks out of the police force, the details of the report's analysis revealed a broken examination system that disqualified potentially able candidates on standards unreasonable for admittance to the police force.<sup>79</sup> To the consultants' credit, their investigation yielded sixteen recommendations related to each step of the civil service employment process, highlighting the "climate of suspicion" among the black community to the public employment system.<sup>80</sup> It thoroughly answered the question of why there were no black police in Birmingham and subtly countered the refrains of city leaders who had spoken often about upholding the standards of the civil service rather than accede to the demands of black leaders in the community. Because of its ultimate conclusion, however, which explained away the lack of police integration without assigning guilt, and the timing of its release in December 1965, on the cusp of a new wave of demonstrations that would sweep through the city, the recommendations did not receive immediate action, and the chance for white Birmingham to take proactive steps for change faded.

As Boutwell and other elected officials revealed their timidity toward fixing the city's civil service flaws, black activists attempted to recapture the agitating spirit of 1963 and force the leaders to respond. At its bi-weekly meetings the ACMHR prodded its supporters to stay vigilant, especially on the police issue. The city's police was "Bull Connor's institute," Vice President Edward Gardner reminded his congregation, "and as

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<sup>78</sup> Jacobs, *Jefferson County Personnel Board*, 49. Emphasis is mine.

<sup>79</sup> This would be according to the forms of discrimination elucidated on page Jacobs, *Jefferson County Personnel Board*, 3.

<sup>80</sup> Jacobs, "Summary of Findings and Practices," 3.

soon as that mess is changed, Negroes will be hired.”<sup>81</sup> By November 1965, police reports were noting detailed discussions between the SCLC and the ACMHR on starting a new wave of demonstrations in the city around the holiday season.<sup>82</sup> Notably, King contributed very little to the planning or staging of these protests; his attention had turned to combating civil rights abuses in the North, particularly Chicago.<sup>83</sup> His last major appearance in the city was a small speech to the ACMHR members in December.<sup>84</sup> Instead, the SCLC sent Hosea Williams, a veteran of the Selma Voting Rights Movement, as its surrogate for the demonstrations. Williams’s contribution was a clear indicator that the explicit goal of the SCLC was voter registration; the protests were a way to prod the federal government to enforce the new Voting Rights Act and ensure that Birmingham’s black residents would have greater access to registrars in time for the Spring 1966 primaries.<sup>85</sup> These complaints highlighted the limited hours and locations for the city’s registration offices, which restricted the ability of many lower-income blacks to get on the voter roll. The protesters sought expanded nightly hours for the registration office in courthouse and demanded that some registrars go into the black neighborhoods to register voters.<sup>86</sup>

While they supported a drive for voting registration, some of the ACMHR leadership refused to let voting rolls overtake the importance of other longstanding concerns. Surveillance reports of the planning meetings indicated deep dissension among

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<sup>81</sup> Surveillance report from Det. H. H. Hudson and B. J. Cooper to Chief Jamie Moore, 7 September 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>82</sup> Surveillance notes on “Negro meetings,” 11 November 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>83</sup> For more on the SCLC decision to go to Chicago, see Taylor Branch, *At Canaan’s Edge: America in the King Years, 1965-1968* (New York: Simon & Schuster, 2006), 321-2.

<sup>84</sup> Surveillance report from Det. Barney L. Waites & Alvin J. Cornelius to Chief Jamie Moore, 14 December 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>85</sup> “Negro March Told Demands Are Impossible,” *Birmingham News*, 4 January 1966.

<sup>86</sup> “Negro March Told Demands Are Impossible,” *Birmingham News*, 4 January 1966.

the ACMHR on whether the SCLC's involvement was best for the Birmingham movement. There was some suggestion that Williams's Birmingham detour would be quickly followed by similar voter registration efforts in the Carolinas, which suggested to Gardner and others that the SCLC might not be truly interested in solving the particularities of Birmingham's struggles. At the heart of the question, another vice president insisted, was whether the SCLC was distracting from the more important concern of job opportunities in the civil service system; after all, the city still had no black policemen.<sup>87</sup> The dissension increased as King's lack of involvement became more obvious, most tellingly when King cancelled on a planned mid-November march to the courthouse.<sup>88</sup>

Although the inner-turmoil helped postpone the demonstrations to after the Christmas holiday, the ACMHR leadership ultimately rallied around Shuttlesworth, trusting he would protect their interests. Having reassembled the activist ministers together, Shuttlesworth and Williams officially launched the demonstrations on December 28, 1965.<sup>89</sup> Using tactics influenced by the 1963 demonstrations, the protesters focused their attention on public marches down city streets to the courthouse. However, the city's response under Boutwell was markedly different from the Connor regime; it granted the permits for the marches and discouraged arrests except where physical harm was caused.<sup>90</sup> Contrasted with the 1963 events, press accounts noted how "orderly" the

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<sup>87</sup> Surveillance notes on "Negro meetings," 11 November 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>88</sup> Surveillance notes to Chief Jamie Moore, November 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>89</sup> W. C. Hamilton to Albert Boutwell, draft letter on demonstrations in Birmingham, 18 January 1966, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>90</sup> Hamilton to Boutwell, draft letter on demonstrations, 18 January 1966, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

marches were.<sup>91</sup> The accounts listed the number of participants in the various marches from seventy-five<sup>92</sup> to more than two hundred,<sup>93</sup> still a far cry from the massive participation in 1963. Even the higher numbers, as many as three hundred in some demonstrations, identified by police reports showed the struggle of the new movement to capture the city's residents in the way the "climactic" protests had.<sup>94</sup> City leaders were quick to note the demonstration's waning power, as Boutwell's secretary willfully reported to Rep. John Buchanan: "On December 28<sup>th</sup>, 500 were to participate; fewer than 200 showed up. On January 4<sup>th</sup>, the sponsors requested a permit for 600 participants and fewer than 250 actually participated. . . . The marches in spite of being widely publicized in the Negro community were attracting no additional number of people."<sup>95</sup> Despite the troublesome comparisons to the last Birmingham demonstrations, the protests endured even after a federal injunction against the SCLC for using student protestors.<sup>96</sup> Shuttlesworth and Williams were able to marshal their cadre of supporters to maintain a steady front, albeit one that failed to capture national media attention.<sup>97</sup> The Justice Department, however, eventually took notice and sent down federal registrars to oversee Birmingham's voter registration.<sup>98</sup>

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<sup>91</sup> "March Here Is Orderly," *Birmingham Post-Herald*, 7 January 1966.

<sup>92</sup> Bill Mobley, "Voter Clerks Sit Idle as Negroes Demonstrate," *Birmingham Post-Herald*, 5 January 1966.

<sup>93</sup> "200 Negroes Stage March," *Birmingham Post-Herald*, 6 January 1966.

<sup>94</sup> Report on demonstration from Captain George Wall to Chief Jamie Moore, 14 January 1966, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>95</sup> Hamilton to Boutwell, draft letter on demonstrations, 18 January 1966, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>96</sup> The comparisons to the student involvement in 1963 troubled the mayor and police officials, who focused on recruitment of students from local high schools. Memorandum, Lt. Otha B. Wilson, 19 January 1966; Hamilton to Boutwell, draft letter on demonstrations, 18 January 1966; report on demonstrations from Capt. Glenn Evans to Chief Jamie Moore, 13 January 1966, all in Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>97</sup> Bill Mobley, "Protests By Negroes Quieter and Fewer," *Birmingham Post-Herald*, 15 January 1966.

<sup>98</sup> "Federal Registrars," *Birmingham News*, 21 January 1966.

With Williams's initial goal for federal intervention successful, the response seemed to prove that demonstrations were still the best means to accomplish change in Birmingham. If that was the lesson, a *Birmingham News* editorial bemoaned, then the city would never be united: "No good is served by a federal decision to move in and there is a possibility that positive harm may be done in the form of breakdown of some of the understanding and progress achieved painstakingly over the past few years." The government was only emboldening "flouters of the law and disturbers of orderly society" by kowtowing to their requests; in fact, the *News* believed, it was the protesters' methods that had so entrenched the city leaders against the "reasonable steps" to make registration easier. Echoing earlier claims made about black police in October 1963, the editorial argued there would "have been no objection" if Shuttlesworth and Williams had just trusted the "responsible public officials" to resolve the issue.<sup>99</sup>

The protests also underscored the chasm between activists and other black leaders over tactics. As the protests wore on, and occasional reports of overzealous protesters emerged,<sup>100</sup> the "respectable" black leaders offered familiar concerns over the effectiveness of the demonstrations and the reliance on school children. At the forefront of the blowback was Gaston, who issued a public statement deploring the reported violence and suggesting that the Jefferson County Board of Registrars both had the means and the motivation to register all residents, regardless of race. The statement was supported by other temperate black leaders, such as Nixon and Drew.<sup>101</sup> City officials latched onto the Gaston statement as emblematic of how true residents felt about the outsiders' agitation; Hamilton cited this opinion as reflecting that the city's "competent

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<sup>99</sup> "Federal Registrars," *Birmingham News*, 21 January 1966.

<sup>100</sup> Bill Mobley, "Negro Youths Hurl Rocks," *Birmingham Post-Herald*, 12 January 1966.

<sup>101</sup> "Negroes Hail Declaration by Gaston," *Birmingham Post-Herald*, 21 January 1966.

Negroes” understand “the problem” rests not with the Board of Registrars, but with “the lack of initiative on the part of eligible Negroes to register.”<sup>102</sup> The activists treated Gaston’s statement as yet another example that he “was not in the movement.” Williams encouraged supporters to boycott his businesses, and the protests incorporated some of Gaston’s properties into their route.<sup>103</sup>

If the demonstrations revealed the familiar split of black leadership in the city among activists and the businessmen, another group of black leaders explored whether a third way would prove more effective. Discontented with the pace of change yet mindful that the Boutwell administration was a marked improvement over Connor’s rule, these leaders believed the time had come for black and white leaders to work together actively on interracial problems. On January 19, under the auspices of the “Committee of Citizens,” the leaders presented a “Statement of Requests” to Boutwell. The signatories included educators, Dr. Lucius Pitts and Mrs. Ruth J. Jackson; businessmen, Dr. James T. Montgomery; and ministers, Revs. Joseph Lowery, Abraham Woods, Jr., Calvin Woods, and John Cross. Notably, none affiliated themselves in the statement with one of the city’s civil rights organizations, whether ACMHR or NAACP. While publicly supporting “the right of peaceful protest” and mindful that “demonstrations reflect the dissatisfaction of Negroes and fair-minded whites,” the group’s statement framed their debate in strictly local terms; while the SCLC might be interested in Birmingham as a first step in a voter registration campaign, these leaders wanted to make sure that local concerns remained paramount. Foremost among the requests was for the city to take “immediate steps to

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<sup>102</sup> Hamilton to Boutwell, draft letter on demonstrations, 18 January 1966, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>103</sup> Surveillance report from Det. John C. Ferrell, William A. Cuzzort, and Sgt. Clyde D. Guy to Chief Jamie Moore, 19 January 1966, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

employ Negro policemen” through full implementation of the “recommendations made by Jacobs & Company.” Other concerns centered on increased efforts at civil employment for black citizens and a greater speed in desegregation of city and county institutions.<sup>104</sup>

At least outwardly, Boutwell seemed receptive to the statement of requests. Although he expressed support for some of the suggestions, his immediate response spent more attention on the inability of the mayor’s office to achieve any change without official sanction from county and state leaders. Such evasive responses were not new, but it left the *Birmingham World* cold to the “conference table” negotiations that the “Committee of Citizens” seemed to prefer. Absent support from elected officials, the *World* wondered, what power could black leaders really have in negotiations: “One needs to ask the ‘Committee of Citizens’ what it plans to do to back up its requests? What can these individuals do? What operational tools do they have to continue to work to bring these modest and long overdue needs?”<sup>105</sup> Rather than blind faith in the reasonableness of Boutwell and Moore to hire black police, the *World* encouraged readers to use their newfound power at the ballot to fight for changes to the civil service test. If Boutwell and Moore seemed content to parrot “the old fraud about being unwilling to lower the qualifications” instead of answering the flaws in the evaluation process,<sup>106</sup> then voters would have to take the issue to the Legislature.<sup>107</sup>

But it was not the ballot, editorials, protests, or requests that forced the city’s officials to take action. Instead, the inability to find enough “qualified” applicants

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<sup>104</sup> “‘Committee of Citizens’ Statement of Requests,” *Birmingham World*, 19 January 1966.

<sup>105</sup> “The Polite Brush Off,” *Birmingham World*, 26 January 1966.

<sup>106</sup> “A Speech But Not a Start,” *Birmingham World*, 9 February 1966.

<sup>107</sup> Emory O. Jackson, “The Tip Off,” *Birmingham World*, 23 February 1966.

highlighted the flaws in the examination process identified in the Jacobs Report. Already, the *Birmingham News* had given official credence to the report's suggestion that the "testing itself should be altered" to produce more qualified applicants, "Negro and white."<sup>108</sup> Amid the intensity of the January protests, the County Personnel Board publicly declared the civil service faced the biggest "job crisis" since WWII; Personnel Director Mullins blamed a contracting labor pool as jobs in new federal programs offered better pay and benefits. He made no mention that the infrequent examinations limited possible applicants or that the tests were tougher than necessary.<sup>109</sup> The problem metastasized to a point that Seibels called for a massive expansion of the auxiliary police program, which would take over the routine police tasks "not requiring specialized or technical training." Since auxiliary officers could "in no way be considered" regular officers, their qualifications were not as stringent as Seibels believed were necessary for policemen.<sup>110</sup> But Seibels's answer could only be a stopgap; in March 1966, the Personnel Board announced changes to bring the examination process in line with some of Jacobs's suggestions. The board completely overhauled the first section, which was replaced by selections of the Army Beta Intelligence Exam; the section was also made uniform for all applicants, eliminating the chance for human caprice in handing out the various exams.<sup>111</sup> Moreover, the Personnel Board enacted an "instant scoring" system in which the proctors graded the exams "in the applicant's presence as soon as the test is finished."<sup>112</sup>

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<sup>108</sup> "Police Hiring Methods," *Birmingham News*, 24 December 1965.

<sup>109</sup> "Filling Civil Service Jobs Becoming Very Difficult," *Birmingham Post-Herald*, 21 January 1966.

<sup>110</sup> "Seibels Says City Police Need Help," *Birmingham News*, 2 February 1966.

<sup>111</sup> George G. Seibels, Jr. to Birmingham City Council, 11 March 1966, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>112</sup> "Eight Negro Applicants Show Up," *Birmingham News*, 16 March 1966.

As the Personnel Board changes went into effect, the city finally enacted another of Jacobs's recommendation by releasing a strong public statement declaring an "immediate need" for black policemen and declaring that black applicants would be "fairly considered for employment, and fairly treated after employment." Boutwell and the City Council also announced plans to increase recruitment for black applicants through intensified targeting methods.<sup>113</sup> The *Birmingham World* could not help but find the statement "dramatically inadequate" and vowed to "continue to press and promote the issue."<sup>114</sup> If inadequate, the city leadership's statement also seemed conspicuously timed to the changes in the examination process. Did it signal an acknowledgement of the *World's* contention that the old "test and testing system were formulated to make it hard for Negro applicants" or an anticipation that the revised test was sure to produce at least one qualified black applicant?<sup>115</sup> Regardless of the intent, the immediate effect of the statement, if any, is hard to judge. While the next two exams yielded the city's first two black candidates to be considered for jobs, both exams were within four days of the city leadership's pledge;<sup>116</sup> that the applicants were spurred to take the exam so soon seems unlikely. The importance of the revisions to the exam system, however, appears obvious. Even if the white leaders dismissed problems of past procedures as merely "unintentional discrimination," their remedy immediately resulted in the city's first two "qualified" black applicants.<sup>117</sup>

After passing the civil service examination and completing the certification process, Leroy Stover and Johnnie Johnson, Jr., officially joined the Birmingham Police

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<sup>113</sup> "City Officials Cite Need for Negro Police," *Birmingham News*, 12 March 1966.

<sup>114</sup> "Press the Issue," *Birmingham World*, 16 March 1966.

<sup>115</sup> "Press the Issue," *Birmingham World*, 16 March 1966.

<sup>116</sup> "Eight Negro Applicants Show Up," *Birmingham News*, 16 March 1966.

<sup>117</sup> "Step-by-Step on Negro Police Issue," *Birmingham News*, 12 March 1966.

Department on March 30<sup>118</sup> and 31,<sup>119</sup> respectively. Stover, age 33 at the time of his appointment, had been working for the Pratt-Ensley Building Supply Company. Johnnie Johnson, 24, had worked for the Baggett Transportation Company; Johnson also had experience as a volunteer for the city's civil defense.<sup>120</sup> The significance of their appointments was not lost on the two new officers; Johnson recalled later that, when he was growing up, his father tried to dissuade any interest his son had in police work, telling him "they didn't hire black police" in Birmingham.<sup>121</sup> However, both also understood the severity of their new surroundings; being the pioneers on a force largely composed of Connor's men meant there would be struggles, especially early. Johnson recounted that some officers deliberately distanced themselves during roll calls; some of his early ride-alongs were done in complete silence as his partners refused to speak to him. The "old guys," some of whom Johnson remembered were "just devils," made it known the rookies were interlopers on the force, and it made the transition rough. But, Johnson recalled, their negativity paled in comparison to the encouragement offered by many in the black community. Stover and Johnson stood not just for themselves, but rather they represented a culmination of the many individual actions launched by Shuttlesworth and the ACMHR in 1957. This legacy was reaffirmed to Johnson one rainy day in 1966 when he offered a ride to an old lady walking down 8<sup>th</sup> Avenue. As she entered, she remarked to Johnson, "Boy, I put that uniform on you." That community support motivated the officer as he faced the trials of being a trailblazer; his purpose, he recalled, "was to bring salvation to the people" that had never before known a friendly

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<sup>118</sup> "City Hires First Negro Policeman," *Birmingham News*, 30 March 1966.

<sup>119</sup> "Second Negro Joins Local Police Force," *Birmingham News*, 31 March 1966.

<sup>120</sup> "Leroy Stover Appointed First Negro Policeman," *Birmingham World*, 2 April 1966.

<sup>121</sup> Johnnie Johnson, Jr., interview by author, Birmingham, Alabama, July 2011.

face on the force.<sup>122</sup> But Stover, Johnson, and the few other black officers were a miniscule percentage in a department whose culture and practices remained largely unchanged since Connor's regime.

If Boutwell and other leaders hoped that the new black recruits represented a calming of black discontent with the police, a rash of police shootings in summer and fall 1966 revealed the lingering distrust many black residents felt towards law enforcement. While brutality concerns and accusations against the police often accompanied the calls for black policemen, the issue rose to the forefront in the aftermath of Stover's and Johnson's appointments. From March 1966 to February 1967, ten Birmingham residents died as a result of a police shooting; alarmingly, all ten were black and every shooting was ruled "justifiable" by the county coroner.<sup>123</sup> While the deaths accrued particular concern from the *Birmingham World*, which called on Boutwell and Moore to "alert [the administration] to the danger signs reflected in these increasing number of Negro persons killed by police under justifiable circumstances, no matter the justification."<sup>124</sup> The instigating incident, however, was the death of James Small, a black teenager. According to accounts, police officers caught Small attempting to break into Martin Elementary School at 1:30 A.M. on February 17; when he fled, the officers opened fire.<sup>125</sup>

Small's death galvanized black leaders to take more forceful action against the shooting epidemic, although different factions again emerged on how to effect a policy change. Shuttlesworth led a faction of activists in public protests against the killings,

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<sup>122</sup> Johnson, interview.

<sup>123</sup> "Birmingham Fights Police Killings," *Southern Patriot*, April 1967. For individual examples, see "Negro Slain by Police at Break-in Here," *Birmingham News*, 30 May 1966; "Negro Killed by Policeman at Car Lot," *Birmingham Post-Herald*, 9 August 1966; "The Number Is Now Six," *Birmingham World*, 21 September 1966; "Police Shoot Fleeing Negro on Southside," *Birmingham News*, 23 December 1966; "Negro Shot by Police," *Birmingham News*, 16 January 1967.

<sup>124</sup> "The Number Is Now Six," *Birmingham World*, 21 September 1966.

<sup>125</sup> "Police Kill Negro Youth," *Birmingham News*, 17 February 1967.

which he felt was the only way to get the attention of Boutwell and Moore: “I’m sick and tired of some trigger-happy policeman killing some poor Negro. I think we need to start marching tonight and march again tomorrow and all night so the police can’t get any rest or sleep, and I’m tired of the ruling of justifiable homicide every time a Negro is killed.”<sup>126</sup> According to police and newspaper accounts, Shuttlesworth struggled to attract many to the marches; none attracted more than one hundred participants, and most failed to reach seventy-five protesters.<sup>127</sup> Despite the poor attendance, Shuttlesworth directed the marches to affect a procession-like feel; a common feature at many of the protests was an open casket filled with flowers.<sup>128</sup>

While Shuttlesworth focused the ACMHR on public demonstrations, other black leaders believed the best solution would come by addressing the problem directly to the mayor. Much like the Committee of Citizens the previous year, this group presented their concerns to Boutwell and arranged to discuss the issue with an assemblage of important civil and civic leaders.<sup>129</sup> At the meeting the black leaders claimed that the police employed “dual methods in arresting whites and Negroes” and decried the lack of trust or confidence that many in the black community had towards the city’s law enforcement. More forcefully, Rev. Lowery expressed incredulity that “the disparity between the white and Negro killings is accidental.” In response, the white leadership asserted that the city did not support illegal killings, but they forcefully denied that the killings were indicative of anything other than a justified response to criminal activity. Boutwell, however,

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<sup>126</sup> Surveillance report from Det. W. H. Cather and Barney Waites to Chief Jamie Moore, 21 February 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>127</sup> “Shooting of Youth Protested,” *Birmingham News*, 21 February 1967; surveillance notes on demonstrations from 2/24 to 2/28, 1 March 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>128</sup> Surveillance notes on demonstrations from 2/24 to 2/28, 1 March 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>129</sup> “City Leaders Agree to Hear Grievances,” *Birmingham News*, 21 February 1967.

attempted to assuage the complainants by announcing the creation of a Community Relations division of the department; while he maintained that the division was “in the making for several months,” the mayor argued that this division would go a long way to solving “all aspects of community problems.”<sup>130</sup>

In addition to Boutwell’s statement promising greater attention to black concerns, the meetings also resulted in a public statement of policy by Moore. Although this would become a recurring reaction to brutality protests in later years, Moore’s statement was the chief’s first pronouncement to “clarify” police procedures. While this had been one of the recommendations in the Jacobs Report, the city had not taken the suggestion until the meeting with the black leaders. In the statement, Moore assured residents that “ours is a police department for all the people and our belief in equal treatment under the law is sincere.” Maintaining that the department would “enforce the law impartially,” Moore also reasserted the officers’ responsibility to protect the “overall welfare of the community.” The statement made explicit the policy on “use of force by police,” although the policy rested on ambiguous determinations of what entailed “reasonable” action and “acceptable” alternatives to force.<sup>131</sup>

To the *Birmingham News*, the statement served as a nice summation to the success of the “conference table” as the next arena for solving the city’s racial problems. While acknowledging “problems remain,” the *News* asserted that Birmingham would be better served if race relations were left to “men of good will;” only through mutual “determination to deal with any differences forthrightly” could solutions be found. To the *News*, this “slight progress” was enormous when “weighed in terms of *no* progress—or at

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<sup>130</sup> Tom Lankford, “Mayor Hears Grievances of Negroes,” *Birmingham News*, 22 February 1967.

<sup>131</sup> “Statement of Policy on Police Method,” *Birmingham News*, 26 February 1967.

least no *voluntary* progress—just a few years ago.”<sup>132</sup> If black leaders would turn to the “conference table,” the future of the city looked bright: “What happened last week doesn’t mean all our problems have been solved. It does mean that they’re not insoluble.”<sup>133</sup>

If the *News* wanted to preemptively pronounce a new era of race relations, the black leadership did not seem trusting enough of the Boutwell administration. Instead, the activists and negotiators issued a cooperative response to the Boutwell and Moore statements that tried to push the white leadership to offer positive action. Notably, this response was co-signed by the ACMHR. While expressing gratitude that the policy statement was an “entirely appropriate” response, the cooperative statement prodded for specific actions as evidence of the city’s good faith: the discontinuing of “sending officers of the law to public meetings” without invitation; “immediate implementation” of plans for human relations workshops for all officers; appointment of black leaders to “at least one-third” of the spots on Citizens Supervisory Board; and the creation of a panel of deputy coroners to review “all homicides at the hands of an officer.”<sup>134</sup>

Moreover, the ACMHR and NAACP called on “each and every Civil Rights Organization in the State of Alabama” to send representatives to a “special meeting to discuss equal and impartial law enforcement in Alabama.”<sup>135</sup> When Boutwell’s response offered similar refrains to his earlier message without significant action,<sup>136</sup> Shuttlesworth summarized the failure of the white leaders to act: “It became clear after a week that

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<sup>132</sup> “A Sign of Progress,” *Birmingham News*, 26 February 1967 (italics in original).

<sup>133</sup> “A Historic Week,” *Birmingham News*, 27 February 1967.

<sup>134</sup> “Negroes Add Six Recommendations to Help Relations,” *Birmingham News*, 28 February 1967.

<sup>135</sup> Alabama Christian Movement for Human Rights, press release, 2 March 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>136</sup> Form letter by Albert Boutwell, 10 March 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

officials were vacillating; and had really said or done nothing more than they thought expedient for the moment. . . . What they sought to “fool us with—although we appreciate the knowledge—was actually old stuff.”<sup>137</sup> To Shuttlesworth, Boutwell’s ambivalence revealed the failures of negotiations. Meanwhile, the demonstrations, he claimed, were the only way to ensure positive results, such as the cessation of police shootings of blacks since the marching began.<sup>138</sup>

As the summer approached, however, the tempers over the police shootings publicly calmed as the months passed since the last shooting. Shuttlesworth returned to his pastorate in Cincinnati, and the racial tensions appeared to subside. As the nation’s cities battled race riots, Birmingham’s demonstrations and complaints seemed quaint. No longer faced with public dissent, the city’s white leaders expressed confidence the problems had been solved. They looked to the progress in the first four years of the mayor-council system. The events in 1963, prodded by the authoritarian tactics of Connor, had given the city a terrible national image; under the new system, City Council president M. E. Wiggins could praise Moore’s officers for “their restraint and professionalism in handling racial troubles.”<sup>139</sup> Moreover, Birmingham had its first black officers in its nearly hundred year existence. From Boutwell’s point of view, his administration had “worked hard to get” the black officers on.<sup>140</sup> The tranquility of the moment and the signs of “slight progress” in the city belied the chasm that still existed between Boutwell, Moore, and the black community.

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<sup>137</sup> Fred Shuttlesworth, opening statement to Statewide Civil Rights Leaders’ Meeting on Law Enforcement in Birmingham, Alabama, 13 March 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>138</sup> Surveillance report from Det. A. J. Cornelius & E. T. Coleman to Chief Jamie Moore, 4 April 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>139</sup> Tom Lankford, “City Police Hailed for Restraint, Efficiency,” *Birmingham News*, 20 April 1967.

<sup>140</sup> Johnson, interview.

## CHAPTER TWO: “YOU’VE COME A LONG WAY, BABY!”

“We tackled real problems. We would holler and scream at each other, and I can remember hollering and screaming at the sheriff. . . . But a lot of progress had been made.” –James Montgomery, on the Community Affairs Committee<sup>141</sup>

Feeling that he had adequately answered the black leaders’ requests and resolved any lingering racial resentment, mayor Albert Boutwell expressed confidence that Birmingham’s black community was pacified. When asked about concerns for potential unrest as the summer approached, Boutwell replied with a public address that underscored his faith that there was no longer a disconnect between the racial communities and assured residents that he did not anticipate “a long, hot summer” in Birmingham.<sup>142</sup> Breaking the city’s past into a pre-1963 era of backwardness and an era of progress under his mayor-council government, Boutwell presented an illuminating account of what he called his administration’s “affirmative action” to alleviate past problems:

In the interim period from May 1963, all segregation ordinances have been repealed; all public facilities, including recreation have been integrated under federal court orders. In compliance with federal court orders, by Fall 1967, all schools will have been integrated to the degree practicable under the mandate.

Negroes have been accepted as members in the Birmingham Area Chamber of Commerce, and in a quasi-public planning and coordinating agency known as “Operation New Birmingham” and in other private organizations. Negroes serve on important advisory committees, on several of the official boards and agencies,

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<sup>141</sup> James Montgomery interview by Andrew Manis, Birmingham, AL, 4 August 1989.

<sup>142</sup> Albert Boutwell, text of speech, n.d., ABP. Context clues in the speech itself and its location in the archival file indicate the speech was delivered between May and July 1967.

on the Birmingham Police Department as both officers and in clerical jobs; others hold classified positions, including supervisory, in other departments.<sup>143</sup>

This optimistic view of the situation in Birmingham disregarded the underlying problems that festered in the city's relationship with the black community and misleadingly cast actions forced upon the city as indicative of a larger progressive strain in the administration. In discussing desegregation, Boutwell gave implicit sanction of tokenism as a stand-in for integration. Moreover, Emory Jackson's critiques of Boutwell's previous edicts as a "slick public relations job" went substantively unanswered.<sup>144</sup> The mayor ignored any notions of "unequal treatment of Negro citizens by the Birmingham Police Department" in his speech and failed to grasp the reality of police brutality to the city's black citizens.<sup>145</sup> Ultimately, Boutwell showed little sympathy to Shuttlesworth's public demonstrations, which the mayor wrote off as "so small that they occasioned no public upset."<sup>146</sup> He seemed unable to rectify the reasoning behind Shuttlesworth's belief that the ACMHR had to keep marching: "Five Negroes died the first six weeks of this year at the hands of policemen. But during the seven weeks not the first Negro had been killed by the police."<sup>147</sup> The stalemate, Shuttlesworth argued, came not from greater racial reconciliation in the city, but by blacks keeping consistent, public watch on the city's forces.

Birmingham did largely avoid a "long, hot summer" in 1967, although the situation came close to significant escalation in late July. On July 22, a Saturday night, an incident broke out in downtown Birmingham, at the corner of 4<sup>th</sup> Avenue and 17<sup>th</sup> Street

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<sup>143</sup> Albert Boutwell, text of speech, n.d.

<sup>144</sup> Emory O. Jackson, "The Tip-Off," 4 March 1967.

<sup>145</sup> "Mistakes Were Made," 26 July 1967.

<sup>146</sup> Albert Boutwell, text of speech, n.d.

<sup>147</sup> Surveillance report from Det. A. J. Cornelius & E. T. Coleman to Chief Jamie Moore, 4 April 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

North. The full extent of the event is disputed, but some press reports soon labeled it a “rampage by several hundred Negroes.”<sup>148</sup> Ultimately, Birmingham had to enlist the support of the Alabama National Guard and the Jefferson County Sheriff’s Department, who quelled the riot with minimal damage and injury.<sup>149</sup> Yet again, Boutwell grabbed the opportunity to praise the city and state law enforcement for acting swiftly and glossed over the underlying symptoms as a “senseless recourse to violence.”<sup>150</sup> While the mayor focused on the “praise rather than problem,”<sup>151</sup> the *Birmingham World* claimed “blunders made by City Hall and the Birmingham Police Department” exacerbated the problem by first being unavailable when the editors tried to warn officers of potential trouble and then responding with an “apparent effort to display raw power to the Negro community” that merely “intensified bitterness.”<sup>152</sup> Should the city want to avoid further close calls, the paper warned, the “law enforcement philosophy of the Birmingham Police Department needs to be reexamined.” Boutwell appeared unwilling or unable to make this commitment, but the *World* held out hope that the incident would “shock a sleepy community leadership to the needs of the times.”<sup>153</sup>

In light of the incidents in the summer, George Seibels focused much of his mayoral campaign on checking Birmingham’s “increasing crime rate” and forestalling the city-wide riots that ravaged cities across the nation. He worried that “seeming indifference to law and order” exacerbated the chance for chaos.<sup>154</sup> This concern for law

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<sup>148</sup> Lou Isaacson, “Boutwell Praises Law Officers, Guard,” *Birmingham News*, 26 July 1967.

<sup>149</sup> Albert Boutwell to Colonel C.W. Russell, 26 July 1967; Boutwell to Mel Bailey, 26 July 1967; Boutwell to Brigadier General Henry V. Graham, 26 July 1967, all in Albert Boutwell Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>150</sup> Lou Isaacson, “Boutwell Praises Law Officers, Guard,” *Birmingham News*, 26 July 1967.

<sup>151</sup> Emory O. Jackson, “The Tip Off,” 29 July 1967.

<sup>152</sup> “Mistakes Were Made,” *Birmingham World*, 26 July 1967.

<sup>153</sup> “Mistakes Were Made,” *Birmingham World*, 26 July 1967.

<sup>154</sup> “Seibels Praises Work of Police,” *Birmingham News*, 22 May 1967.

and order stemmed not only from his time as chairman of the Public Safety Committee, but also connected the Republican candidate with a larger political shift in his party.<sup>155</sup> But, while other politicians equated “law and order” with support for the police against all criticisms, Seibels believed that solving the crime problem in Birmingham depended on a massive modernization of the department. Although he praised the character of individuals on the force, Seibels’s speeches consistently highlighted the “many changes needed in the police department.”<sup>156</sup> Taking insights from recent inspections of the departments in Kansas City and St. Louis, Seibels offered up a number of specific reforms to ensure a professional force.

Three of these reform suggestions in particular resonated with earlier complaints of the city’s black leaders. First, he called for an Internal Affairs division, comprised of “very high principled men” to “check on public complaints,” such as police brutality claims.<sup>157</sup> Seibels also argued for replacing the department’s hire-and-arm practice, which put rookie cops on the street without proper training, with a mandatory “12 to 20-week rookie school first” to ensure training in the latest methods and policies.<sup>158</sup> Additionally, he deplored the “ridiculous,” “backward approach” of closing the police precincts in two heavily black communities at 11:00 PM and promised as mayor to ensure these precincts would stay open twenty-four hours, “for the public should at all times in these areas be able to go to his precinct at any time of the day for reporting trouble.”<sup>159</sup>

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<sup>155</sup> Seibels’s concern for “law and order” contrasted with the reactionary conservatives and Wallacites in Alabama; instead, he connected with the greater Sun Belt conservatism seen best in California Governor Ronald Reagan. For more on this brand of “law and order,” see Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005).

<sup>156</sup> “Seibels Urges Changes for Police Dept.,” *Birmingham Post-Herald*, 25 July 1967.

<sup>157</sup> “Seibels Urges Changes for Police Dept.,” *Birmingham Post-Herald*, 25 July 1967.

<sup>158</sup> “Seibels Urges Changes for Police Dept.,” *Birmingham Post-Herald*, 25 July 1967.

<sup>159</sup> “Seibels Favors 24-Hour Precincts,” *Birmingham Post-Herald*, 6 October 1967.

The 1967 election was Birmingham's first since the Voting Rights Act, and some believed the black community would play a vital role in determining the winners. Civil rights activist Tommy Wrenn became the first viable black candidate for Birmingham office when he entered the city council race.<sup>160</sup> Echoing a common refrain in its pages, the *Birmingham World* reminded its readers that "the ballot is a civic equalizer"<sup>161</sup> and urged the black community to unite together and demand a more "responsive government."<sup>162</sup> The paper did not, however, endorse aside from Wrenn, and it did "not relish this disturbing choice" in the mayoral race. Still, the candidates tried to cast their platforms as meeting the needs of the black community. Seibels's advertisements in the *World* pledged "police protection for ALL citizens," alongside promises to eliminate "open sewers" and clean up the streets; his campaign even trumpeted his creation of the black police survey, hoping voters' hindsight would make it appear a necessary step for police desegregation.<sup>163</sup> This, combined with his willingness to attend meetings with "civic leagues" where "some of the community leaders unloaded their hearts," enabled the Republican candidate to make significant inroads into the black community as the election approached.<sup>164</sup>

Although lawyer George Young, his Democratic opponent, outpaced Seibels by a four-to-three margin among black voters, Seibels's black supporters constituted his margin of victory in the run-off. His victory received praise from both the *Post-Herald* and *News*, which emphasized his "vigorous interest in the community's civic and public

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<sup>160</sup> "Mr. Wrenn and Four Others," *Birmingham World*, 30 September 1967.

<sup>161</sup> "The New Cry for Services," *Birmingham World*, 9 August 1967.

<sup>162</sup> "The Call Is Clear," *Birmingham World*, 9 September 1967.

<sup>163</sup> Advertisement, *Birmingham World*, 7 October 1967.

<sup>164</sup> Emory O. Jackson, "The Tip Off," 29 July 1967.

affairs over the past two decades”<sup>165</sup> and anticipated his “ambitious program” to modernize the city.<sup>166</sup> For the *World*, however, the poor choices for mayor, coupled with Wrenn’s loss in the runoff, were indications of how far Birmingham’s black voters still needed to go to affect change: “The lesson for the Negro group is that political education is needed. Some worked hard for candidates who themselves have not worked for their community nor the Negro group. . . . It is not enough to say that a candidate is a ‘good man.’” True power, true “participation in the affairs of government,” the *World* was convinced, would only come when every faction in the black community committed “to blend its voting strength.”<sup>167</sup>

In his inaugural address, Seibels committed to ensure Birmingham maximized its enormous potential for the good of all segments. The city, he argued, had “all the ingredients to become a progressive American community.” The answer above all was for the citizens to understand that substantive change was necessary. Seibels promised to make “‘action’ the hallmark of the next four years.” Identifying his “program of fixed goals” that called for immediate attention, Seibels placed his law enforcement reforms at the forefront: “Running a police department today is big business. Our department must be updated. Modern policing is constantly changing and so must methods and procedures with which it is run.” The new standards and policies demanded higher professionalism from the officers, but they were necessary “to retard the spectacular and deplorable rate of increase in crime.” Seibels had little interest in assuaging “social revolutionists” who lack “respect for private property.” Instead, he called for responsible voices in black community that promoted “respect for the law and obedience to the law” to lend their

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<sup>165</sup> “The City’s Choices,” *Birmingham News*, 1 November 1967.

<sup>166</sup> “Mayor Seibels,” *Birmingham Post-Herald*, 2 November 1967.

<sup>167</sup> “City Election Outcome,” *Birmingham World*, 4 November 1967.

support; in turn, his administration would “represent *all* the people” as he dedicated himself to “building a better Birmingham that will be cherished by generations yet unborn.”<sup>168</sup>

After winning the election, Seibels turned quickly to modernizing the police department. The mayor demanded above all that the department be willing to adapt: “Put to use what you learn even if it takes changes. The world does not stand still.”<sup>169</sup> In January 1968, he announced the formation of divisions of Internal Affairs and of Planning and Research and demanded increased emphasis on Police Community Relations.<sup>170</sup> The Internal Affairs unit would be “professionally trained” to investigate all community complaints against individual officers, which Seibels claimed would help “eliminate false charges” as it brought “light to legitimate complaints.”<sup>171</sup> The mayor tapped Captain Jack Warren, a veteran on the force then serving as personnel officer, to direct the new unit as it investigated claims of corruption, bribery, ignoring violations for friends, and brutality.<sup>172</sup> The changes signaled Seibels was making good on his promise to commit the department to higher professional standards.

The mayor seized on Police Community Relations as a vital avenue for developing rapport with the black community. Formed by Boutwell in 1967, the division was essentially relegated to the sidelines until Seibels demonstrated interest in beefing up its role as a community liaison. A community relations division was vital to increased communication between the police and working class blacks, especially in the South, as

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<sup>168</sup> George G. Seibels, Jr., Inaugural Address, 14 November 1967, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>169</sup> Tom Lankford, “Seibels Forms Police Divisions,” *Birmingham News*, 17 January 1968.

<sup>170</sup> Tom Lankford, “Seibels Forms Police Divisions,” *Birmingham News*, 17 January 1968.

<sup>171</sup> Tom Lankford, “Seibels Plans Revamp of Police Department,” *Birmingham News*, 28 December 1967.

<sup>172</sup> Dick Johnson, “Warren Gets Police Post,” *Birmingham Post-Herald*, 24 January 1968.

the national renown of Atlanta's bureau attested.<sup>173</sup> Seibels understood the important role that a well-supported division could play, and he made sure the department increased its emphasis on community relations. The mayor committed resources to send the entire division to a Police Community Relations School at Michigan State.<sup>174</sup> When warned the group risked failure unless the department implemented a "total involvement concept" that asserted each individual "must be a 'Community Relations Officer,'" Seibels pushed for a four-day symposium run by the division as part of the mandatory rookie training.<sup>175</sup>

Seibels's reorganization faced immediate resistance from some within the department, including Chief Jamie Moore. A thirty-year veteran in Birmingham, Moore had been chief since being appointed by Public Safety Commissioner R.E. Lindberg in 1957.<sup>176</sup> He had experience in executive reorganizations of his department, most stringently when Bull Connor regained his Public Safety position in November 1957. Connor tried unsuccessfully to oust Moore as chief, and Moore was celebrating his tenth year at the top when Seibels became mayor.<sup>177</sup> Where the mayor saw inadequacies and primitiveness, the chief saw a police department staffed "with the 'best' in the nation."<sup>178</sup> An old-school veteran of the force, Moore stalled many of the reforms, forcing Seibels to take more public action.<sup>179</sup> The chief's objections could only go so far, as the mayor

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<sup>173</sup> Erskine Smith to George G. Seibels, 9 January 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL. Smith included with his letter a copy of U.S. Commission on Civil Rights, *Civil Rights Digest* (September 1967).

<sup>174</sup> George G., Seibels, Jr., to Judson P. Hodges, memo, 3 May 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>175</sup> Charles Evans to George G. Seibels, Jr., 22 February 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>176</sup> "Moore Is Named New Police Chief," *Birmingham Post-Herald*, 1957.

<sup>177</sup> "Police Chief Moore to Fight Connor's Move to Oust Him," *Birmingham Post-Herald*, 31 December 1957.

<sup>178</sup> Tom Lankford, "Seibels Reassigns 12 Police Officers; Chief Moore Objects," *Birmingham News*, 29 January 1968.

<sup>179</sup> James Chisum, "Seibels: Police Changes Made after Others Refused Advice," 30 January 1968.

possessed final say on personnel and organizational matters.<sup>180</sup> Seibels did not shy from courting Moore's dissent, and he notably replaced the chief's personal secretary with Sargent J. R. Hapt, "a vocal critic of Chief Moore's policies."<sup>181</sup>

Demanding a full accounting of the department's organization, Seibels contracted with J. L. Jacobs & Company to conduct "the evaluation and development of management and operating improvements" within the police department. Jacobs had a natural advantage in leading the survey; it had prior experience with Birmingham's police from its investigations for the civil service survey in 1965. That familiarity with the department, the managing partner admitted, seconded Seibels's notions of the "challenging character of the assignment and opportunities for the betterment of police services in Birmingham."<sup>182</sup> The city committed \$30,000 for two specialists in police organization, and the firm ensured that all aspects of the department's organization and management would be subject to investigation.<sup>183</sup> To aid in the survey, Seibels assigned Lt. James Parsons, head of the Planning and Research division and one of the mayor's allies in the fight for professionalization, as the consultants' liaison.<sup>184</sup>

Jacobs published the finalized *Management and Operating Study of the Birmingham Police Department* in September 1968. While commending the department for "doing a generally effective job of policing," the study identified significant flaws in

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<sup>180</sup> Bill Mobley, "City Police Dept. Shakeup Announced," *Birmingham Post-Herald*, 30 January 1968.

<sup>181</sup> Lankford, "Seibels Reassigns 12 Police Officers," *Birmingham News*, 29 January 1968.

<sup>182</sup> Thomas Jacobs to George G. Seibels, Jr., 4 April 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>183</sup> Jacobs to Seibels, 4 April 1968.

<sup>184</sup> George G. Seibels to Jamie Moore, 1 May 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

the organizational and management structure.<sup>185</sup> The consultants suggested a substantial reorganization of the department to forestall mismanagement and limit inefficiency. Much of this inefficiency stemmed from a poorly formulated chain of command: “The problems of effective operation are compounded by an excessive number of units of organization reporting directly to the chief of police and by the fact that the official chain of command is apparently by-passed rather frequently in direct dealings between the chief and subordinate officers.”<sup>186</sup> The department had grown too big for the chief to serve as direct supervisor to so many divisions; this weakened the effectiveness of his leadership and lessened oversight of many of the department’s daily functions. As the department modernized, the consultants argued, the chief would have to accept a different role as well:

The implementation of the forgoing recommendations will require that the police chief relinquish the direct control of many of the detailed actions over which he has, heretofore, exercised detailed supervision or has performed personally. . . . The chief’s role in such matters will be that of evaluating the performance of the line commanders and their commands and the insistence upon effective results. Very few individual actions should routinely come to his attention.<sup>187</sup>

Instead of serving as a division head, the chief’s office could be more effective if it cultivated an “executive” role;<sup>188</sup> if policing was “big business,” to borrow Seibels’s phrase, then the chief was the department’s CEO.<sup>189</sup>

The report proposed restructuring the department into three main divisions—administration, uniformed, and detective. At the head of each division would be a deputy

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<sup>185</sup> J. L. Jacobs & Company, *Management and Operating Study of the Birmingham Police Department* (September 1968): 1, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>186</sup> J. L. Jacobs, *Management and Operating Study*, 9.

<sup>187</sup> J. L. Jacobs, *Management and Operating Study*, 13.

<sup>188</sup> J. L. Jacobs, *Management and Operating Study*, 13.

<sup>189</sup> Seibels to Hodges, 3 May 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

chief, a newly created position, who would produce a “comprehensive statement of the functions assigned” and provide direct supervision over the division. These deputy chiefs, in turn, would report to the chief.<sup>190</sup> The report also recommended that community relations operate outside the three-division structure and report directly to the chief. With “widespread distrust and lack of respect for the police department among the Negro community in Birmingham,”<sup>191</sup> as they termed the situation in a preliminary report, the consultants commended Seibels’s emphasis on police-community relations, but they noted that “some members of the department have not looked favorably upon these efforts to correct undesirable attitudes and behaviors.”<sup>192</sup> Given special attention as one of the two units under the chief’s direct purview, the community relations bureau might “make a substantial contribution to improved relations,” with the important caveat that “adverse incidents of police behavior” be properly disciplined.<sup>193</sup>

The report provided a blueprint to thoroughly modernize the department, and other recommendations argued for greater professional standards of education and a codified manual of procedures and regulations.<sup>194</sup> Yet, the consultants were apt to dismiss notions that reorganization only affected the police department. Instead, they argued, the city would gain significant benefits as law enforcement became more professionalized, most notably in its racial relations:

An important by-product of the improved training and supervision should be a gradual building of improved relations between the police and the Negro community. Better supervision can be expected to bring about closer adherence to

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<sup>190</sup> J. L. Jacobs, *Management and Operating Study*, 13.

<sup>191</sup> Howard Ferguson to George G. Seibels, Jr., 18 July 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>192</sup> J. L. Jacobs, *Management and Operating Study*, 22.

<sup>193</sup> J. L. Jacobs, *Management and Operating Study*, 22.

<sup>194</sup> J. L. Jacobs & Company, *Preliminary Partial Report: Birmingham Police Department* (June 1968): 3, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

the stated city and department policies of fair and equal treatment for all citizens, without limitation on the enforcement of law and order. It should result in appropriate disciplinary action where such policies are not carried out. The elimination of adverse incidents by these means should improve Negro attitudes toward the police, thereby, affording a better base for the department's community relations program.<sup>195</sup>

A modernized force meant improvement in crime-stopping and reduced inefficiencies, both boons for Seibels's goal to update the city's services without massive expenditures. At the same time, the report suggested, professionalization would answer many of the concerns that had long marked the black community's encounters with police. One example was in the investigation of complaints. The prevalence of a "strong protective attitude" in officers encouraged them to "cover-up any misdeeds" and "brush-off complaints, particularly those made by Negroes." As Internal Security developed better methods for evaluating complaints and understood the necessity of promoting "the goodwill of all elements of the community," the consultants argued, those old-school tactics would fade away, ensuring "conclusive handling of complaints."<sup>196</sup>

Before the city could reap any benefits of this promised end to racial arguments over law enforcement, the report's recommendation would have to be implemented. Seibels seized the momentum of the report and urged its necessity in the changing urban climate: "We are not only dealing with increased crime and day-to-day enforcement problems, we in large cities are also dealing with complicated sociological problems, racial unrest . . . a general disregard for law and order, and often a complete absence of understanding of the role of the police officer."<sup>197</sup> The *Birmingham News* echoed Seibels and named "the Jacobs report as a tool to be employed in strengthening the role of law

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<sup>195</sup> J. L. Jacobs, *Management and Operating Study*, 2.

<sup>196</sup> J. L. Jacobs, *Management and Operating Study*, 101.

<sup>197</sup> George G. Seibels, Jr., "Concerning the Police Survey Report," 13 September 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

enforcement” in Birmingham.”<sup>198</sup> Louise Branscomb, a Southside resident, applauded the mayor’s actions “to bring about a better relationship and a more effective department,” a sentiment she believed shared by “the majority of well-meaning citizens.”<sup>199</sup> Dr. A.G. Gaston wrote the mayor to convey “the support of the Negro community,” and he hoped the report would “further improve the good race relations” that marked Seibels’s first year.<sup>200</sup> In a public statement, the director of the Birmingham Urban League demanded “that the Jacobs report must not be allowed to die” and called for “immediate action” on its proposals.<sup>201</sup>

The implementation, however, was not immediate. Objections arose quickly from the Birmingham Fraternal Order of Police (FOP), which charged some of the report’s claims needed further clarification. Latching on to rumors that an advisor to the study expressed concerns over the final recommendations, the FOP urged the city council to provide adequate time to arrange for the officers to conduct their own investigation.<sup>202</sup> Even so, Seibels promised action on the report “within ten days” of its arrival,<sup>203</sup> but he missed that deadline as opposition from the FOP mounted and the chair of the Public Safety Committee cautioned the city to implement the report “slowly and with a lot of thought.”<sup>204</sup> Further resistance came from Chief Moore, who told an assembly of the FOP

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<sup>198</sup> “Toward Better Police,” *Birmingham News*, 19 January 1968.

<sup>199</sup> Louise Branscomb to George G. Seibels, Jr., 14 September 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>200</sup> Dr. A. G. Gaston to George G. Seibels, Jr., 24 June 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>201</sup> E. J. Haig, L. H. Kirk, O. C. Ellard, and M. C. Gullion to George G. Seibels, Jr., “Sergeants’ Committee Report,” 24 October 1968, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>202</sup> Tom Lankford, “Police Survey Report Needs Clarifying—FOP,” *Birmingham News*, 10 September 1968.

<sup>203</sup> Dick Johnson, “City Due to Act on Police Survey,” *Birmingham Post-Herald*, 2 October 1968.

<sup>204</sup> “Woods: Go Slow on Police Survey,” *Birmingham Post-Herald*, 14 October 1968; Lou Isaacson, “Delay Seems Due in City’s Police Revamp,” *Birmingham News*, 14 October 1968.

he opposed “a great many things” in the report.<sup>205</sup> Privately, Moore also questioned the expertise of the Jacobs & Company to do a police survey.<sup>206</sup>

Seibels refused to accede to the FOP dissent, and he ordered his staff to send out copies of the report to all five hundred policemen with a statement that explained the benefits of professionalization of the department.<sup>207</sup> His push was partially successful, and the reorganization of the chain of command gained city council approval in late October.<sup>208</sup> Seibels appointed Jack Warren, the head of Internal Affairs and an ally of professionalization, as Chief Moore’s administrative assistant, the position that was tasked with “keeping up with progress of implementation of the Jacobs survey.”<sup>209</sup>

To the FOP and its supporters, the Jacobs report was just the latest attempt of Seibels to overstep his authority by dictating police department policy. The FOP, although not an official union, served as the public voice for many Birmingham officers, and it hewed to a particularly intransigent line on Seibels’s reforms. The group was troubled by his public avowal of the Community Relations Division, and many members expressed concerns with the aims of the Internal Affairs unit. As early as March 1968, Seibels publicly alleged that “there has been a move underway to undermine” his reform agenda within the department.<sup>210</sup> The mayor vowed not to let anyone “stand in the way of improved police protection for Birmingham,” and he consistently cast the FOP and its

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<sup>205</sup> Marion Ray, “Moore Opposes Portions of Jacobs Survey,” *Birmingham News*, 16 October 1968.

<sup>206</sup> George G. Seibels to Jamie Moore, 23 October 1969, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>207</sup> “Acceptance for Survey Sought,” *Birmingham Post-Herald*, 18 October 1968.

<sup>208</sup> Marion Ray, “Chart I of Jacob’s Report Ok’d Quietly by City Council,” *Birmingham Post-Herald*, 29 October 1968.

<sup>209</sup> Bill Mobley, “4<sup>th</sup> Deputy Police Chief Named: Mayor Appoints Capt. Warren,” *Birmingham Post-Herald*, 29 January 1969.

<sup>210</sup> “Seibels Charges ‘Undermine’ Try,” *Birmingham Post-Herald*, 25 March 1968.

supporters as an impediment to modernization.<sup>211</sup> In turn, the FOP crafted resolutions that condemned the mayor's politicizing of the police and overreach of authority: "Be it further resolved that the FOP feel that the Office of Police Chief . . . is the correct way for our department to be run and that all orders concerning police functions should be channeled through that office."<sup>212</sup>

Seibels found sympathetic support from the city's mainstream papers. A *Post* editorial commended the mayor's work to "insure peace and contentment in city," while decrying the "rumblings of discontent" some officers expressed for the community relations program.<sup>213</sup> The *News* backed the mayor's issuance of a policy statement reasserting the impartiality of law enforcement with a jeremiad on the state of law enforcement in Birmingham. Titled "What the Badge Means," the editorial lambasted those who seem unable "to stomach the idea that one citizen is as good as another;" the policy statement was a "historic milestone in community relations," not an "attack on police," and the editorial fully supported Seibels efforts to revitalize the force to help achieve the policy's full implementation.<sup>214</sup>

While Seibels fought to move beyond the "status quo" in the police department, the city council members faced a test of their sincerity on breaking the status quo in city leadership with the passing of Councilman R. W. Douglas in the fall of 1968. Under the Mayor-Council Act that governed Birmingham, the council had sole authority in naming a replacement for Douglas's seat until the voters could select an official replacement at the next city-wide election. Still reeling from Wrenn's loss in the 1967 election, the city's

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<sup>211</sup> Charles Richardson, "Mayor Surveys Progress of Police Goals," *Birmingham News*, 30 April 1968.

<sup>212</sup> "Channel Police Orders through Chief, FOP Urges Officials," *Birmingham News*, 8 May 1968.

<sup>213</sup> "Spoken Like a Mayor," *Birmingham Post-Herald*, 3 May 1968.

<sup>214</sup> "What the Badge Means," *Birmingham News*, 3 May 1968.

black leaders publicly called for a member of their community to fill the vacancy. The Birmingham Urban League issued a statement urging the council to “feel the moral responsibility to make city government representative” for the black community.<sup>215</sup> In a closed-door meeting, Calvin Woods presented the council with a petition signed by prominent members of the black community, which warned the failure to appoint a minority would “result in renewed hopelessness and increased frustration.” The black leaders could not justify their “hope and faith” in the new spirit of Birmingham to their adherents, who were increasingly apt to see negotiations as “an apparently foolhardy endeavor.” Latching onto the all-white councilors’ fears of insurrection, the petition threatened “the probability of civil disorder would be greatly enhanced” should the council choose to “equivocate in its responsibility” to the “underrepresented” forty percent of the city.<sup>216</sup>

Facing public pressure from black leadership in the city, the council tapped Arthur Shores to fill the vacancy as the first black representative in the city’s history. Having committed themselves to supporting whoever received a majority-vote in the closed-door meetings, the council publicly affirmed Shores’s nomination by acclamation.<sup>217</sup> While some worried that the nomination was just another example of “the white people picking our leaders,” the response from the black community was overwhelmingly positive.<sup>218</sup> Even the *Birmingham World* saw the appointment as a sign of “Birmingham’s clean break with ideas and ways which were not helpful to our population.” While decrying that it “should not have taken ninety-seven years” for blacks

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<sup>215</sup> “Council Is Urged to Appoint Negro,” *Birmingham Post-Herald*, 31 October 1968.

<sup>216</sup> “Negroes Petition Council,” *Birmingham Post-Herald*, 20 November 1968.

<sup>217</sup> “Negro Attorney Gets Council Seat,” *Birmingham News*, 4 December 1968.

<sup>218</sup> “Shores Tells Group He Will Be Heard,” *Birmingham News*, 11 December 1968; “Shores Takes Council Seat,” *Birmingham News*, 12 December 1968.

to have a voice in governance, *World* editor Emory Jackson commended the council's action to "overcome this handicap."<sup>219</sup> Shores's appointment carried acclaim from outside observers as well, such as representatives at the National League of Cities convention who lauded the council members for revealing "the new spirit of Birmingham."<sup>220</sup> Shores officially took over Douglas's seat on December 12, and he assured observers he would "be heard."<sup>221</sup>

Shores's appointment did include a spot on the Public Safety Committee, constituting the first significant black oversight of the police force, but his moderate temperament and spot as sole representative signaled to many black leaders that meetings and negotiations would be the best way to have a voice on police policy.<sup>222</sup> The larger reform push fostered changes that met some of the black community's concerns, but neither the Jacobs Report nor the administration publically solicited input from black businessmen or other community leaders. Where Seibels's goals for police improvement focused on higher recruitment standards and better training, black leaders attempted to shift the attention to their long-standing concern about police brutality and hoped to steer Seibels's reform agenda to the problems in their community. Even as they were able to convince the mayor and some civic leaders of the significance of their cause, resistance from "law and order" stalwarts in the community brought substantial challenges in the push for stronger police standards.

In April 1969 twenty-one of Birmingham's black ministers, educators, and businessmen sent a "statement of concern" to city and council officials over the

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<sup>219</sup> "Birmingham's New Councilman," *Birmingham World*, 7 December 1968.

<sup>220</sup> "Shores Takes Council Seat," *Birmingham News*, 12 December 1968.

<sup>221</sup> "Shores Tells Group He Will Be Heard," *Birmingham News*, 11 December 1968;.

<sup>222</sup> "Shores Takes Council Seat," *Birmingham News*, 12 December 1968.

“continued practice of police brutality” and requested a meeting to discuss solutions.<sup>223</sup>

As shown in the first chapter, police brutality had long been a troubling issue for Birmingham’s black community; it carried the legacy of Bull Connor’s dogs in the 1963 attacks and of the numerous abuses that failed to capture national attention. Although the number of police killings had significantly decreased since the 1967 demonstrations, “justifiable homicides” against blacks continued to occur in Seibels’s tenure.<sup>224</sup> Just as troubling for many black leaders were the nonfatal abuses, both physical and psychological, that some police officers inflicted upon black citizens simply because of their skin color. It was series of these assaults, in which black women were “beaten and mishandled” by Birmingham officers, that prompted the black leaders to seek redress from the elected officials. As one of the signatories explained, those attacks underscored the “climate of distrust” among black Birmingham to the police, and the leaders were “seriously concerned about the potentially explosive situation” caused by unchecked brutality. To halt the budding disquiet in their communities, the black leaders requested a meeting with city and county officials to discuss the brutality problem.<sup>225</sup>

The “statement of concern” signaled an important coalescing of Birmingham’s black leadership around the strategy of closed-door meetings and negotiations as a way to facilitate change. While moderate black leaders, including A. G. Gaston, Arthur Shores, and J. L. Ware, had long advocated negotiations as their preferred mode of action, the activist branch, led by Shuttlesworth and the ACMHR, saw little use for face-to-face meetings. Shuttlesworth remembered the unkept promises coming out of the biracial

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<sup>223</sup> Lillian Vann, “‘Police Brutality’ Talks Asked,” *Birmingham Post-Herald*, 15 April 1969.

<sup>224</sup> “Justifiable Homicide Is Ruled,” *Birmingham News*, 9 November 1967; Benjamin T. Phillips, “B’ham Cop Shot Him While His Hands Were in the Air,” *Southern Courier* 4.49 (7 December 1968), 1.

<sup>225</sup> Lillian Vann, “‘Police Brutality’ Talks Asked,” *Birmingham Post-Herald*, 15 April 1969.

meetings in 1962 and 1963, and under his leadership the ACMHR remained committed to efficacy of public demonstrations. By 1969, however, Shuttlesworth's main concerns were in Cincinnati, and he ceded leadership of the ACMHR to co-founder Edward Gardner. Gardner's name headed the statement's signatories, symbolizing the convergence of moderate and activist leadership on the closed-door meetings strategy. Other signatories included Gaston, Ware, Miles University president Lucius Pitts, minister-activist Abraham Woods, businessman Clyde Kirby, and Miles professor Richard Arrington. The group's stated requests centered on an "immediate end to all acts of brutality" and appointment of black members to city and county oversight boards.<sup>226</sup>

Responding to the statement, Seibels arranged for a series of closed-door meetings between the black coalition and government and civic officials. In the meetings, the petitioners played on the power structure's fear of urban insurrection to heighten the importance of the negotiations. Pitts cautioned that they had to "take answers back" to their constituents. The days of peaceful parading in the streets were no longer a guarantee, Gardner explained: "I've lived by [non-violence] and I'll die by it. But the people I am leading will turn on me." If black Birminghamians failed to see substantive gains coming out of these talks, the leaders could no longer temper the wrath building in their communities. Still, the situation was avoidable, they advised the city leadership, so long as they were treated as equal partners in the discussions. Physician James Montgomery solicited the officials to provide them a seat at the table: "You have found ways in the past to exclude us. Now we want you to find ways to include us."<sup>227</sup>

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<sup>226</sup> Lillian Vann, "'Police Brutality' Talks Asked," *Birmingham Post-Herald*, 15 April 1969.

<sup>227</sup> "Negroes List Grievances in Meeting with Leaders," *Birmingham News*, 17 April 1969.

Seibels expressed sympathy with the petitioners' demands. Their calls for "full implementation of the entire Jacobs report" and expansion of the police community relations department "with the full support of the chief of police" echoed Seibels's reform agenda. The mayor strongly stressed his disavowal of verbal assaults: "It should be 'mister.' I don't like the word 'nigger.' I told Chief Moore about that."<sup>228</sup>

Seibels's public response to the petitioners emphasized an attempt to create a color-blind government that worked for the benefit of all citizens: "Our unanimous desire is that all our people enjoy full justice under existing law, and we shall use all our authority and influence to see that this is accomplished. As the mayor and council, we have acted and will continue to act to bring this about." The message, however, also revealed the limit at which Siebel's color-blind philosophy hindered action. His administration supported "increased employment of Negroes" in the police and other departments, provided they "qualified" under personnel board and civil service regulations. Seibels offered similar equivocations about the police brutality charges. While the mayor strongly denounced "mistreatment, abuse, or harsh actions towards any citizen" by police officers, he expressed equal concern at the black leaders' "grave and serious accusations" of misconduct: "We trust that you, as responsible leaders, will seek to resolve the validity of these accusations through orderly and responsible methods." In spite of the vacillation and the high bar for consideration, Seibels's promise to carry out the city's policy against police brutality marked the strongest public commitment to answer substantive charges of officer misconduct to date.<sup>229</sup>

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<sup>228</sup> Dick Johnson, "City Pledges Equal Policy," *Birmingham Post-Herald*, 19 April 1969.

<sup>229</sup> "Text of Mayor-Council Reply to Local Negro Leaders," *Birmingham News*, 19 April 1969.

The black leaders' message also elicited support from the city's civic leadership. Albert Mills, president of the civic action group Operation New Birmingham (ONB), latched on to the group's request for greater involvement on civic concerns. As a step towards fostering the interracial communications that had seemingly worked so well for rival Atlanta, he proposed the formation of a biracial ONB subcommittee on community affairs to "put into motion studies group meetings, on a fair and equal basis, considering both sides, and come up with solutions." This committee, Mills argued, would bring the black petitioners into active, effective communication with civic leadership.<sup>230</sup> Formed in May 1969, the ONB christened this offshoot the Community Affairs Committee (CAC).<sup>231</sup> Seeking extended influence over the city's plans, the CAC offered membership to both civic and municipal leaders.<sup>232</sup> Representatives from the black community, including Shores, ACMHR president Rev. Ed Gardner, prominent businessman A.G. Gaston, and Miles College president Dr. Lucius Pitts, composed eight of the nineteen spots on the inaugural roster.<sup>233</sup> Among the important issues that the CAC proposed to address was "police-community relations," and it created a permanent subcommittee on law enforcement to stay engaged on the issue.<sup>234</sup>

As Seibels and Mills tentatively embraced the closed-door meetings as a way to address racial problems, reactionaries in the city launched a strong challenge in defense of the status quo. District Attorney Earl Morgan, the Fraternal Order of Police (FOP), and

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<sup>230</sup> Dick Johnson, "City Pledges Equal Policy," *Birmingham Post-Herald*, 19 April 1969.

<sup>231</sup> "Police, Citizen Relations to Get New, Close Look," *Birmingham News*, 19 May 1969; Mills had proposed the name Community Relations Committee, but the group chose CAC in its first meeting. "27 Local Leaders Asked to Sit on Biracial Committee," *Birmingham News*, 1 May 1969.

<sup>232</sup> "27 Local Leaders Asked to Sit on Biracial Committee," *Birmingham News*, 1 May 1969.

<sup>233</sup> The others were Peter Hall, Dr. John Nixon, Virgil Harris, and Dr. James Montgomery. The full rostrum: Jamie Moore, Mel Bailey, Cooper Green, Gerow Hodges, W.C. Bauer, Howard Higgins, Alan Drennen, Wayne Peake, Jerome Cooper, Drew Redden, J.A. Williams. "Police, Citizen Relations to Get New, Close Look," *Birmingham News*, 19 May 1969.

<sup>234</sup> "Police, Citizen Relations to Get New, Close Look," *Birmingham News*, 19 May 1969.

Police Chief Jamie Moore led the resistance, and they presented their fight as a battle for “law and order” and against crime. Ostensibly defending the city’s law enforcement from slander, they broadened their attacks toward a defeat of Seibels’s entire reform agenda and provided the biggest substantive challenge to the new spirit in Birmingham.

The strongest resistance emerged over the continued accusations of police brutality. After Seibels’s public recommitment of city policy against police abuse, Morgan seized on the mayor’s vacillation and demanded black leaders immediately substantiate their claims. He argued accusers were “presenting a distorted and one-sided version” of reality and cajoled all “responsible citizens” to ignore the “trouble makers.”<sup>235</sup> Morgan had long ignored calls from the black community for greater investigation into brutality claims, and his office consistently opposed expanding grand jury oversight on police abuse.<sup>236</sup> Fearing the closed-door meetings signaled a growing willingness of some leaders to at least discuss black complaints, Morgan accepted the FOP’s request for a grand jury probe of “alleged police brutality claims” as a final step to clear “the air in the Birmingham area.” They were confident “no individual can prove” any of the charges and hoped the probe would authoritatively silence the “standard cry for instigators and trouble makers.”<sup>237</sup>

The grand jury began its investigation in late April 1969,<sup>238</sup> but it was apparent to many observers that the probe’s findings would be limited by Morgan’s narrow definition of brutality. The district attorney, echoing the FOP’s original request, restricted the scope to physical abuse that could clearly be proven as a malicious action by law enforcement.

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<sup>235</sup> “Brutality Evidence Is Asked,” *Birmingham Post-Herald*, 18 April 1969.

<sup>236</sup> “DA Against Jury Probe of Police Cases,” *Birmingham News*, 4 March 1967.

<sup>237</sup> “Morgan Received an FOP Letter,” *Birmingham Post-Herald*, 19 April 1969.

<sup>238</sup> Jane Aldridge, “Negro Leaders to Testify First in Brutality Hearing,” *Birmingham Post-Herald*, 23 April 1969.

The *Birmingham News* highlighted this legal limitation and contrasted it with Seibels's response that pledged "equal and humane treatment." The mayor understood the "very complex phenomenon" covered "everything from manners to morals to manhandling," and he committed civic authorities to dialogue with black leadership over possible solutions. By convening the grand jury to investigate, the *News* astutely observed, Morgan "backed the idea of brutality as a legal term" and ignored the totality of the black complaints.<sup>239</sup>

While Morgan and the FOP were insistent that the grand jury would exonerate the brutality claims, a trio of high-ranking officers partial to Seibels's reforms gave public credence to the accusations and connected the battle to the larger issue of professionalization. Speaking to the Ensley Chamber of Commerce to promote the implementation of the Jacobs Report, the officers cautioned citizens to "not dismiss [brutality charges] as entirely unwarranted" and advocated a careful study of the topic. James Parsons, head of the vice bureau, blamed failures in the "career system" that produced "top level administrators who were hired thirty years ago" and fostered a "reluctance to change." His sentiments were echoed by Jack Warren, the deputy chief, and Glen Evans, head of the Police-Community Relations Division, who advocated greater training to change "the attitude of police officers" that currently did not embrace Seibels's policy changes. The statements from the three officers elicited a strong rebuke from the FOP, which admonished them to keep any criticisms of the department internal.<sup>240</sup>

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<sup>239</sup> Carol Nunnelley, "Brutality Not Just Physical, Negroes Say," *Birmingham News*, 24 April 1969.

<sup>240</sup> "Details Sought by FOP," *Birmingham Post-Herald*, 19 April 1969.

The grand jury investigation included interviews with nearly one hundred witnesses, from uniformed officers to black citizens, and lasted nearly two weeks.<sup>241</sup> The resulting report questioned the infallibility of police practices, but it minimized the charges as rare “incidents of discourtesy” and concluded: “To accuse the police department of the general practice of brutality is wrong.” While it implored top police officials to “revise the attitudes of policemen towards citizens,” the grand jury’s biggest complaint was against those who “spread unfounded rumors” that led to “community unrest.” The foreman explained the jurors’ dismay that the brutality charges often meant nonphysical assaults: “Those who charged ‘police brutality’ also included verbal abuse, addressing citizens in a discourteous manner, . . . using improper terms referring to their race or using derogatory and degrading terms.” Relying on the narrow definition of brutality as physical abuse, the grand jury issued no indictments for police misconduct, thereby validating Morgan’s and the FOP’s legal resistance.<sup>242</sup>

The reaction launched a new flashpoint within the police department in the argument over Seibels’s reforms. Chief Jamie Moore, the mayor’s frequent adversary, hailed the report for refuting the “unwarranted and unjustified accusations” against the city’s police. Moore claimed the brutality charges suggested “an ulterior motive” by the claimants, which could do “irreparable damage” to the department’s morale and ability to function. The chief used this allegation to rebuke Parsons, Evans, and Warren for their Ensley statements, and he put their professional integrity on trial: “Two weeks ago some superior officers in the police department said at a civic meeting that police brutality was running rampant in Birmingham and that nothing—or at least not enough—was being

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<sup>241</sup> “Brutality Charge Probe Is Resumed,” *Birmingham News*, 8 May 1969.

<sup>242</sup> Tom Gibson, “Jury Urges Change in Police Attitudes,” *Birmingham News*, 15 May 1969.

done about it. . . . The statements were either exaggerated or erroneous.”<sup>243</sup> The three officers resented Moore’s allegation and filed a formal protest with Seibels.<sup>244</sup> The mayor supported his officers and reprimanded Moore for a lack of decorum.<sup>245</sup> In response, the FOP organized a rally in “The Chief’s Lot,” an area of the city hall parking lot, that publicly championed Moore’s actions and expressed confidence in his continued leadership.<sup>246</sup>

Once again, the city’s major newspapers backed the mayor and his deputies. An editorial in the *Post-Herald* offered encouragement for the mayor’s position and expressed special resentment for Moore’s discord:

The feeling is widespread that Chief Moore was less than enthusiastic about the orders and managed, in passing them along, to undercut their authority by implying that they were only from the mayor and did not necessarily reflect the thinking of the chief. . . . The result has been a steady decline in police department morale for more than a year. For that decline Chief Moore must bear the blame. . . . If George Seibels is the man and the mayor we believe him to be the police will carry out his orders or turn in their uniforms. That remains our position and we wish him well as he tackles the job he must tackle.<sup>247</sup>

Editorials in the *News* offered similar support for the mayor’s agenda, if not as tendentiously targeting Moore. The paper decried the effort by Moore and the FOP to “isolate and discredit a few officers who have taken a lead in attempting to make the department more professional and improve its relations with the community at large.” Correctly identifying the dispute as the latest confrontation between Moore and Seibels, the *News* worried that such fights “create an intolerable strain in the community,” particularly as citizens chose sides. The two adversaries, cautioned the editorial, did not

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<sup>243</sup> “Police Strive for Courtesy—Moore,” *Birmingham Post-Herald*, 16 May 1969.

<sup>244</sup> “Three Police Officials File Protest with Mayor,” *Birmingham Post-Herald*, 20 May 1969.

<sup>245</sup> “Seibels Gets Reply,” *Birmingham Post-Herald*, 23 May 1969.

<sup>246</sup> “Officers Voice Support of Chief Moore,” *Birmingham News*, 29 May 1969.

<sup>247</sup> “It’s Up to George,” *Birmingham Post-Herald*, 22 May 1969.

have an equal claim to correctness; since the mayor had authority on all police matters under the mayor-council government, his orders were final. Seibels's responsibility, therefore, was to "end the demoralizing and potentially dangerous dissension" within the department, and the *News* believed that he deserved "the support of the chief of police" and "the all-out backing of every citizen really interested in solid, professional law enforcement."<sup>248</sup>

Judging by their letters, a number of Birmingham's citizens did not follow the editors' advice. Instead, they argued that Seibels's reforms were a detriment to "law and order" in the city and a harbinger of "low morale" in the police department. Charles Widener argued Moore was "an excellent police chief if left to do his job without some busy-bodies trying to run his department for him." Widener chided the *Post-Herald's* "gall" in attacking Moore, claiming it was the city newspapers who were "responsible for most of the racial trouble" in Birmingham.<sup>249</sup> A wife of a city policeman argued that the reform push put the wrong people on the defensive; when did Seibels or the newspapers ever mention "policemen getting stabbed, spit on, vomited on, cursed, [or] beat up?" Instead of worrying so much about the "few bad policemen," she argued, Seibels and his followers should try praising and rewarding the "dedicated ones." Rather than assume the cries of brutality, she stated the first question should be "what did they do to bring it on;" it was the police, not the criminals, who should be getting the benefit of the doubt.<sup>250</sup> Such letters revealed an undercurrent of resistance against Seibels's modernization attempts, the support that Moore and the FOP counted on as they withstood the attempts at change.

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<sup>248</sup> "Supporting the Police," *Birmingham News*, 23 May 1969.

<sup>249</sup> Charles Widener, "Lot of Gall," *Birmingham Post-Herald*, 3 June 1969.

<sup>250</sup> Mrs. S. J. Pitts, "Policeman's Wife Speaks Up," *Birmingham News*, 31 May 1969.

Since the daily newspapers were seemingly marching in step with Seibels, conservatives looked to other sources to broadcast their displeasure. The *Alabama Independent*, a weekly that specialized in John Birch Society-level communist conspiracies, wrote “investigative” pieces on the “true” history of the Community Relations Division and puff stories on the “regular” officers on the street.<sup>251</sup> Cartoons in the *Independent* showed Seibels lunging forward to knockout the police department, but the mayor takes a shot to the jaw in return.<sup>252</sup> The newspaper also praised the local politicians who were willing to “defend” the police from Seibels’s attacks, namely Morgan and state representative Tommy Watkins. The *Independent* publicized Morgan’s policing of alleged brutality and praised his service to the “integrity and good name” of the officers in the police department.<sup>253</sup> It was also a staunch supporter and diligent recorder of Watkins’s effort to take away police oversight from Seibels. Watkins attempted to use the convoluted machinery of Alabama politics, which put much of traditional municipal authority in the hands of the legislature, to strip the police department from the mayor’s office. Seibels, Watkins argued, was “destroying morale, creating dissension, and disrupting the effectiveness . . . of one of the best police departments in the nation.”<sup>254</sup> Despite the support from the *Independent* and the city’s conservative residents, Watkins’s attempt to “rescue” the police from Seibels was unsuccessful, and he ultimately withdrew his bill having attracted only tepid support in the legislature.<sup>255</sup>

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<sup>251</sup> “What Is a Cop?” *Alabama Independent*, 17 April 1968.

<sup>252</sup> Editorial Cartoon, *Alabama Independent*, 15 May 1968.

<sup>253</sup> “D.A. Earl Morgan Comes to Defense of B’ham Police,” *Alabama Independent*, 15 May 1968.

<sup>254</sup> James Bennett, “Police Board Is Urged,” *Birmingham Post-Herald*, 19 February 1969.

<sup>255</sup> “Police Board Bill Withdrawn by Watkins,” *Birmingham News*, 9 July 1969.

Having survived the challenges to his authority over the police, Seibels grew frustrated with Moore's obstinacy to his commands. A study in 1969 on the department's implementation of the recommendations revealed only seven of the twenty steps in the process had been completed; just three of those had been completed under Moore's supervision, while the other four were under the purview of the council or mayor.<sup>256</sup> When Moore left Birmingham to attend a three-month course at the University of Southern California in October 1970, Seibels seized the opportunity to implement the rest of the report's recommendations under acting chief Jack Warren. Aiming to build a "stronger, more efficient organization," Warren added more men to the force, hired more superior officers, and added a staff of inspectors—"all Jacobs recommendations."<sup>257</sup> In naming a number of the new staff to Internal Affairs, Warren articulated its purpose in far stronger terms than Moore had publicly said: "We feel that any citizen who has a complaint against the police department should have a place where he can come, be courteously received and have his complaint investigated."<sup>258</sup> In his time as acting chief, Warren also made a strong public appeal for "ways of making law enforcement careers more attractive to blacks" and acknowledged spearheading discussions within the department to find "what problems" face "black police officers."<sup>259</sup> Additionally, Seibels and Warren finally succeeded in publishing a "long overdue" official department policy in a booklet titled "Answers to Issues."<sup>260</sup> The booklet opened with a code of conduct in

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<sup>256</sup> Recommendation for Implementing Jacobs Report, n.d., George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>257</sup> David Marshall, "Police Will Follow Survey's Proposals," *Birmingham News*, 8 October 1970.

<sup>258</sup> David Marshall, "Police Will Follow Survey's Proposals," *Birmingham News*, 8 October 1970.

<sup>259</sup> "Police Seek to Enlist More Black Officers," *Birmingham News*, 12 October 1970.

<sup>260</sup> George G. Seibels, press release on police procedures, 3 March 1972, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

which the officer swore to “never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence” decisions.<sup>261</sup>

Warren’s time as acting chief revealed to the mayor that the resistance to modernization of the department was largely of Moore’s own doing, and the mayor asserted control over Moore, who was nearing retirement, by suspending him two days in February 1971. Seibels publicly condemned the chief as an impediment to the change and reform that he saw as the highlight of his term. Having seen some of his reforms come to fruition, Seibels was determined to keep pushing the police department further: “I have been hardheaded about my desires to improve the police department; while on the other hand, you can very definitely say that Chief Moore has been just as hardheaded in his efforts to maintain a position of status quo.”<sup>262</sup> Seibels felt he knew the direction the city needed to go, especially the police force, to become the great, progressive city he foresaw in his inaugural.

In Birmingham, however, the power of elected officials was rivaled by many of the leaders in the civic action groups. Much of the city’s power structure stemmed from business owners that resided outside the city; lacking a voice in municipal elections, they wielded their influence instead through various groups that met weekly to discuss plans for Birmingham’s future growth. Comparing the divergence of Birmingham and Atlanta’s civic development, they saw that the Magic City’s racial stigma harmed potential investment and sought to advance Birmingham out of Connor’s shadow. In this role, these leadership groups, such as Operation New Birmingham (ONB), played an

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<sup>261</sup> Seibels, press release on police procedures, 3 March 1972.

<sup>262</sup> George Seibels, press statement on Jamie Moore, 22 February 1971, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

important role in negotiations over the pace of racial change in the city since 1962.<sup>263</sup> This role, however, had exclusively been as the representative of white Birmingham's business and political elites. Many of the black community's leaders believed that gaining legitimate representation on the civic action groups was nearly as important as Shores's council seat, and they put pressure on the city's elites to include them in these extragovernmental action committees.

In 1967, a *Birmingham World* editorial decried that "there is no Downtown Action Committee, no Operation New Birmingham" serving as a representative of the black community's interests to City Hall, and "neither ONB nor DAC seem to be interested in the total downtown."<sup>264</sup> Two years later, just months after Wrenn's defeat forestalled immediate hopes to see active black representation in the city, the *World* renewed its call for greater recognition for the black community: "We believe that our city really wants to move forward. Much of what is will depend on the type of Negro leadership that is encouraged and developed."<sup>265</sup> Instead of being active participants in the committees, black representation was seen as "less than token,"<sup>266</sup> and the community leaders had to resort to offering petitions and requests to groups like ONB through formal presentations.<sup>267</sup>

Having access to the seat of influence gave hope to many of the city's black leaders. Pitts, co-chair of the CAC, revealed that the weekly breakfasts were making "progress" through increased communication: "Some whites are talking to each other for

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<sup>263</sup> Glen T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1997), 171-4.

<sup>264</sup> "Request For Service," *Birmingham World*, 2 September 1967.

<sup>265</sup> "Challenge To Birmingham," *Birmingham World*, 12 March 1969.

<sup>266</sup> "Our Goals For 1967," *Birmingham World*, 14 January 1967.

<sup>267</sup> "27 Local Leaders Asked to Sit on Biracial Committee," *Birmingham News*, 1 May 1969.

the first time, some blacks are talking to each other for the first time, and some blacks are talking to whites for the first time.”<sup>268</sup> The closed-door meetings, as *Birmingham News* vice publisher Victor Townsend explained to *Ebony* readers, were “a much more sophisticated and productive approach to probing into the city’s problem areas and accomplishing solutions to the everyday matters that frustrate citizens.”<sup>269</sup> Seibels’s administration may have faced resistance from reactionary councilors, rank-and-file employees, and firebrand newspapers, but the CAC provided extragovernmental means for short-circuiting working-class-white outrage while moving the city forward. Its members believed they had a “formula for solving community problems in the conference room and not in the streets,” and the interracial meetings also helped ensure that “black leadership became part of policy-making boards in the governmental, cultural, and business communities.”<sup>270</sup>

To many Birmingham civic leaders, the CAC was the most important step in a larger process of repairing the city’s national image. They saw how Atlanta’s perception as the “city too busy to hate” fostered economic development, while many of the new businesses eschewed Birmingham, which had been an industrial powerhouse well into the 1950s.<sup>271</sup> The racial clashes in 1963 marked Birmingham in the national consciousness as “Bombingham,” a city too busy hating. The elites’ reform movement, they felt, was going unnoticed. The events in 1963 had brought the city “face to face with the total lack of communication between the races, and between City Hall and all of our citizens,” and

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<sup>268</sup> “Dr. Pitts Blasts Police Leadership,” *Birmingham Post-Herald*, 14 October 1969.

<sup>269</sup> “White Voices of the South,” *Ebony* August 1971, 167.

<sup>270</sup> “White Voices of the South,” *Ebony* August 1971, 167.

<sup>271</sup> Christopher MacGregor Scribner provides a good look at the divergence of the Atlanta and Birmingham economies in the 1950s. See Scribner, *Renewing Birmingham: Federal Funding and the Promise of Change, 1929-1979* (Athens: University of Georgia Press, 2002), 68-76.

the civic leadership believed the city deserved credit for trying to move the city forward.<sup>272</sup>

As Birmingham neared its centennial, the efforts to change its public image and to be welcomed into the national conversation achieved a major boost. In March 1971, *Look Magazine* and the National Municipal League selected Birmingham as an “All-America City.” The contest judges credited Birmingham’s biracial presentation team, which included Chamber of Commerce president Louis Pizitz, ONB head Albert Mills, and Chris McNair, father of one of the Sixteenth Street bombing victims, with highlighting city’s drive “to erase the stigma of racial disharmony with efforts to wipe out job inequality, hunger, poverty and bigotry.”<sup>273</sup> The judges gave special attention to the CAC’s “successful enlistment of citizens from all racial, economic and social groups to launch a unified attack on community problems” and noted favorably “the increase in the number of black policemen in the city.”<sup>274</sup>

The All-America honor gave national sanction to Birmingham’s reform efforts. *Look Magazine* editor William B. Arthur commended the city leaders at the award luncheon, “What you have done is a magnificent achievement, and it shows what people can do working together.”<sup>275</sup> Onlookers drew the significance of Birmingham being honored for fostering racial harmony and called for a reevaluation of Birmingham’s presumed racial backwardness, especially in light of the race riots and divisions that had come to mark urban blight across the country. An editorial in the Catholic-weekly

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<sup>272</sup> Dick Johnson, “City in Running for Award,” *Birmingham Post-Herald*, 5 October 1968.

<sup>273</sup> “Birmingham All-America City Winner,” *Birmingham Post-Herald*, 3 March 1971.

<sup>274</sup> “Birmingham All-America City Winner,” *Birmingham Post-Herald*, 3 March 1971.

<sup>275</sup> Birmingham Area Chamber of Commerce, “All-America Birmingham,” *View* 3.3 (March 1971): 1, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

*America* praised Birmingham's proactiveness in "conscientiously trying to solve some of the problems it inherited from a violent past" and suggested, "If we had to pick a 'Bombingham' today, it would be Washington, or New York, or one of several cities in California."<sup>276</sup> The city had seen no major demonstrations or riots since Seibels's election, and the mayor remained publicly determined to ensure the reforms would continue: "We shall not rest on our laurels, for now we must, more than ever, give our best."<sup>277</sup> As the "quarterback of all the eleven-winning cities," Birmingham's All-America selection seemed to validate the path to reform promoted by the power structure and give national sanction that they had indeed, in the words of one jurymen, "come a long way, baby!"<sup>278</sup>

As Seibels' first term wound to a close, the optimistic spirit in Birmingham received some validation in the pages of *Ebony*. The magazine compiled a special issue in August 1971 on "The South Today," an item of particular interest to its middle-class readership, as publisher John H. Johnson explained: "Today with the legal maneuvering almost complete and the long-sought civil rights laws firmly on the records, many blacks are looking backward to the land of their birth. They are wondering what the South is really like today. In this issue, we are trying to tell them."<sup>279</sup> Among the displaced Southerners surveying their former hometowns, *Ebony* enlisted Shuttlesworth to "revisit" Birmingham after the "decade of change."<sup>280</sup>

Shuttlesworth's survey presented Birmingham as a city wanting to live up to its All-American status. In asking whether the residents thought the city had really changed,

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<sup>276</sup> Reprinted in "National Press: About Birmingham," *Birmingham News*, 19 March 1971.

<sup>277</sup> Birmingham Area Chamber of Commerce, "All-America Birmingham," *View*, 1.

<sup>278</sup> Birmingham Area Chamber of Commerce, "All-America Birmingham," *View*, 1.

<sup>279</sup> John H. Johnson, Publisher's Statement, *Ebony*, August 1971, 33.

<sup>280</sup> Contents, *Ebony*, August 1971, 4.

Shuttlesworth recounted the “typical” response: “‘Birmingham is not the ‘ham is used to be.’ . . . ‘Things are not perfect yet, and we have a long way to go; but we have come a long way from what used to be.’”<sup>281</sup> Rather than the domain of Bull Connor and the resistance of integration, Birmingham now appeared to have committed “itself to the ideals of justice and humanitarianism for all.”<sup>282</sup> Such change, Shuttlesworth claimed, only came as citizens could speak without fear of “retaliation from the police department,” a highlight of the new regime. Just as important, the city finally had leaders engaging the black community with “a willingness to face issues, talk frankly and freely and plan together for the total and common good.”<sup>283</sup>

Shuttlesworth seemed particularly satisfied with the new direction of the police under the man he once accused of wanting to be Bull Connor.<sup>284</sup> The clergyman commended Seibels’s “open door policy” that confronted the city’s problems instead of avoiding them.<sup>285</sup> As Shuttlesworth knew firsthand, this “attacking” spirit faced its biggest challenges in the fight to reform the police force. He credited the training reforms with stopping the “practice of hiring a man, giving him a badge and gun, and putting him on the streets as a policeman the next day” and lauded the city for publicizing official policy in the *Answers to Issues* booklet, especially the disavowal of using “derogatory terms.” Such actions reflected many of the complaints that Shuttlesworth himself had

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<sup>281</sup> Rev. Fred L. Shuttlesworth, “Birmingham Revisited: Minister Returns to City to View Decade of Change,” *Ebony*, August 1971, 118, in George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>282</sup> Shuttlesworth, “Birmingham Revisited,” 114.

<sup>283</sup> Shuttlesworth, “Birmingham Revisited,” 114.

<sup>284</sup> Surveillance report from Det. A. J. Cornelius & E. T. Coleman to Chief Jamie Moore, 1 March 1967, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>285</sup> Shuttlesworth, “Birmingham Revisited,” 118.

lodged with the administration, and he found them “welcomed by most” of the citizens.<sup>286</sup>

No stranger to the forces of reaction, particularly regarding Birmingham’s police, Shuttlesworth noted the reforms were “offensive to some” and praised Seibels for disregarding those reluctant to move the force forward.<sup>287</sup> Mindful of his bitter experiences with the departmental brass (“I sat there thinking of the many times Chief Moore had me arrested, always calling me by my full name, ‘F-r-e-d-d-i-e L-e-e’”), Shuttlesworth saw Moore as a remnant of the old regime. Still, progress could be seen even through the chief’s attempt to evolve, at least publicly: “Police Chief Moore appeared very affable, extending to us royal treatment as we sat in his fine office. ‘We’re integrated now,’ he says. . . . He said there had been no big conflict since 1967; and that use of force—taking a human life—is no longer the way. ‘Opportunity for colored people is up,’ he says.”<sup>288</sup> The chief may not have convinced the reverend of his “new and better attitude toward people,” but there was hope that some of “this was being displayed all down the line.”<sup>289</sup> If not, Shuttlesworth assigned special relevance to Seibels asserting final authority: “To date, Seibels has overridden several actions of the chief and made several suspensions. He suspended the chief himself for a short period in 1971, insisting that the chief was not sophisticated enough for a department of today.”<sup>290</sup>

Although speaking rather positively about the direction Seibels had taken Birmingham, Shuttlesworth’s final words reminded his audience that there was work still to do:

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<sup>286</sup> Shuttlesworth, “Birmingham Revisited,” 118.

<sup>287</sup> Shuttlesworth, “Birmingham Revisited,” 118.

<sup>288</sup> Shuttlesworth, “Birmingham Revisited,” 118.

<sup>289</sup> Shuttlesworth, “Birmingham Revisited,” 118.

<sup>290</sup> Shuttlesworth, “Birmingham Revisited,” 118.

Birmingham black people—like blacks everywhere in this country—must keep on pushing, prodding, praying, and persisting for equality and brotherhood until the iron statue of Vulcan overlooking the city ... will also symbolize what Birmingham people—black and white are doing together—looking up, lifting up, and helping each brother up.<sup>291</sup>

Still, Shuttlesworth's essay conveyed an optimism not readily foreseen in the midst of the battles of 1963 and the fight for police integration: "Yes, Birmingham is not the 'ham' is used to be, nor yet the 'ham' it can and ought be; but it has within its limits the human and natural resources to fashion such a working together of brothers and equals."<sup>292</sup>

While the previous battles had been a forgotten community asserting its humanity, Seibels's All-American Birmingham showed the ability to confront the city's ills for the benefit of the whole community.

With the national acclaim from the All-America selection substantiating his first-term efforts to professionalize and modernize Birmingham, Seibels appeared likely to win reelection in the October 1971 municipal election. His efforts to implement the Jacobs study and reform the police department had attracted some criticism, spurred by the FOP, but the resistance did not foment into a significant electoral issue. His suspension of Chief Moore largely neutralized the chief's attacks, and Moore was now resigned to serve as a seat-filler until he could earn full retirement. In the black community, the *Birmingham World* maintained vocal resistance to the city's "closed-door cabal of leaders," but its calls for voters to "wake up" and assert their "basic freedom" did not find similar adherents among other black leaders, most of whom were in the CAC.<sup>293</sup> Seibels's opponents accused his administration of "mismanagement" and "Gestapo tactics," but, unlike the previous mayoral election, no clear issue attracted

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<sup>291</sup> Shuttlesworth, "Birmingham Revisited," 118.

<sup>292</sup> Shuttlesworth, "Birmingham Revisited," 118.

<sup>293</sup> "Multitude of Candidates," *Birmingham World*, 2 October 1971.

significant voter interest. Instead, Birmingham residents seemed satisfied with Seibels's first term; an overwhelming sixty percent voted to reelect the mayor, the first time a mayoral race avoided a run-off.<sup>294</sup> Highlighting that he "won boxes all over the city, north, south, east and west," Seibels cast the vote as an affirmation "that this is an All-America City and the city is moving."<sup>295</sup> Birmingham's leadership, both in City Hall and through the CAC and other civic action groups, had brought the city into an "era of progress" and created an "All-America City" out of the "Tragic City."<sup>296</sup>

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<sup>294</sup> Ingrid Tarver, "Negro Recruitment for Law Discussed," *Birmingham News*, 21 August 1971.

<sup>295</sup> Mike Harris, "Sweetest Victory Ever—Seibels," *Birmingham News*, 13 October 1971.

<sup>296</sup> Mike Harris, "Sweetest Victory Ever—Seibels," *Birmingham News*, 13 October 1971.

### CHAPTER THREE: ARRINGTON'S ASCENT

“Leaders in such unserved or poorly served communities must alert themselves to the power of the ballot. Birmingham needs to change its priorities. Voters in the slighted communities have the power to bring about a new emphasis.” –Emory O. Jackson<sup>297</sup>

Seibels's reelection seemed to buttress the elite, closed-door style that the Community Affairs Committee promoted. “Respectable” black and white leaders discussed the problems that arose in the city without having to grovel for the lowest common denominator of the city's electorate. As the arrival of Dr. Richard Arrington to the city council signaled, however, there were limits on the topics that could win wide swaths of elite approval. Arrington, executive director of the Alabama Center for Higher Education and a former Miles professor, argued in his campaign that “the government needed a strong voice from a black who understood the problems of the black community,” and he committed his tenure to serving as that voice.<sup>298</sup> Arguing that the black community in Birmingham needs “to believe that city government represents it,”<sup>299</sup> Arrington served as a physical, public manifestation of *Birmingham World* editor Emory Jackson's longstanding call for Birmingham's black citizens to affect change through the “ballot box.”<sup>300</sup> Arrington's election marked a change in the face of black leadership; in his eight years as councilor, he exposed the issues that continued to plague the black

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<sup>297</sup> “Dr. Arrington's Effort,” *Birmingham World*, 5 August 1972.

<sup>298</sup> Richard Arrington, interview by Ruby Brown, Birmingham, AL, 2 February 1977.

<sup>299</sup> Arrington, interview.

<sup>300</sup> “Multitude of Candidates,” *Birmingham World*, 2 October 1971.

community. This commitment to fight for the interests of the black community emerged most strongly in the battle over police brutality.

If some black leaders trusted Seibels's intimation that police chief Jamie Moore remained the problem, a particularly troubling police shooting in 1972 suggested deeper, unresolved problems of some officers toward the black community. The event sparked the first significant public debate about brutality since Morgan's grand jury investigation, a discussion that divided largely along racial lines. This event confirmed Arrington's suspicions about the failure of leadership in policing the supposedly rogue officers, and he pushed for greater council oversight to rectify the seeming indifference in City Hall to the problem. Seibels's inaction particularly concerned Arrington and other community leaders and hastened the fracture of Seibels's coalition. The crisis sparked in February with the reportedly "justifiable" killing of a black citizen by a Birmingham police officer.<sup>301</sup> As the details of the incident emerged, a debate raged over the reliability of police review system and the unequal standards of justice for black and white citizens.

On February 21, 1972, Arrington received word of an early-morning shooting in the Woodlawn district involving officer James Howell. According to the police report, Howell and his partner arrested Willis Chambers, Jr., at 1:30 AM in his residence on charges of public intoxication. Shortly thereafter, and "approximately ten blocks from the site of the arrest," Chambers was dead; Howell claimed Chambers had pulled a knife, and the officer shot three times, hitting Chambers twice. Chambers had several law violations on his record, and the police investigation cleared Howell of any wrongdoing.<sup>302</sup>

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<sup>301</sup> Black Youth Caucus, "Continuance of Investigation into the Death of Brother Willis Chambers, Jr.," February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>302</sup> Richard Arrington, Jr., to George Seibels, 21 February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

Arrington, however, was “quite concerned” at the incompleteness of the official account, especially compared to the statement given to him by Francine Tell, Chambers’s common-law wife.<sup>303</sup> In Tell’s account, Chambers had been goaded out of his apartment by Isaac Patrick, working at the officers’ behest, and arrested on “some old charges.” The officers also took Patrick, but he returned to the apartment complex thirty minutes later. Tell’s statement also recounted a conversation with the same officers from a domestic dispute ten days prior: “The officers came after Chambers left. They inquired as to his whereabouts and said they had orders to shoot him on sight (according to young officer driving car 83). The officer said they had heard that he (Chambers) hated police. . . . They left saying that they would find him.”<sup>304</sup> The investigating detectives, according to Tell, did not seem interested in her account, but rather their questioning focused on “Chambers’s drinking habits, use of narcotics, etc.”<sup>305</sup> The department’s failure to investigate these claims troubled Arrington. At the center of the dispute, he argued, was a question of integrity: “Did the police fail to follow accepted procedure here which eventually resulted in this man’s death?” To reconcile the competing accounts, Arrington urged that “the case be thoroughly investigated and all the facts in the case made known.”<sup>306</sup>

Arrington’s call resonated with some citizens. The Board of Directors of the Greater Birmingham Ministries (GBM), an urban-mission cohort of mainline Protestants, praised Arrington’s zeal and lamented that “since 1967, 100 percent of the citizens killed

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<sup>303</sup> Arrington to Seibels, 21 February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>304</sup> “Report on Statement of Miss Francine Tell,” 21 February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>305</sup> “Report on Statement,” 21 February 1972.

<sup>306</sup> Arrington to Seibels, 21 February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

by Birmingham policemen have been black men” with all being ruled “justifiable homicide by the coroner’s office.” The GBM directors, however, hoped that the Chambers case would be a “turning point” for Birmingham if the “elected officials and its citizens unite in their determination that lives will not be taken carelessly or unnecessarily by police whom we have trusted to carry guns.”<sup>307</sup> As a sign of this new unity, they suggested the creation of a “Community Relations Commission, appointed by or responsible to the City Council” to serve as a “clearing house and sounding board for all kinds of misunderstandings and disagreements.” Comprised of the best of the city’s civic leadership, the commission would work nicely in tandem with the CAC, ONB, and other elite supervisory boards. The suggestion went unheeded.<sup>308</sup>

Others could only express disappointment or anger. A Fairfield resident cajoled the mayor to live up to the city’s progressive image, wondering “if any other All American city has such a record.”<sup>309</sup> The Community Affairs Committee passed a resolution calling for the council to investigate the case. CAC members were particularly concerned with the lack of substantive police review procedure, from Internal Affairs’ failure to question Howell to the lack of an autopsy.<sup>310</sup> Seibels pledged to them that he supported “immediate investigations” after shootings and expressed nominal support for a council investigation, which was at that point a certainty.<sup>311</sup> The mayor had less patience with Arrington’s most stringent supporters, a group of college students called

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<sup>307</sup> Romeo Penn, Jr., to Birmingham City Council, 6 March 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>308</sup> Penn to City Council, 6 March 1972.

<sup>309</sup> A. Brettauer to George Seibels, 25 February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>310</sup> George Seibels to Albert Mills, 2 March 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>311</sup> Seibels to Mills, 2 March 1972; City Council Resolution no. 265-72, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

the Black Youth Caucus. Confessing that the Chambers killing gave them “grave concern and outrage,” the students called for Howell’s immediate suspension until an investigation cleared him. Not trusting the integrity of the police review system, they wanted an outside authority and demanded the mayor give Arrington “full powers to ensure that justice will be accorded.”<sup>312</sup> Seibels’s response betrayed the mayor’s inattentiveness to the deep-seated concerns that the black community had with police abuse: “I will continue to fulfill my responsibilities to the citizens of this City to the best of my ability, but never will I bend to public whim or unjustified demands by different segments of this community.”<sup>313</sup>

The *Birmingham World* saw the mayor’s unwillingness to act as indicative of the failure of Birmingham’s “respectable” black leaders. Troubled that the “Chambers slaying seems to follow the Birmingham pattern,” Editor Emory Jackson did not believe city council, even with Arrington, would have the adequate authority to make substantive changes. Instead, he asked the task be taken up by the Congressional Black Caucus or the Department of Justice. Jackson reasoned that the paucity of black activism in Birmingham necessitated federal groups as the last resort; this would have been unnecessary in the city’s past “when the NACCP was strong or . . . when the Alabama Christian Movement for Human Rights was vocal.” Having settled for the “closed-door” comforts in the CAC, Jackson lamented, black leaders abdicated their “seats of responsibility.” Jackson urged that any examination must grasp at the heart of the Birmingham review system: “Could it be that some ‘justifiable’ homicides might also be

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<sup>312</sup> Walter F. Jackson to George Seibels, 29 February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>313</sup> George Seibels to Walter F. Jackson, 6 April 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

classified as avoidable?” The answer, he cajoled his audience, could only come selecting new and better black leadership through “ballot box.”<sup>314</sup>

In its six-week investigation, the Public Safety Committee interviewed “thirty-seven witnesses, including eighteen Birmingham Police Officers” and uncovered many troubling details that the police and coroner failed to consider.<sup>315</sup> In April 1972, the committee published its version of the Chambers case. The report highlighted background information that complicated the story of professional policeman against hardened criminal. Although Chambers did have a lengthy criminal record, prior to his death he had been working for “several years” as a “paid informer” for the department. Officers that worked with him called him “very effective” in providing information leading to convictions.<sup>316</sup> As for the shooter, the committee discovered four citizen complaints in the preceding ten months, although it did note that Internal Security “did not sustain” any of the allegations. They reported no evidence corroborating Arrington’s initial belief that Howell had recently been involved in another civilian shooting.<sup>317</sup>

Policemen had been dispatched to the Woodlawn apartment complex to deal with a reported domestic dispute. The area was a known “trouble area,” and some officers testified that they had previously heard “a resident of the apartment building, identified as Bugs Chambers had threatened to kill policemen.”<sup>318</sup> When they arrived on the scene, however, officers were told the assailant was Isaac Patrick, described by witnesses as “under the influence of some kind of intoxicant.” All of the witnesses denied to the

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<sup>314</sup> “New Questions Not Yet Asked,” *Birmingham World*, 11 March 1972.

<sup>315</sup> Report on Investigation of Chambers Case, Public Safety Committee, April 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>316</sup> Public Safety Report, April 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>317</sup> Arrington to Seibels, 21 February 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>318</sup> Public Safety Report, April 1972.

committee that Chambers “had in any way been involved.”<sup>319</sup> Testimony from the local witnesses and the officers differed throughout the investigation, such as over Patrick’s inebriation, which the officers denied. Chambers did not become involved until either Patrick or the officers coaxed him out of his apartment to help point out dope houses. Neighbors reported hearing Chambers yell “don’t hit me” shortly before officers led him and Patrick out of the building. Once outside, Chambers was arrested for public intoxication. He and Patrick were loaded into separate squad cars, and three witnesses testified that Patrick returned to the complex within thirty minutes.<sup>320</sup> Patrick’s testimony to the committee largely corroborated the witnesses’ version and counteracted statements attributed to him in the police investigation. While his account in February claimed both he and Chambers were “staggering drunk” when the officers escorted them outside, he told the committee that “it was only he who was staggering drunk.”<sup>321</sup> He also confirmed that the officers picked him up twice that night, which meshed with some witness accounts; the officers had testified before the committee that “they never picked Patrick up a second time.”<sup>322</sup>

More troubling discrepancies emerged regarding the events of the actual shooting. The officers arranged to transfer Chambers to a paddy wagon at an isolated parking lot; Chambers was reportedly not handcuffed throughout the process. The officers testified this ultimately triggered the shooting:

When Self had searched Chambers down to the point where he was beginning to search his legs, Officer Howell testified that Chambers made a quick movement and he saw a knife in his hand. Howell drew his pistol and fired three rapid shots

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<sup>319</sup> Public Safety Report, April 1972.

<sup>320</sup> Public Safety Report, April 1972.

<sup>321</sup> Report on Chambers, April 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>322</sup> Report on Chambers, April 1972.

at Chambers, who fell on his back with his head between Howell's legs. . . . Of the three officers on the scene, only Howell testifies to having seen a knife in Chambers' possession. The other two officers testified that they never saw a knife in Chambers' possession but saw a knife on the ground or in the air after Chambers was shot.<sup>323</sup>

The police claimed that an "ex-convict and acquaintance of Chambers" contacted them on March 5 claiming to have seen Chambers with a knife matching the one that in evidence.<sup>324</sup> However, the committee noted a "contradiction in the officers' testimony on whether or not Chambers was searched before being taken from the patrol car."<sup>325</sup> Even if the knife belonged to Chambers, his medical records cast doubt on Howell's story. According to the three surgeons, Chambers had been shot "approximately in the middle of the back," a virtual impossibility if Chambers was coming at Howell; moreover, the physicians did not "detect any odor of alcohol on Chambers."<sup>326</sup> The coroner's report, which ruled the shooting a "justifiable homicide," contained no mention of the back wound, nor did the coroner attempt to "resolve the conflict between his findings and that of the doctors." The committee reported the coroner's office showed little concern for such discrepancies: "Mr. Allen informed the investigating committee that his ruling in a homicide case is based upon the findings made by the police department and that the point of entry of the bullet would have no bearing upon the ruling of 'justifiable homicide' in view of the testimony by police officers on the scene."<sup>327</sup> It was unsurprising, then, that the police felt comfortable officially listing the death as "justifiable homicide" nearly three hours before the coroner's office made its ruling.<sup>328</sup>

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<sup>323</sup> Report on Chambers, April 1972.

<sup>324</sup> Report on Chambers, April 1972.

<sup>325</sup> Report on Chambers, April 1972.

<sup>326</sup> Report on Chambers, April 1972.

<sup>327</sup> Report on Chambers, April 1972.

<sup>328</sup> Report on Chambers, April 1972.

The committee claimed its report served “to inquire into the facts” of the case and police investigation, not “to assess blame.”<sup>329</sup> It did, however, offer recommendations in light of the numerous discrepancies in the police report. It called for reviews of the police investigation and the county coroner systems to ensure their “integrity” and asked the police to reexamine its investigation into the Chambers case in light of the new facts. Since the committee did not have power to adjudicate, it recommended copies of the report and all collected testimony be distributed to Morgan, Seibels, and the Department of Justice “for examination and whatever action they deem appropriate.”<sup>330</sup>

Extenuating problems with Seibels’s health complicated the mayor’s involvement in the Chambers case following the investigation. The mayor suffered a heart attack in mid-April, which significantly curtailed his ability to conduct city affairs for much of the late spring.<sup>331</sup> His earlier actions indicated a trust in the Internal Security Division and the police procedures; it is harder to judge how exactly a healthy Seibels would have responded to the implications that the police investigations of shootings were significantly flawed. Moore had effectively been in semiretirement since their battles the previous year, and he was retired before the investigation started, so Seibels would not have had the normal scapegoat to blame for poor procedure.<sup>332</sup> By the time he had significantly rebounded and resumed his duties, the city was embroiled in legal cases over the shooting, and Seibels’s writings ignore the subject until the Department of Justice absolved Howell of wrongdoing.<sup>333</sup>

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<sup>329</sup> Report on Chambers, April 1972.

<sup>330</sup> Report on Chambers, April 1972.

<sup>331</sup> Norma Seibels, “Voice of the People: The Seibels’ Thanks,” *Birmingham News*, 18 April 1972.

<sup>332</sup> “400 Friends Honor Retired Police Chief,” *Birmingham News*, 1 April 1972.

<sup>333</sup> George Seibels to Rev. James T. Crutcher, 11 September 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

The committee's findings of poor police procedures surprised some. Jack Warren, the acting chief, announced the department would publish new guides for arresting officers. A *Birmingham News* editorial praised such "determination," but it expressed dismay at police's unprofessionalism. The real issue, it argued, was the department's reputation: "There can be no real and continuing confidence in this community's law enforcement so long as questionable action in any case involving the police occurs." More troubling, the department's "serious questions of judgment" gave validity to those critics who questioned the police "where no reason for questions exist." Answering the procedural problems, the *News* assumed, would be the real lesson of the Chambers case.<sup>334</sup>

If the white elites were content with future improvements to policy and procedure, Arrington demanded adjudication on the shooting itself. He claimed the numerous contradictions "raise some serious questions." He called for a grand jury investigation into the case.<sup>335</sup> Russell Yarbrough, the chair of the Public Safety Committee, denounced Arrington's request and argued the investigation did not yield "any evidence to warrant one."<sup>336</sup> Morgan agreed and claimed he saw no reason to present the case.<sup>337</sup> Despite the district attorney's protestations, the grand jury did examine the committee's report at the behest of the CAC. Although the jurors echoed the recommendations for better procedures, the examination resulted in no indictments related to the shooting.<sup>338</sup> Their unwillingness to consider the evidence saddened the *Birmingham World*, although

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<sup>334</sup> "Serious Conclusions," *Birmingham News*, 19 April 1972.

<sup>335</sup> David Marshall, "Arrington Urges Grand Jury Probe in Chambers' Death," *Birmingham News*, 6 April 1972.

<sup>336</sup> Lou Isaacson, "Call for Jury Probe into Chambers' Death Ridiculed," *Birmingham News*, 21 April 1972.

<sup>337</sup> "Let the Grand Jury Decide," *Birmingham News*, 30 April 1972.

<sup>338</sup> Report of the Birmingham Grand Jury, 5 May 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

Jackson contended that timidity mirrored similar reluctance behind the closed doors of the CAC. The *World* echoed Arrington's appeal for a true investigation: "Every mother's heart should beat with fury and the conscience of men should ache with shame until the 'evidence' is spoken to by the Grand Jury."<sup>339</sup>

The inaction in the Chambers case galvanized Arrington to redouble his efforts to fight police brutality in the city. It also revealed to the community that Arrington's solicitation of police complaints was a sincere project, not just political gamesmanship. This cemented the councilor's standing within the black community as a fighter for citizen interests. In turn, he received special commendation for his efforts. A group named the Ad Hoc Committee Against Police Brutality circulated a listing of Arrington's collected complaints in summer 1972, and they cajoled their fellow citizens to support Arrington publically:

Mayor Seibels, while making general statements about policy, castigation of the police and the right of citizens to file complaints, has ignored Arrington and his charges of specific brutality cases. His failure to extend courtesy to our black Councilman is an affront to the entire black community. Arrington has spoken up for us and now he needs our help!! The black community, its leaders, its churches, its civic organizations have remained silent while Arrington tries by himself to fight our battle. It is time that we spoke up and let the city know that Arrington speaks the truth and that we stand with him against police brutality.<sup>340</sup>

In a July editorial, the *Birmingham World* anointed Arrington as the true voice of black leadership in the city. It expressed sympathy for the councilor's dogged fight to get Seibels to deal with particular incidents of brutality. The *World* seized the opportunity to assail the city's other black leaders: "Dr. Arrington is doing work that the NAACP and the Alabama Christian Movement for Human Rights ought to be doing. But the

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<sup>339</sup> "Grand Jury's Report," *Birmingham World*, 13 May 1972.

<sup>340</sup> Ad Hoc Committee Against Police Brutality, flyer, July 1972, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

leadership of these two organizations is identified with the CAC.” While the CAC leaders preferred a “public relations varnish” instead of “corrective action,” Arrington was practicing “performing leadership.”<sup>341</sup> As Arrington collected more complaints and demanded they be investigated,<sup>342</sup> he won support from more of the black community, such as W. C. Patton’s Emancipation Association of Birmingham.<sup>343</sup>

The city’s leadership, both white and black, did not seem to understand that Arrington’s brutality fight was primarily aimed at producing investigations. Instead, their solutions in the aftermath of the Chambers case focused more attention on the need for better procedures and enhanced recruiting of black police. The CAC’s focus on the latter issue largely instigated the *World’s* “public relations varnish” critique, while it drew praise from the mainstream *Birmingham News*, which encouraged readers to “give a mighty clang on the anvil” for a CAC “task force” on increasing black officers.<sup>344</sup> Rather than dealing with deeper problems within the civil service examination and selection process, however, the CAC’s rhetoric stressed increased applicants as the goal. “You can be sure,” the *News* assured its readership, “the chief and the sheriff want qualified people, not just anybody.”<sup>345</sup> By this limited scope, the “task force” was a success; the CAC proudly reported in June that 146 of the 469 examinees were black.

While the CAC focused the “closed-door” meetings on increasing recruitment, the law enforcement administration responded to Arrington’s charges with policy statements and new guidelines. Seibels tried early on to forestall dissent by announcing new “steps

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<sup>341</sup> “Councilman Arrington’s Frustrations,” *Birmingham World*, 15 July 1972.

<sup>342</sup> Memo on arrest of “Tall” Paul White, 15 August 1972; Richard Arrington to Capt. B. R. Meyer, 14 June 1972; Summary of Recent Alleged Brutality Cases Against Black Citizens, leaflet, July 1972, all in Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>343</sup> “Arrington Gains Support Over Police Brutality,” *Birmingham World*, 5 August 1972.

<sup>344</sup> “‘Task Force’ Needs Backing,” *Birmingham News*, 16 April 1972.

<sup>345</sup> “‘Task Force,’” *Birmingham News*, 16 April 1972.

to prevent reoccurrences;” he pledged immediate investigations by Internal Affairs, which received two new officers to ease congestion. New training programs dealing with “human relations” and “use of proper procedures” were being developed in tandem with the first ever compilation of a “thorough and complete rules and regulations manual.” Lest those not assuage listeners, Seibels promised to increase communication with the black community, “not just in times of trouble but regularly.”<sup>346</sup> Seibels directed Warren, as acting chief, to institute these new policy standards; as concern mounted, Seibels fell back on his first-term successes and stressed professionalism as the solution. This tactic again won the mayor approval from the city’s white moderates. The *Birmingham News* praised the mayor’s commitment to uphold professional standards amidst seeming resistance: “We firmly believe that the city government—from the mayor to council to police administration—is working diligently to remove all vestiges of entrenched misconduct to provide the citizens of Birmingham with the most highly professional police force possible.”<sup>347</sup> Although unnamed, the editorial rebuked Arrington for his efforts “to undermine public confidence in order to exploit the situation for devious political goals;” his harping on the brutality issue was a “disservice to the entire community,” especially in light of the police department’s public avowals of good faith. While Seibels’s lack of action attracted some protest from a smattering of liberal whites in the area,<sup>348</sup> the *News* editorial revealed that the mayor’s reform platitudes still had the support of the city’s white moderates.

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<sup>346</sup> George Seibels, Observations, 16 March 1972.

<sup>347</sup> “A Professional Police Force,” *Birmingham News*, 26 July 1972.

<sup>348</sup> Baptist Church of Covenant to George Seibels, 18 July 1972; First Congregational Christian Church (U.C.C.) to Russell Yarbrough, 28 July 1972, both in George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

Although not personally motivated against the mayor, Arrington emerged as a consistent foe during Seibels's second term. His ascension as a political representative for the black community also suggested that Seibels's strong support from the black community was no longer a silent guarantee. Arrington's attacks largely focused on continued cases of police brutality and an attempt to commit the city to a positive affirmative action plan. If the brutality cases brought to light Seibels's inattentiveness to the concerns of the black community, the fight over affirmative action effectively isolated the mayor from many of his previous supporters in the black community. In December 1973 Arrington spearheaded two affirmative action resolutions through the city council with unanimous approval. One limited the city's ability to contract with firms that did not meet certain minority-hiring thresholds;<sup>349</sup> the other, and more significant, committed the city to create positive action plans to increase minority hiring within the municipal government.<sup>350</sup> Supported strongly by councilors Arrington, David Vann, and Nina Miglionico, this ordinance aimed to rectify the city's segregationist past through special revisions to the civil service policy; with enough time, advocates hoped, the municipal employment balance would more closely mirror the city's demographics.<sup>351</sup> Seibels, however, saw little need for affirmative action in the city, and he vetoed the ordinance. Affirmative action, the mayor argued in his veto message, was "itself discriminatory,"

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<sup>349</sup> City Council, Ordinance to Require Contractors Doing Business with the City of Birmingham to Adopt and Implement Policies and Programs of Nondiscrimination in Recruitment, Hiring, and Promotion of Blacks and Other Minorities, December 1973, Richard Arrington Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>350</sup> City Council, Ordinance to Require Affirmative Action Program for the Recruitment, Hiring, and Promotion of Blacks and Other Minorities in the Various Departments and Agencies of the City of Birmingham, December 1973, Richard Arrington Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>351</sup> Jimmie Franklin's biography of Arrington discusses his fight for affirmative in greater detail. See Franklin, *Back to Birmingham: Richard Arrington, Jr., and His Times* (Tuscaloosa: University of Alabama Press, 1989), 69-80.

and Seibels feared it would undermine the government's professional standards: "[It] clearly increases the chance of the city having to hire individuals who could lack the ability or inclination to provide the kind of services that should be provided."<sup>352</sup>

Moreover, the mayor argued, the city under his leadership had already taken "affirmative action with regard to hiring." Any other, non color-blind, reading of affirmative action was "totally misleading."<sup>353</sup> The council failed to override the veto when a few of the members switched their votes. Instead, they passed an ordinance that kept the less stringent portions of the original bill.

Seibels's veto exacerbated the fracture of his coalition and set the stage for a contentious mayoral election in 1975. Arrington had exposed many of the problems facing the black community through his role as councilor, and his work helped unearth the vast disparity between Seibels's concerns and those in the black community.

Meanwhile, Seibels's benign neglect of brutality claims and his disgust with affirmative action won the mayor new adherents from whites that had previously assailed him.<sup>354</sup>

Seibels's opposition in the 1975 election was David Vann, a progressive on the city council. Vann was a lawyer noted for his civil rights activism; as one of the city's "young Turks" in the 1950s and early 1960s, Vann publicly opposed the Connor regime and was a leading proponent of changing the city commission to the mayor-council system.<sup>355</sup>

Vann's support for Arrington's affirmative action ordinance and other progressive proposals promised that Seibels's success with black voters would be hard to repeat.<sup>356</sup>

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<sup>352</sup> George Seibels, Veto Message, 28 December 1973, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>353</sup> Seibels, Veto, 28 December 1973.

<sup>354</sup> Jefferson County Employees Association to Don Hawkins, 1 February 1974, George Seibels Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>355</sup> John Archibald, "Ex-mayor David Vann dies at 71," *Birmingham News*, 10 June 2000.

<sup>356</sup> Vann re: affirmative action

Unsurprisingly, Arrington gave his full support to Vann and worked to unseat Seibels, whose administration failed to manage properly the numerous brutality complaints that Arrington collected.<sup>357</sup> A Vann administration was sure to offer greater assistance in curtailing police excesses and eliminating aberrant officers.

As the mayoral election neared, Arrington feared that Seibels's support in the black community was more resilient than he thought. Compared to the past abuses of Connor and the relative dreariness of Boutwell, Seibels's regime had been good for black Birmingham as it modernized and professionalized. This fear was partially realized when the new editor of the *Birmingham World*—longtime editor Emory Jackson died in the weeks preceding the election<sup>358</sup>—endorsed Seibels for reelection. “Just look around you,” the *World* urged readers. “That City Leader chiefly responsible for that ‘Big Change’ is George G. Seibels, Jr.”<sup>359</sup> Seibels's advertisements in the *World* echoed this optimistic tone; he reprinted a *News* cartoon that placed Birmingham's economic growth above the national average. The motto blared, “Obviously this isn't such a bad city, Mr. Vann!” Understanding the necessity of black supporters for Vann to win, Arrington took decisive action to counteract the *World*'s endorsement. In the November 1<sup>st</sup> issue, just three days before the election, the *World* ran an advertisement that reprinted one of Jackson's columns, titled “Seibels Is Not Our Friend.” Written after Seibels's veto in January 1974, Jackson's column castigated the mayor for failing to bring his words to action for the black community:

The unkind veto by Birmingham Mayor George G. Seibels, Jr., of the proposed Affirmative Action Ordinance reveals that Seibels is not our Friend. His nearly

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<sup>357</sup> A collection of police reports stemming from Arrington's complaints in George Seibels Papers. See folder Police Department, Arrington Complaints, December 5, 1974 to October 28, 1975.

<sup>358</sup> “A Pioneer For Rights Dies,” *Birmingham World*, 20 September 1975.

<sup>359</sup> “Just Look Around You,” *Birmingham World*, 11 October 1975.

six year record as Head of City of Alabama's chief city is a sad story of skillful public relations, adroit use of the public media to hide his failure of bringing Negro persons into City Hall employment and his penchant for using pious prayers to conceal his lack of conviction that Black persons are equal citizens. . . . For too long Mayor Seibels has fooled the Negro group and gotten away with it. . . . Let none be misled into believing that because the Northside Branch NAACP is obviously inactive and a number of those who once were on the Civil Rights firing line but currently are apparently handcuffed by the Community Affairs Committee of Operation New Birmingham that the Negro group is without leadership means to fight back. There has always been that underbrush Negro leadership in Birmingham which can be counted upon when other Black leaders are trapped behind closed doors.<sup>360</sup>

Jackson's words were like a clarion call, and the advertisement reminded readers that Vann "has been a friend for 20 years—not just at election time."<sup>361</sup> It was unclear what role Arrington's cunning advertisement played in the election, if any, but Vann certainly needed as many votes as he could get. He unseated Seibels by less than two thousand votes, with the deciding majority coming from boxes in the black community. There were further signs of black electoral success in the city council election; retired educator Bessie Estell joined Arthur Shores and a reelected Arrington on the council, putting the proportion of black seats at a record thirty percent.<sup>362</sup> With Vann heading the executive, a new day for Birmingham's blacks appeared imminent. Finally, they had a "friend" as mayor.<sup>363</sup>

Readers of *Police Magazine* found a similar narrative of Birmingham's racial progress in the summer of 1977. The heart of the analysis was a study in the new Birmingham police department. The profile's blurb positioned Birmingham as having turned from the days of "Bull Connor's 'Bombingham'" to become a city where the

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<sup>360</sup> Advertisement, "Seibels Is Not Our Friend," *Birmingham World*, 1 November 1975.

<sup>361</sup> Advertisement, "Seibels Is Not Our Friend," *Birmingham World*, 1 November 1975.

<sup>362</sup> Richard Arrington, *There's Hope for the World: The Memoir of Birmingham, Alabama's First African American Mayor* (Tuscaloosa: University of Alabama Press, 2008), 50.

<sup>363</sup> Advertisement, "Seibels Is Not Our Friend," *Birmingham World*, 1 November 1975.

police “win praise from blacks and whites alike.”<sup>364</sup> Journalist Steve Gettinger’s account went far beyond the positive reports during Seibels’s term, and he singled out Vann’s earlier civil rights activism as an indicator of the city’s commitment to racial progress. In the mayor’s tenure, one academic noted, Birmingham’s police “transformed into one of the most open, progressive, and approachable” forces in the nation.<sup>365</sup> The real harbinger of the new era, Gettinger argued, was the department’s young police chief: “Civic leaders give most of the credit for the turnaround in the police department to James C. Parsons. . . . Under Parsons, relations with the black community have improved significantly.”<sup>366</sup>

Nicknaming Parsons “the department maverick,” Gettinger provided a detailed portrait of the officer’s twenty-seven year battle to improve the department. Parsons honestly revealed his initial reasons for opposing Connor, and later Moore, were “personal,” not philanthropic: “Really, our motivation to change this department was not to change attitudes or police methods. We were motivated to achieve higher rank.”<sup>367</sup> As his position in the department rose, Gettinger maintained, Parsons’s views did as well. He allied “with reformers and civil rights leaders” and sought ways to eliminate racism from the department, which he connected to “corruption in police work.”<sup>368</sup> Gettinger vouched for Parsons’s commitment to this change, and he credited the new policies with “breaking the cycle of tension” that often led to brutality incidents.<sup>369</sup>

Gettinger’s reporting did reveal certain racist impediments that still existed within the department, and he devoted some space to the racial tensions around the issue of

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<sup>364</sup> Steve Gettinger, “Profile: Birmingham,” *Police Magazine* (Summer 1977), 27, in David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>365</sup> Gettinger, “Profile: Birmingham,” 28.

<sup>366</sup> Gettinger, “Profile: Birmingham,” 28.

<sup>367</sup> Gettinger, “Profile: Birmingham,” 34.

<sup>368</sup> Gettinger, “Profile: Birmingham,” 35.

<sup>369</sup> Gettinger, “Profile: Birmingham,” 40.

brutality. Part of his research included ride-alongs with random officers, and he peppered the article with these experiences. Using a pseudonym for the officers, Gettinger recounted a conversation with Dick Pritchett, described by his partner as “the Archie Bunker of the force.”<sup>370</sup> True to form, Pritchett littered his ramblings with “nigger” and explained that Birmingham was “dying” of white flight because “a white man is just not going to live next to a nigger.”<sup>371</sup> As the article presented it, however, Pritchett appeared more as a lone wolf, an outlaw who skirted through the cracks of the official policy. In rebuttal, Parsons bemoaned his powerlessness to regulate squad car racism: “I know I can control official behavior, because I have authority to do that, but I don’t have authority to control attitudes.”<sup>372</sup> If the force “still had quite a few of these racists,” as Miles professor Ralph Galt alleged, Gettinger’s profile expressed confidence that Parsons’s official actions were sidelining them. His promotion of “an aggressive Internal Affairs” irritated the Pritchetts on the force while “combatting both corruption and racism.”<sup>373</sup> Rather than covering up for a complacent system, Gettinger reported, Internal Affairs was so active that many officers felt it was “out to get them.”<sup>374</sup> Verily, things had changed since Moore was chief.

Although he gave some attention to the department’s critics, Gettinger neutralized their attacks by following the critiques with more optimistic perspectives. The two clearest attacks on the department’s racial record came from Arrington and Frank Horn, both of whom were actively devoted to exposing police brutality. Gettinger mentioned Arrington’s complaint file, which contained “very few unjustified” cases, and

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<sup>370</sup> Gettinger, “Profile: Birmingham,” 38.

<sup>371</sup> Gettinger, “Profile: Birmingham,” 38.

<sup>372</sup> Gettinger, “Profile: Birmingham,” 40.

<sup>373</sup> Gettinger, “Profile: Birmingham,” 41.

<sup>374</sup> Gettinger, “Profile: Birmingham,” 41.

the author conceded that some were actually “serious.” Fortunately, the article followed up, Arrington believed there had been “significant improvements in the last four or five years,” roughly correspondent with Parsons’s tenure.<sup>375</sup> As one of the first black officers in the department, Horn’s critiques of the racist culture carried extra significance. He recalled the trauma brought on by fellow officers and claimed that his “numerous” reports of brutality witnessed first-hand went unheeded. Isolating some of the weight of these claims, however, was that Horn’s tenure came completely under Moore, before Parsons remade the force. Although Horn emphasized the “decay is still there,” Gettinger highlighted that the former officer thought Parsons was doing a “good job.”<sup>376</sup> Moreover, Gettinger presented Leroy Stover, the first black policeman, as a sign that Parsons’s regime was “significantly different than the past.”<sup>377</sup> Still on the force, Stover “kept his cool” through the harassment of the old days, then ascending to sergeant; Stover’s assurances that the culture had “improved tremendously” in recent years compounded the redemptive message.<sup>378</sup> Coupled with shifting personnel in which “more than half of the sworn officers have joined since 1968,”<sup>379</sup> Parsons’s department had a new attitude that Horn did not acknowledge. As Gettinger quoted one officer: “They’re not black, I’m not white. We’re blue.”<sup>380</sup>

To emphasize his positive reading of the department under Parsons, Gettinger anchored his story against the city’s “Bombingham” past.<sup>381</sup> Not an uncommon trope to post-1963 interest pieces on Birmingham, Gettinger’s story cast the city’s present against

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<sup>375</sup> Gettinger, “Profile: Birmingham,” 40.

<sup>376</sup> Gettinger, “Profile: Birmingham,” 40.

<sup>377</sup> Gettinger, “Profile: Birmingham,” 41.

<sup>378</sup> Gettinger, “Profile: Birmingham,” 41.

<sup>379</sup> Gettinger, “Profile: Birmingham,” 28.

<sup>380</sup> Gettinger, “Profile: Birmingham,” 41.

<sup>381</sup> Gettinger, “Profile: Birmingham,” 27.

its history under Connor. This tactic accentuated the city's progress, a task with which the current leadership, both white and black, willfully cooperated. Connor staffed his "untrained and poorly paid" force without proper interviews and offered no "standard operating procedures." Rather, Vann recollected, the police operated on a "storm-trooper mentality" with the purpose of upholding segregation. ACMHR president Edward Gardner reminded readers that, for blacks, Birmingham was "worse than Montgomery, worse than Jackson." In diagnosing the new regime, however, Gardner sounded triumphant: "Birmingham is a different place today. Today you can see the bright sunshine of understanding in this city."<sup>382</sup> The article's framing cemented the progress narrative, but it also minimized the problems that continued to plague the city, which included the "occasional" charge of police brutality.<sup>383</sup> Compared to the dark ages under Connor, Gettinger demurred, "old-timers" found the existing problems "laughable."<sup>384</sup>

Many black readers in Birmingham would have agreed with *Police Magazine's* optimism. Certainly, on police issues, Vann's administration showed marked improvement in police community relations. The mayor paid attention to past complaints and worked to implement plans that had been promised in the past. He worked in tandem with Chief Parsons to create workable solutions to discourage the factors that increased the likelihood of misconduct. Parsons drafted an official set of policy guidelines and training procedure on "using physical and deadly force."<sup>385</sup> The new policy, Parsons explained, distinguished between felonies in name only, like "minor larceny," and offenses where officers had "reasonable cause" that the assailant was a harm to society,

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<sup>382</sup> Gettinger, "Profile: Birmingham," 28.

<sup>383</sup> Gettinger, "Profile: Birmingham," 28.

<sup>384</sup> Gettinger, "Profile: Birmingham," 29.

<sup>385</sup> James Parsons to David Vann, 26 July 1977, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

such as in capital crimes or armed robbery.<sup>386</sup> More significantly, the department finally instituted an automatic review of all incidents in which a police gun discharged.<sup>387</sup> Now, every gunshot from a police gun would be on record, and a running tally could be provided on who was shooting and at whom. If there were rotten officers on the force, in theory, the patterns would emerge in the review records.<sup>388</sup>

The optimistic attitude was best expressed in a July 1977 presentation on police brutality to the CAC. Parsons gave the members a report that revealed a sharp decrease in police brutality claims during Vann's tenure; the complaints went from fifty-four in 1975 to twenty-six in 1976 to eleven over the first half of 1977. This information pleased the CAC members; concerns over police brutality had been a main catalyst in the group's formation in 1969. "If the figures presented today are true," raved Dr. James Montgomery, who succeeded Lucius Pitts as CAC co-chair, "we can feel that one of our main objectives has been accomplished."<sup>389</sup> While other issues in police-community relations still demanded addressing, Montgomery glowed with the knowledge that "a black criminal is no more likely to get shot by policemen than is a white criminal."<sup>390</sup> The CAC's hopefulness betrayed a belief that Vann had fashioned a coalition of blacks and liberals to create a new Birmingham.

While Vann seemed more sympathetic to black concerns over police mistreatment, his actions in the wake of the most divisive police-related assault since

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<sup>386</sup> Birmingham Police Department, Firearms Discharge Policy, July 1977, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>387</sup> Parsons to Vann, 26 July 1977, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>388</sup> For examples, see Police Department Internal Affairs Reports, Richard Arrington Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>389</sup> Geraldine Moore, "CAC Gets Report Showing Police Brutality Claims Down," *Birmingham News*, 11 July 1977.

<sup>390</sup> Moore, "CAC Gets Report," *Birmingham News*, 11 July 1977.

1963 undercut his black supporters and precipitated Arrington's running to be the city's first black mayor. The killing rekindled the believed-dead debate over police tactics and race among Birmingham's citizens and threatened to pry the mayor's seat away from the liberal-moderate-black coalition that had governed since the mayor-council form replaced the commissioner system.

On June 29, 1979, the police department was alerted to a disturbance at Jerry's 7-11, a convenience store in the Kingston district of Birmingham. According to the accounts, a black customer got into a heated, physical argument over the store's prepay policy for gas. When the customer left, the call to the police was cancelled. Later, the customer returned with a gun and shot "into the front of the store." Two of the employees returned fire, but a third employee, who had been "asleep at the back of the store" awoke to the gunfire and set off the silent alarm. The third employee spied one of his two coworkers injured, and he was told that the "person who had done it was outside in a green Buick." Unbeknownst to the employees, the gunman had fled the scene on foot, leaving his car behind. At this time Bonita Carter, who "knew the gunman, but was not otherwise involved in the shoot-out," decided to drive the car back to its owner. As she was driving, the third employee ran out and yelled for the Buick to stop. Carter "stopped the car and ducked down in the seat." Soon thereafter, two plain-clothed officers in an unmarked car entered the parking lot of Jerry's; seeing what they assumed to be a robbery in progress, the officers pulled their guns and walked toward the Buick. "Look out," they reported the third employee saying. "They've got a shotgun. They shot Mike." Other witnesses claimed they were yelling to the officers that there was only a girl in the car. As the officers approached the car, Carter rose suddenly; officer George Sands "fired

his weapon four times, hitting the person in the back.” Just thirty-six seconds elapsed from when Sands and his partner were alerted to the possible robbery and when they radioed for paramedics.<sup>391</sup>

If black citizens were used to new policy statements following a police incident, Vann’s immediate action was unprecedented in Birmingham. He convened an Ad Hoc Committee to conduct an official inquiry into the Carter incident; the members would be chosen by Operation New Birmingham and the CAC to form a “Blue Ribbon” review panel. This panel closely resembled the decades-old calls for civilian review boards or the GBM’s Community Relations Commission. Members were to conduct the investigation “in strict conformance with the rules of evidence admissibility used in the Circuit Court” and would have the power to subpoena witnesses. Although the committee could not adjudicate the claims, its courtroom procedure lent greater credence to its findings, and Vann hoped it would encourage greater consideration by Morgan and a grand jury. The committee members were racially diverse, and they selected Gardner and Rabbi Milton Grafman as the co-chairs. Its investigation was expansive, including numerous witnesses,<sup>392</sup> and the committee’s finding of the facts was exhaustive. More groundbreaking was its ultimate conclusion: “Even assuming that Officer Sands believed an armed person in the car, and had shot Mike Avery, based on evidence available there does not appear to the committee that there was sufficient justification for the shooting of

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<sup>391</sup> David Vann, Statement on the Death of Bonita Carter, 17 July 1979, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>392</sup> Witness list for Ad Hoc Committee, July 1979, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

Ms. Carter.”<sup>393</sup> The council deferred to Vann’s discretion on Sands’s ultimate punishment.

Vann’s use of that discretion would cost the mayor his job. Vann’s suggested actions were aimed to be both fair and just, and he expanded the Sands decision into a larger consideration of department practices. Vann promised swift action to prevent future incidents. He ordered Bill Myers, a former Internal Affairs head who became chief when Parsons left for New Orleans in 1978, to review the police procedures and formulate a new policy. Myers’s statement included the boilerplate promises of increased training in alternatives to deadly force and to “make the officer fully aware of his role toward the community.” Unlike previous statements after crises, this policy shift instituted more substantive changes. First, the new policy immediately placed any officer “involved in shooting incident resulting in death” on administrative leave until the chief could personally review the incident. Second, the department reallocated black personnel to the Kingston area and on the Internal Affairs section. Most importantly, it placed added weight on the “use of all reasonable alternatives” prerequisite for discharging firearms; “effective immediately,” the department did not apply the standards for justification until those alternatives had been “exhausted.”<sup>394</sup>

Vann’s struggle was on how to deal with Sands. The officer’s conduct and future were racially divisive subjects that left no room to make everyone happy. Many of the city’s white citizens had flooded the mayor with petitions and letters in support of Sands,

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<sup>393</sup> Ad Hoc Committee, Report on the Death of Bonita Carter, July 1979, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>394</sup> Bill Myers, Press Release on New Procedures, 17 July 1979, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

who they argued was simply doing his job.<sup>395</sup> To the black community, and some liberals, Sands served as a physical manifestation of the police evils they often railed against, and most of them wanted Sands removed from the force entirely.<sup>396</sup> The mayor chose a middle path. While he agreed with the committee that Sands's shooting was not justified, Vann felt that was a failing of the department's culture and training; to lay the blame at the feet of one officer was unfair. Instead, Vann removed Sands from patrol duty and transfer him to an office position. Sands's personal failings had jeopardized his public support, which weakened him as a street officer, but Vann felt going further was unwarranted.<sup>397</sup>

While many white citizens expressed dismay that Vann kowtowed to lawless elements instead of supporting Birmingham policemen, black leaders were livid with the mayor. Even though an innocent woman was dead at the hands of an officer, Vann did not seek counsel from them over how to decide. Their "friend," it seemed, was no longer as reliable as they thought. They responded with the largest public demonstration in the city since May 1963. The Southern Christian Leadership Conference, led by Revs. Abraham Woods and Joseph Lowery, organized the march, which followed the same route as Project C. While a public spectacle, the march did not have its desired effect. Vann stayed firm, even if he tried to maintain his ties to the black community. "Instead of police dogs and fire hoses," a journalist for *Southern Changes* remarked, "the marchers met David Vann who had arranged for them to have a stage and sound equipment. He

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<sup>395</sup> Stock letter to David Vann, 25 July 1979; Joe Ellis, Jr., to David Vann, 25 July 1979; Dot Dickenson to David Vann, 10 July 1979; Concerned Citizens to David Vann and City Council, petition, 19 July 1979, all in Richard Arrington Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>396</sup> Examples in the Bonita Carter folder, Richard Arrington Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>397</sup> David Vann, Statement on the Death of Bonita Carter, 17 July 1979.

marched the last few steps of the demonstration himself singing ‘We Shall Overcome’ with the marchers.”<sup>398</sup> Despite the expressed solidarity, Vann was adamant that he would not change his decision.<sup>399</sup> Possibly realizing the limitation that their tactic had in producing concessions from an admirer, Abraham Woods and Elijah Jarrett, pastor of Trinity Baptist Church, arranged a meeting with Arrington. If demonstrations and meetings did not work, perhaps the answer rested with the “ballot box.” Vann was vulnerable and did not deserve black support in his reelection bid; maybe the time had come for the black community to elect a mayor. On August 22, 1979, “flanked by Woods, Jarrett, a number of other ministers, and the presidents of the Urban League and the NAACP,” Arrington announced his candidacy to become the first black mayor of Birmingham.<sup>400</sup>

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<sup>398</sup> Ron Casey, “The Election of Birmingham’s Black Mayor,” *Southern Changes* 2.3 (1979): 13-4.

<sup>399</sup> David Vann, form letter to “We Only Ask for Justice” petitioners, 21 July 1979, David Vann Papers, Birmingham Public Library Department of Archives & Manuscripts, Birmingham, AL.

<sup>400</sup> Arrington, *There’s Hope*, 51-52.

## EPILOGUE: THE 1979 MAYORAL ELECTION

“God Almighty, I see a black woman in Montgomery in the Legislation. I can see a black face in City Hall. I can see a black face in the Mayor’s Office, etc. and other city offices.” –Rev. Calvin Woods, Jr., at a meeting of Alabama Christian Movement for Human Rights, September 1965<sup>401</sup>

Aside from his individual rulings and unwillingness to fire Sands, it was Vann’s inability to seek guidance from black community leaders that soured many to his tenure. A group led by Abraham Woods, local minister and SCLC representative, pleaded with Arrington to enter the race. The time, they argued, had come for a black executive; Vann might have felt more sympathy for their cause, but he did not appear to find black counsel necessary. The true power of the ballot box would only come when a black citizen could identify with his or her mayor. Arrington ultimately agreed and announced his candidacy. He joined six other candidates—Vann, fellow councilors Larry Langford and Jim Katopodis, businessman Frank Parsons, Grand Dragon of the Alabama Klan Don Black, and Socialist Worker Mel Oliver—in a hotly contested battle for the top spot. Aside from Black and Oliver, both fringe candidates, and Langford, who was energetic but too inexperienced, the race was considered too close to call.<sup>402</sup> The election was dominated by discussions of race, law enforcement, and the Bonita Carter shooting. Arrington’s entrance into the race propelled these issues to the fore, and they led the 1979

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<sup>401</sup> Surveillance report from Det. H. H. Hudson & B. J. Cooper to Chief Jamie Moore, 21 September 1965, Jonathan Bass Files, Samford University Special Collections, Birmingham, AL.

<sup>402</sup> List of official candidates on ballot in Vicki Brown, “Voting Follows Race Pattern Except for Dents by Arrington,” *Birmingham News*, 10 October 1979.

election to test the ability of the city to negotiate change through the ballot.<sup>403</sup> With so many contenders, the race seemed poised to end with a run-off of the two top candidates after the general election. Arrington's success in the black community, where Langford posed little threat, virtually guaranteed him a spot in the run-off; in the first election, he pulled nearly forty-four percent of all voters, the vast majority from black boxes.<sup>404</sup>

While a near sweep of the black voters secured Arrington a spot in the run-off, his opponent was not immediately clear. The three main challengers had struggled throughout the early campaign to map out positions that would ensure them enough votes for second place. Despite the summer tumult, Vann's path seemed most secure. He was clearly the choice of the Birmingham elite, both white and black, and he could count on the support of white moderates as well. In the aftermath of the Carter shooting, Vann maintained his moderate tact, and he vowed not to make the police force "a political football."<sup>405</sup> He frequently found support the *News* editors, such as for the new shooting policy and for a "task force" to deal with the increasing robbery problem.<sup>406</sup> Expectedly, the *News* endorsed Vann for his "hard work and devotion to the city" and implored voters to give the mayor another term. Hailing Vann as a paragon of "fairness" and good government, the *News* reserved special praise for the mayor's handling of the Carter case as a sign of Vann's reasoned impartiality.<sup>407</sup> Vann also received the official endorsement of both businessman A. G. Gaston and the Jefferson County Progressive Democratic Council (JCPDC), a longtime black political organization founded by Arthur Shores in

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<sup>403</sup> Richard Friedman and Kitty Frieden, "Three Subjects Keep Coming Up in Election," *Birmingham News*, 30 September 1979.

<sup>404</sup> "'Organization' Brought Arrington Commanding Lead," *Birmingham News*, 10 October 1979.

<sup>405</sup> Kitty Frieden, "Mayor Says He Refused to Make 'Finest' Police Department a Political Football," *Birmingham News*, 6 September 1979.

<sup>406</sup> "New Guns Policy," *Birmingham News*, 8 September 1979; "Police Task Force," *Birmingham News*, 4 September 1979.

<sup>407</sup> "Vann Best for Birmingham," *Birmingham News*, 7 October 1979.

1965. The JCPDC, which supplied sample ballots to over eighty-thousand black residents, chose Vann over Arrington for many reasons, some personal, but the endorsement largely reflected a feeling that Vann “was in a better position to move the city forward.”<sup>408</sup> As a major mouthpiece of the city’s “respectable” black leadership, the JCPDC endorsement carried particular importance for Vann, further bolstering his moderate credentials. According to Arrington, Gaston later confessed their support for Vann was because they “just didn’t think the white folks would ever let a Negro win.”<sup>409</sup> Despite the imprimatur of Birmingham’s black leadership, Vann could not pull significant support in the black community from Arrington, and the mayor finished fourth in the general election.<sup>410</sup>

The struggle for votes between Katopodis and Parsons was much tougher as they vied for the white conservative vote. Both campaigned on a strong law and order platform, and they sought the support of the FOP. Katopodis, a member of the city council, spent much of the campaign criticizing Vann’s handling of law enforcement, citing low police morale as indicative of failed leadership.<sup>411</sup> He heaped particular scorn on the response to the Carter case, specifically the new shooting policy and Vann’s vacillation over how to handle Officer Sands, whose actions Katopodis supported fully as a reasonable reaction in the line of duty.<sup>412</sup> Rather than impugn the police department with unsubstantiated claims of abuse, Katopodis wanted the city to wage a public

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<sup>408</sup> Richard Friedman, “Black Demo Political Unity Endorses Vann for Mayor,” *Birmingham News*, 5 October 1979; A.G. Gaston endorsement cited in Ralph Wayne Wright, “Demo Group Can’t Decide between Arrington, Vann,” *Birmingham News*, 30 September 1979.

<sup>409</sup> Richard Arrington, *There’s Hope for the World: The Memoir of Birmingham, Alabama’s First African American Mayor* (Tuscaloosa: University of Alabama Press, 2008), 53.

<sup>410</sup> Vicki Brown, “Arrington Carried All Majority Black Boxes,” *Birmingham News*, 11 October 1979.

<sup>411</sup> Kitty Frieden, “Katopodis, Vann Debate Crime Issue,” *Birmingham News*, 3 October 1979.

<sup>412</sup> Richard Friedman and Kitty Frieden, “Three Subjects Keep Coming Up in Election,” *Birmingham News*, 30 September 1979.

relations campaign on behalf of officers: “Let the public know about the good things officers do.”<sup>413</sup> Despite its avowedly nonpartisan position, the FOP let it be known that Katopodis was its “favored candidate.”<sup>414</sup> With the exception of being more vocal in calling for an increase in police officers, Parsons’s views on law enforcement essentially mirrored Katopodis’s.<sup>415</sup> Yet it was Parsons who emerged from the general election in second place, which pitted him against Arrington in the run-off.<sup>416</sup>

Tellingly, Parsons’s separation from Katopodis was not over substantive policy differences but in his willingness to cater to the whims of the white electorate. This difference was best revealed during a meeting of the Jefferson County Committee to Restore Personal and Property Rights (JCCRPPR), a local “law-and-order” organization, which both Katopodis and Parsons attended. Held at the local FOP lodge, the campaign event had an audience of nearly four hundred citizens and featured Officer Sands as a guest of honor. Despite the surroundings, Katopodis struck a complex position at times widely different than the audience; in particular, he refused to denounce the concept of a review board, but rather argued it would only be necessary were Internal Affairs to cede its authority. More damningly, Katopodis expressed concern at the lack of diversity in the crowd and committed: “You may not like to hear it, but I feel compelled to say it. I want to be mayor of all of Birmingham, not just the white folks.” Parsons, meanwhile, “answered yes to all questions” in favor of the JCCRPPR position, vowed to give autonomy to the police department away from the mayor, and lauded Sands. When the

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<sup>413</sup> Richard Friedman, “Candidates Still Throwing Best Pitches as Game Ends,” *Birmingham News*, 8 October 1979.

<sup>414</sup> Kitty Frieden, “FOP Wants to Back Katopodis,” *Birmingham News*, 13 September 1979.

<sup>415</sup> Kitty Frieden, “Parsons Outlines Crime-fighting Plan for City,” *Birmingham News*, 5 September 1979.

<sup>416</sup> Richard Friedman and Kitty Frieden, “Two Candidates for Mayor Are Different Types, Have Different Views,” *Birmingham News*, 14 October 1979.

vote to endorse came, JCCRPPR members overwhelmingly selected Parsons by an “almost 4 to 1” margin. One JCCRPPR quipped about Katopodis, “He’d done better if he kept his mouth shut and stayed home.”<sup>417</sup>

Parsons’s willingness to confront the racial dimension of Arrington’s success also separated him from Katopodis. In a speech before the Birmingham Exchange Club, Parsons warned that black bloc voting and high turnout could propel Arrington to the executive spot: “We’re going to lose by default. We’re going to have a black mayor, and I guarantee you, I’m not for any of those blacks. Then we’re going to have a black police chief.”<sup>418</sup> Although he tried to walk back his statements, the racial angle stuck to Parsons.<sup>419</sup>

Some later analyses of the 1979 election thus cast Parsons’s candidacy as a virtual stand-in for white resentment in Birmingham, particularly among the lower-class citizens in the eastern section of town. The accounts transformed Parsons into a pseudo-Connor that aimed to turn back the clock to the days before King came to town. Foregrounding Parsons’s tacit race-coding, their interpretation privileged certain endorsements and used the demographics of the election results to justify reading Parsons’s candidacy as the final stand of white conservatives in Birmingham. In this version of events, Birmingham faced a decisive choice between reactionary discrimination and progressive tolerance, between Bull Connor and Martin Luther King Jr. An Arrington win would culminate the city’s path of progress, but a Parsons victory would derail all the work since 1963. Such a

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<sup>417</sup> Kitty Frieden, “‘Law-and-order Group’ pins badge on Parsons as Candidate for Mayor,” *Birmingham News*, 19 September 1979.

<sup>418</sup> Kitty Frieden and Richard Friedman, “Parsons Warns Black Voters Will Show Power,” *Birmingham News*, 12 September 1979.

<sup>419</sup> Richard Friedman, “Mayor’s Race Has Strong Racial Dimension,” *Birmingham News*, 19 September 1979; “Parsons: Could Win with All-white Vote,” *Birmingham News*, 23 October 1979.

version made the election seem more dramatic and, some might argue, more important, but it ultimately could not capture the real choice that Birmingham residents were being offered.<sup>420</sup>

Parsons's pre-campaign story, however, belied any easy associations between the candidate and white supremacy. In 1965, fresh from the University of Alabama Law School, Parsons developed the legal department for U.S. Pipe and Foundry; one of his first tasks was ensuring the company complied with newly-crafted federal equal opportunity laws. As his business status grew, Parsons received various appointments to civic advisory boards, including one by President Richard Nixon to a board on school desegregation and an eight-year membership on the Birmingham Housing Authority.<sup>421</sup> Friends would later also recall his support for the desegregation of his church, McElwain Baptist Church, and his work to improve recreational facilities in black neighborhoods while president of the Birmingham Jaycees.<sup>422</sup> Additionally, Parsons had the consistent and public support of Rev. Richard Cunningham, a local black minister who favored Parsons's work with the BHA.<sup>423</sup>

A more apt comparison for a potential Parsons regime, and one that the candidate made quite frequently during the campaign, would have been George Seibels. The candidate's mayoral campaign slogan was "Rekindle Birmingham's Spirit." When Parsons talked about recapturing Birmingham's golden days, he had in mind the "civic

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<sup>420</sup> See Jimmie Franklin, *Back to Birmingham: Richard Arrington, Jr., and His Times* (Tuscaloosa: University of Alabama Press, 1989), 134-174.

<sup>421</sup> Kitty Frieden, "Blacks' Tables Empty at Parsons Affair," *Birmingham News*, 25 September 1979.

<sup>422</sup> Kitty Frieden, "Parsons Forced on Defense Much of Time; Cites 'Lack of Leadership,'" *Birmingham News*, 27 September 1979.

<sup>423</sup> Kitty Frieden, "Parsons Forced on Defense Much of Time; Cites 'Lack of Leadership,'" *Birmingham News*, 27 September 1979.

harmony” that he believed marked Seibels’s administration.<sup>424</sup> He peppered his speeches with references to restoring Birmingham’s “All America City” status,<sup>425</sup> which he argued had been undercut by a “lack of leadership” since Seibels left office in 1975.<sup>426</sup> The comparison extended to Parsons’s recommendations on how to restore “unity” to the city in face of increased racial polarization; Parsons believed the answer was in increasing “biracial dialogue” through new advisory meetings and cross-neighborhood cooperation.<sup>427</sup> When he spoke of fair and equal treatment for “all,” the Seibels connotations were clear: “We need a mayor who is going to serve all the people and is going to strive to do what is best for the majority of those people. And I think, unfortunately, in the past we have seen where small groups of people who have had a lot of influence effectuated change that in my opinion was not in the best interests of this city.”<sup>428</sup> The city would be best served, it seemed to Parsons, when led by “a mayor who won’t succumb to pressure groups and minorities.”<sup>429</sup>

Unsurprisingly, Parsons’s effort to “rekindle” the Seibels’s spirit was aided by the former mayor. This was not a purely altruistic or unbiased cause for Seibels. Although Jefferson County voters elected him to the state legislature in 1978, Seibels was still very bitter over his 1975 defeat. He blamed the loss on a concerted effort within the black community to unseat him: “Tony Harrison, U. W. Clemon, Tall Paul White, Arrington, Vann—they were the people who made it their business to get me out. Let’s face it, Vann

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<sup>424</sup> Kitty Frieden, “Parsons Forced on Defense Much of Time; Cites ‘Lack of Leadership,’” *Birmingham News*, 27 September 1979.

<sup>425</sup> Kitty Frieden, “Despite Clean Campaigns, Race Remains Issue,” *Birmingham News*, 28 October 1979.

<sup>426</sup> Kitty Frieden, “Parsons Forced on Defense Much of Time; Cites ‘Lack of Leadership,’” *Birmingham News*, 27 September 1979.

<sup>427</sup> Kitty Frieden, “Blacks’ Tables Empty at Parsons Affair,” *Birmingham News*, 25 September 1979.

<sup>428</sup> “Morale and Morality Issues,” *Birmingham News*, 11 October 1979.

<sup>429</sup> “Morale and Morality Issues,” *Birmingham News*, 11 October 1979.

was able to promise the blacks more—all I could do was promise more of the same.”<sup>430</sup>

Seibels remained convinced that his tenure had been good for all citizens in Birmingham, and he feared the retail politics that followed increased black potency at the polls. This bitterness reached its nadir in the days just before the run-off election when Seibels took out a full-page advertisement in the *Birmingham News*. Filled with coded language and attacks on Arrington, the advertisement made explicit the clash between Seibels’s and Parsons’s seemingly objective leadership philosophy and the new reality of black political power in Birmingham.<sup>431</sup>

Posing the question of “Parsons or Arrington,” the advertisement purported to examine the “records” of each candidate on the “city’s most critical issues—protection of people, police morale, and police support.” Seibels praised Parsons as a fair-minded civic worker that would foster “harmony” for all citizens, not just “promote the interests of one race at the expense of the other.” His staunch support for the police department was especially lauded, and the ad stated “Parsons is that man” that the city desperately needed at mayor to reinstate Birmingham’s “unity, spirit, and a good image.” Seibels expressed no such regard for Arrington, but he feared the voters were being “hoodwinked” by Arrington’s calm, rational rhetoric in the campaign. The real Arrington, Seibels warned, was not so level-headed; instead, he had spent years making “frequently false cries of brutality and racism,” with Seibels singling out the “four month barrage” before the 1975 election as evidence that Arrington simply used the police as “a political football.” More than just a beneficiary of a bloc vote, Seibels alleged, Arrington solely represented the black community: “Arrington’s attitude on almost every occasion seems to be ‘I am here

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<sup>430</sup> Bill Crowe, “Seibels Hurt the City Hasn’t Used Talents,” *Birmingham News*, 2 September 1979.

<sup>431</sup> Advertisement, “Parsons or Arrington?” *Birmingham News*, 26 October 1979.

to look after my people—my constituents—and I intend to do just that.’ Yet he was elected by all the people.” The former mayor also questioned Arrington’s integrity over why he entered the race: “Did he capitalize on the Bonita Carter case? . . . Did Arrington use Vann in 1975, the better to give him a straight shot at the Mayor’s seat in ’79?”<sup>432</sup>

Most troubling was the race-coding that Seibels used to prey on white fears of black crime. Acknowledging that “crime is rampant” already, Seibels warned readers to “Look to Atlanta!” to see the potential crisis for “protection of the people.” Although not mentioned directly, Atlanta was one of the southern cities with a black mayor, and Seibels’s mention implicitly connected Arrington to any troubles, real or imagined, that whites had about the Georgia capital. Seibels’s reference was undoubtedly intentional, as Arrington had spent significant time early in the race denouncing perceived race-coding by Vann and Katopodis earlier in the campaign.<sup>433</sup> Whatever the merits of those earlier slights, which Vann and Katopodis vehemently denied,<sup>434</sup> Seibels’s Atlanta reference injected race and racial concerns back to the fore as the run-off approached. The former mayor, who had previously celebrated his administration’s color-blindness and promised only to consider qualifications rather than race, publicly turned to racial-coding as black political power mounted. If the candidate himself was not an accurate distillation of white animus towards Birmingham’s black residents, the campaign tactics of Parsons and surrogates surely tapped into latent biases in an attempt to keep the political power in white hands.

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<sup>432</sup> Advertisement, “Parsons or Arrington?” *Birmingham News*, 26 October 1979.

<sup>433</sup> Richard Friedman, “Arrington Says Katopodis, Vann Spout ‘Subtle Racist Message’ about City Crime,” *Birmingham News*, 17 September 1979.

<sup>434</sup> Richard Friedman and Kitty Frieden, “Katopodis, Vann Rebut ‘Subtle Racism’ Charges by Arrington,” *Birmingham News*, 18 September 1979.

Parsons and Arrington both knew that city electoral demographics meant strict racial voting would favor the white candidate.<sup>435</sup> Despite the continued increase in black voter registration, whites held between an eight to twelve percent advantage in registered voters.<sup>436</sup> Voter turnout would be important, but regardless Arrington would need to win some white votes in order to win the election. With Vann out of the race, Arrington targeted a similar moderate-liberal-black coalition that had been so successful in the past electing white mayors: “It’s important for me to open lines of communication with people who have suspicions about me. I’m spending a lot of time calling people.”<sup>437</sup> The key to consolidating these votes would be convincing the business and financial leaders that a black mayor would not spell disaster for Birmingham’s businesses. To assuage doubters, Arrington hosted luncheons and meetings with the city’s elite; endorsements from personal and political allies Vann and Lt. Gov. George McMillan were crucial.<sup>438</sup> Since the mid-1960s Birmingham’s white establishment had encouraged black leaders into dialogue under the premise that they were interested in helping the whole community; now, Arrington was testing to see how strong that tie truly was.<sup>439</sup>

In the first sign that the coalition might appear, Arrington received the endorsement of the *Birmingham News* for the run-off; the *News* cited his government experience and moderate philosophy as main reasons for support.<sup>440</sup> More importantly, the *News* cast the run-off as a larger testament to Birmingham’s advancement, no matter who might win: “If the voters of this city will turn out to cast their votes for the

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<sup>435</sup> “Parsons: Could Win with All-white Vote,” *Birmingham News*, 23 October 1979.

<sup>436</sup> Kitty Frieden, “Question Is Who’ll Vote in Election?” *Birmingham News*, 2 September 1979.

<sup>437</sup> Kitty Frieden, “Arrington Seeks White Support in Campaign for Mayor,” *Birmingham News*, 17 October 1979.

<sup>438</sup> Kitty Frieden, “Mayor Vann, Other City Hall Figures Attend Arrington Reception,” *Birmingham News*, 24 October 1979.

<sup>439</sup> Kitty Frieden, “Despite Clean Campaigns, Race Remains Issue,” *Birmingham News*, 28 October 1979.

<sup>440</sup> “The Mayor’s Race,” *Birmingham News*, 24 October 1979.

candidates they feel best fit the needs of Birmingham, we will have moved a long way toward unifying all of our great people in an effort to provide the greatest government possible. And if every man and woman who is able goes to the polls, we shall have every right to expect a unified and progressive city government.”<sup>441</sup> Had he been alive, surely Emory Jackson would have echoed the same sentiment.

On Tuesday, October 30, Birmingham residents went to the polls for the run-off election. A record 87,673 votes, nearly 68 percent turnout, were cast. Arrington took approximately 51 percent of the ballots to Parsons’s nearly 49 percent. A little over two thousand votes separated the two men; the deciding votes came from Vann’s stronghold in Southside, which swung for Arrington. The coalition had held. In his concession speech, Parsons called on the city to “join with our new leadership as we move forward.”<sup>442</sup> A *News* editorial hailed the election as not just a victory for Arrington or the black community: “But the City of Birmingham and its varied citizenship were the real winners in yesterday’s elections. Despite conflicts and confrontations scarcely three months ago over a divisive racial issue, citizen voters yesterday rose above race to choose the man they thought best qualified to lead the city for the next four years.”<sup>443</sup> Arrington, meanwhile, expressed wonder at the historic nature of the win, especially in “a place where people said it never could happen,” but his immediate thoughts were to the future: “I’m recognizing that winning is the beginning and the challenge is there for me to do a job in Birmingham to be a good mayor for this city.”<sup>444</sup> Challenges over hiring practices, police conduct, and city services were on the horizon. Reflecting on those fights later,

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<sup>441</sup> “Tuesday’s Elections Vital,” *Birmingham News*, 28 October 1979.

<sup>442</sup> Richard Friedman, Kitty Frieden, and Olivia Barton, “Arrington Urges Unity After 2.2% Win over Parsons; To Be City’s First Black Mayor,” *Birmingham News*, 31 October 1979.

<sup>443</sup> “City Wins Election,” *Birmingham News*, 31 October 1979.

<sup>444</sup> “What Challenges Does Arrington See Facing Himself, City?” *Birmingham News*, 31 October 1979.

Arrington remarked: “But as I left city hall in 1999, I had the satisfaction of knowing that police brutality in Birmingham was a thing of the past. There had been no citizen allegations of physical abuse by officers for nearly eight years.”<sup>445</sup>

Although the story of Arrington’s own administration deserves further exploration as more of his mayoral papers are made public, there is significance in this personal epitaph. Tellingly, the mayor judged his accomplishment on the actual benefit accrued to his constituents; his boast was that he provided a practicable solution, rather than simply suggest he had done better than his predecessors on the issue.

The story of Birmingham post-1963, therefore, is both encouraging and convicting. Within seven years of dethroning Bull Connor, the city had its first African American police officers, encouraged significant biracial cooperation on dealing with community affairs, and looked poised to join Atlanta, New Orleans, Nashville, and Charlotte as the toast of the New South. The mayor had taken on the entrenched Connor-men in the police force and pushed through a new wave of professionalization. Moreover, the city’s all-white council had chosen one of the city’s preeminent black citizens to join them. Far from the scourge of the nation, Birmingham truly seemed to deserve its “All America” status.

However, Birmingham’s story also suggests the failure of public protests to work positively toward change when facing moderate rather than reactionary leadership. Shuttlesworth and the ACMHR failed to recapture the magic of May 1963 in their battles against police shootings and for black policemen. His movement dwindled in the final days of the 1967 campaign, as white leadership offered rhetorically-driven answers to extremely physical concerns. Yet the next wave of leadership, who favored the

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<sup>445</sup> Arrington, *There’s Hope*, 238.

legitimacy of a biracial conference table, worked only so long as the chasm separating the communities stayed out of sight. Yelling over weekly breakfast might work to lessen individual prejudice and produce resolutions calling for greater black recruitment. Such are noble aims, but neither Lucius Pitts's nor James Montgomery's co-chairmanship could commit the city to a proactive hiring plan, nor could they exert oversight to root out rogue policemen. More tellingly, the other elected officials avoided these tasks themselves, until Arrington's election ensured that they would have to consider the problems of black residents, not simply what elite leaders felt were the major racial concerns.

Fittingly, Arrington's reliance on providing real representation to all levels of the black community honed in on the brutality issue. While many would have been happy to see more black faces on the force, the community at large was more concerned that they not have to fear the very officers paid for by their taxes. In turn, Arrington's council representation just revealed the larger thirst among many in the community to have an executive that understood the deep imbalances that still existed within the city. While Boutwell was better than Connor, and Seibels more professional than Boutwell, and Vann more empathetic than Seibels, each cast their accomplishments as legendary and made contemporary dilemmas seem trifling in comparison. The mayors' personal assurances notwithstanding, the city's residents failed to take such a long view. Instead, the improving state of some previous concerns merely underscored the areas that still needed to be fixed. In this light, Arrington's defeat of Parsons, and of Parsons's appeal to return the city to the halcyon days of Seibels's administration, signaled a rebuke of the self-serving comparisons to the past and a call to solve the problems of the now.

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## VITA

Bryan Scott Kessler was born on February 25, 1988, in Greenville, South Carolina, and is an American citizen. He attended Mountain Brook High School, Mountain Brook, Alabama, from 2003-2004 and graduated from Athens Drive High School, Raleigh, North Carolina in 2006. He received his Bachelor of Arts in History from Samford University in 2010, where he also worked as summer research assistant in 2009. He is currently pursuing his Master of Arts in History at Virginia Commonwealth University, where he has also served as a teaching assistant to Dr. Ted Tunnell and Dr. Timothy Thurber.