THE PAST ON TRIAL:  
THE SIXTEENTH STREET BAPTIST CHURCH BOMBING,  
CIVIL RIGHTS MEMORY AND THE REMAKING OF BIRMINGHAM

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ABSTRACT

S. WILLOUGHBY ANDERSON: The Past on Trial: The Sixteenth Street Baptist Church Bombing, Civil Rights Memory and the Remaking of Birmingham (Under the direction of Jacquelyn Dowd Hall)

In 2001 and 2002, the last of the suspects in the 1963 Sixteenth Street Baptist Church bombing went on trial for a crime that had remained unsolved for almost forty years. The trials invoked memories of the events that had made Birmingham, Alabama, a notorious site of violent resistance to the civil rights movement in the 1960s. Since that moment, city leaders and citizens had been working to reshape “Bombingham” according to an “image of reform”; yet the events of 1963 remained a contested site of memory and the unsolved status of the Sixteenth Street Baptist Church bombing challenged that progressive stance. This dissertation asks how memories of the civil rights demonstrations and violent resistance in the 1960s have played out in political and legal battles in the city, as well as in public moments of commemoration. Focusing on the Sixteenth Street Baptist Church bombing trials and the Birmingham Civil Rights Institute, I examine moments in which residents have pushed the city’s civil rights history to the foreground in order to showcase real reform or to challenge the current political progress narrative and thereby force a reckoning with the past.
For my grandfather, Julian Anderson, who taught me to love the South
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>Birmingham’s Troubled History</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER ONE</td>
<td>Closing the Bombing Case and Putting the Past on Trial</td>
<td>23</td>
</tr>
<tr>
<td>CHAPTER TWO</td>
<td>“All of Us Are Victims, and Most of Us Are Innocent Victims”:</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>Birmingham, 1963</td>
<td></td>
</tr>
<tr>
<td>CHAPTER THREE</td>
<td>“The Crime Was Against Us, Against the People of Birmingham”:</td>
<td>102</td>
</tr>
<tr>
<td></td>
<td>The Sixteenth Street Baptist Church Bombing Trial, 1977</td>
<td></td>
</tr>
<tr>
<td>CHAPTER FOUR</td>
<td>“The Healing of a City By Design”: The Birmingham Civil Rights Institute</td>
<td>139</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>Remembering “Bombingham,” Remaking Birmingham</td>
<td>190</td>
</tr>
<tr>
<td>SOURCES CONSULTED</td>
<td></td>
<td>199</td>
</tr>
</tbody>
</table>
Introduction

Birmingham’s Troubled History

“Until this good day the idea of Birmingham raises certain specters in people’s minds. You know what I’m talking about.”

- Arthur Hanes, Jr. ¹

A year after I graduated from college, I found myself back in Birmingham. Images and faces I had studied for my senior honors thesis flickered across a screen set up in the biggest downtown courtroom. Many of the same archival photographs that I had examined at the public library punctuated the prosecution’s opening statement as the trial of one of the last suspects in the Sixteenth Street Baptist Church bombing got underway. Reporters for national media outlets jockeyed for position and helped each other identify the main players. The whole affair had a strange, almost eerie quality of rewinding to a moment in the past; the conceit was broken only by the advanced age of the defendant and the victims’ family members. Sandwiched in the back of the balcony beside a retired Birmingham News reporter and a school kid on a field trip, I couldn’t help but think that I was witnessing history being rewritten. The past itself, not just past crimes, was here on trial. Returning to watch my hometown attempt to lay this almost forty-year old crime to rest, I felt relieved and wondered if now those outside observers could finally concede that “Bombingham” had made some progress.

¹ Arthur Hanes, Jr., interview by author, tape recording, Birmingham, Ala., 27 May 2003, Southern Historical Collection, University of North Carolina at Chapel Hill.
Once characterized by Martin Luther King as “the most thoroughly segregated city in America,” Birmingham, Alabama, remains a symbol of the best and worst of the southern civil rights movement.² While the city rightfully plays a pivotal role in what has become the standard narrative of the movement—an arc that traces the attack on legalized segregation from Brown to the Voting Rights Act—Birmingham’s history of violence haunts it in the present. Even as civil rights movement scholarship moves forward into the 1970s and 1980s, the city’s story has remained behind, mired in a moment of national headlines-making police brutality and vigilante terrorism. So why, despite the lapse of over forty years and the insistence of its residents that the lingering image is unfair, does Birmingham continue to suffer under the weight of its national infamy?

The city’s place as the moral dark before the dawn of the Civil Rights Act in the standard national narrative of the movement resulted from dramatic mass demonstrations, state action in defense of segregation, and state inaction on the Sixteenth Street Baptist Church bombing prosecution. Known as “Bad Birmingham” since its origins as a rough steel town, the city’s perceived public image obsessed Birmingham leaders beginning in the early 1960s when prominent businessmen scrambled to reverse the negative international publicity generated by Commissioner of Public Safety Eugene “Bull” Connor’s use of violence to enforce segregation ordinances.³ After installing a more moderate segregationist government in what amounted to a well-orchestrated electoral coup d’état, elite white and black power players saw their fragile peace once again threatened when local civil rights leaders and the

²Martin Luther King, Jr., Why We Can’t Wait (New York: Penguin, 2000), 66.

Southern Christian Leadership Conference began demonstrations in spring 1963. Connor, still in power while disputing the election, brought out the now iconic dogs and fire hoses for crowd control. Meanwhile leading businessmen sat down with progressive lawyers to broker a deal to end the marches and media frenzy in exchange for token desegregation. Although crafted by people of good will, the businessmen’s concessions resulted in little more than what historian Glenn Eskew has dubbed “an image of reform.” The accords did serve to deflect the media to other flashpoints of the movement; yet continuing protests, followed by the deaths of four young girls in the Sixteenth Street Baptist Church bombing, threw the newly crafted reform image into question. These images of violence have repeatedly clashed with the progressive version of the city as a succession of leaders and residents have tried to reform both the city and its image.

More than even the fire hoses and police dogs, the Sixteenth Street Baptist Church bombing stood as a persistent challenge to the “image of reform” constructed in 1963. Although the bombing dramatically underlined the connections between political and vigilante defense of the racial status quo, local leaders attempted to separate the bombing from the city’s long history of segregation and cast it as an isolated event perpetrated by outsiders. Yet the broad harms that radiated out from the crime prompted residents to resist this attempt to fold the bombing into a progressive narrative of race relations. Instead of an “image of reform,” the city now had an enduring image of violent resistance to the civil rights movement. Residents grasped for some way to explain the bombing, with some interpreting it as a moment of redemptive suffering for the movement as a whole, while others characterized it as the tragic event that shocked moderate whites into support for

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4Eskew, But for Birmingham, 180-88; 193-297; 308.
desegregation. As the bombing emerged as a contested site of meaning in the city, in the rest of the country it secured Birmingham’s position as the most recalcitrant defender of segregation, helping to fix the national image of the city in 1963.

The bombing has retained its symbolic weight. At the twentieth anniversary of the bombing in 1983, the Birmingham News, working with Chris McNair, then a state legislator and father of one of the girls killed, created the Memorial Fund for the Children. In announcing the scholarship fund, News editor James E. Jacobson characterized the bombing using the theme of redemption then embraced by many black and white residents alike: “the bombing has meant more to Birmingham than the tragic loss of those lives or the unhappy reputation which the event gave the city nationally and internationally. Largely due to the shock of the bombing, Birmingham moved quickly to establish the apparatus of bi-racial harmony.”

Folding the bombing and even the belated memorial—the first public recognition of the bombing by the city or its main institutions—into a narrative of progress for the city, the News hoped that the Memorial Fund would serve to spark additional improvements in race relations and redeem what another article dubbed “Birmingham’s stigmata,” “the deep stain left from those four deaths” that remained with the city.

Yet at the twentieth anniversary of the crime, only one of the original five suspects had been tried, despite a widespread belief that local and federal officials had known the identities of the bombers since 1963. Furthermore, the attorney general confirmed that,

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6 Ibid.

7 Ibid.; Olivia Barton, “Girl’s Father Doesn’t Want City to Wash Hands of Bombing,” Birmingham News, 11 September 1983, 2A.
barring the discovery of substantial new evidence, no further action would be taken on that case or on the fifty or so other unsolved racially-motivated bombings in the city.\(^8\) No city-sponsored memorial to the bombing existed, despite monuments across the nation including a commemorative chair at the Washington Cathedral, sculptures of the four girls in Arizona, and a learning center named for Carole Robertson in Chicago.\(^9\) Locally, the bombing has remained a constant symbol of state involvement in the violence of that time and in unequal enforcement of the laws since, calling into question the reform image so carefully tended by local leaders.

Birmingham’s history after 1963 is more complicated than either the “image of reform” or the static image of “Bombingham” suggests. As local individuals have struggled over the meanings of their history, they have suffered under the weight of being made a symbol in their own and others’ eyes. The fire hoses, dogs, and demonstrations, while iconic, might have remained fixed in the city’s own and the nation’s narratives of the civil rights movement as the crest of nonviolence that changed the heart of the nation. However reprehensible, the violence of the early 1960s in Birmingham rivals but does not necessarily surpass that of either the Mississippi Delta or northern urban centers as the movement wore

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on. Nevertheless, the combination of state-sponsored violence against desegregation embodied by Bull Connor, standing in for white power structures across the South, and the horror of the Sixteenth Street Baptist Church bombing, which underlined for a national audience that vigilante violence worked hand-in-hand with official resistance, gave these events powerful weight. While this one-two punch would have been enough to cement “Bad Birmingham” in the nation’s historical memory of the movement, just after the bombing, it was widely known that local and federal officials had suspects and did nothing, with no convictions surfacing as the late 1960s turned into the mid-1970s. The lack of prosecutions kept the memory of the bombing alive and attached an image of violent resistance to Birmingham that haunts local people to the present.

*The Civil Rights Movement in Historical Memory*

Treatments of the civil rights movement have clustered in community studies, biographies, specific campaign treatments, and weighty syntheses. Using social history

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methodologies, in particular oral history, these works participated in a broader shift throughout the historical discipline that sought to rework the definition of “political” to include previously overlooked or discounted forms of activity, including African-American community organizing and women’s activism. Yet, civil rights histories, and with them the public understanding of the civil rights movement, have traditionally ended with the passage of the Voting Rights Act in 1965, or with the assassination of Martin Luther King in 1968.

While labor historians have plumbed the depths of civil rights organizing antecedents in 1930s and 1940s unions and the left, and have been recently joined by legal historians,

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Women within the white supremacist movement remain almost an invisible empire unto themselves. While some articles examine women’s roles in ladies Klan auxiliaries, again, attention has been sparse. For one of the few studies, see Kathleen Blee, “Evidence, Empathy, and Ethics: Lessons from Oral Histories of the Klan,” Journal of American History 80, 2 (September 1993): 596-606. For an intense, personal recollection of a woman caught within Klan violence, see Petric J. Smith/Elizabeth H. Cobbs, Long Time Coming: An Insider’s Story of the Birmingham Church Bombing that Rocked the World (Birmingham: Crane Publishers, 1994).
civil rights scholars are only beginning to look beyond what has become the classical chronology of the movement. Historian Jacquelyn Dowd Hall defines this dominant civil rights movement narrative as not just a reification of great leaders and well-worn, victorious moments within a foreshortened timeframe between *Brown* and the Voting Rights Act, but also as a subsequent story of declension, in which a formless white backlash “rights” the country, protecting us from liberalism gone too far in the form of black militancy, feminism, and affirmative action. To look carefully for both the origins and the heirs of the classical phase of the movement reinvigorates the politics of this story by challenging comfortable, contained images of activism and drawing that history closer to present-day questions of inequality.

Within the current narrative of the movement, as told in civil rights histories and in popular memory, certain flashpoints, cities, and moments take prominence. To shift the

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18Hall, “Long Civil Rights Movement,” *passim*, see especially 1262.
chronological frame is to necessarily draw these emphases into question. Pockets of research have pushed at the timeframe, most notably new analyses of black power, urban histories focused on suburbanization and integration, and local studies of school desegregation. Yet there is a moral urgency to our understanding of what Hall defines as


“the long civil rights movement.” More than an extension of the chronology, an understanding of the long civil rights movement necessitates a reconceptualization of the movement as not just an organized demand for legal rights, but also as a continuing struggle to define and implement those rights. This expansion requires that we broaden our scope, seeing anti-police brutality and welfare rights campaigns, as well as contests over the memory of the movement itself, as part of a continuing process. Historians must also take a clear-eyed look at underlying economic and ideological issues and ask harder questions about why many of the goals of the movement have yet to be achieved. This approach will widen the impact of civil rights histories, pushing these studies toward a more pointed social critique, and one that cannot be limited to the South.

Following the current move in civil rights historiography to look past the 1960s to continuing civil rights activity and the slow push of integration, this dissertation examines the legacy of the movement for a particularly iconic city. Through the lens of the Sixteenth Street Baptist Church bombing, the subsequent trials, and the creation of the Civil Rights Institute, “The Past on Trial” explores the public memory of the city’s national moment. Asking how memories of 1963 have surfaced in political, legal, and cultural battles in the

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city extends the movement’s influence and illustrates how individuals have challenged static interpretations of the movement. Using oral history, newspapers, and archival resources, I trace the intersections between public moments of remembering, such as the creation of a civil rights museum, and residents’ reactions to those official versions of the past, including how those expressions interact with their own identity. I show how alternative narratives and individual memories challenged the public stories, and how the struggle to reckon with the city’s violent past has made the negative image of “Bombingham” almost an historical actor in its own right.

Histories of Birmingham generally fall within the standard narrative arc of the civil rights movement. And, despite its prominent role in the movement, a relatively small body of scholarship deals with the city during the civil rights era. Many of the larger syntheses, including those by Taylor Branch and Andrew Young, devote chapters to the demonstrations in Birmingham but tend to repeat King-centered narratives filled with stock characterizations of blacks and whites in the city. The fullest and most thoughtful analysis of Birmingham remains Glenn Eskew’s *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (1996). This remarkably researched study illuminates the various facets of local participation in the movement while positioning Birmingham as the turning point in the struggle nationwide. Ending with the assassination of King, Eskew concludes that the

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24 Branch, *Pillar of Fire; Young, An Easy Burden.*

limited goals of desegregation failed to address the wider problems of structural economic inequities.\textsuperscript{26}

Even recent treatments of the city often reiterate the image of “Bad Birmingham” without questioning its foundations or acknowledging change.\textsuperscript{27} The large number of autobiographies set in this period of Birmingham’s history, as well as the fiction and plays produced on its themes, speak to the powerful way that the city’s standard civil rights narrative interacts with personal identity and memory.\textsuperscript{28} Other works, which examine the city’s civil rights history generally\textsuperscript{29} or take up specific subjects within its classic civil rights

\textsuperscript{26}Eskew, \textit{But for Birmingham}, 333-40.

\textsuperscript{27}For the most recent of these, see Diane McWhorter, \textit{Carry Me Home: Birmingham, Alabama, the Climactic Battle of the Civil Rights Revolution} (New York: Simon & Schuster, 2001). McWhorter’s Pulitzer-Prize winning work is reminiscent of the larger syntheses of the movement produced by Garrow and Branch. Interweaving reminiscences of her own family’s life in Birmingham, McWhorter takes on the white elites and their support for vigilante segregationist tactics. She examines the Sixteenth Street Baptist Church bombing investigation in detail.


\textsuperscript{29}J. Mills Thornton III, \textit{Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma} (Tuscaloosa: University of Alabama, 2002). This magnum opus synthesizes much of the work on Birmingham, with a broad sweep from the late 1930s to 1964 and an emphasis on community organizing and municipal politics.
history limit their focus chronologically and do not attempt to interrogate the image of Birmingham or the memory of the civil rights movement in the city. Labor historians have long explored the economics of segregation in the city and the links between union and civil rights organizing. Urban history, following upon this examination of the structural causes and effects of inequality, constitutes the most dynamic current work on Birmingham.

Influenced by the pioneering work of Thomas Sugrue on Detroit, historians have begun to question the “race neutral” bureaucratic face of later resistance to desegregation and trace the civil rights struggle into the arenas of neighborhoods and employment, while emphasizing external pressures such as deindustrialization and federal funding. Louise Passey Maxwell’s recent dissertation, “Remaking Jim Crow: Segregation and Urban Change in Birmingham, Alabama, 1938-1963” traces the legacy of industrial housing on pre-1963

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attempts at neighborhood integration and violent resistance, as well as the way that urban planning, including highway construction, maintained segregated boundaries.\textsuperscript{33} Looking through to the 1970s, Christopher Scribner charts how federal funding, vital for the city’s failing economy, brought with it the requirements of change: first, city leaders necessarily lost autonomy under governmental spending oversight; then, with the implementation of the War on Poverty, mandated black participation and desegregation literally changed the city’s political composition.\textsuperscript{34} Charles Connerly pushes this story into the 1980s, examining how urban planning wrote segregation onto the landscape, but then became the structure upon which black neighborhoods built autonomy and political clout under federal Citizen Participation Plans in the 1970s.\textsuperscript{35}

Informed by concepts of narrative, identity, and memory, as well as oral history methodology, this dissertation explores the legacy of the long civil rights movement in the city.\textsuperscript{36} The heavy weight of Birmingham’s civil rights demonstrations pushes them again and again.


\textsuperscript{36}Oral history blossomed in the 1980s, producing a large body of scholarship. Two classics of oral history method most often used by historians include Alessandro Portelli, \textit{The Death of Luigi Trastulli and
again into public discussion. Birmingham, 1963, emerges at each lieux de mémoire examined in this dissertation: the three bombing trials and opening of the Civil Rights Institute. 37 Deliberately created and maintained, these sites of memory, which take the form of public displays and monuments, trials, archives, or celebrations, among many others, represent a moment of history removed from its context, showcased, and disputed. 38 “The Past on Trial” examines how, over and over, city leaders attempted to establish a progressive

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37 Pierre Nora, “Between Memory and History: Les Lieux de Mémoire,” trans. by Marc Roudebusch, in History and Memory in African-American Culture, 284-300. Although Nora remains the touchstone for memory studies, his argument that historical memory, as manifest in lieux de mémoire, completely replaced collective memory has come under attack. See Susan Crane, “Writing the Individual Back into Collective Memory,” American Historical Review 102, 5 (December 1997): 1375-76. She explains: “For if historical memory is only one form of collective memory, it may well be that collective memory has not been lost or supplanted but in fact has persisted in a way altogether unlike what has been proposed so far. In order to reconceptualize collective memory and show that it is not simply an historical artifact, I will suggest relocating the collective back in the individual who articulates it—the individual who disappeared in the occlusion of personal historical consciousness by the culture of preservation.” Ibid., 1375.

Furthermore, historian Bruce Baker cautions against applying Nora’s model of history, memory, and lieux de mémoire to the American South. Unlike France, the American South never developed one dominant history, due largely to the lack of a centralized administrative state or even a leading center of culture. Bruce E. Baker, What Reconstruction Meant: Historical Memory in the American South (Charlottesville: University of Virginia Press, 2007), 5-6. Similarly, France’s history of nationalization and then modernization in the context of the two world wars creates a very particular context for the disassociation of memory and history, something that Baker does not find in the American South. Ibid. I am not arguing for the application of Nora to the American South generally, or even during this specific period following the civil rights movement. Rather, I am using Nora’s construct of a site of memory as a way to interrogate the recurring image of 1963 that appears over and over in public discussions in Birmingham. Birmingham, 1963, has the material, symbolic, and functional aspects that define a lieux, according to Nora. Nora, “Between Memory and History,” 295. The image of a progressive Birmingham, 1963, became material through the constant discussion of it by leaders and in the media, culminating finally in its expression in the Civil Rights Institute itself. Invested with intense symbolic weight, balanced by the parallel, competing image of “Bombingham,” this site of memory is functional in that it is expected to do the work of representing the city’s race relations progress in the face of much contrary evidence. I have chosen the lieux as a theoretical tool to help make sense of the way the city’s past haunts it in the present.

38 Nora, “Between Memory and History,” 289.
“image of reform” as the public memory of Birmingham’s history since 1963, and how, at each articulation, each site of memory, individuals contested and questioned this telling of their past.

Memorializations and public expressions of collective memory are necessarily in dialogue with individual memories. Within personal memories we can find the seeds, images, and language of public discussions, just as certain groups and individuals align the larger narrative to fit their own visions of the past. Historian David Thelan described this linkage as “popular negotiations over memory.” It is this sense of contention, Nora’s “push and pull” of public and private, that oral histories and close attention to residents’ reactions, as reported in newspapers and other contemporary sources, can illuminate.

The events of 1963 have become a pivot from which individual stories spin out, either willingly, as in the case of former activists or those sympathetic to the movement, or unwillingly, as among segregationists who still feel victimized by civil rights’ demands. This fixation on 1963 is the result, in part, of intense media coverage and historical interest, along with the drama and violence of that moment in time. The reoccurring nature of this

39 The key articulation of the relationship between private memories and collective or shared memory remains James Fentress and Chris Wickham, Social Memory (Oxford: Blackwell, 1992). These authors argue that personal “memory is structured by language, by teaching and observing, by collectively held ideas, and by experiences shared with others. This makes memory social as well.” Ibid., 7. They distinguish themselves from Maurice Halbwach’s pioneering study, The Collective Memory, by emphasizing the social “process” of memory creation, rather than the relationship of individual to collective memory. See Halbwach, The Collective Memory, trans., Francis J. Ditter, Jr. and Vida Yazdi Ditter (New York: Harper and Row, 1980).

40 David Thelan, “Memory and American History,” Journal of American History 75, 4 (March 1989): 1127. Nora, “Between Memory and History,” 289: “it is this very push and pull [of history and memory] that produces lieux de mémoire—moments of history torn away from the movement of history, then returned; no longer quite life, not yet death, like shells on the shore when the sea of living memory has receded.”

41 Work on memorialization and the public memory of the movement expands. Some examples include: Kathryn L. Nasstrom, “Down to Now: Memory, Narrative, and Women’s Leadership in the Civil
memory also speaks to the way that 1963 has become entangled with the personal identity of residents and their understandings of the city.\textsuperscript{42}

Attention to the words of Birmingham residents shows how individual memory diverges from and shapes the public memory of the movement.\textsuperscript{43} Furthermore, a focus on individual reactions to public articulations of memory can provide the theoretical intervention necessary, at this point, to help anchor memory studies. Alon Confino, in his state-of-the-field article published in 1997, “Collective Memory and Cultural History: Problems of Method,” explains that memory studies have become popularized and unmoored, ranging from subject to subject without the strong theoretical exploration needed to ground the new history.\textsuperscript{44} Confino resists analyzing cultural artifacts as evidence of social

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\textsuperscript{43}For an intriguing analysis of the interplay between autobiographical and historical writing about the movement, see Kathryn L. Nasstrom, “Between Memory and History: Autobiographies of the Civil Rights Movement and the Writing of Civil Rights History,” \textit{Journal of Southern History} 74, 2 (May 2008): 325-64.

\textsuperscript{44}Alon Confino, “Collective Memory and Cultural History: Problems of Method,” \textit{American Historical Review} 102, 5 (December 1997): 1386-1403. The most recent state-of-the-field article reiterates this need for attention to reception in order to “distinguish among the abundance of failed collective memory initiatives on the one hand and the few cases of successful collective memory construction on the other.” Emphasizing the need for theoretical precision in our understanding of “collective memory” and drawing heavily on German
attitudes and instead advocates “look[ing] for memory where it is implied rather than said, blurred rather than clear, in the realm of collective mentality.”\textsuperscript{45} Emphasizing how an individual reacts to collective expressions of memory, Confino asks historians to examine the messy “multiplicities of memory,” constantly made and received from the collective level to the individual. He calls for us to embrace this complexity, to allow it to serve “as a reminder to realize what is declared more often than practiced, namely the multiplicity of social experiences and representations, in part contradictory and ambiguous, in terms of which people construct the world and their actions.”\textsuperscript{46} Just as attention to the individual can point us toward “truer” narratives of the past,\textsuperscript{47} so memory studies tethered to these recollections may expose values and beliefs, webs of race and class, that the general characterization of the civil rights movement (and recent history and politics for that matter) would rather we forget. This exploration of memory can broaden our understanding of the legacy of the movement, the way it lingers in individual lives, and its relentless hold over the city’s civic image.

\textsuperscript{45}Confino, “Collective Memory and Cultural History,” 1395.

\textsuperscript{46}Ibid., 1398-1400. Susan Crane also points to the “body/body problem” within some theories of collective memory: that groups cannot remember as if possessed of a single brain. Rather, “collective memory ultimately is located not in sites but in individuals. All narratives, all sites, all texts remain objects until they are ‘read’ or referred to by individuals thinking historically.” Crane, “Writing the Individual Back into Collective Memory,” 1381. Every manifestation of collective memory, she reminds us, is designed by an individual (or small group of individuals) for consumption by a larger group. Ibid., 1382.

\textsuperscript{47}In his classic oral history text, \textit{The Voice of the Past}, Paul Thompson passionately explains: “Finally, oral evidence can achieve something more pervasive, and more fundamental to history. While historians study the actors of history from a distance, their characterizations of their lives, views, and actions will always risk being misdescriptions, projections of the historian’s own experience and imagination: a scholarly form of fiction. Oral evidence, by transforming the ‘objects’ of study into ‘subjects’, makes for a history which is not just richer, more vivid, and heart-rendering, but \textit{truer}.” Thompson, \textit{The Voice of the Past}, 117.
The Past on Trial: Birmingham After 1963

This dissertation asks how memories of the civil rights demonstrations and violent resistance have played out in political and legal battles in the city, as well as in public moments of memorialization. The recurring discussions of police brutality and the bombing throughout the city’s history since 1963 are moments where individuals have pushed these iconic images to the foreground in order to challenge the political progress narrative and to force a kind of reckoning with the past and the present. By tracing the ways that the civil rights demonstrations have been discussed, and how the memory of the unsolved bombing has challenged or confirmed that presentation of the city’s history, we can think through the ways in which it is easier to re-live and re-interrogate those same moments and stock images rather than engage with slippery questions of race and equality today.

Many studies of the civil rights movement generally, and of Birmingham specifically, end on the down note of defeat even when reaching to cover the long civil rights movement. Birmingham does face continuing challenges, most notably in its school system and the lack of suburban involvement in the urban core. But the city deserves credit for negotiating what Odessa Woolfolk, president emerita of the Civil Rights Institute, has called “the elephant in the room”—the city’s history of white supremacy and violence. Many residents, from Chris McNair, father of one of the bomb victims, to others less powerful and prominent, have struggled to confront the city’s history and image while pushing Birmingham forward socially, politically, and economically. Attention to these individual reactions to the image of “Bombingham” can give us a truer and more complicated understanding of the legacy of the movement for the city.
The first chapter examines the 2001 and 2002 trials of aging former Klansmen Thomas E. Blanton, Jr. and Bobby Frank Cherry for murder in the Sixteenth Street Baptist Church bombing. Part of a larger trend of prominent civil rights-era cases resurrected during the Clinton administration, these trials brought forth questions of racial justice, the passage of time, and memory. The 2002 trial of Bobby Frank Cherry hinged on the personal ability to remember—his defense attorneys claimed that age and dementia should excuse him from standing trial. But in these cases, both inside and out of the courtroom, former Klansmen and women, the victims’ families, as well as many other Birmingham residents, reflected on their own roles in the 1960s, changing attitudes, and a changed city. These public debates disputed the legacy of the movement and the meaning of trials so long delayed. Generated and supported by the work of the victims’ families and their activist allies in the black community, these trials and the protests around them provided an unprecedented opportunity for Birmingham residents to discuss and contest their own history, leading to some very honest portrayals of the state sponsorship of vigilante violence during the 1960s and the failures of the justice system since.

To delve into Birmingham’s relationship with its troubled past, I then move backwards in time and begin the story where most civil rights histories of the city end: the spring 1963 demonstrations. I look first at the bombing itself as an extension of resistance to the spring demonstrations and token school desegregation in 1963. While city fathers and elite black leadership crafted token desegregation accords in the wake of the spring mass demonstrations, continuing violence and threats of civil rights activity during the summer undermined this carefully constructed “image of reform.” This escalating violence culminated in the Sixteenth Street bombing that fall. Chapter Two focuses on school
desegregation in the days leading up to the bombing in order to emphasize the state-
condoned violence that subsequent attempts to remake the “image of reform” would have to struggle to incorporate or to explain away.

In 1977, during the trial of the first suspect in the bombing, competing narratives of the meanings of events in the early 1960s emerged. The third chapter analyzes the discussion of the events of 1963 during the 1977 trial and the reaction to the conviction. As economics, political power, and demographics transformed the city, so did the memory of the events of 1963 and of local government’s complicity in those events. While the new trial allowed city leaders and the media to reiterate the “image of reform” by incorporating the trial into the progress narrative, questions about the long delay in prosecution and remaining uncharged suspects kept “Bombingham” alive.

Chapter Four examines the creation of the Birmingham Civil Rights Institute in 1992, focusing on how residents reacted to this official version of the city’s civil rights past. The proposal to create a civil rights museum in the city prompted strong feelings, both in favor and in opposition. I look at how the “image of reform” was challenged or solidified through the establishment of the Institute itself and in the history told in its displays. While some residents’ sense of their identities, past and present, comported with the Institute’s telling of the city’s history, others resisted this presentation of their past. And even as Birmingham leaders attempted to turn what for many years was considered a liability—the city’s infamous role in the civil rights movement—into a source of city pride and tourist dollars, the still-open Sixteenth Street bombing case lingered around the edges of this public celebration.

As Birmingham residents lived with the weight of the events of 1963, many aspired to a better city. Christopher McNair, the father of one of the girls killed in the bombing,
served on the committee that represented Birmingham to the Look magazine 1970 “All-American City” contest. When first approached about attending the Look nominating conference, McNair remembered that one of the leaders described it as “a real nice trip.” McNair continued, “I think that he thought that I accepted it that way, and I also think that the people—the power structure—who were pushing my going thought that I was too naïve to know why they wanted me to go.” McNair went anyway because he hoped the award would benefit the city as a whole: “I honestly believed . . . that if I could do something by going out there that would help Birmingham—and when I say Birmingham, I mean the general area—to not be looked down on, but to be looked up to, that then I wouldn’t just be pleasing those power magnates who wanted me to go. But that if it made it better for the whole city, then it would be better for all people.” Aware of the symbolic power of his presence, McNair helped to shape the image of a progressive Birmingham in the hope that the reality would follow.


49 Raines, My Soul is Rested, 185.
Chapter One

Closing the Bombing Case and Putting the Past on Trial

In 2002 Birmingham finally laid the 1963 Sixteenth Street Baptist Church bombing case to rest. The prosecution of Bobby Frank Cherry, then seventy-one, the last remaining suspect in the 1963 bombing, followed the 2001 conviction of Thomas E. Blanton, sixty-two.\(^1\) Observers throughout the country heralded the Cherry guilty verdict as “an end to an era.”\(^2\) As the aging civil rights firebrands Fred Shuttlesworth and Abraham Woods stood on the courthouse steps singing, “Justice ain’t free, keep your eyes on the prize,” the U.S. Attorney declared, “We’ve shown that justice delayed doesn’t have to be justice denied. It’s a great day in Birmingham. It’s a great day in the state.”\(^3\)

Since 1989, state and national law enforcement authorities have reopened or begun serious investigations into at least eighteen civil rights-era murders across the South. Of those, seven cases resulted in murder or manslaughter convictions. In almost as many, one or more of the primary suspects had already died. While some other civil rights-era cases can no longer lead to viable prosecutions due to immunity issues, the passage of time, or political


\(^2\) Ibid.

inertia, other investigations remain active. These trials have captivated a national audience as elderly Klansmen sat before juries, answering for their attempts to maintain segregation and, for many observers, personifying the society that the civil rights movement struggled to eradicate. For Birmingham in particular, these trials represented a symbolic moment in a long struggle to put this traumatic part of its history to rest.

Yet questions remained. Many Birmingham residents and scholars worry that the portrayal of the trials as benevolent state actions masks the complicity of law enforcement and other officials in the non-prosecution of these crimes for over forty years. Others wondered if these were simply show trials, designed to close an embarrassing chapter in Birmingham’s history. Some question the very possibility that justice can be served after such long delays, by trying men who committed these crimes as youths and who have lived long lives untouched by prosecution. These dissenting voices point to the unsettled legacy of these cases for the affected communities and prompt the larger question: how far can a murder trial go toward addressing the uncertainties and injustices that surround such events? Birmingham residents’ basic inquiries—What happened? Why? Why did prosecution take so long? Who is responsible?—can only be partially answered in a courtroom setting.

To grapple with the power of this bombing, this chapter approaches it as an act with consequences for the victims, the community at large, the offenders themselves, and the

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relationships among all three, instead of understanding the crime in traditional terms as an abstract harm against the state. This concept of the expanded consequences of crime comes from restorative justice theory, a reform movement within the criminal justice system. Reconceptualizing the effects of crime, the goal of restorative justice is to implement processes, considered fair by all involved, to repair the relationships damaged by crime. This paradigm shift in our understanding of criminal law, away from retributive, punishment-based methods to reparative and reintegrative methods, still maintains offender acceptance of responsibility as its central tenant.\(^5\) Redefining the crime as expanded in this way helps us to understand the power of its memory.

While the trial process itself loomed large in many residents’ conception of an adequate resolution to the crime, the broad harms radiating from the long-unsolved bombing provoked damage beyond what a guilty verdict could repair. To understand why residents continue to struggle with the memory of this bombing, even after the trials, we must look to the reverberations of this crime in victims’ lives, in the city’s self-image, and in its national reputation. The lasting power of this bombing meant that access to the criminal justice system on its own could not provide relief. Community reactions to the recent trials illustrated the need for a broader reconceptualization of the system of justice itself.

\(^5\) A surprisingly widespread reform, some type of restorative justice process is used with both juvenile and adult offenders in many states throughout the U.S., most often in the form of victim-offender mediation. This area of legal theory subsumes some varieties of mediation and can assume several names, including “transformative justice,” “relational justice,” “restorative community justice,” and bleeds into other reform concepts such as restitution for historical injustices and truth and reconciliation commissions. For an introduction to restorative justice theory, see Gerry Johnstone, ed., *A Restorative Justice Reader* (Portland, OR: Willan Publishing, 2003); Daniel W. Van Ness and Karen Heeterks Strong, *Restoring Justice* (Cincinnati, OH: Anderson Publishing, 2002); and Howard Zehr, *Changing Lenses* (Scottsdale, PA: Herald Press, 1995).
2001 and 2002: The Blanton and Cherry Trials

The final bombing trials resulted from a meeting in 1993 called by Rob Langford, the newly appointed Special Agent in Charge of the FBI office in Birmingham. Agent Langford was determined to address the Birmingham black community’s long-standing distrust of the FBI, so when he took over the office he invited a group of local African-American leaders to share their concerns with him. Among that group was Reverend Abraham Woods, Birmingham-area president of the Southern Christian Leadership Conference, who expressed the sense that the federal government had done little to protect the interests of black citizens during the civil rights era. Woods pointed specifically to the FBI’s neglect of the Sixteenth Street Baptist Church bombing. Langford promised to review the Bureau’s files on the bombing, and through the contributions of many individuals, including activists and journalists, eight years later the trials began.

The defendants, Thomas E. Blanton and Bobby Frank Cherry had been among the FBI’s initial suspects. A fourth original suspect, Herman Frank Cash, died in 1994 without

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7Reverend Abraham Woods, interview by author, digital recording, Birmingham, Ala., 30 March 2007, Southern Historical Collection, University of North Carolina at Chapel Hill; Jay Reeves, “Meeting in ’93 was Prelude to Bombing Investigation,” Birmingham Post-Herald, 19 May 2000, A4. See also Frank Sikora, Until Justice Rolls Down: The Birmingham Church Bombing Case (Tuscaloosa: University of Alabama Press, 2005), 168, regarding the role that the FBI’s investigation of Birmingham’s first black mayor, Richard Arrington, played in the black community’s distrust.


9Adam Goldman, “Complex Chain of Events Delayed Blanton’s Trial Date Until Today,” Birmingham News, 24 April 2001, 7A; Kevin Sack, “Ex-Klansman Is Found Guilty in ’63 Bombing,” New York Times, 2 May 2001, A1. By the time of the trials, Cherry had retired and was living in Texas. Local officials were able to extradict him using charges by his former stepdaughter of sexual abuse in the early 1970s in Shelby County,
standing trial. In 1963, when Blanton was twenty-five years old, he and his father Thomas “Pops” Blanton, Sr. broke from the Eastview Ku Klux Klan and, along with Robert Chambliss, founded the more militant Klavern later known as the “Cahaba River Boys.”

Cherry openly admitted his Klan membership to law enforcement officers and, according to investigative notes, displayed violent segregationist attitudes. He also served as Blanton’s first alibi for the Friday night before the bombing. And although these men were suspects within days, after the FBI closed the case in 1968, thirty-five years would pass before they were tried. When William J. “Bill” Baxley, then attorney general, reinvestigated the case in the mid-1970s, residual FBI suspicion of local authorities due to corruption in the 1960s meant that his investigators were granted limited access to federal files. In 1977, Baxley was not aware two sets of surveillance tapes existed. It is possible that his FBI handlers were similarly uninformed about this crucial evidence. And despite two brief revivals of the


11Blanton Profile, no date, Birmingham, Ala., Police Department Surveillance Files, 1947-80, 1125.3.3, Department of Archives and Manuscripts, Birmingham Public Library (hereafter cited as Police Surveillance Files).

12Cherry Profile, no date, Police Surveillance Files, 1125.3.3.

case, once after a Justice Department study of the investigation and the other after a false ex-
Klansman deathbed confession, these tapes remained hidden.14

Recorded in 1964 and 1965, these tapes would prove instrumental in both the Cherry and Blanton trials. The first set was discovered in a locked file cabinet at the Birmingham Jail. Recorded over a period of months with the cooperation of Klansman-turned-informant Mitchell A. Burns, these tapes captured Blanton bragging about bombing the church as he and Burns drove around at night drinking.15 Blanton would drive Burns’s car, usually past Sixteenth Street Baptist, while the tape recorder hidden under the spare tire recorded him explaining, “They ain’t going to catch me when I bomb my next church” and singing “Boomingham, Boomingham, that’s my kind of town.”16 The second set of tapes, found in a neglected evidence box at the FBI building in Birmingham, contained recordings from a wiretap in Blanton’s kitchen.17 In them Blanton’s wife quizzes him on why he stood her up the Friday before the bombing. In the midst of picking out which shirt to wear, he casually replies, “Oh, we were making the bomb.”18

14 Carol Robinson, “Church Bomb Probe More Than a Rehash,” Birmingham News, 31 August 1997, 1A.

15 Sikora, Until Justice Rolls Down, 184-86.

16 Ibid., 202, 204.

17 Ibid., 187-88. Placed against the baseboard of the wall between Blanton’s kitchen and an apartment rented by an undercover FBI agent, the microphone recorded through a pre-existing hole. Before the Supreme Court’s landmark Katz v. United States, 398 U.S. 347 (1967), Fourth Amendment illegal search and seizure of speech by electronic surveillance was measured by a “trespass standard,” meaning an unauthorized physical encroachment on a constitutionally-protected area – here, the home. However, Katz applied only to surveillance conducted after 1967. The Court of Criminal Appeals found no trespass here. Blanton v. Alabama, 886 So.2d 850 (2003), cert. denied 543 U.S. 878 (2004).

18 Sikora, Long Time Coming, 209.
The cases also hinged on witnesses who had previously been unwilling to testify.\textsuperscript{19} Several eye-witnesses, including James Lay, a former civil defense leader who often guarded civil rights activists from night riders, gave grand jury testimony about seeing four men in a car, with two men matching the descriptions of Blanton and Cherry, outside the church the night before the bomb exploded. Lay had a stroke before the Blanton trial began, but his testimony was read into evidence by local radio celebrity Shelley Stewart, adding to the trial’s drama.\textsuperscript{20} Condemned as “a coward” by Baxley because he would not testify in 1977, Lay contended that he was in constant danger throughout his life because of what he knew.\textsuperscript{21} Many of the other new witnesses were friends and acquaintances of the defendants; some were Klan FBI informants.\textsuperscript{22}

Neither Blanton nor Cherry’s exact role in the bombing has ever been established conclusively. Contradicting Blanton’s proffered alibi, an eyewitness placed him by the steps of the church the night before the bombing.\textsuperscript{23} Blanton is sometimes characterized as driving

\begin{itemize}
  \item \textsuperscript{19}Sikora, \textit{Until Justice Rolls Down}, 185-88; Goldman, “Complex Chain of Events,” 7A.
  \item \textsuperscript{20}Sikora, \textit{Until Justice Rolls Down}, 196-97.
  \item \textsuperscript{21}Patricia Dedrick, “Church Guard Still Mum on Bombing,” \textit{Birmingham News}, 27 July 1997, 1A.
  \item \textsuperscript{22}For the FBI’s infiltration counterattack against hate groups and the New Left in the 1960s, termed COINTELPRO, see David Cunningham, \textit{There’s Something Happening Here: the New Left, the Klan, and FBI Counter Intelligence} (Berkeley: University of California Press, 2004) and John Drabble, “COINTELPRO-White Hate, the FBI, and the Cold War Political Consensus” (Ph.D. diss., University of California at Berkeley, 1997) and “The FBI, COINTELPRO-WHITE HATE, and the Decline of Ku Klux Klan Organizations in Alabama, 1964-1971,” \textit{Alabama Review}, 61 (January 2008): 3-47. For more on female family members informing against Klansmen, see Chapter Three.
\end{itemize}

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to the church.\textsuperscript{24} A friend of Cherry’s son testified that during his childhood he overheard Cherry and three other men talking about a “bomb” and “Sixteenth Street.”\textsuperscript{25} Cherry’s estranged relatives described his role alternatively as building the bomb, lighting the fuse, or placing it inside or outside of the church.\textsuperscript{26}

Witnesses’ testimony produced a strange vision of the Klan in the 1960s. On the one hand, violent segregationists like Cherry and Blanton harassed African Americans for sport and boasted of their involvement in the church bombing, while some former members characterized joining the Klan as “a lark” and asserted to trial spectators, “I’ve never been a racist.”\textsuperscript{27} When asked to explain their Klan membership years later, many Klansmen and women downplay ideology, reconciling their participation then with social mores that condemn overt segregationist attitudes now.\textsuperscript{28} This revised portrait of the Klan was reinforced by other testimony: former girlfriends described Klan Christmas parties; ex-Klansmen explained that joining the Klan was just something everyone did because all your relatives and friends were members; and informant Mitchell A. Burns narrated how he burned a cross in an old black woman’s front yard, not because he was a racist, but because

\textsuperscript{24}For example, James Lay is said to have identified Blanton as outside the car that night, while others believe Blanton drove. See Dedrick, “Church Guard Still Mum,” and Sara Foss, “Author: ‘I Think Blanton Drove the Car and Cherry Put the Bomb Down,’” \textit{Birmingham News}, 17 April 2001, 8A.


\textsuperscript{26}Ibid., A4.

\textsuperscript{27}Author’s notes from Blanton trial, 28 April 2001, in author’s possession; Sikora, \textit{Until Justice Rolls Down}, 204-05.

she was selling boot-leg whiskey to minors and performing abortions.\textsuperscript{29} Burns claimed that seeing the autopsy photographs of the four girls prompted him to renounce the Klan and become an informant, stating, “I told [the FBI] that I would do all I could to help.”\textsuperscript{30} During the trial, the defendants became symbols of the worst kind of racism present in Birmingham in the 1960s, allowing even those individuals undeniably affiliated with this racist political group to disassociate themselves from the violence of that time. That trick of memory lent the trial a revisionist air and contributed to the sense of renouncing the past that permeated the whole event.

When the judge allowed the noisy, static-filled car tapes, muffled and in many places unintelligible, to be played in the courtroom, and the words “church blew up” and “bomb” came over the speakers, reporters and spectators literally stood up and craned their necks to catch the phrase that would pin these men to the worst act in the city’s history.\textsuperscript{31} The way that this talk of bombing flitted casually through domestic bickering and night-on-the-town bravado told more about the atmosphere of violence at that time than any witnesses’ revised recollections could. These voices from long ago made that kind of hatred, now denied, real.

The defense attorneys insisted that these forty-year old cases left too much room for reasonable doubt and that the state just wanted to close an embarrassing unsolved

\textsuperscript{29}Author’s notes from Blanton trial, 28 April 2001, in author’s possession; Sikora, \textit{Until Justice Rolls Down}, 197-99. When asked how he knew about the woman’s activities, Burns explained that he bought whiskey from her. Author’s notes, 28 April 2001.


\textsuperscript{31}See Sikora, \textit{Long Time Coming}, 232, for this discussion between Burns, Blanton, and Cherry; Author’s notes from Blanton trial, 26 April 2001, in author’s possession.
investigation. Thomas Blanton’s attorney, John Robbins, insisted to the jury: “This case is not about making you, everybody here, Birmingham feel good about itself.” Yet a heavy symbolic weight hung over both these trials—and neither prosecutors nor the defense could fully remove the sense of history-in-the-making. Blanton’s trial lasted a week, and the jury deliberated for only two and a half hours before rendering a guilty verdict on all four counts of first-degree murder. Cherry’s trial, delayed a year for competency hearings, concluded similarly and also resulted in a speedy conviction.

As many of the same witnesses repeated, almost word for word, testimony from 1977 or stories familiar from local and FBI investigative files on the bombing, the trials took on a scripted, eerie quality. The black and white crime scene photos and pictures of the girls, frozen at that now-iconic moment in time, contrasted sharply with the paunchy old Klansmen on trial. This disconnect contributed to the sense that the past—that moment of the city’s history and all that led up to it—was on trial, not just the particular crime.

The response to the guilty verdict in the 2001-2002 bombing trials was overwhelmingly positive. Both Birmingham residents and the victims’ families heralded it as a welcome relief. Demonstrations and vigils surrounding the trials indicated the

32 Author’s notes from Blanton trial, 24 April 2001, in author’s possession.


continuing resonance of the bombing memory for residents. Yet the sense of partial justice lingered. One observer commented, “It was too-long delayed . . . Cherry met his judgment day. He did not meet justice.”37 This dissonance arose from the widespread sense that Cherry’s guilty verdict did little to address the broad harm that resulted from the crime. Too many unresolved questions lingered, including what these trials might mean for the city and whether, after nearly forty years, the memory of the bombing could be put to rest.

“History in the Making”: Interpretation and Critique of the Recent Trials

A sense of incomplete or partial justice runs through the contemporary and current writing on the several stages of the bombing trials. Many articles suggest that the prosecutions were designed to “dig up” and correct the past, or somehow rewrite history, thus burnishing the reputations of Southern cities and states.38 In contrast to this criticism, both prosecutors and politicians proudly proclaimed that these trials demonstrate how far legal systems in the South have come toward the goal of equal justice for all races.39 The successful prosecution of any murder case forty years after the fact is praiseworthy. In every respect the trials are laudable accomplishments, reflecting the work of huge numbers of

36See Bright, “Tears of Joy, Pain Follow Verdict,” A1

37Ibid., A3 (internal quotations omitted).


39See Doug Jones, interview by author, digital recording, Birmingham, Ala., 29 March 2007, Southern Historical Collection, University of North Carolina at Chapel Hill.
people, including local activists, prosecutors, FBI agents, and investigative journalists. Yet these trials also have led many observers to question whether bringing a criminal to justice and providing a symbol of judicial evolution is an adequate resolution for a crime of this kind.

“Narratives of redemption,” as one scholar has dubbed the news media and prosecutors’ portrayals of the trials, have been criticized for focusing narrowly on the white legal teams, while neglecting the contributions of black activists. Additionally, some observers worry that the importance placed on current convictions obscures official complicity in the long non-prosecution and may discourage white communities and Southern cities from recognizing the continuity of racism in the region. Such “redemptions” overlooked the decades in which the crimes remained unsolved. Critics believe that laudatory articles mask the history of racialized power structures, while failing to acknowledge that serious structural problems in the justice system persisted long after the civil rights era. One observer has asserted that the trials actually serve an anti-restorative

40 The most prominent investigative journalist associated with the Sixteenth Street Baptist Church bombing case, as well as many of the other reopened cases, is Jerry Mitchell of the Jackson Clarion-Ledger. He has been recognized by the American Bar Association for his work in uncovering facts leading to multiple convictions, including Bobby Frank Cherry in the Sixteenth Street bombing and Byron de la Beckwith for the murder of Medgar Evers. Mitchell’s role in the Beckwith case was dramatized in the movie Ghosts of Mississippi. R. Hayes Johnson, Jr., “Jerry Mitchell: Crusading for Justice Long Overdue,” ABA Human Rights Magazine (Fall 2000), http://www.abanet.org/irr/hr/fall00/johnson.html.


function: “by holding a handful of individuals responsible, they do nothing to force other whites to come to terms with their own complicity with the racist practices of the past.”

Yet the crime’s broad harms meant that redemption could reach beyond those with some complicity in the racial status quo. The city’s static reputation for racial violence affected all residents, including members of the black community, many of whom hoped to throw off this image. After the Cherry trial in Birmingham, former and current African-American politicians were optimistic that the trials would resuscitate the city’s reputation in the eyes of the nation. As Mayor Kincaid stated, “All of us in the city, I hope we can breathe a sigh of relief.”

The final Birmingham trials were certainly a process of “history making,” a way to wrestle with the image of 1963; however, and as at many earlier moments in the city’s history before them, the discussions sparked by the trials also necessarily addressed the current state of race relations. The trials could not fully revise or redeem the past because the harms caused by the crime reached forward into the present.

When examining the story of Birmingham’s past and present self as presented in the trials, we must ask: How much cultural, historical, or restorative work can one long-delayed

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43See Romano, 124.

44Ryan Gravatt et al., “Friend Recalls Loss of Denise,” *Birmingham Post-Herald*, 18 May 2000, D2 (then-Mayor Kincaid explained, “everywhere he traveled, people still link the city’s name to the bombings [and he would] like to get past that.”); Chris Scribner and Sherrel Wheeler Stewart, “Mood: Calm Satisfaction,” *Birmingham News*, 2 May 2001, 6A (“Richard Arrington, who won the first of his five terms as mayor in 1979, said the verdict will be good for the city’s image.”).

45Scribner and Stewart, “Mood: Calm Satisfaction,” 6A.
trial realistically accomplish?46 Constrained by rules of evidence, a trial necessarily covers a scripted narrative terrain. As journalist Tina Rosenberg succinctly put it, “[t]rials, in the end, are ill suited to deal with the subtleties of facing the past.”47 In discussing cases of genocide and war-crimes trials like those held at Nuremberg, Professor Martha Minow answers this question by asserting: “Even when marred by problems of retroactive application of norms, political influence, and selective prosecution . . . trials can air issues, create an aura of fairness, establish a public record, and produce some sense of accountability.”48 Those who analyze large-scale historical atrocities acknowledge that trials are limited in their ability to find the whole truth, punish all perpetrators, or address the full harms of crimes. In many ways, historical truth about individual crimes and collective atrocities can only be found in extra-judicial story telling, not in testimony bounded by the rules of evidence. When evaluating a trial, Minow explains, “[t]he challenge is to combine honest modesty about the promise of trials with a willingness to be inspired—and to combine inspiration with the hard, grubby work of gathering evidence and weaving legal sources into judgments.”49 However, Minow cautions against asking too much of these kinds of trials: “to find the trial process

46 Although I draw on restorative justice-inspired theory for this section, the field of rhetoric has produced interesting scholarship on the way that popular and political trials contribute to and are shaped by public conceptions of justice and fairness, as well as the way that the language of the trial itself creates a certain history and influences memory. See, for example, Robert Hariman, Popular Trials: Rhetoric, Mass Media, and the Law (Tuscaloosa: University of Alabama Press, 1990) and Marouf A. Hasian, Jr., Rhetorical Vectors of Memory in National and International Holocaust Trials (East Lansing: Michigan State University Press, 2006).


48 Ibid., 50.

49 Ibid., 51.
wanting against the aspiration of truly dealing with the complex past is not to find it worthless as a response to atrocity.”}

Minow thus acknowledges that it is unlikely that legal institutions can ever fully reveal the truth of past events or even bring real closure. Yet she emphasizes the need for legal institutions to speak in the face of violence. In a forward to a *Michigan Law Review* colloquium on civil rights-era trials throughout the South, Professor Minow outlines three main objections to contemporary legal proceedings on past crimes: first, “[w]hy open old wounds;” second, the evidence is old and faulty; and third (although not always expressed explicitly), “exposing some gross and unremedied racial injustices from the past will reveal the scale of imperfections in the systems of justice and government and thereby undermine the legitimacy of those systems.” As for opening old wounds, Minow suggests that legal action can trigger discussion and debate about the past that may help repair community relationships, even in the absence of formalized structures such as South Africa’s Truth and Reconciliation Commission. Furthermore, trials can serve the evidentiary function of “[d]etermining what happened.”

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historical legal inequities by the trials will undermine confidence in the justice system, Minow maintains that by formally recognizing claims that have been silenced and communities that have been disenfranchised, courts can begin the process of renewing faith in the system.\footnote{Minow, “Why Retry,” 1139.}

Because Birmingham’s negative image resulted in large part from state complicity in the violence of the early 1960s and the crime’s unsolved status, the official action of a trial was a vital step in shoring up the “image of reform” sought by city leaders since 1963. Throughout Birmingham’s history the events of 1963 have surfaced in public discourse as competing narratives of a static city, either wholly regressive or progressive. Yet, by resurrecting discussions of “Bombingham” and drawing into focus the long delay in prosecution, the trials brought into question whether and how to finally put those competing images to rest. Hoped to be the ultimate sign of closure on the case, these trials instead confronted residents’ differing conceptions of justice, their memories of that time, and their present identities.

\textit{“The Crime was Against Us:” The Broad Harms of the Crime}

The local media reported that the bombing trials left observers with a sense both of relief and of incompleteness. To understand the continuing power of this memory, we should expand the concept of the bombing’s harms to embrace all the foreseen and unforeseen effects of the crime, as well as the damage wrought by the long delay in prosecution.\footnote{Ibid., 1139-40.} This

\footnotetext{54}{Minow, “Why Retry,” 1139.}

\footnotetext{55}{Ibid., 1139-40.}
expansion of the concept of harm also requires a similarly expanded definition of those touched by the crime.\textsuperscript{57} Lingering questions and dissatisfaction with the trials point to the need for something more if Birmingham residents are ever to truly heal and to lay the memory of the bombing to rest. Broadening our understanding of the bombing and its lasting legacy might allow a truth and reconciliation-type event to come to fruition in Birmingham by convincing those resistant to addressing this memory that they have a stake in the hard work of racial healing.

The bombing of the Sixteenth Street Baptist Church has been described as a crime against everyone in Birmingham and against the nation as a whole.\textsuperscript{58} By contrast, the legal arguments espoused at the trials presented the bombing as a crime against a limited and abstract state interest. By definition our criminal law system rectifies individual harms by folding them into the state’s prosecutorial apparatus. And while the individual victim, to varying degrees, may continue to be involved, by the trial the crime is conceptualized as having been committed against the state and the rule of law generally. The gulf between these two formulations lies at the heart of the dissatisfaction with the legal responses to the

\textsuperscript{56}See Van Ness and Strong, \textit{Restoring Justice}, 37-38 (describing the broad definition of “harm” in restorative justice theory). This concept of criminal law as upholding individual rights while also playing an important role in maintaining the broader peace has its origins in a nineteenth century “localized legal culture” that developed in the South. See Laura F. Edwards, “Status Without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South,” \textit{American Historical Review} \textbf{112}, 2 (April 2007): 365-93.

\textsuperscript{57}While restorative justice theory reserves the concept of “victim” specifically for the individuals most directly affected by the crime, it encompasses this broader idea of victim within the term “stakeholders.” “Stakeholder” includes all individuals “affected significantly by a criminal offense” and contemplates community involvement in restorative processes. Johnstone, ed., “Introduction,” \textit{A Restorative Justice Reader}, 3.

\textsuperscript{58}Sikora, \textit{Until Justice Rolls Down}, 153; Gravatt et al., \textit{Friend Recalls Loss of Denise}, D2 (quoting Coretta Scott King).
long-unprosecuted crime. It also goes far toward explaining the power of this bombing in memory.

Comparing the bombing and other acts of racial violence in the 1960s with hate crimes today, Professor Margaret Russell sees these murders as single pieces of “a larger mosaic of violent acts against blacks, Jews, and others who threatened” white supremacy. Russell also emphasizes that such violence was intended to create wide-reaching harms. She describes the context of civil rights-era racial violence: “the racial climate in which the killings . . . occurred was one in which each murder bore a distinct, contextual message: hatred of black progress and defense of racial hierarchy.” The bombing’s symbolic weight, its design to derail school desegregation, must be added to the harms calculus. The prominence of the Sixteenth Street Baptist Church in the civil rights movement media narrative further guaranteed that this message would be heard nationally.

It was widely believed in Birmingham that state and federal authorities knew who the perpetrators were in the 1960s and had let them get away with their crimes for almost forty years. Official inaction thus constituted a continuing harm to a wide range of individuals that stretched through all the years separating the crime from its prosecution. This feeling of “too little, too late” ran through comments from members of the Sixteenth Street Baptist Church congregation, who suggested that the crime remained unsolved because of the race of the victims. The Associated Press cited the congregation’s assessment that there would not have

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60 Ibid., 1230.
been such a delay if the victims had been white.\footnote{“Large Jury Pool Picked for Church Bombing Trial,” CNN.COM, 16 April 2001, http://archives.cnn.com/2001/LAW/04/16/church.bombing.trial.03/index.html.} Local civil rights leader Reverend Fred Shuttlesworth echoed this sentiment: “Justice in any situation should be done at the time . . . . If you delay justice, you deny justice. Thirty-seven years is too long to talk about justice in a situation like this.”\footnote{Singleton, “Family Strong in Spirit,” A3.} Similarly, some of the victims’ families and friends found that, in the end, victory was “bittersweet” because of the long delay.\footnote{Carol Robinson, “Justice Prevailed After Long Wait, Says Victims’ Kin,” \textit{Birmingham News}, 2 May 2001, 6A (A childhood friend of Denise McNair explained: “My first response was, ‘Thank God,’ but then I got angry and upset . . . . It’s been almost forty years and they knew all along who did this.”).}

Acknowledgment of how widely the bombing’s harms were felt, expressed both at the time of the incident and also during the recent trials, links directly to an expanded understanding of responsibility for the bombing that extends beyond the individual perpetrators. While the bombing itself may have been an isolated act, inaction by state and local law enforcement officials was widely interpreted as an attempt to maintain the racial status quo.\footnote{See, for example, Reverend Fred Shuttlesworth’s comment regarding the likely collusion of the local government and the Klan. Gravett et al., “Friend Recalls Loss of Denise,” D2.} This leap to official complicity is not a difficult one. Images of official city resistance to desegregation, beamed across the nation in the form of Bull Connor’s dogs and fire hoses, combined with the now-acknowledged links between vigilante violence and the local power structure, have shadowed Birmingham’s reputation since. The city’s on-going struggle with police brutality continued the alliance of state power and violence against African Americans. During the Blanton trial, Birmingham mayor Bernard Kincaid explained
that “everywhere he traveled, people still link the city’s name to the bombings [and that he would] like to get past that.”

The most striking aspect of the media and residents’ discussion of complicity and reputation is how it anthropomorphizes the city. Ignoring racial differences among residents or distinctions between past and present governments, speakers assume that the city has feelings, responsibilities, and a character to impinge. This understanding of the city springs directly from an unarticulated expanded harm concept. The harm was widespread and its perpetrators were, in the widest sense, everyone who supported, even by omission, the maintenance of segregation. Since our culture relies on story telling and narrative to make sense of harm and because the bombers remained unapprehended, observers created a locus for the perpetrator of the harm: the city itself. Observers’ comments that the city was “haunted” by the unsolved status of the crime echo this anthropomorphized sense of the city-at-large’s guilt.

Such anthropomorphizing in the context of criminal justice is standard, however. In any criminal trial, the government’s role as prosecutor transforms an individual harm into a crime against the state. The recent bombing trials were no exceptions to this pattern. But the state’s dilatory prosecution of the crime created fresh harms that went unvindicated by the long-delayed trials. In 1963 when Mayor Albert Boutwell said in response to the bombing, “[w]e are all victims, and some of us are innocent victims,” he was expressing the classic


understanding of crime as perpetrated against the state by a defined set of guilty persons. Yet this one-dimensional framing of the city as a victim rang false because it failed to reflect that the city was both a victim and a perpetrator of the crime.

This theoretical understanding of crime as a crime against the state, subsuming the individual harm, lies at the heart of our criminal law system. Yet it is not how most individuals conceptualize crime, harm, and victimhood. Most of us understand crime on a personal level as a wrong committed against the individual and often as also something that extends beyond the victim to the broader community. This response is seen not only among the immediate family of the victims, but also in the continuing effect of the bombing on the lives of all Birminghamians. Frank Sikora, a retired *Birmingham News* reporter who has written extensively on the bombing trials, explains:

> It’s not something people think about all the time, but it’s out there. I don’t know that I think about the bombing every day, but I think about it a lot. I remember when it happened. . . . I remember hearing the report that four kids had been killed. It floored me. I think I thought, like a lot of people around the country, about if it had been my own child.

The widespread effect of the bombing limited the ability of the trial mechanism to remedy all the harms. Ultimately in the course of a prosecution the personal harms beyond those of the victims are glossed over. Yet even direct victims of the bombing may not have their harms addressed by the prosecution in a satisfying way. Sarah Collins Rudolph, sister of the

\[67\text{See “City’s People All Victims, Mostly Innocent, Boutwell Says,” }Birmingham News, \text{ 16 September 1963, 21.}

\[68\text{Foss, “Author: ‘I Think Blanton Drove the Car,’” }8A.\]
murdered Addie Mae Collins, believed that the recent trials would do little good to give her personal closure or to bring justice to the victims’ families. Physically scarred by the explosion herself, Mrs. Rudolph continues to suffer from trauma, nightmares, and pain. As she told one *New York Times* reporter, “There will never be any closure for me. . . . Every time I go to the bathroom and put my makeup on, it always comes back to me. The scars on . . . my legs and my face will always remind me.” Prosecutors never pursued her injuries; the courts never took up Rudolph’s direct harms.

Because this harm was so widespread it touched many lives, drawing attention back to the memory of the bombing. In many ways, the local media also expanded the memory of the bombing by the sheer volume of attention it paid to the 2001 and 2002 trials, making the crime once again a part of the civic narrative—a city issue. The media narratives of redemption, memory, and history, although criticized by some as simplistic, appealed to a broad audience and dominated local newspapers during the three years of recent trial proceedings. This media attention likely brought the bombing and trials into the lives of many people in Birmingham who knew little of the crime or had few reasons to feel connected to it.

Broad continuing identification with the bombing memory is also illustrated by the number of people who participated in demonstrations and vigils held in conjunction with the

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70 From January 1, 1999 to January 1, 2003, the *Birmingham News* ran over 400 articles about or mentioning the bombing.

trials. Following his indictment, Cherry’s lawyers argued that he was not competent to stand trial because of dementia and advanced age. The judge ordered further psychiatric tests and postponed the trial. This ruling sparked demonstrations. Approximately fifty people gathered outside of the courthouse when the competency ruling came down and protests continued sporadically for the next two weeks. Eventually over two hundred and fifty people marched from downtown Birmingham to the Sixteenth Street Baptist Church, where national civil rights leaders joined the crowd in calling for Cherry to be confined until he was found fit to stand trial. Protests were led by long-time local civil rights leader Reverend Abraham Woods, who told the press: “The world’s spotlight was going to be on Birmingham and Alabama—some of us was hoping we were ready to join the 21st century. . . . But this verdict makes the statement loud and clear that the justice system is not blind, that there isn’t always justice for black folks.” Additionally, hundreds of people attended vigils and unity ceremonies after each verdict. This spontaneous outpouring of sentiment—driven by initial


74Temple, “Protestors Want Cherry’s Bond Revoked,” 1C; Temple, “King Leads Cherry Ruling Protest,” 2A.

75Jay Reeves, “Accused Church Bomber Incompetent to Stand Trial,” Associated Press, 16 July 2001 (internal quotations omitted).

76“Vigil at Sixteenth Street,” 1A; Charlotte McIntosh, “Relief, Joy Echo Through Church,” Birmingham Post-Herald, 23 May 2002, A4. The unity ceremony held after the Blanton verdict began with a
outrage at the lack of accountability, followed by relief at the verdicts—as well as the sheer number of people involved, underscores the continuing power of this memory.

Yet the bombing’s harms were not restricted to one side of the equation. Thomas Cherry, estranged son of the bomber, described how his childhood was blighted by the crime, forcing his family to relocate to Texas and providing the subject of conversation at every family reunion.\textsuperscript{77} The son was subpoenaed to testify in front of the grand jury, and the newspapers described him as “anguished over his father but . . . also haunted by the bombing.”\textsuperscript{78} After the verdict, Thomas Cherry tried to explain how the crime cast a long shadow: “It leaves . . . an awful empty feeling in you [to] know that your father is going to the penitentiary for the rest of his life.”\textsuperscript{79} Cherry’s trial also featured conflicting testimony from ex-wives and a loyal grandson as to his character, the meaning of his Klan membership, and his motives for racial violence.\textsuperscript{80} After the verdict, the \textit{Birmingham Post-Herald} ran a large picture of Cherry’s daughter Karen Suderland sitting on the ground weeping.\textsuperscript{81} The candlelight service on the steps at the Sixteenth Street Baptist Church featuring a prayer and poetry reading, brief words by local ministers, Reverend Shuttlesworth, and Doug Jones. “Unity Ceremony Planned at Church,” \textit{Birmingham News}, 2 May 2001, 6A; “Vigil at Sixteenth Street,” 1A.


\textsuperscript{78}Ibid.; Jill Veiroska, “Hard-Hitting Film Revisits the 1963 Church Bombing,” \textit{Atlanta Journal-Constitution}, 4 January 2002, 1E.

\textsuperscript{79}Kizzire, “An End to An Era,” A3.


\textsuperscript{81}Kizzire, “An End to An Era,” A1. Even family members born after the crime report its on-going effect on their lives. Lisa and Kim McNair, sisters to one of the victims, describe the way the crime overshadowed family life although it was rarely discussed: “The tragedy is something I’ve known about almost
bombing’s far-reaching consequences meant that its effects lingered, bringing its harms directly into the lives of many Birmingham residents, while the lack of official resolution cemented its broad, unshakable memory.

*Justice Delayed: Reaction to the Trials*

The disparate voices of the protestors and Cherry’s family remind us of the impact and powerfully expressive qualities of the criminal law. As legal theorist Lode Walgrave notes, “[i]n principal, penal law is proactive. . . . Penal law holds itself out as the defender of fundamental values of society. . . . By criminalizing certain acts, organized society as such shows itself to be a concerned party.”\(^2\) But in the case of the Birmingham bombing, the penal law’s inaction showed it to be a defender of the values of white supremacy and segregation rather than equal justice under the law. Without prosecution of the Birmingham bombing, no formal acknowledgment of the victims or others affected was possible. Yet under the circumstances the justness of the remedy offered by the long-delayed trials remained the subject of debate.

Many residents expressed frustration at the Birmingham trials. A frequent complaint was that the offenders never accepted responsibility. At the end of Cherry’s trial, questions of competency melted away as he stood to address the court after his sentencing. Pointing at the prosecution, he said, “This whole bunch lied all the way through this thing. . . . I told the

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always,’ says Lisa, who was born a year after Denise’s death. ‘It’s almost as if I remember somebody leaning over my crib and telling me I was the sister of one of the girls who was killed.’” Barry Yeoman, “A Hideous Hate Crime: It’s My Family’s Secret No More,” *Glamour* (August 2000), 225-27, 251.

truth. I don’t know why I am going to jail for nothing." In fact, none of those convicted ever accepted responsibility for the crime—the original suspect Chambliss died defiant to the end and Cherry, before his death in prison in 2004, called himself a political prisoner. Yet this denial of accountability illustrates just one of the limits of the current criminal justice system. While few may really have expected these men to accept responsibility or ask for forgiveness, their defiance helped convince some observers that the defendants were sacrificed to salve the collective conscience, rather than justly punished for a heinous crime. Although the convictions formally allocated blame to each defendant, the current criminal justice system does not encourage individuals to take personal responsibility for their crimes. The not-guilty plea itself is often used, as it was in the Birmingham trials, to gain a favorable outcome, and may not represent a truly felt statement of non-culpability on the part of the defendant.

Yet some in Birmingham’s black community believed that only the prosecution of every remaining suspect could offer an adequate remedy, as it would force the same justice system responsible for the earlier non-prosecution to now repair that harm. During the competency demonstrations Reverend Woods called Judge James Garrett, the presiding


85William C. Singleton, III, “Area Residents Divided Over Trial,” Birmingham Post Herald, 23 April 2001, D1 (quoting one resident: “I don’t think he can get a fair trial. . . . Somebody wants to see someone pay the price for that bombing.”).
judge, “a good man who is part of a bad system.”

His statement captured the hope that although courts continued to practice racial injustice, the system yet could be redeemed with this trial. Even though some observers predicted a furor if either of the men was acquitted, some members of the church community simply expressed relief that any official proceeding was going forward at all: “No matter what the outcome, at least we can say it is over. . . . Those were terrible times, but we have overcome.”

Reverend Christopher Hamlin, pastor of the Sixteenth Street Baptist Church, reiterated the sense that a fair trial represented the best resolution: “If there’s a conviction, then justice has been served. And if there’s an acquittal, at least an effort has been made.”

Observers saw the trials as remedies with enormous extralegal consequences. Some feared that the trials would dredge up Birmingham’s shameful past in a way that would simply confirm the city’s negative national reputation. Others persisted in anthropomorphizing the city and considered the first guilty verdict to be “conscience-salving” for Birmingham. It was not just the trials, but guilty verdicts, that came to represent the city’s progress in race relations. United States Attorney Doug Jones said after the Blanton verdict, “I was real concerned that people would say, ‘O.K. this is Birmingham

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88 Witt, “Thought of ’63 Atrocity Often Awakes Minister,” A7 (internal quotations omitted).


and Birmingham hasn’t changed’ . . . . So when the guilty verdict came back, it was such a relief.”

Additionally and echoing themes in place since 1963, the Birmingham News editors hoped that the trials would spark discussion and lead to concrete repair of race relations. The newspapers largely portrayed the Blanton verdict as an “indictment on racism in general” and hoped that the trial would serve as a “building block” for the improvement of race relations in Birmingham. This particular article was followed by a feature on two women, one black and one white, who were individually moved by the verdict to go to the church and pray; upon meeting each other, they decided to pray together. While the main Birmingham News editorial after the Blanton verdict rejected the trial as a litmus test for Birmingham’s racial progress, many in the city embraced just this symbolic aspect.

The trials were also heralded as signals that “the civil rights struggle, resolved or not, [was] receding into history.” Some greeted the proceedings as a chance to clarify history and reveal new facts. One commentator hoped, “if there is a trial, then some old secrets, at least, might see the light,” while a survivor of the blast explained, “[i]t was very important to be here [at the Blanton trial] to hear all these things. . . . I really didn’t hear it the first time


92 Scribner and Stewart, “Mood: Calm Satisfaction,” 6A.

93 Ibid.

94 Editorial, “Judgment Day,” 14A.

95 Adam Goldman, “Civil Rights Cases Breathing Their Last,” Birmingham News, 29 April 2001, 1A.
(in the Chambliss trial).\textsuperscript{96} This understanding of the trial as history-in-the-making also weighed heavily on the jury—one juror described coming to the final verdict as “agonizing.”\textsuperscript{97}

Many in the city questioned whether the remedy offered by these trials could adequately address the full harm created by the crime and long-deferred prosecution. One elderly African American man outside the courthouse during the Blanton trial explained, “We might as well let him go. His best days are over with. There should have been a trial a long time ago—not some 37 years later. Whatever they do now is not going to bring these little girls back.”\textsuperscript{98} In a statement to the Associated Press, the congregation of the Sixteenth Street Baptist Church echoed this sentiment, suggesting that a trial would be unlikely to contribute to healing after the crime.\textsuperscript{99} Another member of the Birmingham black community expressed the belief that no justice could ever be meted out in this case because despite the punishment of the individual bombers, the intent to maintain segregation had been condoned by the wider white community: “I don’t care what kind of punishment these men


\textsuperscript{97}Tom Gordon, Adam Goldman and Brett J. Blackledge, “Jury Convinced By Secret FBI Tapes,” \textit{Birmingham News}, 2 May 2001, 7A.


get, no justice will be served for those little girls . . . . How can they hold these men responsible when the whole state of Alabama encouraged it?\textsuperscript{100}

Many observers felt that the remedy was neither adequate nor fair. Some expressed the opinion that the prosecutors were just trying to close the case.\textsuperscript{101} Others felt that the pressure on the government to finalize the case meant that the suspects were not necessarily guilty, and furthermore that pressure from the black community would make jurors convict regardless of the evidence.\textsuperscript{102} This sense of the trials as an inadequate remedy led to fear of unjust procedures: that the prosecutors were just trying to remedy the mistakes of their predecessors or that the jury would disregard reasonable doubt in favor of closing a chapter of history.\textsuperscript{103} These suspicions underscore the significance of the trials’ outcomes for the community, as well as the fact that no trial can address all of the lingering harms experienced even by those who are unsympathetic to the specific victims. In essence, these two trials raised difficult questions about Birmingham’s past and present that did not find answers within the restricted framework of the trial setting. As was the case in 1977, some individuals, particularly in the white community, felt that the best way to deal with this negative memory was to try to forget.

While the prosecutors involved championed the essential justness of the trial procedure itself, vocal leaders of one segment of the black community valued the outcome

\begin{itemize}
\item \textsuperscript{101}Singleton, “Area Residents Divided,” D1-D2.
\item \textsuperscript{102}Ibid., D2.
\item \textsuperscript{103}Professor Jack E. Davis called the Blanton conviction “vengeance” and cautioned against the use of the courts to bring about a popular version of justice. Jack E. Davis, “Blanton Conviction Does Not Mean Justice,” \textit{Birmingham News}, 6 May 2001, C1.
\end{itemize}
over the process. Prosecutor Doug Jones, repeating themes from the first trial in 1977, often asserted, “justice delayed doesn’t have to be justice denied.”\textsuperscript{104} Yet for others, the chance for a trial was a symbolic event that might partially redeem a justice system that was then and has remained fundamentally flawed in its treatment of African Americans.

The conflicting concept of justice manifested in the Cherry competency protests illustrates this point well. The civil rights demonstrators saw the competency ruling as an affront, a clear denial of justice in a system that historically discriminated against black defendants. Despite their best efforts to bring Cherry to trial, the prosecutors were stymied by statutory definitions and evidentiary standards that required additional mental health evaluations of the defendant.\textsuperscript{105} In this competency ruling civil rights activists saw yet another facially race-neutral way for justice to be denied while the legal advocates, similarly frustrated with the procedural gamesmanship, accepted the legal ground rules of the trial itself.\textsuperscript{106} These conflicting views pitted the Bar’s understanding of justice against the larger community’s sense of fairness, and affected the personal relationships between civil rights supporters and the prosecution as the demonstrations went forward. Even five years later, the protests and competency controversy evoked an emotional reaction: hurt and betrayal at the response of the other side over what had been presumed to be a common goal.\textsuperscript{107} Ultimately

\textsuperscript{104}Kizzire, “An End to An Era,” A3.

\textsuperscript{105}Doug Jones, interview.

\textsuperscript{106}See ibid.; Reverend Abraham Woods, interview.

\textsuperscript{107}See Doug Jones, interview; Reverend Abraham Woods, interview.
the protesters were concerned about something beyond fair trial process. Their expanded vision of harm—embracing government complicity, institutional corruption, the effect on the entire black community and the city’s reputation—demanded more than merely a conviction. The limitations of a trial as a sole remedy became only too clear when the system that finally seemed to be working in their favor suddenly appeared to have once more let them down. Simple access to the justice system could not result in the acknowledgment of large-scale harms or produce the kind of expansive remedies that reached beyond existing legal structures. As was too often evidenced in the civil context, the movement’s goal of inclusion could not, on its own, create broad structural change.

Even after the final bombing trials attempted to lay to rest the memory of this bombing, questions and contestations over the meaning of events in the 1960s and the legacy of the civil rights movement linger. Although many commentators at the time and some since have seen these trials as redeeming the city’s national reputation, the story of the bombing forty years later and residents’ reactions are more complicated than that. Again and again throughout the city’s history, leaders and the media have attempted to reform the city’s image by manipulating the memories of 1963 into a progress narrative that encompasses various moments along the way—the first and second set of bombing trials, the Civil Rights Institute. But again and again individuals contest this prescribed memory, expressing its dissonance with their own identities and understandings of the past. By expanding our understanding of the harm created by this crime, we can see how even an official reckoning with the past—these state prosecutions—was limited in its ability to address all the ways that this memory continued to affect individuals’ lives. So how, if at all, can the city put this troubled history to rest?
**Remaking Birmingham**

Birmingham’s history of racial injustice is very palpable in its present. The protests, demonstrations, marches, and vigils held in the wake of the Birmingham bombing verdicts suggest that the victims and stakeholders harmed by the crime—the young girls, their families, the church community, and indeed the larger Birmingham community—were calling out for a remedy beyond that which a trial alone could provide.\(^{108}\)

Trials such as those in Birmingham are valuable because they help to address hard issues and prompt difficult questions. Margaret Russell pinpoints another goal of these recent trials: “racial healing.”\(^ {109}\) According to Russell’s theory, racial healing requires an appreciation that racially motivated murders damage an entire community.\(^ {110}\) Looking to the African concept of *ubuntu* or “humane interconnectedness” adopted by the South African Truth and Reconciliation Commission, Russell suggests that trials can begin community and individual healing as a restorative response to mass atrocities.\(^ {111}\) Russell suggests, however, that racial healing cannot be achieved through the adversarial process alone. Instead a truth commission in conjunction with current legal proceedings would best facilitate this process.\(^ {112}\) In imagining American or southern truth commissions, she points to the

\(^{108}\) See “Vigil at Sixteenth Street,” 1A.


\(^{110}\) Ibid.

\(^{111}\) Ibid., 1266-67.
narrative, history-writing, and the personal, story-telling aspects of these commissions as restorative processes for individuals and as prerequisites for reconciliation on a large scale.\textsuperscript{113} In fact, since the nineteenth century, southern culture has harbored concepts of participatory and communal justice.\textsuperscript{114}

The idea of a truth and reconciliation-style event in Birmingham is not new. The Birmingham Civil Rights Institute hosted a conference on the topic in 1992 at which Bishop Desmond Tutu spoke.\textsuperscript{115} Additionally, many in Birmingham specifically called for some kind of organized effort to expose past and current racial injustices during the Blanton and Cherry trials.\textsuperscript{116} If a truth and reconciliation commission were to be established in Birmingham, hard questions about the boundaries of harm, the scope of victims and offenders, and possible or meaningful remedies might finally be addressed.

\textsuperscript{112}Ibid., 1262.

\textsuperscript{113}Ibid., 1265-66. Russell has some suggestions for the creation of an American truth and reconciliation commission. See ibid., 1265-1267. Truth and reconciliation commissions specifically, however, can be very contentious. Residents of Greensboro, North Carolina, created a truth and reconciliation commission to hear testimony on an incident in 1979 now known as the “Greensboro Massacre,” in which the Klan fired on a union march, killing five people. Community support for this reconciliation work has been tenuous at best. Despite the fact that town hall meetings attract sizable crowds, the mayor has denounced the Commission as biased and the City Council voted to officially oppose the Commission and reject its resolution asking for apologies. See Margaret Moffett Banks, “Council Votes Down TRC Resolution,” \textit{Greensboro News-Record}, 7 March 2007; Jordan Green, “Truth Report is Discussed Despite Hostility, Disinterest,” \textit{Yes! Weekly}, 14 March 2007; Sally A. Bermanzohn, \textit{Through Survivor’s Eyes: From the Sixties to the Greensboro Massacre} (Nashville: Vanderbilt University Press, 2003).

\textsuperscript{114}Edwards, “Status Without Rights,” 365-68.


\textsuperscript{116}Kizzire, “Civil Rights Struggle Not Yet History,” A3 (suggesting the creation of a state-wide human rights agency to monitor civil rights complaints); Gravatt et al., “Friend Recalls Loss of Denise,” D1-D2 (calling for Freedom of Information Act requests for local government files to prove Klan ties).
The need for deeper and more lasting healing continues to haunt the city. Some Birmingham residents and family members take comfort in a belief in God’s judgment upon the perpetrators after death or from their own consciences during life. 117 Others have called for a full accounting of the violence of the 1960s in Birmingham. Reverend Fred Shuttlesworth, the city’s most prominent civil rights leader of that time, expressed the conviction that true healing could not occur until individuals fully comprehend the extent of government complicity in that violence. 118 Dr. Horace Huntley, director of the Birmingham Civil Rights Institute’s Oral History Project, explains: “It’s time to simply tell the truth” and to encourage dialogue about race relations past and present to facilitate change. 119

Attempts at community dialogue have already been organized, as residents continue to search for new answers to the questions raised by the bombing and the trials. In February 2004, Birmingham Southern College hosted a symposium entitled, “The Gathering: Civil Rights Justice Remembered,” in which victims’ families, journalists, attorneys, and law enforcement agents participated. 120 Attended by over one thousand two hundred people, this conference focused on civil rights-era trials throughout the South, with an emphasis on the Birmingham bombing trials. 121 Participants spanned a broad range and included many of the

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victims’ family members, politicians, and students from Miles College and Birmingham-Southern College. Prominent local companies acted as sponsors.\textsuperscript{122} U.S. Attorney Doug Jones conceived of and helped to organize the event. Looking back, he remembers it as “incredibly emotional.”\textsuperscript{123} While participants, including Jones, described this conference as helping to achieve some personal closure and as serving a healing function, another said that it provided additional information on the crimes, fulfilling a truth-finding purpose as well.\textsuperscript{124} Jones also asserted that this conference made a statement in the national media and helped to repair Birmingham’s image: “I think a part of this is a statement to the world. You know, ‘Look folks, Birmingham is changed, do not think of us simply as black and white, of fire hoses and dogs. We are a city of living color in which we do the right thing.’ And this proves it.”\textsuperscript{125} Jones suggested that additional conferences be held to examine other famous civil rights-era atrocities, including the 1964 murder of the three civil rights workers, James Chaney, Michael Schwerner, and Andrew Goodman, in Mississippi.\textsuperscript{126}

Yet responses to the event were not unanimously positive. Although he attended the conference, Reverend Abraham Woods felt that the contributions of his organization, in prompting the reopening of the case and with the competency ruling demonstrations, were

\begin{itemize}
\item \textsuperscript{122}Ibid.
\item \textsuperscript{123}Doug Jones, interview.
\item \textsuperscript{124}Robinson, “Rights Witnesses Listen, Learn” (“‘We are still learning things,’ said Chris McNair, father of Denise.”).
\item \textsuperscript{125}Doug Jones, interview.
\item \textsuperscript{126}Ibid.
\end{itemize}
not adequately acknowledged.\textsuperscript{127} Although mostly a reaction to the slight he felt during the bombing trials, Woods’s response points to the difficulty of balancing various constituencies in such communal efforts. Any orchestrated attempt to engage the city in dialogue must contend with the complex reality of many political groups who claim some stake in this civil rights memory.

In a recent interview, I asked Dr. Horace Huntley if the Civil Rights Institute had ever considered sponsoring a truth and reconciliation, restorative justice-inspired event in Birmingham. He agreed that some sort of dialogue was critical for both Birmingham and the nation as a whole, but reminded me that the Institute is not itself an advocacy organization.\textsuperscript{128} When I asked Reverend Woods about the same possibility, he was not optimistic and pointed to most Americans’ resistance to official apologies for slavery or the consideration of any kind of reparations. He also noted a lack of leaders to spearhead this kind of project.\textsuperscript{129} Yet various groups in Birmingham have promoted dialogue to attempt racial reconciliation throughout the years since the 1960s. In fact, one of the Birmingham Civil Rights Institute’s stated goals is reconciliation and its prominent position within the city—as a tourist attraction and location of cultural events—serves as a symbolic locus for on-going discussions of race relations. One local attorney drafted and publicized “The Birmingham Pledge,” now signed by over 114,000 people who commit themselves to consciously avoid racism in their lives.\textsuperscript{130}

\textsuperscript{127}See Reverend Abraham Woods, interview.

\textsuperscript{128}Dr. Horace Huntley, interview by author, digital recording, Birmingham, Ala., 30 March 2007, Southern Historical Collection, University of North Carolina at Chapel Hill.

\textsuperscript{129}Reverend Abraham Woods, interview.
Additionally, long-standing community groups such as Operation New Birmingham work to foster dialogue and eliminate racial disparities in the city.\textsuperscript{131}

Some might argue that rather than discussing historic racial injustice, a better path to re-establishing community relationships would be to forget the past. Reconciliation work, whether daylong symposia or commissions sponsored by municipal governments, is costly and requires the kind of time and energy that many cities, including Birmingham, may need to channel toward other priorities. Additionally, as Reverend Wood suggests, dialogue on race relations may have little benefit for those unwilling to participate or who do not envision themselves as touched by race at all. And what of the offenders and offenders’ families: can they be reincorporated into the community through processes such as these, particularly if the offenders never accept responsibility for past actions?

Yet, even among individuals who feel themselves to be very far removed from these trials or Birmingham’s past and present race relations, the city’s reputation for racial violence lingers. Odessa Woolfolk, president \textit{emerita} of the Civil Rights Institute, often encounters visitors who arrive with a mental picture of the city as “Bombingham”: “So I tell people, Birmingham [today] is like the rest of America. Forty years ago we were an anomaly, but we are like the rest of America. We’re progressive, we’re struggling.”\textsuperscript{132} Despite the efforts of some to ignore it, the effect of historical injustice on current race relations is to create an on-

\textsuperscript{130} For more information on “The Birmingham Pledge,” see \url{http://www.birminghampledge.org}.


\textsuperscript{132} Odessa Woolfolk, interview with author, tape recording, Birmingham, Ala., 4 June 2003, Southern Historical Collection, University of North Carolina at Chapel Hill.
going mediation in which we are all stakeholders. Current questions about the past and its relationship to present inequities keep the memory of the civil rights movement alive in Birmingham. Because Birmingham residents must live with the city’s past in the form of the city’s present reputation, they may feel some greater stake in the process of resolution.

Looking beyond the Sixteenth Street Baptist Church bombing, Birmingham activists and civic organizations could consider a community dialogue centered on other unsolved crimes of the 1950s and 1960s.\footnote{Official investigations of other bombings in the Birmingham area date through 1972. However most investigations were sporadic and resulted in only one other indictment—J.B. Stoner, renowned Georgia segregationist, for the 1958 Bethel Baptist Church bombing. Ron Casey and Tommy Black, “For Info in Bombing Cases: State Will Pay $100,000 in Reward,” \textit{Birmingham News}, 18 October 1972, 1, 6.} This would facilitate the exploration of individual harms while addressing the larger harm of institutionalized racism within the government and law enforcement. This process could shed light on largely forgotten events by drawing on personal, story-telling, and history-writing narratives to offer recognition of individual suffering. The community reaction to the bombing trials also reminds us that official city sponsorship of any large-scale restorative process must address governmental involvement and complicity in the violence. An event organized around individual testimony about these less well-known crimes could bring us closer to a full accounting and may lead to renewed faith in current systems of justice by frankly acknowledging the failings of the past.

Similarly, the key to public acceptance of a restorative process would be expanding the understanding of harm to involve those who would ordinarily consider themselves unaffected by historical racial injustice. The efficient mobilization of the media might be the best way to generate such critical public engagement. While it may prove difficult to overcome the resistance of large sectors of the community to involvement, media coverage of
the events at least could help to educate such individuals. An event of this sort would attract national media attention, replacing images of police dogs and fire hoses and with the picture of a city striving to improve race relations.

Defining the scope of the remedy would be the most important part of designing a process to address unsolved crimes against the black community during the 1950s and 1960s in Birmingham. Any event, whether a one day conference organized by an academic institution or a multiyear commission developed in league with the municipal authorities, must emphasize that its overarching goal is the restoration of relationships among all parts of the community and putting the memory of these images of violence to rest. Some specific remedies may need to wait on further developments. While some during the bombing trials called for further punitive measures, as Reverend Woods explained, any discussion of compensation or reparations is likely to alienate many potential stakeholders before any real work of racial reconciliation can be achieved.134 Because most of the fifty or more residential and church bombings during the post-war period were never investigated, the likelihood of bringing specific offenders to trial is also slim.135 But there are a host of collective remedies short of such measures that could help restore relationships among Birmingham’s citizens, communities, law enforcement, and local government. Maybe one of


these offers Birmingham, at long last, the opportunity to follow Dr. Huntley’s advice and “simply tell the truth.”\footnote{See Kizzire, “Civil Rights Struggle Not Yet History,” A3.}
Chapter Two

“All of Us Are Victims, and Most of Us Are Innocent Victims”: Birmingham, 1963

“[Denise] was a Southern American, a citizen of Birmingham. I haven’t forgotten that and I don’t intend to forget. No matter who else does.”¹

-Chris McNair, father of Denise McNair, killed in the bombing

By the fall of 1963, Birmingham had already been the site of one of the hardest fought battles of the civil rights movement. Decades of local organizing and the notorious intransigence of municipal leaders convinced Martin Luther King, Jr. and the Southern Christian Leadership Conference (SCLC) to join Reverend Fred Shuttlesworth and other Birmingham residents in protest against segregation.² Selective buying campaigns timed to the Easter season, as well as sit-ins and protests, began in April 1963.³ As the jails filled and bail money ran short, civil rights organizers recruited eager elementary and high school students to maintain the demonstrations’ momentum.⁴ When Eugene “Bull” Connor, commissioner of public safety, ordered firemen to turn hoses on the young demonstrators, the


media coverage sent shockwaves through the nation.\textsuperscript{5} Photographs of young men being bitten by police dogs earned Birmingham infamy as the “most thoroughly segregated city in America” as well as segregation’s most violent defender.\textsuperscript{6} Forward-looking white leadership in Birmingham scrambled to distance themselves from these violent tactics and the unflattering media coverage.\textsuperscript{7}

The old bulwarks that had maintained segregation for so long in Birmingham—specifically violent police suppression and the seeming immutability of the Jim Crow system—were breaking down in the spring of 1963. As a member of the three-man commission system of city governance, Bull Connor controlled public safety and represented the official defense of the racial status quo. The local white power structure long tolerated Connor as a useful tool, but his repeated association with embarrassing international headlines-making violence, beginning with the Freedom Riders beating in 1961, increasingly made him a liability.

An integrated group of activists, the Freedom Riders traveled across the South by bus in defiance of Jim Crow.\textsuperscript{8} Firebombed by Klansmen near Anniston, a town about an hour inside the state line, they arrived in Birmingham on Mother’s Day, 1961. A mob of Ku Klux Klan members and thugs were waiting. One witness reports that earlier in the afternoon, the


\textsuperscript{6}Martin Luther King, Jr., \textit{Why We Can’t Wait} (New York: Penguin, 2000), 66.

\textsuperscript{7}Eskew, \textit{But for Birmingham}, 180-81.

mob had moved from the Greyhound Bus Station to the Trailways Station after receiving a tip that the Freedom Riders changed routes. The mob beat the activists for fifteen minutes before the police arrived. In response to allegations that the police were purposefully absent, Connor explained that the men were all out visiting their mothers. A *Birmingham Post-Herald* reporter’s photographs of the beatings made headlines in Japan, where a group of visiting Birmingham businessmen were shocked and deeply embarrassed to be confronted with such images of their city. The businessmen returned home determined to oust Connor, who was becoming synonymous in the national media with Birmingham and violent racism. In fact, a Senate Intelligence hearing in 1976 confirmed that Connor knew of the impending attack, tipped off the Klan to the Riders’ changed route, and purposely delayed police arrival. Connor not only symbolized violent defense of segregation, he embodied the links between the Klan and official tactics of desegregation resistance.

In an attempt to construct a more positive reputation for the city while maintaining local control over desegregation, prominent realtor Sid Smyer, other leading white businessmen, and young lawyers organized a coup to overthrow Connor. The businessmen arranged the overhaul by a referendum: Birmingham residents could vote to change their form of government from the three-man commissioner system to a mayor-council system,

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10Eskew, *But for Birmingham*, 153, 170-71. David Vann remembers this *Post-Herald* reporter recounting the logic of the Klan. When one of the mob noticed the man taking photographs, he grabbed the camera, broke the lens, but left the film intact. David Vann, interview by author, tape recording, Birmingham, Ala., 2 June 1999, in author’s possession; Taylor Branch, *Parting the Waters: America in the King Years 1954-63* (New York: Touchstone, 1989), 425-26.

11Eskew *But for Birmingham*, 153-58; see also Gary Thomas Rowe, *My Undercover Years with the Ku Klux Klan* (Bantam: New York, 1976), 38-44.
thereby removing the current commissioners from office before the end of their terms. Under the commissioner system, as one of only three men, Connor had substantial influence in the city. A mayor-council system distributed power among ten, and although Connor could run for mayor under the new government, the businessmen hoped that voters would be too embarrassed to elect him.¹²

The referendum passed by citywide ballot, with black voters helping to push a victory. On April 2, 1963, Albert Boutwell defeated Connor for mayor. Although Fred Shuttlesworth, a local civil rights leader, denounced Boutwell as “just a dignified Bull Connor,” the Birmingham News heralded the election with the headline, “New Day Dawns for Birmingham.” The businessmen’s coup succeeded in presenting a more moderate version of the city to a national audience. When civil rights activists began demonstrations the next day, U.S. Attorney General Robert Kennedy criticized the “ill-timed” protests, coming as they did when Birmingham had shown by its change of government that it was trying to reform.¹³

Boutwell and the new council were sworn in on April 15, 1963, but Connor and his fellow commissioners literally refused to leave. Art Hanes, Sr., the former mayor, occupied one office; Boutwell used another down the hall. For over a month, Birmingham had two separate municipal governments often meeting right after each other in the same room of City Hall.¹⁴


¹³But for Birmingham, 190-191; Robert Kennedy is quoted in Branch, Parting the Waters, 711.
Media attention again focused on Birmingham as the economic boycott and civil rights demonstrations continued throughout April. Although both the *Birmingham News* and the *Birmingham Post-Herald* editors initially limited coverage of the spring demonstrations, national media images of the children’s crusade and police dogs attacking bystanders brought Birmingham’s racial upheaval to the world.\(^{15}\) When Connor, despite having been voted out of office, responded to the activists with the usual display of violence—shotgun-armed police escorting his white tank as it rolled through city streets—the spectacle of massive resistance threatened the businessmen’s carefully constructed moderate image. Neither municipal government would officially acknowledge the demonstrators’ demands, prompting businessmen such as Smyer, as well as young white lawyers David Vann and Charles Morgan, Jr., to negotiate secretly with King and Shuttlesworth to try to restore calm.\(^{16}\)

Concern over the street demonstrations and the potential for unrest led President John F. Kennedy to send members of the Justice Department to secretly assist in the mediations and avoid the need for a militarized federal presence in the city.\(^{17}\)

On May 10, the agreement was announced. The end of the internationally publicized demonstrations would be met with desegregation of facilities and hiring of blacks in downtown department stores; the release of the jailed protesters, including hundreds of

\(^{14}\)Eskew, *But for Birmingham*, 247; David Vann, interview. These two municipal governments presided for six weeks while awaiting the former commissioners’ legal challenge to the change in government. On May 23, the Alabama Supreme Court upheld the new government. LaMonte, *Politics and Welfare in Birmingham*, 175-76.


\(^{17}\)Ibid., 269-86.
school children; and the creation of a biracial committee to oversee the end of segregation in the city. Shuttlesworth read the accords aloud in front of the Gaston Motel. The agreement stated: “The city of Birmingham has reached an accord with its conscience. The acceptance of responsibility by local white and Negro leadership offers an example of a free people united to meet and solve their problems.” In fact, black and white leadership did not agree among themselves or with one another about the extent and implementation of the accords, and the businessmen quietly and systematically negated the promised reforms. The accords’ architects pushed for one African-American clerk in every downtown store, while the businessmen insisted that they had agreed to hire only one. Both municipal governments denounced the accords outright; the former mayor Hanes categorized them as “selling the white folks down the river.”

The white businessmen could not persuade Boutwell and the government they had installed to honor the agreement. Parks and other outdoor municipal facilities remained closed and segregated. Segregation ordinances stayed on the books until July 1963. The biracial committee designed to further reforms in the city was not convened until October, and then only with an advisory status. It proved to be so ineffective that Boutwell eliminated

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18 Ibid., 293-94.

19 Ibid.

20 Ibid., 286-89.

21 Eskew, But for Birmingham, 306.

22 Ibid., 292-293.
it entirely in 1964.\textsuperscript{23} As it turned out, the businessmen’s agreement did little to change the realities of racial violence or segregation in Birmingham. It did, however, create a promise of reform designed to erase the city’s reputation for violence.

The businessmen’s goal was to project what historian Glenn Eskew calls “an image of reform.”\textsuperscript{24} Designed as a continuation of the voting referendum, with this reform image local leaders and businessmen hoped to maintain their power and ability to control the pace of desegregation by assuring the president that no federal intervention was needed at that moment.\textsuperscript{25} Keenly aware of the media presence and their city’s reputation, leaders presented a conciliatory image that they hoped would be accepted by a national audience and local people alike. In his statement announcing the accords, Dr. King expressed the hope that the city “was on its way to the creation of a new kind of community—not simply a new image, but a new reality.”\textsuperscript{26} In fact, the violence continued in Birmingham.

The night after the publicly announced accords, a bomb went off at King’s brother’s house as well as outside the movement leader’s room at the A. G. Gaston Motel, sparking a riot in which approximately 2,500 people participated.\textsuperscript{27} City blocks burned as President Kennedy prepared to send in troops. To this first contradiction of the “image of reform,”

\begin{footnotesize}
\item[23]Ibid., 308, 313, 316-17, 325, 394 (n. 37).
\item[24]Ibid., 308.
\item[25]Ibid., 307-08, 312-14.
\item[26]Statement by Dr. Martin Luther King, Jr. at a News Conference May 10, 1963 Marking the Termination of Nonviolent Direct Action Campaign in Birmingham, Alabama,” news release, 10 May 1963, Boutwell Papers, 35.27.
\item[27]Eskew, \textit{But for Birmingham}, 300-01.
\end{footnotesize}
Smyer responded with what would become city leaders’ best defense against continuing vigilante violence. He blamed the outsider: “I believe the community and the country are shocked that, after trying to work this matter out peacefully, a bunch of hoodlums came in here and stirred up more hate.”²⁸ Severing this violence from official resistance to desegregation, Smyer presented the bombing as an isolated terrorist event, perpetrated by outsiders to the community who “came in” to cause trouble.

Although Martin Luther King, Jr., agreed, stating, “I do not think the bombings were perpetrated or even sanctioned by the majority of the white people in Birmingham,”²⁹ the city had a long history of tacitly accepting violence as used to enforce class and race divisions in the segregated system.³⁰ By the spring of 1963, both black and white residents challenged the top-down assurances of “reform,” expressing their discontent through bombs and riots, as well as in the threat of renewed protests. Fissures had developed in the newly constructed image of Birmingham, which, while seemingly reformed, remained undergirded by old modes of obstruction and resistance.

_School Desegregation, Fall 1963_

The summer of relative peace in Birmingham after the spring civil rights demonstrations came to an end with the bombing of attorney Arthur Shores’s house on

²⁸Ibid., 303, 305. See also Raines, _My Soul is Rested_, 162-166.

²⁹Quoted in Eskew, _But for Birmingham_, 305.

³⁰Ibid., 11-12. For violence in the segregation of the steel industry and associated unions before 1930, see Robin D. G. Kelley, _Hammer and Hoe: Alabama Communists During the Great Depression_ (Chapel Hill: University of North Carolina Press, 1990), 1-10.
August 20, 1963.\textsuperscript{31} Although a peripheral figure in the spring protests, Shores was a long-time civil rights lawyer in the city.\textsuperscript{32} Acutely aware of national media attention and unable to deny the on-going violence, local leaders, in an unprecedented move, quickly established a bomb reward fund to assist in capturing the bombers.\textsuperscript{33} Mobilized behind a denunciation of the continuing violence, local white leaders reasserted the “image of reform,” presenting the city as reluctantly but peacefully compliant with the federally mandated school desegregation set to begin in early September.\textsuperscript{34}

Other voices immediately challenged the spirit underlying this image of reform. The \textit{Birmingham World}, the city’s bi-weekly African-American owned newspaper, warned:

“Birmingham will be an unsafe city in which to live so long as the long string of racial

\footnotesize{\textsuperscript{31}Ministers Urge Authorities to Find Bombers of Shores’ Home,” \textit{Birmingham World}, 7 September 1963, 1.}

\footnotesize{\textsuperscript{32}Arthur Shores began practicing law in 1939 and, allied with the National Association for the Advancement of Colored People (“NAACP”), tried many civil rights cases, including the origin of the landmark United States Supreme Court case finding discrimination against nonunion workers unconstitutional. \textit{Steele v. Louisville & Nashville Railroad Co.}, 323 U.S. 192 (1944). A member of the traditional black leadership class in Birmingham, he did not always agree with the tactics of Shuttlesworth and King. Eskew, \textit{But for Birmingham}, 60-61, 233, 324. For Shores’s work with Shuttlesworth’s Alabama Christian Movement for Human Rights, see Manis, \textit{A Fire You Can’t Put Out}.}

\footnotesize{\textsuperscript{33}Untitled Press Release, 21 August 1963, Boutwell Papers, 5.4.}

\footnotesize{\textsuperscript{34}Certainly many white people of good will contributed to the fund. See L.J. Wieschaus to Albert Boutwell, 21 August 1963, Boutwell Papers, 254.4.37: “I think the time has come for the more or less moderates in this community to put their mouths and their wallets where their hearts are.” Also: “I think the only way that the City of Birmingham is going to move forward is to convince everyone that persons responsible for these outrages are going to be arrested and convicted.” E. M. Friend, Jr. to M.E. Wiggins, 23 August 1963, Boutwell Papers, 264.4.37. And some segregationists who deplored the more extreme tactics of the bombers contributed as well. See Mrs. David Guerdat to Albert Boutwell, 23 August 1963, Boutwell Papers, 264.4.37: “. . . to allow the criminal mind to fight on our side in his bullying and unmerciful way is inexcusable and classes the whole South with him. We must use the art of giving in enough to take the pressure off and then, by making sure our laws and treatment of everyone is truly fair, we will have hope of being allowed to determine the fate of our city.”}
bombings remain unsolved.”

The World editor, Emory O. Jackson, had made a career out of reporting issues not covered by the white-owned News, like the bombing of black churches and homes. Jackson wondered why solving the many other bombings remained “beyond the skill, the will, and the ability of law enforcement.”

Pressing on the question of whether local leaders would go further than the establishment of rewards toward ending violence in the city, Jackson explained, “Beyond the bomb reward fund lies the future of this city.”

The question of how Birmingham’s various factions would respond to the desegregation order, and how city leaders could hold those groups in check, hung over that fall. Expecting additional Klan activity, police and civil defense volunteers patrolled the schools to be desegregated, watchful for vigilante activity, catching two young men on Friday night at West End High attempting to hang a “Negro dummy in effigy.”

Almost all


38 “Beyond the Bomb Reward Fund,” Birmingham World, 28 August 1963, 6. Civil defense work was the only opportunity for African Americans to participate in law enforcement before the late 1960s. Often veterans, these men worked patrolling black neighborhoods, protecting black homes, and calming the crowds that often formed after residential bombings throughout the 1960s. Memo from W. A. Noles to E. E. Hayes to Chief Moore, 23 December 1963, Law Department Civil Rights Files, file 987.1.11, Birmingham Public Library Department of Archives and Manuscripts, Birmingham, Alabama; J. Mills Thornton III, Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma (Tuscaloosa: University of Alabama Press, 2002), 164. In the newspaper coverage of the Sixteenth Street bombing, civil defense workers populate photographs of the immediate aftermath.

Birmingham public schools received police attention in the days leading up to desegregation. Thirteen extra police cars monitored the schools the night before their opening.\(^{40}\) Already described as a “crisis” and “one of Birmingham’s greatest challenges,” school desegregation, even in the token form in which it was going forward, prompted the police chief to ask black and white ministers to preach the Sunday before the opening of schools for “order and peace this week.”\(^{41}\) The religious leaders took up the call, emphasizing the danger to schoolchildren that large protests or outright resistance could pose. One Lutheran leader prayed, “As our children begin and continue their studies at our schools, we ask for Thy hand of protection over them.”\(^{42}\) Another pastor asked, “May violence be stayed from our children, for the welfare of our city and schools.”\(^{43}\) Police Chief Jamie Moore warned both civil rights supporters and resisters not to conduct demonstrations.\(^{44}\)

Mayor Albert Boutwell himself issued a televised statement at the beginning of the week calling for residents to observe “law and order” as school officials carried out “the distasteful and agonizing duty imposed upon them by the court.”\(^{45}\) Explaining that the

\(^{40}\) Statement from Chief Moore, Made on September 5, 1963, Regarding a Meeting with the Birmingham School Board at 12:30 p.m. on September 5, 1963,” Boutwell Papers, 20.38.

\(^{41}\) “Amidst Crisis–Ministers of all Denominations Call for Order,” *Birmingham News*, 2 September 1963.

\(^{42}\) Ibid.

\(^{43}\) Ibid.

\(^{44}\) Moore announced: “We know many of these people and we suspect others . . . Everyone of these, I issue a solemn warning: Stay out of trouble.” “Churches Urge Law, Order as Birmingham Prepares for First School Desegregation,” *Birmingham World*, 4 September 1963, 7.

\(^{45}\) “Up to You to Keep Peace, Boutwell Tells People,” *Birmingham News*, 3 September 1963.
enrollment of these three children “would be better than to have federal troops force us to our knees,” Councilman George Seibels echoed Boutwell’s call for the schools to “remain open without incident,” allowing for continued local control over the pace of desegregation. Yet the constant calls for peace betrayed the fear that Birmingham’s residents would not “face the inevitable and distasteful task before [them] with calm and self restraint [sic].”

While crying out against violence, white civic leaders made their personal and official opposition to desegregation clear. In a lead editorial entitled, “Keep the Peace with Open Schools,” the Birmingham News editors explained:

Elected leaders of Birmingham, mayor and council, school board, school board attorneys, the Community Affairs Committee, PTA leadership, Birmingham school superintendent, chief of police, sheriff of Jefferson County—All of these individuals, none of whom favors desegregation, have spelled out the Birmingham school facts for you people…. For nine years, longer than any other major southern city, Birmingham managed to stave off the order.

Birmingham schools superintendent Theo Wright explained that, “a federal judge—not the school board members—ordered the enrollment of the five Negro students Wednesday.

‘Please understand the difference.’” Mayor Boutwell reiterated that the school board “made the best out of that bitter choice. They carried out the court order—hateful as it was to them and hateful as it is to us.”

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46 Ibid.

47 Ibid.

48 “Keep the Peace with Open Schools,” Birmingham News, 3 September 1963, 12.

49 “Teachers Challenged to Do Their Best Job,” Birmingham News, 3 September 1963, 2.

50 “Up to You to Keep Peace, Boutwell Tells People.”
Many prominent residents, including the News editors, called for a “realistic”
assessment of the situation, emphasizing the harm schoolchildren would face if the public
schools were closed in defiance of the segregation order.51 On a television broadcast just
before the opening of schools, the President of the Birmingham League of Women Voters, a
self-described “working mother,” spoke as a representative of those white parents who could
not afford private school tuition and wanted the schools to remain open: “I do not think we
can condemn the childhood of Birmingham to ignorance or to a life of common labor. I
honestly think most of Birmingham believes this, and is going to face this situation with
calm, intelligence and dignity.”52 On the same show, a member of the school board and
chairman of the city council’s committee on community relations emphasized the long-term
economic effects that continued racial unrest would have on the city.53 Levels of support for
compliance with school desegregation among average white residents in Birmingham
remains difficult to gauge; however, many white leaders supported keeping the schools open,
at least until alternative solutions could be found.54

51City leaders lending their support for open schools included the PTA, the Chairman of the Community
Affairs Committee, the Young Men’s Business Club, and prominent white religious leaders, including those to
whom Martin Luther King addressed “Letter from Birmingham Jail.” See “Statement by Mrs. Frances Griffis
on Sept. 2, 1963 WAPI-TV program, ‘Children, Schools and Birmingham’s Conscience,’” Boutwell Papers,
20.38; “Statement by Mr. Frank Newton, Chairman of Community Affairs Committee, Special Called Meeting:
August 30, 1963,” David J. Vann Papers, 1975-1979, 113.25.21, Department of Archives and Manuscripts,
Birmingham Public Library, (hereafter cited as Vann Papers); “Resolution,” attached to James E. Adams to

52“Statement by Virginia Bryan on Sept. 2, 1963 WAPI-TV program, ‘Children, Schools and
Birmingham’s Conscience,’” Boutwell Papers, 20.38.

53“Statement by Don Hawkins on Sept. 2, 1963 WAPI-TV program, ‘Children, Schools and
Birmingham’s Conscience,’” Boutwell Papers, 20.38.
Alternately, others worked against school desegregation. A group of women presented petitions to the Birmingham School Board to close the schools and organized white parents to voluntarily transfer their children in an attempt to circumvent mandated integration.\(^55\) Local women, in particular mothers, actively participated in the larger segregationist groups and their demonstrations.\(^56\) Additionally, the furor attracted organized hate groups from around the region. The National States’ Rights Party, an Atlanta-based organization, as well as the United Americans for Conservative Government and others, gathered in Birmingham in advance of the opening of schools. Claiming to have twelve thousand signatures, these groups attempted to present school closure petitions to Mayor Albert Boutwell.\(^57\) National States’ Rights Party officials had already visited Governor Wallace to present similar petitions, supported by supposedly thirty thousand signatures.\(^58\)

Adopting some of the tactics of civil rights activists, segregationist groups advocated


\(^{57}\)“Some Urge Shutdown Before Mixing”; “Closing of Schools Sought by Group,” *Birmingham News*, 3 September 1963, 3.

economic boycotts and voter registration.\textsuperscript{59} The Ku Klux Klan held well-attended public speeches and rallies in the area.\textsuperscript{60} On the Monday night before the schools opened Wednesday, approximately one thousand people gathered near the Graymont National Guard Armory to listen to Imperial Wizard Robert Shelton brag that he would defy local law enforcement and appear in Birmingham during the first days of school desegregation.\textsuperscript{61}

Adding to the confusion, Governor George Wallace capitalized on the violence of the spring by choosing Birmingham as one of the battlegrounds in his latest showdown on state’s rights.\textsuperscript{62} Around eighty of his troopers entered Birmingham on Tuesday, the day before schools opened.\textsuperscript{63} In stump speeches across the state, Wallace addressed Labor Day gatherings, preaching his militant resistance to desegregation couched in terms of federalism. In Birmingham, he announced: “We are in battle. We are not fighting against the Negro people . . . we want local government to prevail and we want the Constitution of the United

\textsuperscript{59}“Birmingham Police Department Inter-Office Communication,” 9 September 1963, Boutwell Papers, 20.38; “Meeting of the Jefferson County Citizens Council, held on September 6, 1963, Friday, in Room 306, Court House,” police surveillance report, Boutwell Papers, 20.38.

\textsuperscript{60}For Robert Chambliss’s attendance at one such meeting led by the Reverend Ferrell Griswold, see Eskew, \textit{But for Birmingham}, 319.

\textsuperscript{61}“Klan Leader Says He Will Defy Warning,” \textit{Birmingham News}, 3 September 1963, 14.


\textsuperscript{63}“Troopers Move on Birmingham; Keep Them Out, Council Urges,” \textit{Birmingham News}, 3 September 1963, 1.
States to prevail. We are fighting for local government and states rights.”\textsuperscript{64} An indignant Birmingham City Council issued a resolution asking Wallace not to enter the city and to allow the local school board to proceed with desegregation as planned.\textsuperscript{65} Wallace’s show of force represents one prominent end of the spectrum of political constituencies engaged in this tug-of-war over school desegregation and the best way to minimize its impact. His entrance also underlines how the local power structure was losing control of the situation, both in terms of the media image of reform and peaceful, controlled desegregation, as well as in physical terms, as the situation became more militarized and chaotic.

On Wednesday, September 4, two black students, Dwight and Floyd Armstrong, began school at Graymont Elementary in a previously all-white neighborhood. They entered the school by a side door, accompanied by their father, attorneys, and Reverend Fred Shuttlesworth. Ten minutes after enrolling in the principal’s office, they left unnoticed by the crowd of two hundred white protestors gathered out front.\textsuperscript{66} Despite heavy rains that day, demonstrators had gathered at the three schools to be desegregated, waving Confederate flags and throwing rocks.\textsuperscript{67} Five white men were arrested for attacking police.\textsuperscript{68} Ramsey High and West End High did not open on Wednesday, delaying the enrollment of all students,

\begin{itemize}
  \item [64]“The Fight is For Alabama, Wallace Says,” \textit{Birmingham News}, 3 September 1963, 26.
  \item [65]“Council’s Resolution to Wallace,” \textit{Birmingham News}, 3 September 1963, 1.
  \item [66]“Six Arrested; High School Mix Delayed,” \textit{Birmingham News}, 4 September 1963, 1, 4.
  \item [67]“Yelling Whites Set off Melee at Graymont,” \textit{Birmingham News}, 4 September 1963, 1.
  \item [68]“Six Arrested; High School Mix Delayed.”
\end{itemize}
including the three new black students. Protestors fought each other and the police in what was described as a “melee” by the newspapers.

That night a bomb damaged the home of attorney Arthur Shores, the second such attack in two weeks, sparking a riot by neighborhood residents in which police killed one black man, and twenty-one other persons were wounded. After an all-night meeting, the school board closed all three of the public schools to be desegregated, including Graymont. Although officials insisted that the closing was “only temporary,” they declined to give an exact reopening schedule, insisting only, “We hope that the schools will be reopened Monday.” Although school board members denied that pressure from the governor influenced their decision, Wallace issued an early-morning press release proclaiming that the school board, “has acceded to my request and the schools will be closed tomorrow.” All city public schools remained closed that week.

As NAACP lawyers continued, motion-by-motion, to pry the schools open via the federal courts, some parents in Birmingham called upon the school board to reopen the schools. Resentment against Wallace’s stand increased. The *Birmingham News* editors

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69 Ibid.

70 “Yelling Whites Set off Melee at Graymont.”


72 “Board Closes Three Schools, ‘Hopes’ To Reopen Them Monday: Denies Move was Result of Pressure,” *Birmingham News*, 5 September 1963, 1

73 “Board Closes Three Schools,” 1.
questioned his legal authority to intervene in local affairs, and a group of progressive young white lawyers and businessmen accused him of encouraging violence resistance. The *Alabama Baptist*, a statewide church newspaper, echoed these concerns, warning, “If leaders continue to encourage people to violate laws, they create a spirit of anarchy which hardens the situation rather than softens it up.”

The fear that national attention would again fix on Birmingham because of violent resistance to integration drove local officials to denounce Wallace’s intervention in Birmingham. Many felt that Wallace was exploiting Birmingham’s reputation for violent resistance by making the city one of the locations of his power struggle with the federal government. Explicitly understanding the handling of school desegregation as a potential challenge to the “image of reform,” one councilman stressed, “A great deal has been said in recent times about the ‘good name’ of Birmingham … the eyes of the nation and much of the world will focus attention on us to see what happens here Wednesday.”

Many residents, regardless of their stance on desegregation, echoed the refrain, “We must redeem our city in the eyes of our country and the world.” One concerned resident

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75. The Young Men’s Business Club blamed Wallace for “leading certain groups to believe that violence or the threat of violence was sufficient grounds for non-compliance with an order of the courts.” “Recall Troopers, Local Club Urges,” *Birmingham News*, 9 September 1963, 6; “Just What is a Governor’s Power?” *Birmingham News*, 8 September 1963, A-12.


77. “Up to You to Keep Peace, Boutwell Tells People.”

wondered, “Why have Birmingham and Alabama become the whipping-boys for the rest of the nation? There have recently been some very violent doings in other places … Yet Alabama has become the national symbol of race disorders.”\textsuperscript{79} As during the spring civil rights demonstrations, leading residents worried about the economic effect of the continuing disorders in the city. The News editorialized, “No one counsels ‘liking’ desegregation. We don’t.” However, it continued, “[d]eliberately provoked disruption within Birmingham will further harm [the] economic stability of the community.”\textsuperscript{80}

In response to the violence following the first day of school desegregation on Wednesday, September 4, the city council issued a statement: “The principal victims of this violence are the people of Birmingham. This is another of the contemptible blows to the reputation of this city, its people and our law enforcement.” The council then went on to bemoan “the troubles which have been heaped upon the decent citizens of Birmingham since April 2.”\textsuperscript{81} City leaders placed the beginning of the desegregation crisis at the start of civil rights demonstrations the previous spring—directly after the mayoral election on April 2—and in so doing implied that civil rights activists had brought not only a change in the racial status quo, but violence and national approbation to Birmingham. Defensive voices such as these also resented the fact that Governor Wallace allowed desegregation to go forward


\textsuperscript{80}“Think About Schools,” \textit{Birmingham News}, 15 September 1963, A-16. For other warnings as to the economic effect of continued violence, see also, “Associated Press Staffer Sees City as ‘Uneasy, Unhappy,’” 5 September 1963, 9.

\textsuperscript{81}“Council Deplores Attacks, Bombing,” \textit{Birmingham News}, 5 September 1963, 8. The News often repeated this theme, that all Birminghamians were victims of school desegregation spiraling out of control with no discernable endpoint: “Each day was a struggle in which there were no victors but many victims. And there was none to say what or when the end might be.” “As Schools Desegregate—Five Days of Unrest Produce No Victories,” \textit{Birmingham News}, 15 September 1963, A-17.
unchallenged in Huntsville while state troopers ringed Mobile, Tuskegee, and Birmingham schools. However, in Huntsville the schools remained open despite Wallace’s posturing; parents and students broke through the ranks of state troopers surrounding their schools and desegregated classes went forward. Although leaders could portray the city as victimized by demonstrations and desegregation, bombing continued, further undermining the image of peaceful, local control. The violence that had long been a tolerated tool in the maintenance of segregation continued, unsolved and unabated. Meanwhile white leaders reiterated their fundamental opposition to desegregation.

On a Sunday night television broadcast, Wallace announced that Monday morning schools would be reopened in Birmingham and other Alabama cities on a segregated basis. Urging against violence but speaking resistance, Wallace reiterated, “We cannot win this fight if we resort to violence, if we resort to bombings, if we resort to harming the hair on a single person’s head in this state.” That night, a firebomb exploded at the Birmingham home of prominent businessman A.G. Gaston, a self-made millionaire and member of the conservative black leadership class in the city. While the effect of continuing violence on

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84a. “Continuing the double-edged rhetoric of grudging obedience to the federal mandate and continuing resistance, on Saturday, September 14, the *Birmingham News* main editorial flatly stated, “if ever it was uncertain before it is not now that a majority is far from prepared to accept desegregation except as it is forced upon them.” “Your Letters,” *Birmingham News*, 14 September 1963, 4.


86a. An ironic target, Gaston is considered by historians to have been an accommodationist and constant conservative voice regarding desegregation. Gaston had a corporate worth of $35 million at the end of his
the city’s reputation was undeniable—the News reported Gaston as saying that “He considered the attack on his home a reflection on Birmingham”—Gaston was himself invested in the “image of reform.” Like other local leaders, Gaston blamed this bombing and the use of violence to resist desegregation on a small group of extremists: “Gaston said the bombing ‘certainly doesn’t represent the majority of the citizens of the community. I believe it was representative of a very small minority of the community.’” As was not the case in the scores of previous bombings, local officials felt confident about catching these suspects, citing a matchbook found on the scene. Sheriff Bailey explained, “This is the first time we’ve really found evidence we can work with on these bombings.”

On Monday, Wallace’s state troopers and then the Alabama National Guard turned away five black children attempting to attend the formerly all-white schools as the legal dance continued in the courts. With the exception of many elementary students at Graymont, most Birmingham children reported to the reopened schools. White protests were minimal. Desegregation went forward in Birmingham the next day after Kennedy federalized and withdrew the National Guard from schools in Tuskegee, Mobile, and career. Eskew, But for Birmingham, 74, 324. For his own version of the events of Birmingham, 1963, see A. G. Gaston, Green Power: The Successful Way of A. G. Gaston (Birmingham: Birmingham Publishing Co., 1968).


Ibid., 10.

“Schools are Desegregated in Huntsville,” Birmingham News, 9 September 1963, 10; “White House to Hold Off at Least Day,” Birmingham News, 3 September 1963, 1; “Negroes are Barred at Graymont School,” Birmingham News, 9 September 1963, 1; Eskew, But for Birmingham, 319. After the federal district courts ordered Wallace to remove the state troopers from the schools, he substituted National Guard troops. Ibid.

“Schools Are Desegregated in Huntsville,” 10.

“Negroes are Barred at Graymont,” 10.
Birmingham. While the five black pupils attended school—Dwight and Floyd Armstrong at Graymont Elementary, Patricia Marcus and Josephine A. Powell at West End High School, and Richard A. Walker at Ramsay High—the only major confrontation involved white protestors at West End High. There, one thousand students boycotted classes, and, along with nearly two hundred adults, mostly members of the National States’ Right Party, staged a loud demonstration that ended in nine arrests. Attendance remained low that day at Graymont Elementary, but Ramsey High School saw above expected figures for yearly enrollment.

Throughout the week, noisy caravans of demonstrators drove from high school to high school in the city trying to tempt white students into a boycott. In some instances, as at Woodlawn High School, white students organized against the demonstrators, blocking access to the schools and making sure other students did not join in. Prominent students like football players received phone calls from segregationist women trying to intimidate them

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92“Negroes Admitted to Nine Schools,” *Birmingham News*, 10 September 1963, 1. Department of Justice official Burke Marshall and Attorney General Robert Kennedy were in contact with Birmingham Police Chief Jamie Moore during the federalizing of the National Guard, inquiring as to the level of protests around the schools and the ability of local police to maintain control of the situation. “Birmingham Police Department Inter-Office Communication, Re: Telephone Conversation between Chief Jamie Moore & Burke Marshall & Attorney General Robert Kennedy,” 10 September 1963, Boutwell Papers, 20.38.


95“Negroes Admitted to Nine Schools,” 5.

into not attending school.97 Police vigilance kept Birmingham schools functioning fairly normally for the rest of the week.

That Friday, despite a week of desegregation, Wallace announced: “We’ve just begun to fight.”98 Yet school attendance climbed steadily. That same day, a dedicated group of high school demonstrators mobbed Mayor Boutwell’s office, waving Confederate flags and climbing onto his desk to demand a return to whites-only schools.99 A known Klansman in the area, Jack Cash, was arrested late in the week while attending a demonstration. Cash was armed with a small arsenal that included a straight razor and a meat hook.100 Of course, the majority of white school children in Alabama would not even experience desegregated schools that year: in these two weeks, twenty-four black children had entered nine schools across the state.101

In a stump speech for his newly launched presidential campaign, Wallace wondered, “it looks mighty funny to me that there have been forty-seven such bombings in Birmingham in last ten or fifteen years and yet no one has been hurt . . . And these bombings have led to the raising of millions of dollars for civil rights causes.”102 Local Birmingham leaders also

97 Ibid.


99 Ibid., 1.


101 “Negroes Admitted to Nine Schools,” 5.

disavowed the violence and disruption in the city, blaming Wallace or outside elements. While the efficacy of state-sponsored private schools was debated, there was no end in sight to the desegregation conflict.

As the school year got underway, the *Birmingham World* continued its call for investigations into the spate of bombings. Although a federal grand jury had been assembled to investigate obstruction of school desegregation in the city, local officials had not brought any of the suspected bombers to light.103 The *Birmingham News* continued to report on the growth of the bomb reward fund and the contributions of leading white residents to the cause.104 The *World* editors voiced the hope “that the bombings will halt and the guilty will be caught.” They continued, “Beyond the bomb reward fund lies something which should burn the conscience of decent men. The whole community needs to help clear up these shameful bombings. . . . No community can long live in safety which allows its neighbors to live in danger, its seems to us.”105 Beyond the bomb reward fund lay an official tolerance of violence in defense of segregation that belied the local leaders’ “image of reform” as completely as did their loss of control during the school desegregation crisis. Nineteen sixty-three continued to be a contested time in the city. And no bombers were brought to trial that late summer or early fall.


The Sixteenth Street Baptist Church Bombing

At 10:22 AM on Sunday morning, September 15, 1963, twenty sticks of dynamite blew in a sidewall of the Sixteenth Street Baptist Church. The bomb went off during Sunday school, while much of the congregation, including some of the girls’ parents, sat upstairs or in other parts of the building. Addie Mae Collins, Carole Robertson, Cynthia Wesley, all fourteen years old, and Denise McNair, eleven, were killed while in the basement preparing for Youth Day. Sarah Collins, sister of Addie Mae, also in the basement at the time of the blast, survived but lost her right eye. Twenty-two other members of the congregation were wounded. The force of the explosion crushed parked cars. As news of the bombing spread, riots that pitted angry blacks against whites and the police broke out across the city. Later that afternoon, two more black children were killed. A policeman shot James Robinson, sixteen, in the back. On his way home from a segregationist rally, a sixteen-year-old Eagle Scout shot Virgil Ware, thirteen, twice in the head. Virgil and his brother were riding a bicycle near their home.

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107 Sikora, Until Justice Rolls Down, 9-10.

108 Ibid., 3-4, 15.

109 “Council Asks All Facts on Two Deaths,” 1.

110 Ibid.; Eskew, But for Birmingham, 321.
The Sixteenth Street Baptist Church served as the symbolic center of the civil rights movement in Birmingham, the organizational backbone and site of mass demonstrations.\textsuperscript{111} Other key locations of the movement—activists’ homes, even churches—had also been bombed, but this public, vicious act of terrorism literally exploded white city leaders’ posture of peaceful desegregation and control.\textsuperscript{112} The Sixteenth Street Baptist Church bombing was not the inevitable result of the atmosphere of racial violence tolerated by the city, but it was the product of it. A defiant gesture by a small group of segregationists, the bombing also represented a twisted extension of the rhetoric of resistance and an awful reminder of Birmingham’s long and uneasy relationship with vigilante violence in the defense of the racial status quo.

The city responded with shock and horror. Editorials and city leaders expressed their grief; the paper reported that Mayor Boutwell wept.\textsuperscript{113} Recommending the death penalty for those responsible, Governor George Wallace called the bombing “the most dastardly crime ever committed in Alabama,” and local white ministers asked everyone to pray in remembrance.\textsuperscript{114} The city council quickly extended the reward fund, and Wallace


\textsuperscript{112}See Eskew, \textit{But for Birmingham}, 318.

personally pledged $5,000 to bring the bombers to justice.\textsuperscript{115} Although the \textit{Birmingham News} quoted Reverend John H. Cross, the pastor of the Sixteenth Street Baptist Church, as expecting that eventually the church would be bombed, each of its newspaper articles wondered how this kind of violence could happen in Birmingham.\textsuperscript{116} As the city promised a relentless search for “what must be a small band of men,” it began explaining away yet another national-headlines making example of violent resistance.\textsuperscript{117}

Rather than acknowledging the continuing violence, politicians and the media treated the bombing, like the spring demonstrations, as an isolated event perpetrated by outsiders. That night Mayor Boutwell told the city, “All of us are victims, and most of us are innocent victims.”\textsuperscript{118} With the spring accords, Birmingham had attempted to remake its national reputation, presenting itself as working peacefully with civil rights leaders to integrate, while at the same time preserving the segregated system of racial dominance.\textsuperscript{119} But continuing violence and official obstruction of desegregation disrupted that image of reform. While Birmingham residents certainly suffered from the bombing in ways that would reverberate through the city’s history going forward, this official proclamation of the city as a wholly


\textsuperscript{117}“The Shock and the Shame,” 14.

\textsuperscript{118}“City’s People All Victims, Mostly Innocent, Boutwell Says,” \textit{Birmingham News}, 16 September 1963, 21.

\textsuperscript{119}Eskew, \textit{But for Birmingham}, 154-55.
innocent victim immediately rang false. Yet politicians and the local white media worked very hard to present the bombing as unconnected to larger patterns of desegregation resistance.

The day after the bombing, the *Birmingham News* reported that the young girls’ deaths, “marked the first time anyone has died in a bombing itself during the more than 40 that have perplexed the city in recent years.”\(^{120}\) City leaders and the media accused George Wallace, outside agitators, and the black community in an attempt to deflect attention from the continuing atmosphere of violent resistance. If the *News* mentioned the connection of the church bombing to school desegregation, it attributed white resistance to “the vehement objections of the governor and segregation organizations.”\(^{121}\) While Wallace’s defiance undoubtedly encouraged the violence, homegrown resisters called in bomb threats at five Birmingham schools the day after the bombing.\(^{122}\)

Betraying a deep resentment of the spring demonstrations and the accompanying national attention, Birmingham’s white media portrayed the marches and protests as the true root of the violence. The day after the bombing, the lead editorial in the *Birmingham News* expressed grief over the four girls’ deaths, then said, “The Negro community has affronted the white community in past weeks with open law violating street demonstrations—seeking

\(^{120}\)“The Day a Church Became a Tomb.” It is currently estimated that at least 50 bombings occurred on “Dynamite Hill” and in other black or transitional neighborhoods. “Bombings or Attempted Bombings in Birmingham, 1950-1980,” finding aid, Police Surveillance Files. Fifty bombings is likely a low estimate. This compiled list states that no bombings were noted in the years 1952-54, 1959, 1960, and 1964. One can take this either to mean that there were no bombings in these years, or that no bombings were documented.

\(^{121}\)“Day a Church Became a Tomb.”

their ends outside the courts which alone can bring them their goals.” Civil rights activists had held no large-scale demonstrations since the spring, yet “in past weeks” made it appear as if the protests occurred in the weeks leading up to the bombing, instead of four months earlier. This subtle aligning of the bombing and the demonstrations had two functions: it served to characterize the city as victimized by civil rights activity, while at the same time blaming the black community for white resistance. The editors suggested that the demonstrations were an “affront” to a white community anxious to allow the courts to settle the matter, when, in fact, Birmingham had just witnessed two weeks of boycotts, protests, bombing, and riots sparked by token desegregation.

Even as the News explained away white resistance, asserting, “citizens of another race naturally enough try to cling to what they have always known,” a prominent Atlanta editor lamented, “Only we can trace the truth, Southerner, you and I. We broke those children’s bodies.” Another Alabama newspaper asked its readers to consider, “Could my own expressed attitudes of racial prejudice ever have contributed to the insane hatred that unleashed itself in the bombing.” Yet, equating the bombing with the anger of blacks in its aftermath, the Birmingham News stated:

[O]ur people must learn to live without allowing anyone, white or Negro, to resort to violence – be it the extreme of dynamiting a house of God when occupied, or the always dangerously provocative menace of Negroes throwing

123 “The Shock and Shame.”

124 Ibid.

125 The Birmingham director of finance sent Boutwell a copy of a Manchester Guardian Weekly clipping quoting this editor’s comment. S. G. Fullerton, Jr. to Boutwell, 1 October 1963, Boutwell Papers, 264.15.11.

rocks at innocent whites or, more brainless, at police who earnestly try to protect human life.\textsuperscript{127}

This editorial denounced the bombing, but ultimately focused on blaming the “dangerously provocative menace” of black residents themselves. While the police acted heroically, “earnestly try[ing] to protect human life,” in this editorial, the murder of four children became analogous to rock throwing.

A separate article reported that the four girls had not taken part in the schoolchildren’s demonstrations that spring. Yet the reporter included, “[o]n the other hand one of the girls, Carole Robertson, was a granddaughter of Mrs. Sallie M. Anderson who is a member of the Citizens Community Affairs Committee.”\textsuperscript{128} Here, then, even the murdered girls were accused of somehow provoking their own deaths. Just attending Sunday school at the Sixteenth Street Baptist Church, symbolic center of the demonstrations in Birmingham, compromised their innocence.

Although the white media and politicians tried to explain away the bombing or fold it into an image of reform, many other residents explicitly linked official and vigilante violence. Charles Morgan, Jr., a young white lawyer who had worked as a liaison between the city’s white businessmen and civil rights leaders during the spring negotiations, delivered a speech to the Young Men’s Business Club blaming the silent white majority and

\textsuperscript{127}“The Shock and Shame.”

\textsuperscript{128}“Knew Blast Would Come, Pastor Says.” The Community Affairs Committee, established by the new city council after the spring accords, was designed to foster “communication between the races,” yet remained half-formed and frustratingly inactive until its demise in 1964. LaMonte, \textit{Politics and Welfare in Birmingham}, 191-93, 185; Eskew, \textit{But for Birmingham}, 325.
condemning the city at large.\textsuperscript{129} Echoing King’s “Letter from a Birmingham Jail” in a sweeping indictment of local leaders, ministers, police, and ordinary residents, Morgan declared, “Every last one of us is condemned for that crime and the bombing before it and the ones last month, last year, and a decade ago.”\textsuperscript{130} By placing the responsibility on white Birmingham, Morgan exposed the “indifference to violence” that local leaders wanted to bury under the new stance of token accommodation.\textsuperscript{131}

Looking back, Charles Morgan described the way that white leadership in Birmingham began quickly crafting the response that a single individual, an outsider, was responsible. Morgan explained the well-known alliance of extralegal violence and the white power structure’s maintenance of segregation. Describing the many previous bombings of black churches and homes, he said:

> When you have that many unsolved bombings then you know it’s a community rather than a single set of citizens’ acts. It’s community approval. I mean, all the Bourbons used to talk badly about the Klan, but the Klan was just the shock troopers, the guerilla warriors for the preservation of the order. That allowed for the leading citizens who were segregationists to condemn the acts and the others to perform the natural result of their philosophy.\textsuperscript{132}

Pointing to Wallace’s use of state troopers to override local attempts at desegregation, Morgan described the bombing as “a natural kind of conclusion to what was going on for the fifteen days before that.”\textsuperscript{133} He continued, “I was of the belief then and I am of the belief

\textsuperscript{129}Eskew, \textit{But for Birmingham}, 292, 321.

\textsuperscript{130}“All of Us Are Guilty,’ Morgan Declares,” \textit{Birmingham Post-Herald}, 20 September 1963.

\textsuperscript{131}Charles Morgan, Jr., \textit{A Time to Speak} (New York: Harper & Row, 1964), 164.

\textsuperscript{132}Raines, \textit{My Soul is Rested}, 180.
now that that bombing was as natural an event in the history of that city . . . as any other event in American history. You see, there are times when communities and nations and people are guilty." Morgan’s frank declaration earned him harassment, death threats, and prompted his move out of Birmingham soon after.

Civil rights leaders also drew connections between official resistance to desegregation and the bombing. Local leaders speculated that Wallace’s state troopers were directly involved, while Fred Shuttlesworth reiterated that desegregation of city facilities and hiring had stalled. In his funeral speech memorializing the girls, Martin Luther King denounced the silent white moderates, especially the white clergy, race-baiting leaders (although he did not name Wallace specifically), the lack of action on the part of the federal government, and blacks who had not begun to fight against segregation. Beyond these individual actors, however, King put the blame squarely on the system of segregation and the interconnectedness of white official resistance, inertia, and violent resistance: “We must be concerned not merely with finding those who murdered [the children] but about the system, the philosophy and the way of life which produced the murderer.”

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133 Ibid., 181.
134 Ibid., 182.
135 Eskew, But for Birmingham, 321-22. Morgan and his family moved to Washington, D.C., where he began a career with the ACLU. Eskew, But for Birmingham, 321-22, 395 n. 43.
138 Ibid.
While some prominent white religious leaders publicly denounced the bombing and showed their support for the victims’ families, no official representative of the city government attended either funeral service.\(^\text{139}\) The national media noted this general failure of local leadership throughout the desegregation crisis;\(^\text{140}\) individual residents’ expressions of fear that the violence would continue echoed this sense. Outside the funeral of the three girls, one black man was reported as asking, “Where are we safe? Not in our homes, not in school, now not even in church.”\(^\text{141}\) The sheer horror of the act itself prompted even a politically well-connected white churchwoman to write to Mayor Boutwell: “[If it could happen at the Sixteenth Street Baptist Church, it could happen to any of our churches and to any of our children—or grandchildren.]”\(^\text{142}\)

Following the bombing, Birmingham officials pledged to bring the vigilantes to justice. The city council issued a statement calling the investigations “not simply a legal or political question but an issue which must strike at the heart and conscience of every person in this state.”\(^\text{143}\) Mayor Boutwell promised that the city police would “put all else aside until we

\(^{139}\text{Bass, Blessed Are the Peacemakers, 182-84; “Sadness in Birmingham”; Marie Jemison to George Seibels, 17 September 1963, George C. Seibels, Jr., Papers, 1963-1975, 263.16.49, Department of Archives and Manuscripts, Birmingham Public Library (hereafter cited as Seibels Papers). Although Seibels asserted that he sent his executive secretary as a representative, Mrs. Jemison contended that the delegate did not actually attend the funeral, but rather remained outside. Taylor Branch notes, “[t]he funerals produced the largest interracial collections of clergy in Birmingham history, but no city officials attended,” Pillar of Fire, 138. See also, Bass, Blessed Are the Peacemakers, 181, describing eight hundred clergy present, black and white.}


\(^{141}\text{“Sadness in Birmingham.”}

\(^{142}\text{Mrs. Victor H. (Kate) Wood to Boutwell, 16 September 1963, Boutwell Papers, 20.40.}
have found and made certain the punishment of those responsible.”

Yet bombings continued in the city. Ten days after the church bombing, a small explosion drew police to a residential neighborhood, after which a shrapnel bomb detonated nearby, designed to inflict injury on spectators and others congregated at the initial bombsite.

While the FBI took the lead in the church bombing investigations, in a move that surprised local and federal agencies, the Alabama State Police arrested the FBI’s three main suspects only two weeks later on an unrelated dynamite possession charge. Fined $1000, the men successfully appealed their six-month sentences. One source speculates that the arrest and subsequent trial of these men were engineered to frustrate a federal indictment and obscure local police corruption by keeping their files away from the FBI. The other law enforcement groups involved in the case worried about the effect of these arrests, calling them “premature.” Fred Shuttlesworth described the move as a “sham on the part of law agencies, in an effort to soothe the National conscience and placate the Negro” and asked: “Is this the best the Nation can expect of the combined efficient forces of the Federal, State and


144 “City’s People All Victims, Mostly Innocent, ” 21.


147 Elizabeth Cobbs, Robert Chambliss’s niece, was the key witness for the prosecution in the 1977 bombing trial. She speculates that these arrests were the collusion of the Klan and the Alabama state government to delay or avoid the arrest of these men for the bombing. See Petric J. Smith/Elizabeth H. Cobbs, *Long Time Coming: An Insider’s Story of the Birmingham Church Bombing that Rocked the World* (Birmingham: Crane Hill Publishers, 1994), 100-102; See also McWhorter, *Carry Me Home*, 548-52.

148 “The Birmingham Church Bomber.”
Local Law Agencies? Will there be a white wash of this heinous crime, leaving a blacker mark on the American system of justice and equal protection of the law?"\(^{149}\)

This arrest would prove to be the only official action on the case in the 1960s.\(^{150}\) By the second anniversary of the bombing, Chris McNair, whose daughter was killed, explained: “This city just wants to forget the bombing. . . . Do you know, until this day, not a single representative from any law agency—city, state, or federal—has come to tell me what’s happening in the investigation?”\(^{151}\) After five years of investigations, the statute of limitations on civil right violations expired. The FBI had made no arrests, and the Justice Department decided to close the case, convinced that a successful prosecution could not be obtained in Birmingham at that time.\(^{152}\) Despite local leaders’ assurances and the growing bomb reward fund, the lack of a prosecution implicated city officials and law enforcement as tolerating, if not outright approving of, the crime. Frustrated with this lack of action, McNair concluded, “As a Christian, I realize that no one is without sin and maybe I could forgive the bombers—but not a society that permits it.”\(^{153}\)

\(^{149}\)“Statement by Rev. Fred L. Shuttlesworth,” press release, 1 October 1963, Birmingham, Ala. Law Department Civil Rights Files and Related Material, 987.1.1, Department of Archives and Manuscripts, Birmingham Public Library (hereafter cited as Law Dept. Files).

\(^{150}\)Responding to an inquiry regarding the status of the bombing investigation, Police Chief Jamie Moore stated, “the Police Department of the City of Birmingham has received no information prior to January 1, 1965 which could lead to the arrest and conviction of any person or persons for the bombing of the Sixteenth Street Baptist Church.” Jamie Moore to James O. Haley, 21 January 1965, Law Dept. Files, 987.1 2.

\(^{151}\)“Birmingham Two Years Later,” 26.

\(^{152}\)William J. Baxley, interview by author, tape recording, Birmingham, Ala., 8 September 1999.

\(^{153}\)“Birmingham Two Years Later,” 27.
As city leaders mailed back reward fund contributions dollar by dollar, the publicity surrounding the bombing died. National and international donations helped the Sixteenth Street Baptist Church to renovate and rebuild by June 1964. Although bombings continued on “Dynamite Hill” and in other black neighborhoods, Birmingham moved forward. Reform was, in part, realized as segregation ordinances were repealed and Jim Crow signs removed. National gains in civil rights—the Civil Rights Act of 1964 and the Voting Rights Act of 1965—enfranchised and empowered Birmingham’s black population. Desegregation of public accommodations resulted in no major incidents in the city. By 1965, African Americans had won appointments to several prominent municipal boards, including the Housing Authority. By March 1967, black attorney Arthur Shores had won a seat on the city council. Impressed by these accomplishments, Look magazine voted Birmingham an “All-American City” in 1971. In 1973, Chris McNair, who entered local politics after his daughter’s death, was elected to the Alabama House of Representatives.

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154 Mayor George Seibels to Contributors, form letter, 31 October 1969, Seibels Papers, 263.16.48.

155 Hamlin, Behind the Stained Glass, 62-66. The residents of Cardiff, Wales commissioned a local artist to create a replacement for the stained glass window of Jesus damaged in the bombing. The new window, modeled on a photograph the artist had seen of a demonstrator assaulted by a fire hose, depicted a crucified black Jesus with the words, “You Do It To Me.” Ibid.

156 Eskew, But for Birmingham, 394 n. 37.


158 Mrs. Verdelle D. Martin to Boutwell, 23 December 1965, Boutwell Papers, 264.15.41.

159 Raines, My Soul is Rested, 185. Chris McNair would go on to a long career in state and local politics, serving on the Jefferson County Commission for fifteen years before resigning in 2001. Jamie Kizzire, “Career
By the mid 1970s, politicians and other publicists were pointing to an African-American councilman or representative as proof of black gains. Equating integration with racial equity, however, ignores the ideological framework of white supremacy that remained substantially in tact as desegregation proceeded. Although Birmingham made great strides, its narrative of “All-American” improvements in race relations obscured alternate stories of continuing injustice. School desegregation, for example, stalled—of 70,274 total school-aged students, only 60 black students attended formerly all-white schools in 1965. In this context, the Sixteenth Street Baptist Church bombing case stood as a reminder of the continuing struggle to equalize African-American standing under the law and in society. Seldom reappearing in public discussion as the city charged forward, the bombing remained in individuals’ memories and lives.

Like so many other civil rights-era atrocities, the Sixteenth Street Baptist Church bombing might have lingered, unpunishable during the 1960s and later forgotten. Instead it was resurrected in 1977 by a young, politically ambitious attorney general. When Robert E. Chambliss, one of the original five suspects, faced trial for murder in the Sixteenth Street Baptist Church bombing, he was already seventy-three years old. The well-publicized, quick conviction of Chambliss prompted Birmingham residents and the media to reflect on the city’s history of violence. Within a changed economic and social landscape, a version of


Ibid., 21.

the events of 1963 emerged, presenting a familiar refrain of progress and blame that smoothed the edges of an unsettled time.
Chapter Three

“The Crime Was Against Us, Against the People of Birmingham”:
The Sixteenth Street Baptist Church Bombing Trial, 1977

The fourteen years that elapsed between the Sixteenth Street Baptist Church bombing and the Chambliss trial set the stage for reflections by the media, city leaders, and residents on the events of 1963 and their meaning for Birmingham. William J. “Bill” Baxley, the attorney general who tried the Chambliss case, recalled, “People today who didn’t live through it can’t imagine what it was like [in the early 1960s]. And the ones that can imagine want to forget it.”¹ A significant number of residents and municipal leaders, including Baxley, worked hard to improve the city, in part by promoting an image of progress. By the early 1970s, even the national media recognized “at least some motion towards real change” in Birmingham.²

Concerns over the city’s reputation for racial strife and ability to attract new business worried black and white leaders, while the need for federal funds to direct Birmingham’s economy away from heavy industry and the equal employment requirements that accompanied that money moved the pace of integration forward. At the same time white flight, combined with on-going legal battles and civil rights activism, greatly expanded

¹William J. Baxley, interview by author, tape recording, Birmingham, Ala., 8 September 1999, in author’s possession.

African American political clout in Birmingham, while urban renewal eroded the tax base.³ In the wake of the Civil Rights Act and the Voting Rights Act, expanding civil and social guarantees confronted an economic reality rewritten in the class-based ruts laid down by segregation laws in the early history of the city.⁴ It was within this context of economic and political transition that the civil rights demonstrations and white resistance of 1963 would be remembered and disputed in 1977.

*The Economics of Integration and African-American Political Mobilization*

The economic downturn of the late 1960s and 1970s justified the businessmen’s fears of urban decline. As manufacturing and mills abandoned the city, Birmingham failed to attract other industries. In 1963, city leaders, convinced that the medical service industry could replace steel, developed expansion plans for the University Hospital, already a large employer in the downtown area.⁵ The University Hospital slowly grew into the University of Alabama Medical College and later the University of Alabama at Birmingham (UAB), a graduate and professional degree-granting institution.⁶ By the Chambliss trial, UAB was the largest employer in Birmingham.⁷

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⁴See ibid.

UAB may have increased opportunities in the 1970s, but the city’s economy still stagnated. Although Birmingham added 60,000 jobs between 1965 and 1973, a third of these were the result of a Census Bureau expansion of metropolitan boundaries; in the same period booming Atlanta registered 245,000 new employment opportunities. New jobs in the Birmingham suburbs in the 1970s topped 80,000. This lagging downtown economy helped to encourage municipal reliance on federal funds, which, by extension, required equal hiring and access. In the 1970s, UAB received most of its funding from federal sources, the highest proportion of any medical school in the country.

Urban renewal contributed to black economic hardship and to the creation of the Birmingham “inner city.” Municipal records show that city leaders used federally funded highway construction in the 1960s to divide black and white neighborhoods for the purposes of de facto school segregation. The planning committee ran the interstate through traditionally black neighborhoods despite the warnings of one of the chief engineers that this would “create slum areas for the entire length of the Interstate System throughout the City of Birmingham.” In addition to the destruction of black homes by the interstate system, the

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7Ibid., 135.

8Ibid., 136.

9Ibid., 130, 137, 145.

The expansion of UAB displaced nearly ten percent of the city’s total residents, which included twenty percent of its black residents. The economic slump of the 1970s hit Birmingham’s African-American residents hardest, with the loss of manufacturing and steel work compounded by the fact that at UAB as of 1970, blacks still held proportionally fewer professional and managerial level jobs than whites, while they made up three-fourths of the service positions.

As business leaders worked to revitalize downtown, the white flight that began in the early 1950s escalated. In the 1960s, ten thousand blacks and thirty thousand whites left the economically depressed downtown area, with most whites settling “over the mountain” in the emerging planned suburbs of Vestavia, Mountain Brook, and Homewood. Attempts by forward-looking politicians to annex adjacent suburbs met defeat throughout the 1960s and 1970s, due in large part to resistance to school desegregation. The city’s black population rose by twenty-five percent by 1970, while its white population decreased twenty-eight percent. This gap only increased through the seventies, with the result that “blacks and whites were more residentially segregated in 1977 than 1970.”

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13 Ibid., 136.

14 Ibid., 133-34.

Jefferson County had a larger total population than the city of Birmingham itself, and the majority black population that remained suffered what was evaluated in a federal study as the second-lowest standard of living of the sixty-five largest cities in the nation. This pattern of \textit{de facto} segregation repeated itself in cities throughout the South and the nation, particularly in places where heavy industry had dominated the local economy.

While some African Americans’ economic situations deteriorated in the years after 1963, black political power generally grew, in large measure because of the same contributing factors. White flight and urban renewal, along with the growing metropolitan black population, gave African-American voters in Birmingham political leverage they had not enjoyed before. Although the Voting Rights Act of 1965 mandated the elimination of the poll tax, literacy requirements, and other discriminatory measures, Birmingham moved slowly toward black voter registration. The widespread use of delaying tactics, such as opening centers at odd hours or only during weekdays when most working people could not visit, prompted the deployment of federal voting examiners in 1966. The number of black

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voters rose nevertheless, reinforcing the gains already made by black moderates in their alliance with white progressives after 1963.21

After 1963 a few members of Birmingham’s conservative black leadership gained appointments to city boards. By 1965, well-known leaders such as Arthur Shores served on the House Authority Board and other positions of symbolic or strategic importance.22 Integration requirements attached to War on Poverty programs and federal funding continued to open up municipal opportunities.23 African American political participation accelerated during the late 1960s.24 Also, in response to concerns about police brutality, Mayor George Seibels renewed the lapsed bi-racial discussion group, the Community Affairs Committee.25 A sincere effort at inter-racial discussion of the city’s problems, the Community Affairs Committee became a part of Operation New Birmingham, a civic booster organization headed, for the most part, by business leaders and designed to change the city’s negative race relations image.26


22Thornton, Dividing Lines, 372.

23LaMonte, Politics and Welfare in Birmingham, 204-11; Thornton, Dividing Lines, 372-73.

24Thornton, Dividing Lines, 378; LaMonte, Politics and Welfare in Birmingham, 193-95.


26Richard Arrington, interview by Jack Bass, tape recording, 18 July 1974, Southern Historical Collection, University of North Carolina at Chapel Hill.
More than an important symbol of change, the Community Affairs Committee also served as the springboard for many African Americans into elected office in the late 1960s and 1970s. Arthur Shores was appointed to the city council in 1969. In 1971, Richard Arrington joined and Bessie Sears Estelle began her tenure as the third African American to serve on the city council in 1975. Then, in 1979, as Birmingham’s African-American population had almost achieved a voting majority, Richard Arrington became the city’s first black mayor.

The key to Arthur Shores’s successful bid for a city council seat rested in the coalition between the Birmingham Urban League and twenty other African-American local groups that pressed for his appointment to an unexpectedly vacant seat. Black political machines had a long history in the city. The Jefferson County Progressive Democratic Council, for example, was founded in the 1930s and worked to register voters and promote the most racially moderate white candidates. After the Voting Rights Act, the Council

27 Thornton, Dividing Lines, 378.


29 Thornton, Dividing Lines, 378, 516.

30 Franklin, Back to Birmingham, 169-70.


32 Franklin, Back to Birmingham, 229. The Council would be officially recognized by the Democratic Party and honored with two seats at the National Convention in 1956. Ibid.
expanded into the main black political organization in Birmingham, hosting rallies, organizing voters, and widely distributing sample ballot voting slates. Criticized by some, most notably *Birmingham World* editor Emory O. Jackson as being too conservative and representative of the older, moneyed black elite, the Council nevertheless continued as a player in Birmingham politics throughout the 1960s and 1970s.

Black voting numbers expanded to the point that an ambitious Richard Arrington would go on to found his own political mobilization group, the Birmingham-Jefferson County Citizens Coalition, in 1977. Identifying the need to reach those voters unaffiliated with the traditional black middle class, Arrington would use the Coalition to propel himself to power, becoming mayor of Birmingham in 1979 and remaining mayor for the next twenty years.

Just as political networks, both long-established and newly developed, contributed to a rising tide of African-American influence in the city, civil rights groups like the Alabama Christian Movement for Human Rights and the Southern Christian Leadership Conference continued working through activism and legal channels to affect policy in the city.

33Ibid., 229-31.

34Ibid., 230-31, 233.


36Ibid., 232-34; Richard Arrington, interview by Bass; Richard Arrington, interview by Edward LaMonte, video recording, Birmingham, Ala., 24 July 2001, Birmingham Civil Rights Institute Archives.

37According to Birmingham Police Department Surveillance reports, ACMHR held well-attended meetings in Birmingham at least through 1969. See Birmingham Police Department, Inter-Office
Birmingham’s need for federal funding pushed the city to open employment opportunity and advancement in some areas, but these examples of change existed alongside continuing resistance to racial equality. In the late 1960s, for example, the Department of Housing and Urban Development did not approve a Model Cities Program grant to Birmingham in part because the National Association for the Advancement of Colored People refused to endorse the project. Despite some reform efforts, the NAACP objected to what it saw as a lack of meaningful black political opportunity in the city. Gains co-existed alongside vestiges of Jim Crow such as the white and colored water fountain signs that lingered at one Birmingham area business through 1969 and continuing state-level maneuvering against federally mandated school integration.

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38 Federal funds contributed almost eight million dollars to the medical center, as well as to infrastructure and downtown development projects in the mid-1970s. In 1975, eighteen percent of the city’s operating costs came from federal assistance, up from ten percent in 1965. Scribner, *Renewing Birmingham*, 123, 126, 133, 143, 145.


40 Milton B. Rubin to Mayor George Seibels, 6 November 1969, George C. Seibels, Jr., Papers, 1963-1975, 263.20.25, Department of Archives and Manuscripts, Birmingham Public Library (hereafter cited as Seibels Papers). Seibels seemed unconcerned about the illegal signage in a cordial letter written to the business owner: “I don’t imagine that you have had any complaints from your employees about this and actually if I were guessing I doubt that too many people working for you paid too much attention to it,” Seibels to Mr. John Evans, 12 November 1969, Seibels Papers, 263.20.25.

The first major wave of mass civil rights protests following 1963 came on the heels of the Voting Rights Act in 1965.\textsuperscript{42} The NAACP, through the courts, and Reverend Fred Shuttlesworth and Dr. Martin Luther King, Jr., in street demonstrations, sought to enforce good faith compliance with voter registration requirements.\textsuperscript{43} This push to increase registration hours and locations led to the introduction of federal voting examiners and a dramatic increase in the number of black voters—from 42,000 registered in January, 1966, to 63,000 registered in March, 1967.\textsuperscript{44} Local Southern Christian Leadership Conference officials also joined the national movement for economic justice, leading multiple marches and protests in 1968 and 1969, specifically targeting welfare relief and food stamp distribution.\textsuperscript{45} Periodic police brutality protests flared throughout the 1960s and 1970s.\textsuperscript{46}

\textsuperscript{42}Although King and Shuttlesworth threatened to renew mass demonstrations in October 1963 to protest the lack of black police officers, disagreement among the city’s black leadership scuttled the idea. See Thornton, \textit{Dividing Lines}, 347-58.

\textsuperscript{43}Ibid., 373; “Statements Made by Martin Luther King, Made at the Birmingham Airport, at 2:30 p.m., January 24, 1966, as recorded by Lt. W.E. Wilson, in the Presence of Captain House,” Law Dept. Files, 987.1.18; W.C. Hamilton to Albert Boutwell, et al., 18 January 1966, Law Dept. Files, 987.1.18. See also Birmingham Police Surveillance of Alabama Christian Movement for Human Rights Mass Meetings from 1963-1969, Law Dept. Files, 987.1.11-.12; 987.1.14-.16; 987.1.18; 987.1.20; 987.1.23; 987.1.27-.28.

\textsuperscript{44}Thornton, \textit{Dividing Lines}, 374-75.


Reverend Fred Shuttlesworth’s group, the Alabama Christian Movement for Human Rights, continued to agitate for the hiring of black police officers and for some official action in the Sixteenth Street Bombing case.\textsuperscript{47} In a wreath-laying ceremony at City Hall in 1968, the victims’ families and civil rights leaders protested the lack of prosecutions in the case and asserted: “this is where the guilt lies.”\textsuperscript{48}

Civil rights activism, voter registration drives, and the entrance of established black leaders into municipal positions increased African-American political clout in the 1960s and 1970s. White flight and deindustrialization reworked downtown Birmingham; however, much of the legacy of segregation’s economics remained. In 1977, the resurfacing of an iconic case prompted politicians, the media, and residents to reflect on the tumultuous early 1960s and the progress of change in the city.

\textit{State of Alabama v. Robert E. Chambliss}

“All those instances of violence would make me angry . . . But that one, instead of making me angry, it made me sad. . . . That one affected me differently from the others,” remembers Bill Baxley, who first learned of the Sixteenth Street Church bombing as a


University of Alabama law student.\textsuperscript{49} Twenty-eight when elected attorney general in 1970, and with aspirations for the governorship, Baxley made pursuit of the Sixteenth Street Baptist Church bombing case a personal goal.\textsuperscript{50} Racial justice was a top priority of his tenure. He reopened the Sixteenth Street investigation, as well as several other bombings and murders, in 1971.\textsuperscript{51} Driven by a desire to see Alabama prosecute its race-related crimes, Baxley also saw a redemptive value in putting to rest what still symbolized for many the most brutal white resistance from the 1960s. The \textit{Atlanta Constitution} reported that Baxley “considers his crusade against the ‘bombers of Birmingham’ as a means to cleanse a black mark from his state’s history.”\textsuperscript{52}

Although officials had evidence on all four remaining original suspects, the prosecution focused on Robert Chambliss. Chambliss had a long reputation for violence and was considered to be the ringleader. With limited information on the other three, Baxley’s office made the decision not to indict them along with Chambliss. Alabama’s severance laws at the time would have allowed each defendant to request a separate trial, and the attorney

\textsuperscript{49}Baxley, 1999 interview.


\textsuperscript{52}Bill Montgomery, “Trial Opens Monday,” \textit{Atlanta Constitution}, 13 November 1977.
general’s team might have had to go before a jury with the weakest case first, possibly preventing successful prosecution in every case.\textsuperscript{53}

The trial began on November 14, 1977. During jury selection every potential juror had heard of the bombing.\textsuperscript{54} The first witness, former police sergeant Earnest Cantrell, testified that the police knew the defendant, Robert Chambliss, as “Dynamite Bob.” Next Reverend John Haywood Cross, then pastor of Sixteenth Street, described the bombing: “It sounded like the whole world was shaking.”\textsuperscript{55} Cross recounted finding the bodies of the girls.\textsuperscript{56} Sarah Collins Riley was also in the basement and described lying blinded in the rubble, calling out for her sister.\textsuperscript{57} Chris McNair, father of one of the victims, gave similarly wrenching testimony about seeing his daughter for the last time as she was getting ready for Sunday school.\textsuperscript{58}

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\textsuperscript{53}William J. Baxley, interview by author, tape recording, Birmingham, Ala., 22 May 2003, Southern Historical Collection, University of North Carolina at Chapel Hill. Troy Ingram, one of the original main suspects, died of a heart attack in 1973. The other two men eventually convicted of the bombing, Thomas E. Blanton, Jr. and Bobby Frank Cherry, were known to both state and federal law enforcement officials almost immediately. A fifth man, Herman Frank Cash, is sometimes named as a possible accomplice. See Diane McWhorter, \textit{Carry Me Home: Birmingham, Alabama, The Climactic Battle of the Civil Rights Revolution} (New York: Simon & Schuster, 2001), 573-75.


\textsuperscript{55}Sikora, \textit{Until Justice Rolls Down}, 131.

\textsuperscript{56}Ibid., 132.

\textsuperscript{57}Ibid., 132-34.

\textsuperscript{58}Ibid., 135-36.
Yet many of the prosecution’s eyewitnesses balked at appearing in court, even fourteen years later. Former civil defense captain James Lay could place Chambliss at the church on the night of the bombing; however, he refused to testify, claiming that he had amnesia about those events. Another man who corroborated Lay’s testimony failed to show up at court and was nowhere to be found. A former girlfriend of Chambliss’s Klan confederate was also hostile and afraid, but after being threatened with a subpoena came to court and described seeing what appeared to be oversized brown firecrackers in a closet in Chambliss’s home. Another witness wore a large hat and dark sunglasses while testifying in fear of being recognized, despite the fact that she lived in Detroit. It was alleged that during the grand jury proceedings known Klansman Hubert Allen Page intimidated a potential witness outside the courtroom. That witness took the fifth, declining to testify, and the charge against Page was dismissed. Although the defense questioned each witness’s ability to remember conversations and details fourteen years after the fact, this evidence, 

59Ibid., 136-37. Although Birmingham would not hire its first black police officers until 1966, African Americans worked in an adjunct law enforcement capacity as civil defense workers. Authorized by the federal government under the Cold War rationale of local militias, black residents of the Smithfield neighborhood organized a unit of fifty members in 1951. Often veterans, these men patrolled black neighborhoods, protecting black homes, and calming and dispersing crowds that often formed after residential bombings throughout the 1950s and 1960s. See Thornton, *Dividing Lines*, 164, 377; W. A. Noles to E. E. Hayes to Chief Moore, 23 December 1963, Law Dept. Files, 987.1.11. In the newspaper coverage of the Sixteenth Street bombing, civil defense workers populate photographs of the immediate aftermath. Perhaps because they worked exclusively in African-American neighborhoods, these uniformed black men did not spark the kind of opposition or instill the kind of fear that it was assumed black police would in a segregated system

60Ibid., 147-50.


along with technical testimony regarding the type of blast and injuries of the victims, began to build the case to a crescendo.63

The prosecution relied heavily on the testimony of Elizabeth Cobbs, Chambliss’s niece.64 Stepping forward as a surprise witness, Cobbs broke the silence of the many female family members of Klansmen who served as FBI informants in the 1960s in the South.65 An Episcopal minister at the time of the trial, she quoted what the defense would call “big talk,” the threats many segregationists hurled against blacks in 1963.66 Detailing Chambliss’s

63Sikora, Until Justice Rolls Down, 134-35, 145-46, 149, 150-52. The bomb used was a “drip-method” bomb designed for a delayed explosion. Attached to the dynamite by a wire, a fishing bobber was placed in a leaking bucket of water. When all the water seeped out, the bobber and wire made contact with the bottom of the metal bucket, triggering the explosion. Sometime between their on-site investigations and 1977, the FBI lost the bobber. Francis Spotswood, “Prosecutor Tells Jury: ‘Your Duty to Convict Chambliss,’” Birmingham News, 17 November 1977, 1A.

64Elizabeth Cobbs eventually left Birmingham, relocating to Texas and undergoing gender reassignment surgery. Having taken the name Petric Justice Smith, he published an autobiography about the bombing investigation. Petric J. Smith/Elizabeth H. Cobbs, Long Time Coming: An Insider’s Story of the Birmingham Church Bombing that Rocked the World (Birmingham: Crane Hill Publishers, 1994). For Mr. Smith’s appearance on Oprah to discuss the bombing trial, see the inflammatorily titled, “Afraid for Her Life So She Became a Man,” The Oprah Winfrey Show, transcript, 10 November 1994.

65See Cobbs, Long Time Coming; Olivia Barton, “Odds Today Are Slim that Anyone Will Ever Be Brought to Trial,” Birmingham News, 11 September 1983, 2A. Also see Baxley, 2003 interview, and Arthur Hanes, Jr., interview by author, tape recording, Birmingham, Ala., 27 May 2003, Southern Historical Collection, University of North Carolina at Chapel Hill, for the story of Mrs. Chambliss’s overjoyed reaction to the conviction of Chambliss. Baxley discussed with me, off-tape, the well-known correlation of Klansmen and domestic violence, as well as the need to protect female informants that often determined the prosecution’s use of certain evidence in 1963, 1977, as well as in 2001 and 2002. Howell Raines claims to have first made public this web of female informants in a 1983 article. Howell Raines, “The Birmingham Bombing,” New York Times Magazine, 24 July 1983, 12. In a strange passage in that article, Raines discusses visiting Chambliss in prison and choosing not to tell him of his wife’s betrayal and her hatred for him: “In my trips to see [Chambliss], I have become convinced that only two things matter to him now, the oath of Klan secrecy he swore fifty-nine years ago and the memory of his dead wife. Chambliss has never been told that his wife, so repelled by the violence and so abused, put him in prison. I chose not to tell, leaving him instead with a lie he could die with. ‘I always treated my wife right,’ Chambliss said, ‘She never wanted for a thing.’” Ibid. at 26.

66Ron Casey, “From Beginning to End, Chambliss Bombing Trial was Drama-Packed,” Birmingham News, 18 November 1977, 2.
violent nature and history, Cobbs remembered her uncle railing against the “niggers,” stating that he had been “fighting a one-man war since 1942.” The week before the Sixteenth Street Baptist Church bombing, Chambliss told his niece that he had “enough stuff put away to flatten half of Birmingham,” and assured her, “You just wait until after Sunday morning, and they will beg us to let them segregate.” Other witnesses saw dynamite in the Chambliss house or placed him at the scene of the crime, but most damning were his own words.

The defense team’s strategy consisted of admitting that Chambliss was racist, hateful, and sometimes even violent, but denying that he had committed this heinous crime. Defense attorney Arthur Hanes, Jr., working with his father, former mayor of Birmingham Arthur Hanes, Sr., called a few character witnesses, then announced that Chambliss would take the stand in his own defense. Chambliss refused, shaking his head “no” and “torpedoing his own defense,” as Hanes later described the scene. His defense attorney realized only then that Chambliss was guilty.


69 “Teacher: Saw Chambliss.” Arthur Hanes, Jr., Chambliss’s lead defense attorney, discounts the power of Elizabeth Cobb’s testimony. In a recent interview, he asserted that Kirthus Glenn, a witness who placed Chambliss near the church that night, convinced the jury of Chambliss’s guilt. Hanes, interview.

70 Hanes, interview.

71 Sikora, Until Justice Rolls Down, 152-53.

72 Hanes, interview.
In one of the most riveting moments of the trial, Elizabeth Cobbs described Chambliss watching a news report of the bombing, then stating, “It wasn’t meant to hurt anybody. It didn’t go off when it was supposed to.” These words were an unpleasant reminder of the atmosphere of violence tolerated by the city, in which multiple bombings of black homes and churches were never investigated. The jury returned a guilty verdict within hours in a trial that lasted less than a week.74

**Putting the Past on Trial**

Heralded as “one of the biggest trials ever in Jefferson County,” the Sixteenth Street bombing case represented a confrontation with Birmingham’s past, a moment when an economically depressed city struggling under the weight of national infamy and failing desegregation could try to remake itself. But as the trial coverage simplified the past, an image of 1963 as the moment of the city’s awakening to racial justice issues emerged. Furthermore, this narrative attempted to fix civil rights activism and racial prejudice as a thing of the past. The *Birmingham News*, for example, claimed, “Baxley was aided by the new climate in Birmingham, where civil-rights crimes are no longer condoned.”75 From the editors’ point of view, the city’s ability to face its history illustrated a change in attitudes; a new political playing field in which African-American and liberal white voices held

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73 State of Alabama v. Chambliss, 276-77.


influence also made this conversation possible. While the trial—the first in which a racial killing was successfully prosecuted as murder in Alabama—did represent a historic step forward, this sense of false closure obscured on-going civil rights issues and activism in the city, as well as continuing questions of racial justice.\footnote{Sikora, Until Justice Rolls Down, 168. Because the federal civil rights statute of limitations had expired, Baxley pursued the bombing as murder, which has no statute of limitations in Alabama. As a strategy, Baxley sought an indictment for the murder of Denise McNair, planning, if Chambliss had been acquitted, to attempt to try him over and over on a charge of murder for each girl.}

The jury’s response to Chambliss reflected the desire of many in Birmingham to condemn the racist past he symbolized. Chambliss’s segregationist stance reflected extreme, but in some circles socially acceptable, sentiments in 1963; by 1977, however, they were a bad memory to most of black and white Birmingham. His militant racist attitude was now taboo. Yet residue of the past remained, even in the courthouse hallways during the trial, as all-white and all-black groups clustered together in discussion and a known Klansman recently accused of intimidating a witness lurked.\footnote{“Chambliss Guilty, Gets Life,” 8.} And while the bombing represented “a symbol of the violent and bitter era,” in media coverage Chambliss himself came to symbolize the white racism of the past in a simplistic, concrete way that belied the multiple facets of segregationist thought and violence in support of the racial status quo that persisted well into the 1970s.\footnote{“Trial Opens Monday.”}

After his conviction, Robert Chambliss turned to his lawyers and said, “It’s a shame to put all this on a seventy-three-year-old man.”\footnote{Chambliss symbolized the “small band of}
men” blamed by most white leaders for the bombing in 1963.80 Despised by the affluent, more sophisticated, but not necessarily less racist white majority, Chambliss typified the “poor white trash” politicians often accused of inciting the violence of the 1950s and 1960s. Poorly educated and an ardent segregationist, Chambliss lived in one of the formerly all-white working-class areas near downtown most affected by desegregation and the African-American housing expansion. Active in the Ku Klux Klan since at least 1946, Chambliss was implicated in or associated with many of the residential bombings in Fountain Heights.81 Known as “Dynamite Bob” to the police, Chambliss had been arrested for “flogging a black man while wearing a hood,” but never for any bombings, although he had a suspected role in dozens in residential areas since the 1950s.82 Chambliss had been on the city payroll at one point, with suspicious ties to Bull Connor that went beyond his duties as a municipal mechanic.83 Chambliss was eventually fired from his job with the city for engaging in well-

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70Ron Casey, “Books on Bombing Still Open: Probe Won’t End with Chambliss,” Birmingham News, 20 November 1977, 1. Some articles emphasized Chambliss’s age, and the artist’s sketches from the courtroom made him look quite old, wrinkly and bald. Described as “sitting impassively, often even dozing intermittently throughout the trial,” Chambliss is characterized as “strange and somewhat piteous” and “pathetic,” as contrasted to the young jury foreperson. “Chambliss Guilty, Gets Life,” 1; Editorial, “Never Again,” Montgomery Advertiser, 20 November 1977.


81Chambliss Profile, Police Surveillance Files, 1125.3.3.


publicized acts of violence. After testifying before the grand jury regarding the Sixteenth Street bombing in 1977, Chambliss attacked a black television cameraman, although the victim did not press charges. Representing in 1977 what one editorial writer called “a part of our past which many people would just as soon not remember,” this old man came to symbolize an outmoded form of racism as the media put Birmingham’s past on trial.

Klan-police collusion would become the dominant trope of the 1977 trial. As Baxley’s investigations into the Sixteenth Street bombing came to a head, allegations of Klan involvement with the Birmingham police department during the 1960s sparked an investigation by the city. In December 1975, Gary Thomas Rowe, an FBI informant, testified before a Senate Intelligence Committee about violent Klan activity during the early 1960s. In his Senate testimony, Rowe stated that the Birmingham police had an agreement with the Ku Klux Klan on Mother’s Day, 1961, and deliberately did not respond to the report

84 Chambliss Profile, Police Surveillance Files, 1125.3.3.


86 “Never Again,” Montgomery Advertiser, 20 November 1977. Chambliss did receive some sympathetic news coverage that included testimonials from his neighbors. It was also reported that his attorney contemplated calling some of his black neighbors (from his formerly all-white neighborhood) as character witnesses. Ron Casey, “Chambliss . . . ‘He Was Always A Regular Kind of Neighbor,’” Birmingham News, 20 November 1977, 2A; “Trial Opens Monday.”

87 In 1965, Rowe’s testimony against three other men resulted in their conviction for civil rights violations in the Viola Luizzo case. During his Senate testimony, Rose confirmed the commonly held belief that local officials assisted the vigilantes. See Sikora, Until Justice Rolls Down, 64, 168. It is of note that Arthur Hanes, Sr., the mayor of Birmingham during the change-of-government in 1963, and his son, Arthur Hanes, Jr., who both represented Robert Chambliss in 1977, also represented one of the defendants in that trial. See Hanes, interview. See also Gary Thomas Rowe, Jr., My Undercover Years with the Ku Klux Klan (New York: Bantam, 1976). Rowe’s actual activities while an FBI informant remain suspicious. He has been implicated in, and some say instigated, many of the most violent events of this period, including the Luizzo murder and the Mother’s Day Freedom Rider beatings. For Rowe’s involvement in Birmingham Klan activity, see Eskew, But for Birmingham, 157.
of violence against the Freedom Riders at the Trailways Bus Terminal until fifteen minutes later—the prearranged length of time. In response to these accusations, then mayor David Vann began investigations of the police department, but was stalled because of incomplete city records and requested the FBI’s files from this period. These events renewed public interest in the Sixteenth Street bombing case, and Mayor Vann asserted that the “FBI files could be the key in unlocking some of the continuing mysteries remaining from Birmingham’s racial strife of the early 1960s.” This earnest attempt by Vann to examine the police corruption of the past set the tone for the narrative of civic progress that would emerge from the bombing trial.

In fact, speculation swirled during the trial that Chambliss might implicate the police department and in particular Bull Connor in the vigilante violence of that period. Conflicting accounts suggest that Chambliss’s nephew, Floyd Garrett, a Birmingham Police

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90“Racial Strife Probe Hinges on FBI Files.”

Officer, was either involved directly in the bombing or knew of his uncle’s participation.\textsuperscript{92}

While no definitive proof of police-bomber conspiracy surfaced during the Chambliss trial, early 1960s police-Klan cooperation had become a kind of acknowledged fact by 1977. This once unspeakable critique of the power structure became so widely known that by 1983 Birmingham native and \textit{New York Times} reporter Howell Raines freely characterized the city as having “a police tradition of tolerance for the Klan,” where Chambliss and the other most violent Klansmen “were well known to the police through all the years of ‘unsolved’ bombings leading up to 16th Street. FBI records show that the bureau took police-Klan collusion as an accepted fact during those years.”\textsuperscript{93}

Newspaper coverage of the trial blamed the police department for the unsolved case in the 1960s, while congratulating present-day Birmingham on bringing the case to trial. By pointed its finger at the 1963 police department and Bull Connor, the media also effectively transferred blame to an older, “more racist” version of Birmingham. Connor, like Chambliss, was a symbol of the most violent kind of resistance to desegregation, easily dismissed as the exception. When the trial provoked questions of blame, the already tarnished reputation of the police department was easily targeted.

The police of 1963 symbolized Birmingham’s racism and provided a concrete measure of how much the city had changed. This examination of past police corruption pushed the focus off controversies over current police brutality and black police hiring. Charges of police brutality and insufficient disciplinary action against perpetrating officers


\textsuperscript{93}“The Birmingham Bombing,” 13.
persisted throughout the late 1970s, although black officers had been allowed to join the police force in fairly substantial numbers after 1972.\textsuperscript{94} City Councilman Richard Arrington based much of his successful 1979 mayoral campaign on outrage over the continuing police violence.\textsuperscript{95} Although in 1977 news reports could celebrate the conviction of Chambliss, “aided by the new climate in Birmingham,” the focus on an older, more racist Birmingham in public discussions helped to gloss over continuing instances of violence perpetrated against the black community by or with the tacit approval of law enforcement. While the police of the 1960s were blamed as corrupt or complicit in the closed investigation, the 1977 police were reported as cooperating fully with Baxley’s investigation and received a commendation from the mayor and city council for their work.\textsuperscript{96}

But the question remained: who was to blame for the delay in prosecution? When Baxley and his investigators took up the bombing case, it had lain officially dormant for only three years. The FBI ended its work on September 15, 1968, at the expiration of the federal statute of limitations. Someone close to the case speculated that the FBI believed a conviction could not be obtained in Birmingham in the mid-1960s.\textsuperscript{97} In contrast, a 1980

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\textsuperscript{94}Thornton, \textit{Dividing Lines}, 515.
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\textsuperscript{95}Thornton, \textit{Dividing Lines}, 516-19. For Arrington’s life and political career from his election through the second of his five terms, see Franklin, \textit{Back to Birmingham}. For Arrington’s own account of his career, see Richard Arrington, \textit{There’s Hope for the World: The Memoir of Birmingham, Alabama’s First African American Mayor} (Tuscaloosa: University of Alabama Press, 2008).
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Department of Justice Report maintained that while the local FBI agents felt confident about the case, including a near certainty that a white jury would find guilt because of the heinous nature of the crime, Hoover personally blocked prosecution and intentionally kept information about the case from the Justice Department. Former local FBI agent Melton L. Alexander disputed the assertion that Hoover somehow stopped the prosecution. Rather, he says, key informants were unwilling to come forward and therefore the case could not go to trial. Another individual close to the case agreed that, despite the desire to close the case, the need to protect witnesses and confidentiality agreements hamstrung the prosecution.

Most likely a decision from the FBI’s top brass delayed the investigation due to evidentiary issues including uncooperative witnesses, dubious wiretaps, unsavory informants, and local police corruption.

The attorney general’s office faced a case in which key pieces of physical evidence had gone missing as they passed through the hands of both the FBI and local law enforcement offices. Concerns regarding Alabama and Birmingham police corruption during the original investigation surfaced. Although Baxley, with his usual bravado,

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97Baxley, 1999 interview.


101“Probe’s Course Criticized.”
declared, “We know who did it,” when the investigation became public in 1976, it had taken years to piece together a case for prosecution.\textsuperscript{103} Gaining access to the FBI’s files proved to be the most difficult part of the process. Interdepartmental jealousies, a long-standing suspicion of Klan involvement in local law enforcement, and potentially illegal or poorly judged tactics within the federal investigation prompted stonewalling on the part of the FBI. Only after years of intense pressure did the bureau release the files, and Baxley’s office never had access to all of them.\textsuperscript{104}

FBI inaction on the case provided a convenient explanation for the long delay. The News reported that Baxley’s team had been “stymied” by the Justice Department and the FBI.\textsuperscript{105} When Bill Baxley revealed that, throughout the early 1970s, the FBI had been unwilling to release its files on key suspects, the newspapers began to lay blame on the federal agency as well. Explaining the FBI’s four-year hesitation, Baxley suggests, “[t]hey had some justifiable fears about coordinating with Alabama authorities on racial cases, because Alabama authorities had thrown up roadblocks in the past.”\textsuperscript{106} Retired Police Captain Maurice House, however, openly condemned the FBI for the delay, stating, “[t]he

\textsuperscript{102}Baxley, 1999 interview. See also “The Birmingham Bombing,” for Al Lingo’s role in obstructing the original prosecution.

\textsuperscript{103}Baxley Reopens Probe,” 17; “Probe’s Course Criticized.”


FBI certainty withheld information from the Birmingham Police Department, . . . I learned of those witnesses for the first time this week reading newspaper stories about the trial.\textsuperscript{107} Even as individuals and the newspapers attempted to blame an outside agency, charges of FBI stonewalling always led back to concerns about local Klan-police involvement. Bob Eddy, an investigator for Baxley, explained that at that time in Birmingham there had been an atmosphere of fear so pervasive that some witnesses were still afraid to testify in 1977.\textsuperscript{108} Directly condemning the former police force, Eddy stated, “[t]here were known Klansmen and Klan sympathizers in the Birmingham Police Department. People were afraid of reprisals.”\textsuperscript{109}

While the narrative surrounding the trial candidly engaged questions of past police corruption, the unsettled and contested events of 1963 emerged as a simplified moment of progress and the beginning of reform. While other News articles positioned the bombing as the finale to “a time of increasing racial unrest, . . . what came to be known as Birmingham’s longest and hottest summer,” the main editorial on the verdict carefully avoided discussing the atmosphere of violence surrounding desegregation in the early 1960s, instead emphasizing the effect of the bombing on the community as a whole:


\textsuperscript{108}Ibid.

\textsuperscript{109}Ibid. At the time, Baxley expressed frustration at the FBI’s hesitancy to divulge its files; however, he agreed that the bureau had to protect some of its informants. No author, “Baxley Declares Four Men Are Still Sought in Church Bombing,” \textit{Birmingham News}, 29 December 1977, 31.
The first-degree murder conviction of Robert E. Chambliss for the 1963 bombing of the Sixteenth Street Baptist Church which took the lives of four young black girls brings with it an unashamed sense of relief. It is a feeling of justice long overdue, not a feeling of vindication for a proud city or retribution for its citizens. It is not a triumph over the evil of one man or the sorrow over his misfortune, but the easing of a nagging civic frustration which makes the verdict important.110

Creating an image of all of Birmingham waiting anxiously for the verdict, this editorial echoes other characterizations of “the bombing and deaths” as having “haunted the city for the past fourteen years.”111 The editorial’s denial that this trial could be “retribution for its citizens,” points to the perception of the bombing as a crime perpetrated by a few militants against a blameless larger community.112

Although the editorial attempted not to explicitly engage race or the context of desegregation and resistance in which the bombing occurred, the stilted language and race-neutral phrasing belies this stance. The “nagging civic frustration,” a strangely neutral and emotionless phrase, was not the unsolved murder and terror bombing, but rather the effect of that unsolved status on the “proud city” and the image that its leaders had been fighting to re-energize since 1963. In this way, the pinpointing of blame could bring an “unashamed sense of relief” that cryptically ignored fourteen years of delay. Emphasizing the validity of the State’s case, the editorial saw the verdict handed down “perhaps in a more relaxed and


112“Anatomy of a Bombing.”
objective environment than would have been possible fourteen years-ago."\textsuperscript{113} The editors’ choice of “relaxed” and “objective” without explicitly mentioning school desegregation minimizes the white resistance that produced the bombing. Talking around but never about the integration crisis allowed city leaders to construct this trial as a singular moment of recompense for an isolated crime, removed from the desegregation conflicts that remained unresolved through the 1970s. Rather than examining the atmosphere of racial injustice in 1963 or the uneven process of racial equity, local newspapers shifted attention to readily available symbols of past racism.

When forced to engage race, the editorial framed the bombing as a moment of change in the attitudes of the (assumed white) community, asserting, “Not one trial or a dozen will make up for the death of four innocent children who died in the bombing. But out of the terrible tragedy of 1963 was born a new appreciation for the value of human life.”\textsuperscript{114} This reference to white resistance allowed the editorial to position the bombing as a wake-up call for white Birmingham, not only in the sense of the standard trope of the bombing as the catalyst for the civil rights movement, but seemingly as a more basic realization of the value of black life and the unacceptable nature of violence in defense of the racial status quo. Another News editorial after the bombing characterized the crime as having “stained Birmingham’s conscience ever since.”\textsuperscript{115} Yet the “darkest chapter in this city’s history,” would “finally galvanize[] the good people of this community into taking back their city from

\textsuperscript{113} Ibid.

\textsuperscript{114} “The Chambliss Verdict.”

a small band of terrorists.”116 And the verdict in this case signaled the continuing progress of the city: “In a way the verdict restored Birmingham’s reputa[t]ion. Chambliss would not have been convicted in the days of naked bigotry.”117

In fact, media coverage of the trial presented the events of the early 1960s in Birmingham as the image of racial progress that the leaders in 1963 struggled to project. Describing the change of government as prompted by white voters’ change of heart regarding the current city commission’s militant stance on desegregation, one News article characterizes the new government as “more moderate” and as “correcting many of the problems blacks found in Birmingham,” implying a more accelerated time table on desegregation than was evidenced in 1963.118 Acknowledging continued bombing in the late summer and the disagreements between civil rights and local leaders, the article then depicts Birmingham as attempting to peacefully integrate its schools while being thwarted by Wallace and National States’ Rights Party members.119 While the context of white resistance is front and center, the article focuses that resistance onto the most outspoken segregationists–Wallace, Connor, Lingo–reiterating city leaders’ position at the time while obscuring wider resistance and community culpability.

116Ibid.


119Ibid.
News coverage emphasized the validity of the city’s progressive image by making the trial itself and public discussions surrounding it proof of that progress. This image of the city’s past on trial allowed for some frank analysis of the politics of the 1960s. However, it also narrowed the discourse on race relations and legal equity to those years only, ultimately succeeding in reaffirming the current justice system without really addressing the fourteen-year delay in the Sixteenth Street bombing case.

Acutely aware that “virtually world attention [would] be focused” on Birmingham, reporters consistently contrasted current trial publicity to the national horror at the bombing fourteen years earlier. In fact, the Birmingham News reported that many of the over thirty national reporters at the trial had previously reported on the events of the early 1960s. Calling the bombing “one of the country’s major unsolved crimes,” the media emphasized the importance of the bombing trial for Birmingham’s national reputation. One Associated Press report began, “‘So much depends on the outcome of this trial,’” quoting a retired teacher who attended the event, “‘Birmingham is so vulnerable now. We’ve come so far since the 1960s. Now the whole world is watching.’” Arriving in the wake of the Rowe Senate testimony and subsequent police corruption investigation, national attention could

120Chambliss Guilty, Gets Life,” 8.


122“The Chambliss Verdict.”

serve as just another episode of bad publicity or as a signal of Birmingham’s progress, proof
of its ability to renew its reputation and qualify to join the New South.

Still, the local paper heralded the Sixteenth Street Baptist Church bombing trial as
“restor[ing] Birmingham’s reputation.” Despite Baxley’s insistence that his office would
pursue other suspects in this and other unsolved racially motivated bombings, his conviction
of Chambliss would be the final word on the bombing until 2001. With this assertion of
closure Birmingham leaders could reposition the city within the national narrative of the civil
rights movement. While Birmingham had always been recognized as one of the key sites of
the movement, white resistance dominated its national reputation. Commentators at the time
often characterized the Sixteenth Street Baptist Church bombing as “a symbol of the violent
and bitter era,” with “[the] national outrage it sparked contribut[ing] to the congressional
passage of the 1964 Civil Rights Act.” By embracing the bombing trial, Birmingham
could effectively try its own past, and finding its older self guilty, point to progress made and
position itself as successfully fulfilling the promises of equality, if a little late.

After a span of fourteen years, whites and blacks in Birmingham remembered the
early 1960s as the beginning of welcome changes in the city. The civil rights demonstrations
of 1963 were described as “blacks who were insisting on their rights” rather than an “affront
to the white community” as originally depicted. Now an “All-American City,”

124Belated Justice in Birmingham.”
125“Books on Bombing Still Open,” 1.
126“Trial Opens Monday.”
Birmingham had learned the lessons of a violent past it could no longer deny. The bombing stood as a turning point in the city’s history, a horrific act that shocked Birmingham into desegregation. Because of the trial, in 1977 the *Birmingham News* could look back at the half-hearted attempts to desegregate in 1963 and proclaim that “after the new government took office on May 15, [1963] … [it] began correcting many of the problems blacks found in Birmingham,” 128 emphasizing symbolic moments of renewal and assertions of change over an acknowledgment of current racial justice concerns. While many in the city did begin slowly to push desegregation into motion after 1963, this optimistic characterization rings somewhat false. Media characterizations and residents’ hopes that this trial could close the door on that period or somehow exonerate the city seemed unrealistic. Bending the 1960s and 1970s into an unbroken success story of progress in race relations necessarily denied ongoing civil rights challenges and activists’ work, while trying to force closure on a crime and a time period that would not simply remain in the past.

Birmingham residents contested the crafted media narrative, questioning specifically the long delay in prosecution and the trial’s cultural function as a symbol of progress. Mrs. Alvin Robertson, mother of one of the girls killed, rejoiced, concluding that the verdict, “kind of renews my faith in people and in Birmingham.” 129 Reverend John Cross, minister at the Sixteenth Street Baptist Church in 1963, said, “I breathed a sigh of relief that after fourteen years, someone has finally been convicted.” Expressing a belief held by many African Americans in Birmingham that no one would ever be prosecuted, he continued, “I thought I’d

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128Anatomy of a Bombing.”

be ready to go on to glory when that happened, but now, I’m just ready for somebody to dig up some more dirt.”

Addressing the intervening fourteen years, Reverend James Crutcher, the current Sixteenth Street minister, said, “It makes us feel afraid when our justice departments don’t follow through quickly.” For those individuals directly affected by the tragedy, the unsolved crime symbolized a long-standing denial of legal justice to African Americans in Birmingham. Furthermore, the refusal of city leaders to honestly engage the reasons for the fourteen-year delay and the lack of prosecution in the many other bombing cases remained a source of hurt and confusion.

Many white residents resented the renewed publicity surrounding the case. They believed that drawing attention to the long delay reflected badly on Birmingham’s civic image and accused Baxley of unearthing the case solely for personal political gain. In fact, Baxley believed the Chambliss trial contributed to his defeat in the gubernatorial election just after the trial. He recalled the chilly reception he received from some whites while campaigning: “Every day, every town, every plant gate, a dozen people a day, at least, would


131 Wallace Henley, “Since Church Bombing: Change and Forgiveness; but There are Still Scars,” *Birmingham News*, 20 November 1977, 2A.

132 Baxley did begin his campaign for governor soon after the trial, but today he remembers the case as an almost life-long personal mission. Baxley, 1999 interview; “Justice Dept. Slowed Bombing Probe,” D3.

not shake hands or would say, ‘I would have voted for you, I liked you, I thought you were my kind, but you put that old man in jail.’”

Many whites, including some of his friends, condemned Baxley for promoting a reexamination of Birmingham’s negative past, afraid that he was rekindling the racial animosity of that time. Baxley remembered many whites asking him, “Why are you doing this civil rights case? Why are you dragging this up?” Trying to frame the case as a matter of simple justice, he answered, “Look, if four little white girls were picked up and murdered, then you would want that case pursued to the ends of the earth so you could find a murderer that killed those little girls. Now why can’t you feel that way about this murder? What is it about good people like you?”

This was more than just a murder case, however; freighted with symbolism from a dramatic and contested time, this trial’s long-delay pointed to uncomfortable realities about the level of acceptable violence in support of the racial status quo in 1963 and the justice system’s continuing inequalities in the interim. The long-delay necessarily called into account the fourteen years that had passed and questioned the assurances of progress and change in the city.

Others saw the conviction not as actual redemption of the city’s reputation, but rather as an attempt by current prosecutors and politicians to rid the city of an embarrassing high-profile unsolved case. After the verdict, defense attorney Art Hanes, Jr., said, “I hope the verdict was reached for the right reason. . . . People wanted to believe there was a new case.

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134 The Birmingham Bombing,” 25.

135 Baxley, 1999 interview.

136 Ibid.
They wanted and hoped it would be solved.” On appeal Hanes asserted that Chambliss represented “a scapegoat to purge the collective consciousness of the people.” Chambliss’s defense attorney was not the only one to question the strength of the state’s evidence and the motivations of the jury. Another article reported that Macon Weaver, former Birmingham-based U.S. attorney, “thinks part of the reason the jury found Chambliss guilty is that it shared a common feeling that the notorious case should be dealt with and the situation laid to rest.” To acknowledge this kind of need for resolution draws the intervening years into focus. Yet, despite these lingering doubts, media coverage did not often question Chambliss’s guilt or his function as a symbol of the racist past.

In the Chambliss trial closing statement, Baxley emphasized the effect of the bombing, “When that blast went off . . . it was truly a bomb heard round the world. The crime was against us, against the people of Birmingham and the state of Alabama.” Echoing Mayor Boutwell’s immediate response to the bombing, “We are all victims, and most of us innocent victims,” even Baxley tried to work within the framework of civic progress, portraying the entire city, not just the four girls killed, as the victim of the crime.

137 “Chambliss Jury Was Stuck at 11-1,” 3.


139 “Never Had Enough Evidence to Prosecute Church Bombing,” 22.

140a “Chambliss Guilty, Gets Life,” 1; “Never Again.”

In many ways, the city did suffer under the weight of a national reputation for segregationist violence because of this unsolved bombing, despite the efforts of some to implement desegregation and greater equality. Many of Birmingham’s residents, both black and white, were tired of living under the shadow of a violent reputation. For some, the trial and subsequent public discussion represented progress and would help push the city forward; for others, particularly in the white community, silence, an old mode of resistance, promised peace if nothing else.

By reexamining the past and assigning culpability to symbols of an older, now defunct racism, Birmingham newspapers, residents, and politicians consciously engaged a painful part of their history in a way that should not be discounted. The economic realities of integration, on-going civil rights struggles, and lingering questions over the fourteen-year delay, however, defied attempts to designate the civil rights movement as something merely in the past. By 1977, Birmingham had become “All American,” joining cities throughout the nation as new urban landscapes of race codified through white flight and deindustrialization developed. While the service industry centered on the University of Alabama at Birmingham Medical Center flourished, few blue-collar jobs replaced the almost completely defunct steel mills, leaving a large majority of blacks without the resources to enjoy the expansion of opportunities promised in the civil rights legislation of the 1960s. As Chris McNair, then active in local politics, characterized this quandary: “You can sit down and buy a meal anywhere you want—if you can afford a meal.”

The structures of discrimination in

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143 Quoted in Scribner, Renewing Birmingham, 138.
Birmingham, freighted with the legacies of steel economics and reshaped to a new social order that remained predicated on race, belied the sense of closure surrounding the trial.
Chapter Four

“The Healing of a City By Design”: The Birmingham Civil Rights Institute

In 1998 the family of Addie Mae Collins, one of the victims of the Sixteenth Street Baptist Church bombing, discovered that her body was not underneath her headstone in Birmingham’s Greenwood Cemetery.\footnote{Chanda Temple, “Headstone of Girl Killed in 63 Bombing Marks An Empty Plot,” \textit{Birmingham News}, 13 January 1998, 1B.} Greenwood, also called Woodlawn, is one of the oldest black cemeteries in Birmingham and contains the graves of many prominent residents, including three of the four girls killed in the bombing. Portions of the site were condemned for airport expansion in the early 1970s and ownership questions left it abandoned and in disrepair in the 1980s.\footnote{Val Walton, “Open Graves and Apathy: Abandoned Cemetery A Historical Eyesore,” \textit{Birmingham News}, 19 April 1994, 1. Denise McNair is buried in Shadowlawn Cemetery in Birmingham. Carla Caldwell, “Weeds Covering Graves of Church-Bombing Victims,” \textit{Birmingham News}, 18 September 1994, 13.} Volunteer groups attempted to maintain the site and involve the city and the public, but little was accomplished. By the mid-1990s, even the most dedicated concerned individuals abandoned their attempts due to the atrocious conditions that included illegal burials and open graves.\footnote{Carla Caldwell, “Weeds Grow Over Neglected Graves: Greenwood/Woodlawn Cemetery Remains a Mess Despite Cleanup,” \textit{Birmingham News}, 26 September 1996, 1B.} Although in 1995 the City Council spent $60,000 for clean-up, spurred on by comments from Fred Shuttlesworth and others during the National Baptist Convention’s meeting in the city, vandalism and the quick work of nature continued to batter
the cemetery. When the Collins family attempted to move Addie Mae’s remains to another cemetery in town, they found that her headstone marked only an empty grave. All funeral home records had been lost in a fire, and so despite multiple attempts, including the use of a radar expert, Addie Mae’s body has not yet been located.

At periodic anniversaries of the bombing or when the case returned to public discussion—such as the arrival of Spike Lee to film a documentary in 1996—attention focused on the overgrown state of the cemetery. One local woman attending a remembrance service for the bombing commented, “It seems like nobody even knows this place is here. It’s forgotten. That seems to say to me that these girls died for nothing in one aspect.”

The subsequent year, around the anniversary of the bombing, another native Birminghamian felt moved to write a newspaper editorial about his father and brother’s work tending the three girls’ graves one Sunday in September, describing it as an act of penance and explaining his

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The City of Birmingham has continued to contribute to the maintenance of the cemetery. Marie A. Jones, “Cemetery Adds Paved Road,” Birmingham News, 23 August 2000.

5Chanda Temple, “Third Attempt Will Be Made to Find Grave of Girl Killed in 63 Bombing,” Birmingham News, 20 March 1998, 7B; Chanda Temple, “Suit Over Bomb Victim’s Lost Grave Dismissed,” Birmingham News, 2 March 2003. The family attempted to sue the City of Birmingham for losing or destroying the remains when it condemned and paved part of the cemetery during 1970s airport renovations. However, that suit was dismissed because no wrongdoing could be proven without locating the body. Ibid. Radar testing pinpointed an additional eleven unmarked graves in the cemetery and an Atlanta archaeologist speculated that the runway did cover additional bodies. Val Walton, “Judge OKs Wider Use of Radar to Find Bomb Victim’s Remains,” Birmingham News, 17 November 2000.

6“Third Attempt Will Be Made to Find Grave of Girl”; Temple, “Suit Over Bomb Victim’s Lost Grave Dismissed”; Walton, “Judge OK’s Wider Use of Radar.” Publicity surrounding the missing body attracted the attention of several individuals who claimed to be able to locate the body, from memory or, in one case, with dowsing rods. Caldwell, “Weeds Covering Graves of Church-Bombing Victims,” 13.

own “scar of grief” from the tragedy.⁸ The Collins family, through their attorney, expressed the sentiment that the city should join with the family in establishing some sort of permanent memorial for Addie Mae. Her older sister, Janie Gaines, explained, “We don’t want her to be forgotten.”⁹

In the late 1970s politicians in Birmingham began working to establish a civil rights memorial but for years funding issues, lack of public support, and eventually a major contracting scandal threatened to derail the project. By the late 1990s, however, Birmingham had dedicated its Civil Rights Institute, a multi-million dollar facility devoted to showcasing the city’s civil rights past. Located at the corner of Sixteenth Street and Sixth Avenue North, across from the rebuilt church and the park that staged the mass demonstrations of 1963, the Institute presented a dramatic narrative of the civil rights story with Birmingham at its center and represented, by its very presence on the downtown landscape, a shifting of political power and priorities. The Institute presented one version of Birmingham’s civil rights past, a simplified narrative of reform echoing themes first promulgated by politicians in 1963 and revised in the 1977 bombing trial. Yet because of the crime’s unsolved status, memorialization of the bombing and its victims remained a contested part of the city’s history. Wilhelmenia Anchrum, who led the effort to preserve and restore Greenwood Cemetery, wondered how Birmingham could spend millions to create the Civil Rights Institute but resist taking on upkeep of the graves of the girls.¹⁰

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⁹“Suit Over Bomb Victim’s Lost Grave Dismissed.”
The image of these overgrown graves in an abandoned cemetery struck a cord with a wide swath of residents. Memorials—here the most basic, a tended grave—have the power to reflect our appreciation of the past and our priorities in the present. Especially after the creation of the Birmingham Civil Rights Institute, the neglect of the graves of these three girls seemed shameful, as if the city itself had failed somehow in safeguarding their memory. Linked to this seeming public dereliction of duty was the unresolved status of the bombing case itself—how could this crime, like ownership of the graveyard, have fallen through the cracks? Even after the 1992 opening of the Institute, heralded as “The Healing of a City By Design,”¹¹ questions continued to bubble up regarding the unsolved status of the bombing case, memorialization and its goals, and the interaction of individual identity and collective memory.

To Tell Its Own Story: Creating a Civil Rights Museum in Birmingham

The Birmingham Civil Rights Institute took thirteen years to complete.¹² David Vann, a key negotiator of the agreement between civil rights leaders and the white business community in spring 1963, served as mayor in the late 1970s. He originated the idea for a civil rights museum in Birmingham. Dr. Edward LaMonte, Birmingham-Southern professor and member of the original Institute task force, remembers: “David Vann had made the comment at least in 1978 . . . that the sidewalks from Sixteenth Street Baptist Church to Birmingham City Hall are, roughly his words were, as sacred to this country as the


battlefields of Gettysburg and Valley Forge.”

Inspired by a trip to Yad Vashem, Israel’s Holocaust memorial, Vann thought that a civil rights museum would benefit the city in terms of racial reconciliation as well as tourist dollars. A hard-fought mayoral election and lack of funds tabled the project for several years. And although in 1981 Richard Arrington appointed a study committee to assist in the creation and design of the museum, historian Glenn Eskew characterizes the new mayor’s response to the idea as tepid at best, citing city council and civic group pressure as finally spurring the first steps.

Although charged with designing a “civil rights museum,” the initial planning taskforce instead developed the concept of a civil rights institute. Leader in Institute planning and its first president Odessa Woolfolk recalls, “we decided that the word ‘institute’ would certainly clearly define how we envisioned this place. ‘Institute’ suggests dynamism, learning. ‘Museum’ suggests mausoleum.” Instead of a museum, the Institute was to be a

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13Dr. Edward LaMonte, interview with author, tape recording, Birmingham, Ala., 22 December 2004, Southern Historical Collection, University of North Carolina at Chapel Hill.


16Odessa Woolfolk, interview by author, tape recording, Birmingham, Ala., 4 June 2003, Southern Historical Collection, University of North Carolina at Chapel Hill. A vast literature analyzes museums for content and their relationship to memory and the community. Some recent noted works include: Susan A.
“learning institution” that would consist of the central displays as well as educational programming, school curriculum development, archives, cultural programming, an oral history project, a website, and on-going conferences and exhibits. LaMonte described the Institute’s ambitious educational mission: “It will be a kind of community school or university where people can come and learn.”17 Woolfolk invoked this broad agenda, stating: “But we didn’t want to end our mission with merely telling the story of what happened in the past. We wanted to see what lessons had been learned. Therefore, we chose as our theme, our tag line, ‘Inspired by the Past, A Vision for the Future.’”18

The members of the task force designed the Institute to reframe the city’s civil rights history by reorienting it to a progressive present and showcasing local organizing and movement activity rather than violent white resistance. Woolfolk emphasizes this as she detailed the exhibits: “Then we would go chronologically, the idea being that this was a victorious movement, that people’s efforts, struggles, and bravery made our community, and indeed the world, a better place.” She continues, “Ultimately it was hope, and it was celebrating courageous people while showing warts and all in terms of the struggle, but showing basically in the end that courage paid off.”19 Redesigning the city’s civil rights history as a message of hope ratified the “image of reform” so eagerly sought by city leaders since the 1960s.


18Woolfolk, interview.

19Ibid.
After the study committee’s initial report outlining design, financial, and legal considerations for what was now conceptualized as a multi-purpose educational institute, Arrington took no action on the project until 1985, after the biracial civic group Operation New Birmingham and the state legislature evidenced intense interest in the value of packaging and presenting the area’s civil rights past.\textsuperscript{20} Political motivations—the perceived animosity of key white voters to a civil rights museum project—likely helped to slow the pace.\textsuperscript{21} Wrangling over local control of planning and presentation of the exhibits contributed to the delay.\textsuperscript{22} And the problem of how to fund the twelve million dollars projected for the Institute also remained a problem.\textsuperscript{23}

Citywide vote defeated two bond proposals which included funding for the Institute, one in 1986 and another in 1989, attesting to a sustained lack of public support for the concept.\textsuperscript{24} However, the first bond proposal required a $5 million tax increase to fund the city’s bond initiative of $65 million, $10 million of which would go to the Institute with the

\begin{footnotes}
\item[20]{Eskew, “New Ideology of Tolerance,” 34; 36-37; 40-41.}
\item[21]{Ibid., 37.}
\item[22]{Ibid., 42-44. Task Force members were very engaged in the minutia of design work, including reviewing exhibit copy for historical accuracy. See ibid., 56; Dr. Horace Huntley, interview, transcript, Birmingham, Ala., 26 May 1998, Birmingham Civil Rights Institute Archives Oral History Project.}
\item[23]{Woolfolk, interview; Bond, Ryder, James estimated the cost to be twelve million dollars in 1986. Eskew, “New Ideology of Tolerance,” 44.}
\item[24]{“Birmingham Embraces Its Past,” 1; Eskew, “New Ideology of Tolerance,” 44-45, 53. Eskew describes the voter’s rejection of the second bond proposal as “what amounted to a referendum” against the Institute. Ibid., 53.}
\end{footnotes}
rest funding schools, parks, sidewalks, and sewers. While some residents came out against the idea of a civil rights museum, others attempted to torpedo the bond initiative because it required additional taxation. While defeat of the first bond proposal likely does indicate some negative attitudes toward the concept of a civil rights museum, the city’s strapped finances due to a downturn in federal government funding for cities, as well as general voter apathy, likely contributed.

Despite the long incubation period and questions by some about the mayor’s commitment to the Institute, Woolfolk remembers Arrington as “unstoppable” in his commitment to secure funding. In 1986, Arrington was able to use a “quasi-public entity,” the Historical Preservation Authority, to borrow on the city’s credit and then sold the old Social Security Administration building downtown to fund the exhibit design and construction. By this time the original task force had evolved into the first board of directors, headed by Odessa Woolfolk. The board worked with Joseph A. Wetzel and Associates to shape the exhibits designed by American History Workshop and to begin additional fundraising, even hiring professionals to solicit contributions. Boosterism by


26Ibid., 45.


28Woolfolk, interview.

29Huntley, interview; Woolfolk, interview; Eskew, “New Ideology of Tolerance,” 54.

30Eskew, “New Ideology of Tolerance,” 54; Woolfolk, interview.
Woolfolk in particular eventually persuaded one or two key white businessmen of the museum’s potential to enhance the city’s national reputation. LaMonte describes the leading fundraiser, Herb Sklenar, CEO of Vulcan Materials, as “open to the possibility that the civil rights program could be more than a project of a black mayor for his black constituents, that it could really be an identifying project of Birmingham’s.”

He credits Sklenar for recruiting corporate sponsorship and taking an active role in Institute planning, reviewing exhibit designs and helping to craft the mission statement. Although corporate sponsorship arrived too late to assist in the construction of the museum itself, it pushed the adjoining galleries and other parts of the Institute to completion.

Considering the business community’s historic investment in the image of reform, one might expect an enthusiastic response to an official representation of the city’s history underwritten by corporate sponsorship. Yet some white businessmen resisted the idea of presenting what to them seemed only an embarrassing past. Despite this initial reluctance, today LaMonte and Woolfolk assert the Institute is often used by local businesses as a recruiting tool, a way to show out-of-towners that the city of Birmingham is progressive and has changed.

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32 LaMonte, 2004 interview. LaMonte also mentions Ted Kennedy of BE&K as another business participant in Institute initial fundraising, but concludes that Sklenar’s activities were more influential. Ibid.

33 Edward LaMonte, interview by author, tape recording, Birmingham, Ala., 22 February 2005, Southern Historical Collection, University of North Carolina at Chapel Hill.

34 Woolfolk, interview. See also Eskew, “New Ideology of Tolerance,” 58.

35 Woolfolk, interview; LaMonte, 2004 interview.
As construction began, city-hired minority contractors affiliated with the Institute embroiled Arrington in a U.S. Attorney General’s office and Internal Revenue Service investigation into embezzlement.\textsuperscript{36} This investigation would result in fines and federal prison time for one of the Institute consultants, with the mayor named as an unindicted co-conspirator and eventually cleared of all charges.\textsuperscript{37} Some whites used the minority contracting scandal to challenge the idea of a civil rights museum as another special project of a corrupt mayor for his black constituents. Woolfolk remembers: “Then you had on the side of naysayers a group in the town who felt that the Arrington administration and his staff were not good stewards of public taxes anyway, that their priorities weren’t the best priorities in the minds of the naysayers. So let’s not entrust them with more money to do yet another ‘wasteful’ project.”\textsuperscript{38}

At the heart of the stalemate over funding were questions of collective memory, identity, and power. Woolfolk remembers various members of the black and white communities disagreeing with the plan for a museum at all. Although she asserts in a recent interview that “the majority of the population was either silent or in favor of the project,” Woolfolk cited logistical concerns such as whether Birmingham had enough physical artifacts and documents to justify a civil rights museum separate from the public library archives and whether the city’s black residents would be better served by spending that

\textsuperscript{36}Eskew, “Memorializing the Movement,” 370.

\textsuperscript{37}Subcontractor Marjorie Peters would later be indicted for misappropriation of $220,000 in city funds connected with contracting work on the Institute. Eskew, “New Ideology of Tolerance,” 42, 55, 63 n. 27, 65 n. 55.

\textsuperscript{38}Woolfolk, interview.
money on public services for poorer neighborhoods. After the defeat of the first bond proposal, Woolfolk also noted opposition from some in the black community who “don’t want to remember what’s traumatic in their history.” Some whites also echoed this sense that a painful past is best left alone, focusing not on the lingering effects of trauma but rather on how a museum might reinvigorate the negative image of the city. Woolfolk recalls: “Many voices said, ‘Look, why on earth would Birmingham, Alabama, perpetuate the thing about us that we’re trying to hide from? The Yankee press, electronic and print, are forever telling us how awful we used to be, and by implication how awful we still are. So why would we want to pay tribute to that?’”

The former director of the art museum, Richard Murray, admitted that the Institute “may be a controversial idea in Birmingham.” However, from his new vantage point at the Smithsonian Institute archives in Washington, D.C., he believed that “outside of Birmingham, people would come to a civil rights museum there,” due to the symbolic power of that negative reputation in the national imagination. Opponents perceived that the solidification of the city’s still contentious civil rights history was really at stake. With the election of Richard Arrington in 1979 many in the white community began to see the palpable effects of white flight and divestment in the city as black political power grew. Resistance from the white community shocked LaMonte during the Institute’s initial stages:


40 Woolfolk, interview.

“I’ve been surprised by the vehemence of some whites in saying, ‘Don’t bring that up.’”\textsuperscript{42}

And looking back, he remembered: “It was almost unanimously opposed by the white business community and the white community.”\textsuperscript{43} This tension between remembering and forgetting, as well as the power structure’s inability to renew the city’s image remained a constant theme in Birmingham’s history from 1963 to the 1990s. Yet David Vann, the originator of the museum idea, thought that a civil rights memorial could serve both as a reminder of the past and as a way to contain and control that past. Vann maintained, “the best way to get rid of bad history is to declare it history and put it in a museum.”\textsuperscript{44}

Yet the creation of the Institute did not close the chapter on the city’s civil rights history. As former president Edward LaMonte said, “It is a physical reminder of our past and of the challenges that we continue to face. It’s always there. It doesn’t ever go away.”\textsuperscript{45} Woolfolk envisioned the Institute as a new focal point for identity in the city and insisted residents hoped it would serve a reconciling function.\textsuperscript{46} The heavy symbolic weight of a civil rights museum on Birmingham’s civic landscape indicated a celebration of the civil rights struggle and a confirmation of the structural resistance the movement sought to overcome. Yet as initial reluctance among some residents and the varied reactions to the completed

\begin{footnotes}
\footnote{Quoted in ibid., 41.}
\footnote{LaMonte, 2004 interview.}
\footnote{LaMonte, 2005 interview.}
\footnote{Woolfolk, interview.}
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Institute illustrate, even the fixing of an official version of the city’s civil rights past could not end the long-standing debates over its continued meaning.

“Inspired by the Past, A Vision for the Future”: The Civil Rights Institute

Looking back at its success, former president LaMonte explained, “I think the Institute has had the broadest appeal nationally and internationally [of Birmingham’s tourist attractions] because of the urgency of its theme.”\(^{47}\) By its third anniversary, over 300,000 people had visited the Institute.\(^{48}\) The original task force closely controlled both the overall physical layout of the Institute and the history portrayed by its exhibits.\(^{49}\) Working to incorporate museum construction into a larger revitalization of the downtown historic black business area and to center memorialization where most of the large demonstrations took place, the city chose a site across from Kelly Ingram Park and the Sixteenth Street Baptist Church.\(^{50}\) The design firm used light yellow brick and featured a large dome entryway to complement and align the Institute with the Sixteenth Street Baptist Church’s color scheme and distinctive double-domed construction.\(^{51}\) Visitors feel the resonances of the connection between the history presented and the present. One woman from New Jersey explained, “I

\(^{47}\)Ibid.


\(^{49}\)Eskew, “New Ideology of Tolerance,” 43-44.

\(^{50}\)Ibid., 41.

\(^{51}\)Ibid., 48; LaMonte, 2005 interview.
cried a lot. I am one of those children who have reaped the ‘benefits’ from the movement. I was unaware of what our people had to endure.”

A local woman wrote, “Every time I come, my eyes are filled with tears.” Another said, “Overwhelming, chilling, very impressive. I’ll come back.”

Broad steps lead up to a green domed entryway, meant to invoke the feeling of walking into a sacred space. Similarities to the King Center in Atlanta, designed by the same architecture firm, can be felt in the long vistas and repeating patterns of windows and arches along the inner courtyard.

Visitors enter and exit onto the street across from Kelly Ingram Park, and the paving of the Institute’s floor design mirrors park paving. From the Institute one can look across at the pathways of the park’s “Freedom Walk” as it winds past sculptures of the iconic images of that time—jailed schoolchildren, police dogs attacking, fire hoses turned on marchers, ministers kneeling in prayer—drawing visitors into the center of the newly dubbed “Place of Revolution and Reconciliation.” The park anchors the new “Civil Rights District” which includes the historic Carver Theater now housing the Alabama Jazz Hall of Fame; the

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52 “Black and White Visit Museum,” 17A.

53 Ibid.

54 Eskew likens the approach to the Institute to “a believer enter[ing] church,” and the overall design as “mak[ing] one feel like a civil rights supporter going to a mass meeting.” Eskew, “New Ideology of Tolerance,” 48.

55 Ibid., 42, 48.


Sixteenth Street Baptist Church, offering tours of the sanctuary and a basement area dedicated as a memorial to the bombing; and the Fourth Avenue North historic black business district that, despite boosters efforts, continues its steady economic decline. Also included in the downtown black heritage tour designed by the local tourist information office are the Alabama Penny Saving Bank, the first black-owned bank in Alabama, and the A.G. Gaston Motel, former headquarters for visiting civil rights leaders now converted into low-income housing.

This reclamation of civic space represents a long-overdue imposition of new monuments and new players in the realm of official civic memorialization in Birmingham. Since before the Civil War, cultural strategists from the Daughters of the Confederacy to African-American fraternal organizations have done battle over the public history of southern localities by erecting statutes, staging parades, and by preserving some sites and deeming others blighted in order to shape the physical landscape into one that represents their version of the past. Current controversies over renaming central business avenues in honor of Martin Luther King illustrate the way that even seemingly mainstream civil rights symbols still have the power to provoke. As Fitzhugh Brundage notes, “The stakes are clear to large

58When the Institute first opened its doors in November 1992, the Carver Theater and Jazz Hall of Fame were scheduled to open in the spring of 1993. Joe Nabbefeld, “Carver, Jazz Hall of Fame Will Be Ready Next Spring,” Birmingham News, 15 November 1992, 35P.

59“Birmingham Civil Rights District and Black Heritage Tour,” pamphlet.


numbers of southerners, white and black, who agree about perhaps only one thing: the continuing relevance of history for the contemporary South.”  

In the long tradition of private business interests pushing the city toward change, the perceived economic boon of African-American and civil rights tourism convinced city leaders to support the Institute. Historian Glenn Eskew maintains that Arrington put his weight behind the creation of the Institute once convinced of its tourist potential. And Institute boosters couched their outreach to Birmingham’s business community in terms of tourist dollars. The business community responded, filling the *Birmingham News* pullout section on the opening of the Institute with large ads congratulating its founders and the city itself on having the vision to create a memorial of this kind. The Institute’s supporters hoped that it would attract 200,000 people its first year and ultimately be a bigger draw than the U.S. Space and Rocket Center in Huntsville. This potential for tourism and its

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65 See “Civil Rights Institute: A Guide to Its Galleries, History and Mission,” *Birmingham News*, 15 November 1992, section P. Commodifying the civil rights movement’s main tropes, beer distributors, bread companies and even the local water works framed their advertisements with Martin Luther King quotes, invoking images of a new day breaking, dreams fulfilled, and the power of engaging the past to activate a more progressive future. Ibid.

economic ripples would prompt large-scale corporate sponsorship for the Phase II educational galleries of the Institute itself.67

Alabama as a state had already led the nation in capitalizing on this previously ignored sector of the tourism industry.68 George Wallace saw the potential business value to the state of promoting historic tourism across-the-board and in 1983 sponsored the creation of a state tourism booklet designed to bring visitors in to see the “darker side of Alabama’s past.”69 The mid-1980s also saw state legislature attempts to establish civil war and civil rights tourism centers in Birmingham.70 By the time the Institute opened in 1992, its founders had reason to believe that civil rights history could appeal to a wide swath of tourists, both white and black. By 1996, when some of the Atlanta Olympic Games were staged in Birmingham, local media heralded the Institute for its ability to change visitors’ minds about the negative image of Birmingham: “No doubt you’ve heard about the fire hoses and the police dogs. It’s been more than thirty years, but still that’s the first thing many out-of-towners think of when they hear about Birmingham. We’ve come a long way since then,

67Woolfolk, interview. See also Eskew, “New Ideology of Tolerance,” 58.


69Eskew, “New Ideology of Tolerance,” 29, quoting Aubrey Miller, director of the state’s Bureau of Tourism regarding the rationale behind civil rights-focused tourism as giving visitors “the kind of travel experience they can find nowhere else.”

70Eskew, “New Ideology of Tolerance,” 37. Eskew notes that State Senator Earl Hilliard of Birmingham proposed the two separate sites, despite the city’s lack of antebellum or substantive Civil War history, commenting, “I recognize the diversity of opinions of people in Birmingham and I’m ready to deal with that, and that’s why we have two different bills.” Ibid.
though. Witness the Birmingham Civil Rights Institute. . . . and maybe your first impression of Birmingham won’t be your last.”

The museum design not only tells Birmingham’s civil rights history, but also seeks to create a more progressive present and future by giving the visitor a personal experience of the inequities of segregation and the drama of a victorious movement. In an article examining recent civil rights memorialization across the South, Eskew describes these sites as having a “bifurcated existence as both an interpretive museum and an agent for social change.” In considering the version of Birmingham’s history presented by these displays, sociologist Barry Schwartz’s concept of the “dualism” of collective memory—the lamp and mirror—can help us to understand how this museum simultaneously represents both the past and the present. According to Schwartz, collective memory has a “mirror-like (model of) aspect” as “a reflective symbol of present situations,” as well as a “lamp-like (model for) aspect” as “an orienting symbol—a light that helps us manage these situations by revealing where we are in relation to where we have been.” In Schwartz’s view, collective memory is most fully oriented to present ends and helps to clarify present identity by illuminating the past. It points to the future, but can only shine a brief light on a past that is ultimately read through the present.

In the Institute’s displays, we see the “lamp-like” or “model for” aspect of collective memory most clearly via the positioning of the city’s civil rights struggles within a national narrative of the movement. Both the choice of chronology depicted and the physical

71 Bob Carlton, “There’s Plenty to See and Do in Birmingham,” Birmingham News, 14 July 1996, 6S.

72 Eskew, “Memorializing the Movement,” 373.

emphases of the exhibits themselves orient the past—violence and mass demonstrations—as the catalyst for the Civil Rights Act. This framing of the history shows Birmingham to have reformed in light of these events, while the existence of the Institute itself mirrors the city’s current progressive self-image.

The exhibit narrative also literally represents the image of biracial engagement for a progressive Birmingham first promulgated during the 1963 demonstrations. The choice of chronology and emphasis of the displays combine to present the city as redeemed by the struggle and accompanying violence. Here the ideological and professional concerns of the original steering committee, composed of local activists, left-leaning academics, and one individual intimately involved with the 1963 negotiations, can be seen. The museum programming succeeds in solidifying the “image of reform” sought by politicians in 1963 and embraced by the media during the Chambliss trial. Yet individual reactions to the Institute, including the questioning of the bombing’s place within this schema of memorialization, indicated that this version of the past would not stand uncontested.

The entrance to the Institute displays a large quote from Martin Luther King, Jr.:

I like to believe
that the negative extremes of Birmingham’s past
will resolve into the positive and utopian extreme of her future;
that the sins of a dark yesterday will
be redeemed in the achievements of a bright tomorrow.

The Civil Rights Institute positions itself as one of those achievements. After the quote from King, the museum begins with a short introductory video. Tracing Birmingham’s foundation as a steel town just after the Civil War to the imposition of segregation, the film highlights African-American living conditions and contributions to the city. This documentary honestly

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embraces Birmingham’s history of discrimination and prejudice while painting a portrait of vibrant African-American culture and life. The video ends with an image of life-size “white” and “colored” water fountains; then the screen rises up to reveal those same fountains as the first gallery exhibit.

Visitors must pass the water fountains to enter the first exhibit, “Barriers,” designed to convey a sense of life in Birmingham under segregation. “Separate but equal” classrooms, housing, and health care; a “whites only” soda fountain; and a black defendant confronted with the hopelessness of a white-controlled courtroom make systematic discrimination tangible. While African-American cultural vibrancy is celebrated in the prominent display of the church in community life and the historic all-black Carver Theater, a display case houses advertisements and artifacts, including minstrel show posters using racist stereotypes, reminding the visitor of the pervasiveness of the more insidious cultural attitudes that helped sustain and then outlived Jim Crow.

The “Confrontation” section attempts to exhibit the range of racial attitudes confronting civil rights organizers and to honestly portray white resistance. Ten-foot figures etched onto glass panels loom while motion-triggered recordings play. Meant to provoke, statements bombard the viewer. Some express racist sentiments, from, “She was a grandmother by twenty-eight. Don’t these people ever learn?” to a child’s voice saying, “Put them on a boat and send them back to Africa.” Others call out against the “Uncle Toms” or assert, “White man’s got nothing I want, except power.” Liberal white sentiments chime in as well. This gallery ends with an eighteen-foot photograph of a Ku Klux Klan cross burning on the wall and a Klan robe, somewhat tucked to the side and mounted on the wall.

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towers over the visitor. The recorded voices trigger as one approaches the figures, pulling the visitor into a dialogue designed to elicit an emotional response. The overall message is clear: vigilante violence always lurked behind and could give deadly expression to racist attitudes, passive and active, moderate and extreme. This section creates a tense atmosphere out of which the next display’s literal whispering of civil rights organizing overheard through doors and windows creates a dramatic contrast. It also encourages an understanding of the pervasive personal and cultural attitudes that supported the Jim Crow system. The individualized and interactive focus of the exhibits fades into the background as the movement begins in the second half of the displays.

The “Movement” section traces the major events of civil rights history, beginning with the Montgomery Bus Boycott and ending with the March on Washington and Selma-to-Montgomery voting rights march. Spanning the entire southeastern region, this section begins in 1954 with Brown and sit-ins throughout the South; the charred front of a Greyhound bus evokes the attacks on the Freedom Riders in Anniston, Alabama. Multimodal displays and wall plaques vividly render Birmingham’s most infamous scenes of protest and resistance. Police dogs attacking children play on film clips; fire hoses wash down a large glass wall in front of the visitor. The central exhibit in this section, called “Birmingham: The World is Watching,” highlights the importance of the city in the trajectory of the national movement.

Throughout the movement galleries, two-tiered timeline boards follow the displays along the walls. These timelines contain vast amounts of information on the daily and monthly activities associated with the movement, tracking national events separate from local

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76 Although of the same model, the bus on display never actually drove Freedom Riders and was modified to more closely resemble the actual bus. No Author, “Building Exhibits Created Tales of Ingenuity,” Birmingham News, 15 November 1992, 26P.
ones. Major events, such as escalation of the Vietnam War and the Kennedy assassination, are interspersed with the intricacies of local school desegregation and other topics not approached by the displays themselves. These boards tell a complex and detailed, almost scatter-shot, version of the culmination of the Civil Rights Act, Voting Rights Act, and beyond. They stand in sharp contrast to the story rendered in the physical exhibits of this section, in which the familiar tropes of Birmingham’s civil rights history play out.

In the museum’s largest section, images of police dogs and demonstrators alternate with textual descriptions of progressive leaders united in biracial negotiations along with the usual symbols of resistance and violence—fire hoses, police dogs, and above all, Eugene “Bull” Connor—assuming their well-worn role as lode-bearers for broader white resistance. In the Institute’s text boards, Albert Boutwell is characterized as the “new, more moderate mayor,” in contrast to Connor, who “continued to wield tremendous power in the city.” This characterization downplays the wide reach of structural racism and the silent white majority’s role in resisting civil rights, reminding visitors, “By 1963, racial and civil strife convinced a majority of Birmingham voters to change their form of government.”77 The May demonstrations in Birmingham end on the positive note of the agreements, and beyond one succinct wall date that notes only, “June 1964—Mayor’s Group Relations subcommittee members in Birmingham issue statement of ‘dismay’ about inactivity,” the displays don’t give the accords time to fall apart as they would later that summer nor do they explain that

77 Wall plaque, summer 1999, Birmingham Civil Rights Institute.
SCLC considered renewing demonstrations that fall. Instead, the visitor quickly moves on to the March on Washington.

The final exhibit, “The March on Washington,” surrounds the visitor with a projection of King delivering his famous address. One then proceeds from the dark video area into the last section, “The Processional.” Life-sized statues of marchers mark the end of the museum in a light-filled gallery with windows opening onto Kelly Ingram Park and the rebuilt Sixteenth Street Baptist Church. After the often dark, windowless previous exhibits, the sudden rush of open space and light creates a positive, hopeful impression. “Milestones,” the dates of more current “positive events resulting from the civil rights movement,” fill the exit.

This museum must be understood as “the present in the past.” The emphasis in the chronological physical displays and the narrative choices represent a very specific vision of present-day Birmingham. The exhibits’ almost abrupt end can be understood through Barry Schwartz’s concept of the “frame image,” which describes “the way invocations of the past confer meaning on present experience.”

Theorizing about collective memory, Schwartz explains: “Frame images are pictorial representations that organize understandings of present

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78See ibid.


events by aligning them with well-understood and affecting events of the past.”

Most importantly, “frame images” are evocative and believable because of “their moral, not technical, relevance.” The emotional pull of the “I Have a Dream Speech” projected onto the circular room at the end of the museum, literally surrounding the visitor and including her in the crowd of supporters on the Mall that day, creates this moral resonance. This moment of national victory is used as a frame image to establish a certain feeling of progressive race relations in the final segment of the museum. Martin Luther King’s authoritative, uplifting voice frames the experience of the museum displays, encouraging the visitor to walk away with a sense of the hopefulness that King as a symbol has come to represent in the national civil rights movement narrative.

The Institute concludes with a victorious portrayal of the civil rights movement, yet the galleries end at a large window looking out onto the Sixteenth Street Baptist Church. A small nook to the right of the window contains pictures of the bomb victims, of the partially destroyed church, and a brief historical note. This is a fitting, sober memorial to the victims; however, its placement off to the side, after the last triumphant exhibit, removes the bombing from the official chronology of the civil rights movement espoused by the displays. The unsolved nature of the bombing at the time the Institute was built made this event even harder to fit into a condensed, morally uplifting narrative with disposable symbols of racism such as Bull Connor. The wall plaque commemorating the bombing concludes, “The deaths [of the four little girls] were an occasion for grief, reflection, and redirection in

\[82\text{Ibid., 6.}\]

\[83\text{Ibid., 10.}\]
Birmingham’s continuing struggle with race relations;” this points to an on-going civil rights struggle, a message consistent with the museum’s motto, “Inspired by the Past, A Vision for the Future.” Yet this forward-looking, complicated exhibit is just one moment in the larger progress narrative of the Institute itself.\(^8^4\) In its physical location tucked away to the side, the bombing display makes the rebuilt Sixteenth Street Baptist Church the last image encountered by the visitor, reinforcing the museum’s narrative of redemption through violence and sacrifice.\(^8^5\) Constructing Birmingham as a united city, honestly engaging its history, the museum makes tangible and permanent the image of reform designed by city leaders in 1963 and by its presence on the downtown landscape announces the city’s present progressive posture.

After the chronological displays end, the visitor can then enter the International Human Rights Gallery, “Beyond Birmingham: Human Rights Around the World,” based upon the U.N. Declaration of Human Rights. This area includes a presentation of “The Birmingham Pledge,” designed by a local attorney to encourage individuals to dedicate themselves to practicing racial reconciliation in their lives. The visitor then walks back toward the main domed entryway past the Richard Arrington, Jr. Resource Gallery showcasing the oral history program of the Institute. This ending encourages visitors to locate the events of Birmingham as inspirational for the present-day international human

\(^8^4\)While the double-tiered wall plaques continue after the life-sized marchers and deal with, among other things, continuing controversies over school desegregation, theories of wide resistance to change or official links to vigilante violence find no expression in the main displays.

\(^8^5\)The Institute periodically updates its displays and text boards. In 1995, a stained glass window from Sixteenth Street was added to the final display area. “Archives and Gallery Update,” Archives Department, 24 May 1995, Marvin Whiting Papers, folder O, Department of Archives and Manuscripts, Birmingham Public Library (hereafter cited as Whiting Papers). The Institute scheduled a large-scale renovation to begin September 2008. Philip Rossman-Reich, “Civil Rights Institute to Renovate,” *Birmingham News*, 17 June 2008.
rights struggle. While providing important contextualization, this gallery represents a somewhat disjointed ending to the exhibits, resulting in a less personal, immediate, and local focus than the previous displays.

Glenn Eskew describes the exhibits as “a progressive view of history that concludes with the triumph of tolerance.” He further explains that the Institute presents “the Whiggish progressivism of the American master narrative, with a message that celebrates the moral righteousness of nonviolent protest, the potential of interracial unity, and the success of qualified integration.” Describing the exit from the March on Washington through the marcher statutes, Eskew concludes: “This clear message of African American assimilation into the white mainstream underscores the history of racial progress expressed throughout the exhibits.” The exhibits do present a narrative of hope within a very short chronological timeframe that discourages a close look at the complications of the long civil rights movement. But as Fitzhugh Brundage suggested, the enshrinement of a progress narrative in this first wave of African-American history museums may be a necessary function of the history being conveyed. He explains, “one wonders how many southerners, let alone others, would have the stamina for a candid history of blacks that did not offer some sort of uplifting resolution. . . . present-day museums of black history hold out the promise that the travails of history have had a purpose, one that we can achieve if we learn its lessons.”


87 Ibid., 29.

88 Ibid., 51.
Despite the well-known fact that special interest groups drive and create public history, those monuments can come to represent the collective consciousness of a place. In the face of residents’ inattention or even hostility, public memorials and museums are often interpreted as a place’s official self-representation. Eskew sees the creation of civil rights museums and memorials across the South as the expression of a new “civic religion of toleration” that has come to replace the Lost Cause as the main message of public memory in the South.\(^{90}\) These memorials have an international orientation, linking the southern civil rights struggle to the worldwide human rights movement.\(^{91}\) Most importantly, these new civil rights museums and institutions serve to signpost the success of integration.\(^{92}\) Eskew also notes that the Institute, now the most visited historic tourism site in Alabama, has become “an important symbol for the new, racially tolerant Birmingham.”\(^{93}\)

But is this a “civic religion of toleration” or the heavily disputed accommodation of competing narratives wielded by new, now politically powerful constituencies? Brundage makes the important point that civil rights museums are expected to do too much cultural and social work, serving “to revise misconceptions about the past, teach inspirational lessons, attract tourists, revive troubled neighborhoods, and spur political activism.”\(^{94}\) And in


\(^{91}\)Ibid., 60.

\(^{92}\)Ibid., 28-29.

\(^{93}\)Ibid., 29-30.

Birmingham in particular the history portrayed in the Institute represents not just a “new ideology of tolerance,” as Eskew concludes, but also the institutionalization of the image of reform developed in 1963. By 1992, the events of 1963 had taken on the weight of myth, told in a set sequence with familiar characters. During the Chambliss trial in 1977, aspects of that story were still in flux, as the Klan and police department were reinterpreted to fit new political understandings. The Institute helped to solidify a version of Birmingham, 1963, without the rough edges apparent to those who lived through those times.

Although perhaps limited in its willingness or ability to embrace the messy implementation of integration, the Institute succeeds in one of the major goals of its founders. As the original Institute Mission Statement explained: “For the first time our community has an opportunity to tell its own story about the city’s past.”95 When Mayor Vann proposed the museum he hoped that it would tell the story both of civil rights demonstrations and of the cooperation between black and white leaders that followed those demonstrations.96 While highlighting grassroots black leadership, the Institute succeeds in enshrining the image of a progressive city so desired by those same Birmingham leaders. These exhibits portray the “image of reform” leaders hoped to present to a shocked national audience in 1963 by projecting that same reform spirit onto the present-day city. As the Mission Statement continues,
Therefore, it is extremely important to show not only the historical context in which the events here evolved, but also the success in race relations and the progress that has been made through interracial cooperation since then. The ‘new’ Birmingham of the 1980s, which has emerged in a relatively short time, is the on-going example of this progress. Thus, the Institute will be an important catalyst in Birmingham’s continuing efforts to heal the wounds of the past and to become a truly biracial community.  

The Institute’s founders did succeed in allowing Birmingham to finally present its version of its history to the world. And unlike the valid skepticism that greeted attempts to reshape Birmingham’s image in 1963, residents and the media embraced the portrait of a changed city offered by the Institute in 1992. Newspaper coverage of the opening of the Institute accepted and repeated the long-established themes of the white power structure openly negotiating with civil rights leaders and the role of the bombing in turning the conscience of the nation.

The Healing of a City By Design: Reaction to the Institute

The opening ceremonies for the Civil Rights Institute on Sunday, November 15, 1992, prompted the Birmingham World, one of the city’s historic African-American owned and operated newspapers, to explain, “Birmingham, Alabama declares it is a city that has come to terms with its past.” Local media enthusiastically joined with the boosters, promoting the concept and substance of the new Civil Rights District, while fitting the Institute within the now long-worn tropes of Birmingham’s civil rights progress narrative.

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97“Mission Statement for Birmingham Civil Rights Institute,” 20 August 1986, Marvin Whiting Papers, folder F.


following from the “image of reform” as first promulgated during the 1963 demonstrations. With the creation of the Institute, city boosters could, despite substantial initial hesitance, point to the concrete expression of the reform image they had been trying to create for almost thirty years. For others in the community, however, the representation of the city’s history and their identification with that history—the way that they understood it to interact with their identity past and present—created dissonance, and they resisted this official version of Birmingham.

Media coverage of the Institute’s opening closely tracked the exhibits’ themes and main message. Local media, from the *Birmingham Business Journal* to the *Birmingham News* took up and discussed these themes in almost the same language. Although hints of disagreement with this representation of Birmingham’s past surfaced, reception of the Institute in 1992 was far more unified than the thirteen years of struggle to fund the museum would have predicted.

In the *Birmingham News* Sunday edition celebrating the opening, a paid advertisement by the city council and Mayor Arrington announced: “Why a Civil Rights Institute in Birmingham, Alabama? Because what happened in Birmingham affected a nation.”

By placing Birmingham’s events as nationally important, indeed the key to the success of the national civil rights movement, city boosters tried to reorient the reputation of the city. The media embraced the Institute’s attempt to present the city’s own version of its past. Arrington explained the impetus behind the Institute in those terms: “We hope we can try to tell our own story. We want to help ourselves and others to understand what happened

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100[An Invitation from the City of Birmingham], paid advertisement, *Birmingham News*, 15 November 1992, 5P.
here, why it happened, and how we overcame the violence through nonviolence and changed the nation.”¹⁰¹

The *Birmingham World* quoted Mayor Arrington as saying, “The Institute will make people look at Birmingham in a new light, and it will surely lure people from around the world to see how our city has confronted and accepted its past. And once here, they will find a forward-looking city with its people working toward the future in a great spirit of cooperation.”¹⁰² Although a violent, segregated past weighed heavily on the city, by creating this public monument, Birmingham presented itself to a local and national audience as changed, inviting visitors to forgive, if not forget. In his study of how museums present and manipulate history, Steven C. Dubin writes, “Museums are important venues in which a society can define itself and present itself publicly. Museums *solidify* culture, endow it with a tangibility, in a way few other things do.”¹⁰³ Boosters hoped that visitors could now replace “The Johannesburg of the South” with the current Birmingham—a Birmingham progressive enough to create a museum of this nature.

Beyond the historical narrative presented by the Institute, the media promulgated the conceit that the Institute represented the city’s present progress in race relations and would serve to activate a more progressive future. The *Birmingham News* embraced the Institute as a symbol of “the healing and growth of a city still haunted by the ugly memories of a violent


Another article quoted a resident who compared the Institute to a phoenix: “out of the ashes of all of those things that happened, the Institute rises above the bad image that the city has felt for some thirty years.” Others greeted the opening of the Institute with exclamations that it represented the city’s “dedication to progress and unity” and “full and serious resolve to come to terms in a constructive fashion with its past.” An important factor in this image of the Institute as a symbol of present-day change in Birmingham was the perceived role of Arrington as “the chief engineer” of the project. Despite the political realities of the long fight to create the Institute, the emergence of a civil rights museum stewarded by the city’s first black mayor carried important symbolism. Local media whole-heartedly reiterated the concept of the Institute as forward-looking, active, not a museum as “mausoleum.” The local business-oriented weekly held out the use of a joint contracting team comprised of one black-owned and one white-owned firm as further proof of the positive interracial cooperation forged by the Institute.

In an article entitled, “Birmingham Embraces Its Past with Eye Toward Future,” the *Birmingham World* explained, “[t]he Birmingham Civil Rights Institute is more than a museum. . . . It is designed with the hope that in years to come it will become a cradle of

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104. The Healing of A City By Design,” 3.


understanding that can act as a springboard for the study of tomorrow’s opportunities.”

Dedication ceremony coverage reiterated this theme of the Institute as a progressive gesture, a testament to Birmingham’s commitment to addressing present-day issues of race relations. Called “a solid symbol of the city’s pride in its history and its dedication to progress and unity” by the Birmingham World, creation of the Institute, what is essentially a representation of the past, is positioned as a statement on the present and the future. The Birmingham World elaborated, explaining, “this investment [in the Institute] will propel Birmingham into a future of racial harmony and prosperity.” Although during the dedication ceremony Arrington stated that the city still had work to do in terms of racial reconciliation, media coverage almost universally reiterated the city’s present progressive stance.

Another theme of the reform narrative represented by the mainstream media was that Birmingham as a city had come to terms with its past and individuals, too, could experience similar redemption or closure by visiting the museum. The Birmingham Business Journal


110The Birmingham News reported the conference activities for dedication week included panels and discussions entitled, “Remembrance and Reflection” and “Civil Rights, The Unfinished Agenda.” “A Dream Realized,” Birmingham News, 2P.

111“Institute Expected to Boost City’s Image and Economy,” 1.

112“The Chief Engineer,” 7 (Arrington explained, “[The Institute] indicates our collective recognition that we are, indeed, overcoming through unending efforts bent toward reconciliation. . . . although things haven’t been moving in as rapid a pace as I would like them to.”).

113“The Healing of a City By Design.”
called the Institute, “Birmingham’s most visible attempt at healing the wounds of the past,” and explained:

Many years have passed since Birmingham first earned the shameful nickname “Bombingham.” Since that time concessions have been made, rights have been won, and the two races have moved beyond confrontation and co-existence to a level of reconciliation. Yet the Civil Rights District today exists not to erase the scars of Birmingham’s wretched history, but rather to remember the past and to learn from it. Its very creation embodies a cleansing of the spirit—a key component of a healing process that time alone will not cure.114

Holding out interracial cooperation in Birmingham during the 1980s as a sign of the “‘new’ Birmingham,” the Institute’s Task Force sincerely hoped that “the Institute will be an important catalyst in Birmingham’s continuing efforts to heal the wounds of the past and to become a truly biracial community.”115

More than a museum, the Institute was interpreted as representing a stage in the city’s moral development. Ron Casey, Pulitzer Prize-winning editorial page editor for the

*Birmingham News*, made this citywide and individual moral progression tangible in his description of the final museum exhibit. Explaining that “[t]he exhibit makes each patron of the museum a marcher for Civil Rights on the road from Selma to Montgomery,” he concluded, “Among the figures, there are young and old, black and white, from all walks of life. The same is true for visitors. And by design, they are all marching toward a common goal.”116 Acceptance of this message of moral evolution was widespread, as even the local

114 Ibid.

115 “Mission Statement for Birmingham Civil Rights Institute,” 20 August 1986, Whiting Papers, folder F.

museum community, originally opposed to having to share limited city funding with yet another institution, began to coordinate programming and resources with the Institute.\footnote{Woolfolk, interview.}

Odessa Woolfolk believes that the Institute can not only present a version of the city’s past but also reinforce a new image of the city and civic identity. In a recent interview, Woolfolk emphasized the popularity of the museum with international visitors, the white business community, and surrounding elementary and high schools as a way to illustrate this. She also stressed how African-American families, and not just ones living in Birmingham, hold their annual reunions at the Institute in the summer—tangible proof of the power of this new memory if so many people identify so strongly with it.\footnote{Woolfolk, interview.} She hopes the site can work to create a new collective memory and identity for Birmingham.\footnote{Iwona Irwin-Zarecka defines “collective memory” as a “socially mandated ‘reality of the past.’” An individual’s relationship to that memory is based on personal experience and the “frame of remembrance” that surrounds that memory in the public sphere; however, “[b]eyond providing resources to work with, public discourse may validate (or discourage) particular ways of seeing the past. It may also create an altogether new community of memory, where bonding extends well beyond individuals’ own experiences.” Iwona Irwin-Zarecka, \textit{Frames of Remembrance} (New Brunswick, NJ: Transaction Publishing, 1994), 54, 56.} In her view, this new identity has not only been embraced by current residents, but also serves to rehabilitate the city’s national reputation, substituting a new “frame of remembrance” for those in other parts of the country looking at Birmingham. She relates how visitors are often surprised when they come to Birmingham and see the museum: “I think a lot of people are surprised at what this place looks like. As if to say, ‘Oh, I didn’t think you people would be this creative down there.’” She continues, “Now, I think the thing about Birmingham is that it’s clear that the
Birmingham of the 1960s isn’t the Birmingham of [today], and one would expect any place
to have changed, but somehow people are shocked when they come here and find that we
have with respect to the race situation, though we still have the residual issues that are
American.” Without denying on-going racial issues, Woolfolk sees the Institute as an
active agent in shaping collective memory, identity, and understandings of the past.\textsuperscript{121}

The success of a museum rests not in the facilities themselves but in the interaction of
individuals with that building, those displays, and the message or messages that the facility
attempts to convey. While the Institute may represent the new “civil religion of toleration”
and have finally cemented the “image of reform” so long sought by city leaders, residents’
interpretation of the site can tell us more about changing attitudes than boosters or
politicians’ statements. While some residents showed a strong identification with the history
and message on display,\textsuperscript{122} the Institute, like all projects of commemoration, closely tracks
the agenda of its founders and does not necessarily represent the attitudes or understandings
of the larger Birmingham community. The emphasis on unity and healing offered by the
media and boosters during the opening of the Institute may have really been an expression of
hope for the acceptance of the Institute and of future unity. Many residents responded
warmly to the potential and then presence of a civil rights museum in Birmingham. Some,
however, resisted the concept in its entirety. This pushback by individuals against the

\textsuperscript{120}Woolfolk, interview.

\textsuperscript{121}See also Washington Booker, interview by author, tape recording, Birmingham, Ala., 22 February
2005, Southern Historical Collection, University of North Carolina at Chapel Hill, and Lillie Fincher, interview
by author, tape recording, Birmingham, Ala., 29 October 2004, Southern Historical Collection, University of
North Carolina at Chapel Hill, for the insistence that the Institute is actively shaping the understanding of
history and memory in Birmingham.

\textsuperscript{122}Kathleen Henderson, “John Smith Wants Civil Rights Past Remembered,” \textit{Birmingham News}, 20
March 1996, 3W.
Institute results from a conflict between that presentation of the past and their present and past identities. Theorist John Gillis explains, “Identities and memories are not things we think about, but things we think with.” Past history, individual experience—having lived through those times—necessarily predisposed some in the community to accept the museum’s articulation of Birmingham’s civil rights past while others cannot resolve this new vision with an understanding of their own identity.

Fears that the Institute represented a partisan project—black history enshrined by a black mayor for his black constituents—animated some of the fears expressed by white community members. In the *Birmingham Business Journal*, Arrington describes “considerable opposition” from white business leaders: “There were some very strong feelings expressed.” These leading businessmen also objected to the downtown location of the Institute and the idea of a civil rights district, presumably because this gave an official imprimatur to the civil rights movement. In fact, Arrington addressed part of his State of the City Speech at the beginning of 1992 to the business community whom he hoped would begin to substantially contribute to the Institute.

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125 Richard Arrington, Jr., “State of the City Address,” *Birmingham World*, 9-12 January 1992, 8 (“The Civil Rights Institute, extremely important to many citizens in the community and a valuable source of reconciliation, will truly thrive only with the understanding and support of the business community.”).
Other individuals interpreted the Institute as “solidifying” the past and getting it wrong. One white individual, Bill Ricker, who has worked in municipal government in the city for decades, invoked Birmingham’s national reputation for white violence, arguing that even that reputation is incorrect and that the Institute perpetuates this false image of the city: “There will never be a television program, there will never be anything that doesn’t open with fire hoses and police dogs which, by the way, no police dog ever bit a black person in Birmingham, Alabama. There was never a race riot in Birmingham, Alabama. There were so many things there never was.” Railing against “political correctness,” he continued,

I say, Yeah, Birmingham, Alabama, and I’m not a native of Birmingham, had a lot of bad things going on. And so did Mississippi, but besides Mississippi Burning . . . you don’t hear that much about it, but you’ll never be forgotten here. If you would repeat this in the next fifty years when I’m dead, the Civil Rights Institute will always remind you of it.

While Ricker can maintain that no police dogs ever bit anyone, what he is really fighting against is the portrayal of past white identity.

Key to this critique of the Institute is the sense that the history presented within the Institute has been misinterpreted, filtered through a distorted lens that renders the story about black heroism and marginalizes the role of whites. Pointing to the statue of a police dog attacking a young black man in Kelly Ingram Park, Ricker explained, “I think what happened

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126 Because the museum does not match their individual memories of events, their experience of the museum becomes “distorted” and they reject both the memory and identity represented therein. See Crane, “Memory, Distortion, and History,” 44-63.

127 Bill Ricker, interview by author, tape recording, Birmingham, Ala., 28 May 2003, Southern Historical Collection, University of North Carolina at Chapel Hill.

128 Ricker, interview.
here in Birmingham will never be reported right. I’ll give you a perfect example. Have you been down to Kelly Ingram Park? . . . Did you notice that [the policeman is] left-handed? The man after who that is modeled was not left handed, and those dogs never bit anybody.”

This seemingly quibbling point reveals the underlying anxiety that the Institute’s representation of whites as a community and individually is not accurate or fair. LaMonte explained, “I think by and large that white citizens regarded it as an unwanted and unnecessary dredging up of a past that would better be forgotten.”

Explaining the “racial cleavage among the citizens,” LaMonte cited some of Arrington’s white supporters as sympathetic to the concept, but “the overwhelming response of white citizens and white business leaders was, ‘It’s a mistake; we shouldn’t do it.’”

Another interviewee, Arthur Hanes, Jr., Chambliss’s defense attorney in 1977, rejects any present-day implications of the Institute for his or the city’s collective identity. Hanes characterizes the Civil Rights Institute as a museum, and therefore a representation of the past with no relevance to the present:

“I think that the Civil Rights Institute is a very good thing because it’s a museum, and what is a museum for? It’s to preserve history. I believe that we must make the Civil Rights Movement history rather than current events to lay that issue to rest. I think it’s important that we lay it to rest. Just as the War Between the States has become history rather than current events . . . the Civil Rights Institute is part of the passage into history. It’s much better to have to go to the Civil Rights Institute and remember marchers than it is to be marchers. Wouldn’t you agree?”

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129 Ibid.

130 LaMonte, 2005 interview.

131 Ibid.

132 Arthur Hanes, Jr., interview by author, tape recording, Birmingham, Ala., 27 May 2003, Southern Historical Collection, University of North Carolina at Chapel Hill.
Hanes assures me, a fellow white southerner, that the Institute preserves history, contains and neutralizes it. This points to a danger of enshrining collective memory in museums—the potential that this memory will become commodified and removed from current identity. Irwin-Zarecka categorizes this as consuming versus remembering the past, and warns that this can serve to flatten out the experience of history and discourage confrontation with continuing identity issues in the present. This presentation of Birmingham’s history evokes strong feelings, ranging from residents who identify so strongly with the museum they hold their family reunions there to those who grudgingly accept its presence in the community while rejecting its connection to their own identity.

But not everyone sympathetic to the movement felt their identities were reflected in the Institute. Some civil rights activists from the 1960s objected that their role in the Birmingham movement had been overlooked in the crafting of the exhibits. St. Paul A.M.E., located next door to the Sixteenth Street Baptist Church and a major meeting place during the movement, protested that its role in supporting the events of spring 1963 had been excluded from the Institute’s narrative and from the Civil Rights District opening celebrations. The Birmingham News quoted the Reverend Clinton Hubbard, St. Paul’s pastor, as saying, “at this point, they don’t have the church playing any role in the Institute. . . . We have a rich history that we want told.” Additionally, one Birmingham World editorial writer objected that the Institute ignored the foot soldiers of the movement in favor of well-known heroes.

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While Kelly Ingram Park does feature monuments to lesser-known movement members and at its opening the Institute was preparing to launch a broad-based oral history initiative, other voices countered this criticism, insisting that commemorating each participant would be prohibitively costly and that Birmingham should unite behind the Institute: “This is our chance to show the world the changes and progress that have transpired in Birmingham since the 1960s. When we project this image, we will give other cities that have struggled with problems of racial division hope that people can come together for positive change.” In a unique and striking attempt to include as many individual participants in its memorialization as possible, the Institute placed a sign-in book in the entranceway where visitors could log their role in the movement.

Fears that the Institute would create “division,” as one Birmingham World editorial writer suggested, found justification in the small protests surrounding the opening ceremonies. Several bands of protestors took advantage of the publicity surrounding the rededication of Kelly Ingram Park to promote their own agendas. Reverend Abraham Woods suggested a march showing opposition to the on-going federal investigation of Arrington, but was convinced otherwise. While much of this protest activity simply piggybacked on the

135 Marcel Hopson, “The Grand Dedication and Opening of the Civil Rights Institute are Over; the Unfinished Agenda Must Now Include Roll Call of ‘Unnamed Foot Soldiers,’” Birmingham World, 2-9 December 1992, 11-12.


137 “It’s Time to Celebrate, Not Separate.”

138 Ibid.

attention paid to the dedication, it draws into question the “unified front” of black community support for the Institute remembered by its boosters.

In his book on Watergate in memory, Michael Schudson writes: “What keeps Watergate alive in collective memory is that the political conditions that gave rise to it are still with us.”  Birmingham struggles with the collective memory represented in the Civil Rights Institute because the past still weighs upon individual residents and the city. While the Institute stands as Barry Schwartz’s “lamp”—a vision of collective memory that illuminates the present through an interpretation of the past—many in the community reject the reflection of the present they see in the “mirror” of the Institute’s displays. Contestation is a key element of an evolving, vital collective memory and group identity; therefore perhaps disputes over the nature and function of the Institute will be productive in the end.  In The Texture of Memory, James Young reminds us, “In shouldering the memory-work, monuments may relieve viewers of their memory burden.” More insidious is the understanding, like that expressed by Art Hanes, Jr., that the Institute is a museum, a static portrayal of the past with no relevance to identity today.


The Ghost of an Unsolved Bombing

Media coverage of the Institute included the newly renovated Sixteenth Street Baptist Church as a symbol of the renewal of the city after violent resistance to desegregation. And while reporters often reiterated the redemptive power of the bombing, something else hung heavy over Birmingham’s reputation. The still open case stood as a silent contradiction to the reform image portrayed and endorsed by the museum. The weight of this unsolved crime disrupted attempts to solidify the city’s national image in 1992 just as it did in 1963, pushing state-sponsored violence in defense of the segregated status quo, rather than nonviolent demonstrations that moved that status quo, again and again to the foreground of public discussion. Although the Institute presented the official version of the city’s past, the memory of the civil rights movement remained contested.

One community that could not avoid the memory of the bombing was the congregation of the Sixteenth Street Baptist Church itself. In 1963, Sixteenth Street’s congregation consisted mostly of black bourgeois initially reluctant to align themselves with the mass demonstrations. Some time after street protests began in the city, the church’s then pastor threw his support behind King and Shuttlesworth and the church became the staging ground for many of the downtown marches. Current pastor Christopher Hamlin looked

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143See Joe Nabbefeld, “Sixteenth Street Baptist Church is Part of City’s History,” *Birmingham News*, 15 November 1992, 38P.

144See for example Denise Stuart, “Civil Rights Institute Set to Open Monday,” *Birmingham World*, 5-11 November 1992, 1 (“Events that transpired in Birmingham, including the tragic bombing of the 16th Street Baptist Church which killed four young girls, literally changed how a nation viewed itself. The Civil Rights struggle that took place in this city indelibly marked our nation’s history and helped inspire the world-wide struggle for human dignity.”).

back at the bombing from the mid-1990s and found it propelling an otherwise reluctant church into an activist stance: “Before the bombing, the congregation was unsure how active the church should be in the civil rights movement. After it, they realized they had no choice.”\textsuperscript{146} He then pointed to recent anti-death penalty work, HIV/AIDS outreach, and other programs as keeping this “activist spirit” alive at the church.\textsuperscript{147}

Beyond the bombing itself, the church, through its promotional materials, has come to promote itself as a site of memory like the Institute, meant to represent a particular time—“a symbol of courageous spirit that helped make each American more truly free”—and serve as an engine of social transformation. The church’s need to present itself as a viable presence in the Civil Rights District stems from the decline of its membership from a high of over a thousand attending services weekly in the 1940s and 1950s to about two hundred and fifty in the late 1980s, resulting in part from the bombing, suburbanization, and a succession of fired pastors. In fact, at one point city leaders considered the church building for the civil rights museum itself.\textsuperscript{148} Although by the mid-1990s membership topped five hundred under the leadership of Hamlin, visitors still carried the widespread perception that the bombing had ended active worship at the church, converting the church into a historical monument rather than a living congregation. One article reported, “A tourist visiting Sixteenth Street Baptist


\textsuperscript{147}“Freedom’s Path.”

Church last week asked the question that makes Pastor Christopher Hamlin wince: ‘Are you open for worship on Sundays?’ . . . ‘People ask that all the time,’ Hamlin said.”

Beyond tourists’ misperceptions, the congregation had to come to terms with the bombing. The weight of this trauma likely contributed to the infighting among the church’s leadership and is certainly responsible for a drop in membership. Moreover, as of 1982 some of the victims’ families resisted church-sponsored memorialization of their daughters, pointing to a further schism in how the church would or would not deal with this memory. Under Hamlin the church has come to embrace the bombing as a part of its identity and includes a tourism ministry in which volunteers lead tours of the church. Hamlin explains, “We don’t dwell on [the church’s role in the civil rights movement] as being the total focus point of what our ministry ought to be . . . It’s a very important aspect of ministry that we can’t deny. This is an important part of what Sixteenth Street is.”

Long-time church members agreed that that the church’s history should be a point of pride. J.S. Goodson remarked: “The tourism is good. . . . It gives people an idea what we went through. It gives them an idea what they were going through and didn’t know they were going through. They

\[149\] Ibid.

\[150\] Ibid.


\[152\] 16th Street Juggles Roles,” 13A.

\[153\] Quoted in ibid.
didn’t know it was as bad as it was.”¹⁵⁴ Yet, even though the church has embraced its unasked for designation as a civil rights movement shrine, its current pastor also endorses the city’s narrative of racial progress with the bombing as the catalyst for change:

I stress to our volunteers to show how far Birmingham has come. . . . It was an unfortunate era. As a result of what we experienced, this community has changed. Birmingham has made a lot of progress in thirty-four years. That doesn’t mean Birmingham doesn’t have problems. Race relations can always be improved and people in the community are aware of that.¹⁵⁵

Despite the somewhat unsettled relationship of a living church and a historical bombing, Sixteenth Street Baptist made its peace with its role as tourist venue in the Civil Rights District and a church whose identity is forever linked to the bombing.¹⁵⁶

Wrestling with the memory of the bombing allowed Sixteenth Street to recast its reluctant participation in the movement and transform itself into a symbol of past tragedy and future progress alongside the Institute. The contours of civil rights memory remained malleable, even as the image of reform hardened into an official version of the city’s history. Just as that memory could be used to retroactively position the church as always aligned with the movement, so too could individuals tap into the power of the bombing memory for their own ends. Wary about exploitation of his personal tragedy, Chris McNair recognized the way that the memory of the bombing could be used for personal gain, explaining after the premiere of Spike Lee’s documentary “4 Little Girls,” “I must say to you, I pick the people I


¹⁵⁵Quoted in “16th Street Juggles Roles,” 13A.

¹⁵⁶Damage from the bombing still plagued the church in 2004 when it began fundraising an estimated $2.6 million dollars to repair cracks and ground floor water leaks remaining from the blast. By 2004 the church received around 200,000 visitors a year. AP, “Drive Begins to Fix Bombed Church,” Raleigh News & Observer, 13 September 2004, 6A.
Individuals advertising a personal connection with the tragedy include a disgraced federal judge who claimed to be the brother of Virgil Ware, who was killed in the aftermath of the bombing by a young segregationist, and a dying Klansman who falsely confessed to the crime. Journalists and authors, either local or expatriated natives, return again and again to the subject of the bombing and Birmingham’s unclosed civil rights history, combining investigative reporting with anecdotes about their own conflicted relationship with what one called “the hidden, nightmarish side of the city of my


158 In 1997, President Bill Clinton nominated Judge James Ware for a seat on the Ninth Circuit Court of Appeals. Throughout his career as a lawyer and jurist, Judge Ware claimed in speeches to be the brother of Virgil Ware and to have witnessed his death on September 15, 1963, crediting that moment as a turning him toward justice and a career in the law. When the nomination became public, the father of the actual James Ware contacted local judge U.W. Clemmon, who then contacted the California Judicial Council to report the misrepresentation. Although personally apologizing to the Ware family, Judge Ware maintained that he did grow up in Birmingham and his sister was killed by a gunshot around the same time as the Ware killing. The real James Ware, who lives in the same poor neighborhood in which he grew up, said, “I couldn’t believe a judge would do something like that. . . . He was trying to better himself off somebody else’s grief.” After requesting that the President rescind his appeals court nomination, Judge Ware continues to serve on the federal trial bench. Editorial, “Liar Be-Ware: Federal Judge Should Quit After Being Caught in a Callous Lie,” *Birmingham News*, 7 November 1997, 10A; Donna Britt, “Judge Just Another Race-Hustling Pimp,” *Birmingham News*, 17 November 1997, 7A.

Family members claimed that Henry Alexander, a former Klansman indicted in the late 1950s for several acts of violence including church bombings, made a deathbed confession of his involvement in the Sixteenth Street case. He also claimed to have been an FBI informant and to have participated in the 1957 killing of Willie Edwards, Jr., forced to jump off a bridge near Montgomery. Pressure from Morris Dees, founder of the Southern Poverty Law Center, convinced the FBI to investigate. Although the FBI admitted that Alexander had served as an informant in the 1960s and early 1970s, Alexander’s confession to the Sixteenth Street bombing was never substantiated. Similarly, in 1988, Gary A. Tucker falsely confessed to the bombing. Frank Sikora, “‘Still Crying Behind the Alter’ The Voices of Four Slain Girls Demand Their Killers Be Brought to Justice, Civil Rights Leaders Say, 30 Years After the Bombing of Their Church,” *Birmingham News*, 12 September 1993; Frank Sikora, “Daughter Denies That Klansman Had A Role In Church Bombing,” *Birmingham News*, 15 September 1993; Frank Sikora, “Informant Hired After ’57 Slaying FBI Report Challenges Claims Agency Knew About Violence,” *Birmingham News*, 1 December 1993.
childhood.” Similarly, prosecutors and investigators remembered their quests to solve the case as personal missions of redemption.

Still, as of the late 1990s no public or permanent memorial to the bombing existed beyond the small shrine inside the Institute. The lack of a city-sponsored memorial and the unclosed nature of the case pressed the bombing into public discussion again and again. Occasional gestures at memorialization would surface, like $25,000 for further bombing commemoration at the Institute or to maintain the graves of the victims tucked into an already pork-laden state house appropriations bill next to plans for a Hank Williams, a Rosa Parks, and a confederate memorial. While those motions toward an official memorial never came through, a Memorial Fund established by the *Birmingham News* and Chris McNair distributed over $200,000 in scholarships by 1997.

More controversially, in 1995 Sixteenth Street Baptist and the local Unitarian Universalist church began a fundraising campaign to commission recreations of a sculpture grouping called “That Which Might Have Been, Birmingham, 1963,” installed on the grounds of the First Unitarian Universalist Church in Phoenix, Arizona. Artist John Waddell

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160 William J. Baxley, interview by author, tape recording, Birmingham, Ala., 8 September 1999, in author’s possession; Doug Jones, interview by author, tape recording, Birmingham, Ala., 24 November 1999, in author’s possession. For example, Raines reports that neither Baxley nor his assistant attorney generals George Beck and John Yung “had a record of crusading for civil rights, but all, as white Alabamians, had felt the humiliation of coming of age at a time when the nation assumed that George Wallace and Bull Connor were the best white Alabama could produce.” “The Birmingham Bombing,” 25.


created the original sculptures in 1964. With a goal of almost a half a million dollars, the churches hoped to sponsor the artist to produce “That Which Might Yet Be, Birmingham, 1995” to be placed in the vacant lot behind the church amid an ambitious landscaping project. In the sculpture grouping four women, not representational yet meant to evoke the four girls, stand each pointing outwards. One woman stands erect, pulling her hair in her hands; another turns away from the viewer, with her arms wrapping in towards her body; a third holds a limp blanket, reminiscent of children’s swaddling clothes; the last throws her arms up, palms out, in a gesture of triumph or defiance. Public outcry against the sculptures, however, convinced Sixteenth Street to end its support of the project and when Mayor Arrington pressed the Parks and Recreation Board to place the sculptures at the Botanical Gardens, members of the board stalled, effectively ending discussion of the project.

The nudity of the figures lay at the heart of resistance to the sculptures. One of the victims’ mothers objected to the memorial, and others agreed. A park and recreation board member explained: “If it were my daughter who had died, I wouldn’t want her remembered that way. . . . I think of them as angels.” Reading the sculptures as inappropriately


164 Ibid.

165 See “That Which Might Have Been, Birmingham, 1963,” postcard, Juanita Copeland to Angela Hall, Juanita Copeland Collection, 97-SC0079, Birmingham Civil Rights Institute Archives.

sexualized, the board president concurred, “I feel it is more of an embarrassment.” The artist insisted that the sculptures retained timelessness because of the lack of period-identifying clothing and should be viewed as art rather than a literal representation of the girls. However, the figures outraged some because, besides the objections to nude sculpture, an important component of the memory of the bombing was the youth and innocence of the girls upon their death. The image of fully grown women simply did not fit within the narrative of rebirth long espoused by the city—conceptualizing the girls as adults pushes the bombing away from pure symbol, requiring an engagement with the present that drew forth questions such as what the girls’ lives might have been like and how the city had actually changed in the interim. While the artist protested, “the memory of those innocent girls belongs to the world,” the News editors insisted that while the sculptures could be art in Arizona, in Birmingham the context made all the difference: “Here it would [be] a memorial to a dark, traumatic moment in this city’s history. If anything, the nudity distracts from the tragedy and the historical importance of the bombing.” Vividly bringing the present to bear on the city’s well-worn story of the bombing, this memorial, despite some residents’ support, did not make it onto the civic landscape.

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167 Ibid.

168 John Henry Waddell to Editor, “Reader’s Opinions,” Birmingham News, 30 May 1995, 6A.

169 For a discussion of the media’s emphasis on the victim’s youth and innocence during the most recent trials, see Renee C. Romano, “Narratives of Redemption: The Birmingham Church Bombing Trials and the Construction of Civil Rights Memory,” in The Civil Rights Movement in American Memory, 102-106.

Perhaps because of the lack of a memorial to the girls, and thereby the lack of a fixed interpretation or an “official story,” memory and interpretation of the bombing seems to float free within public discourse. Like the movement in Birmingham, the bombing carried a heavy moral weight, but its unsolved status made it malleable and troubling, pushing questions about the past into view. With the creation of the Civil Rights Institute the city was able to present its version of its civil rights history; however, this carefully constructed progressive image conflicted with some individuals’ understandings of their present identity and past events. When the last two remaining suspects in the Sixteenth Street bombing went to trial in 2001 and 2002, the city and its residents had yet another opportunity to reckon with this past and reconfigure the “image of reform” to match present-day needs.

171See Walter E. Luft to Editor, *Birmingham News*, 24 May 1995, 8A, calling the editors “politically correct” and comparing them to Nazi pro-government art censorship.
Conclusion

Remembering “Bombingham,” Remaking Birmingham

Scratch the surface of any person in the city—black or white, young or old—and you will find the unhealed scars of history,
- Lori Johnson, co-chair of the Birmingham Pledge Task Force.¹

As the last of the downtown steel mills shut its doors in 1970, the air above Birmingham began to clear.² One Birmingham resident remembers, “You used to come over the mountain, and you could tell how the economic life in Birmingham was by looking into the valley. If you could see the buildings it was hard times. If it was full of smog then you knew it was prosperous because the plants were working.”³ The transformation of Birmingham into a service economy centered on the medical center signaled its move from an outpost of Northern capital to a part of the emerging Sunbelt. Along with this economic shift, political and demographic changes reworked the city’s topography of race and power. And, as the events of 1963 receded further into the past, some of the fear and anger

¹ Lori Johnson, “Birmingham’s Role Might Be Leader in Racial Relations,” Birmingham News, 6 May 2001, 1C.


³ Arthur Hanes, Jr., interview by author, tape recording, Birmingham, Ala., 27 May 2003, Southern Historical Collection, University of North Carolina at Chapel Hill. See also William C. Barclift, interview by author, tape recording, Birmingham, Ala., 29 May 2003, Southern Historical Collection, University of North Carolina at Chapel Hill.
surrounding that time started to dissipate. Within this changing cityscape, residents began to evaluate the legacy of the civil rights movement and the violence that accompanied it. Periodic public moments of remembering such as the Sixteenth Street Baptist Church bombing trials and the creation of the Civil Rights Institute allowed individuals to evaluate and contest the legacy of the civil rights movement for the city. At the forefront of that struggle over how the civil rights history of Birmingham would be told stood the city’s reputation for racial violence, the dogs and fire hoses of civic imagination.

Yet Birmingham’s negative image obscures residents’ attempts to confront not the past but the frustratingly common urban dilemmas of today. The current issues facing Birmingham resemble the challenges facing urban areas everywhere: failing public schools; an increasingly poor city center composed disproportionately of people of color; crime; an us versus them ethos that prevents urban-suburban cooperation. Since 1960, the population within Birmingham’s city limits has dropped from 340,887 to 231,000 and has become approximately 76 percent African American. Birmingham has the eighth-highest percentage of persons living in poverty of America’s one hundred largest cities—a shocking 28.9 percent or over 60,000 people. The city center also contains 22 percent of the larger metro-area’s population, but sustains 55 percent of the violent crime and 43 percent of the property crime. The greater Birmingham metropolitan region spans seven counties and contains one

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hundred and two separate cities, with the people who can afford to do so working downtown, but buying property and raising families in the ever-expanding suburbs.⁶

Birmingham’s history of rigid segregation has been re-inscribed in an urban-suburban divide that many residents see as the city’s number one challenge. Former civil rights lawyer and current Chief Judge of the Northern District of Alabama U. W. Clemon locates the lack of regional urban-suburban cooperation as “historical, arising from the ugly fact of racial segregation. The barriers that were created then still remain in the minds and the mind-set of the people who live here.”⁷ Another civic leader admits that the inability of city and “over-the-mountain” leadership to work together is “frankly, racial in nature.”⁸ Politicians and other local leaders believe this lack of cooperation is a major deterrent to continued economic growth in the region,⁹ yet they are reluctant to anger their constituencies by reaching across race and class lines to create intraregional connections.¹⁰ Increased Hispanic immigration complicates the area demographics and has begun to shift the ground in the racialized politics to which many still cling.¹¹ Despite real reforms and a changed context, the events of 1963 continue to swirl in public discourse.¹²


⁹“Thirst for Leadership Sets Stage for Change,” 14A.

Birmingham has more than its share of civic groups working on downtown development, regional planning, and current issues of race. Leadership Birmingham, begun in 1981, promotes networking among leaders, broadly defined. Designed to bring individuals together across the race, age, economic, and interest barriers that would normally dictate their interactions, the program is arranged into classes of around sixty people who hear speakers and work together on a variety of issues affecting the city. By directly addressing the need for leaders who can work together across constituencies, Leadership Birmingham hopes to help the entire region move forward. Although Leadership Birmingham often focuses on such pressing current problems as public transit and schools, executive director Ann Florie explains that because of the city’s history, “We have a lot of hard conversations” about current race relations as well.13 Similar programs attempt to unite the twelve-county region around common development issues and to develop youth leadership.

Like most urban centers, Birmingham has a long-standing downtown development organization, but with a unique twist. Operation New Birmingham (“ONB”) grew out of

11 On recent Hispanic immigration to the area, see Odessa Woolfolk, interview by author, tape recording, Birmingham, Ala., 4 June 2003, Southern Historical Collection, University of North Carolina at Chapel Hill. Bernard Kincaid described how race as a concept affected his tenure as mayor: “The difficulty in which I find myself is not being painted as an Uncle Tom by black folks by not looking after their issues, and being painted as a black nationalist by the white folks for not looking out for their interest. . . . Walking that tightrope is extremely difficult.” Quoted in Thomas Spencer, Jeff Hansen, and Sherrel Wheeler Stewart, “A Matter of Trust,” Birmingham News, 29 April 2007.

12 A local architect explained: “We often complain that the nation, and the world, still has the opinion of Birmingham as a backwards, racist place that does not value minorities. . . . What if we instead collectively decided to promote the entire metro as a haven for diversity? . . . Just think of what it would mean for public relations, and business investment, if we became known as the ‘Tolerant City.’” Quoted in No Author, “Birmingham at a Crossroads: What You Told Us,” Birmingham News, 16 December 2007, 15A.

13 Ann Florie, interview by author, digital recording, Birmingham, Ala., 9 May 2008, Southern Historical Collection, University of North Carolina at Chapel Hill.
business leadership’s concerns in the late 1950s over the fate of downtown when the first suburban mall and office park opened.\textsuperscript{14} Designed from the beginning as a public-private partnership and led by many of the same businessmen involved in the 1963 accords negotiations, Operation New Birmingham evolved into an urban development group with elite white and black participation.\textsuperscript{15} In the late 1960s, Lucius Pitts, president of Miles College, and other black leaders confronted city politicians about police brutality and the slow pace of black placement in high-level municipal jobs. In response, Operation New Birmingham created a Community Affairs Committee.\textsuperscript{16} Comprised of nine black members, nine white members, and nine elected officials, the Community Affairs Committee has met every Monday morning since May 2, 1969.\textsuperscript{17} Although the Committee continues to meet, it plays a mostly symbolic function in race-related city crises.\textsuperscript{18} Operation New Birmingham focuses on downtown renewal, yet current president Michael Calvert explains: “It is unique

\begin{footnotes}
\footnote{Calvert, interview.}
\footnote{Charles E. Connerly, "The Most Segregated City in America": City Planning and Civil Rights in Birmingham, 1920-1980 (Charlottesville: University of Virginia Press, 2005), 204-06.}
\footnote{Connerly, Most Segregated City in America, 230-31; Glenn T. Eskew, But for Birmingham: The Local and National Movements in the Civil Rights Struggle (Chapel Hill: University of North Carolina Press, 1997), 325-26. New mayor Albert Boutwell founded the original Community Affairs Committee in spring, 1963, as a bi-racial team to oversee downtown desegregation and economic development generally. The original CAC came under attack from working class whites as elitist, was shunned by some segregationist business leaders, and disbanded due to ineffectiveness after one year. Connerly, Most Segregated City in America, 206; Eskew, But for Birmingham, 316-17; Christopher MacGregor Scribner, Renewing Birmingham: Federal Funding and the Promise of Change, 1929-1979 (Athens: University of Georgia Press, 2002), 120-21.}
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that our downtown development organization has a race relations agenda. I know of no other group that has that. It does not go together generally, but it is a historical accident.”

Beyond civic groups working for tangible reform, over and over individual residents attempt to confront Birmingham’s history of racial violence and the lingering image of “Bombingham.” Perhaps the most far-reaching of these individual-initiated projects has been the Birmingham Pledge. Drafted by a white native of Birmingham, Jim Rotch, the Pledge—available at the Civil Rights Institute or online—asks individuals to commit themselves to eliminate prejudice and foster racial equality in their every day lives. Begun in 1998, and signed by over 100,000 people, the Birmingham Pledge gained a commendation from Congress, which recognized that “the people of Birmingham have made substantial progress toward racial equality” and that the Pledge itself “is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world.” A wide spectrum of residents looks favorably on such symbols of progress. Louis Willie, III, son of a prominent civil rights demonstrator, embraced the Pledge, explaining: “A lot of [the denial of race problems] has changed, obviously, . . . and we felt like the Birmingham Pledge

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19 Ibid.


was a way to promote the idea—that if Birmingham can make a genuine effort to racial reconciliation, then so can anywhere in the world.”

Another recent symbolic effort, co-sponsored by the Birmingham Pledge, involved the installation of a reproduction of the Chartres Labyrinth called “Walk Toward Racial Harmony.” The founder of this project explained, “I live over-the-mountain in a white world. . . . I am isolated. The question is: What am I going to do about it?” The labyrinth is an apt symbol of the struggle of individual Birmingham residents and the city as a whole with the residual image of 1963 and the city’s reputation as “Bombingham.” The repeated attempts to grapple with this image underscore the unmoored nature of the city’s history of racial violence. Unresolved on a citywide level despite the creation of the Civil Rights Institute and the dramatic bombing trials, the harms of Birmingham’s past continue to haunt its citizens even as they grapple with the present.

In interview after interview, residents reminded me that Birmingham has changed for the better, in large part because it has been forced to face its racial history. Individuals point to an openness, a willingness of citizens and the city as a whole, to look back at the past and address lingering issues in the present. Even those who would rather forget the past agree

23“A Man of Change,” 3D.


25See for example, Doug Carpenter, interview by author, tape recording, Birmingham, Ala., 2 June 2003, Southern Historical Collection, University of North Carolina at Chapel Hill; Leda Dimperio, interview by author, tape recording, Birmingham, Ala., 17 June 2005, Southern Historical Collection, University of North Carolina at Chapel Hill; Edward LaMonte, interview by author, tape recording, Birmingham, Ala., 22 February 2005, Southern Historical Collection, University of North Carolina at Chapel Hill; Yvonne Williams, interview by author, tape recording, Birmingham, Ala., 29 October 2004, Southern Historical Collection, University of North Carolina at Chapel Hill; Woolfolk, interview.
that Birmingham remains in constant discussion with itself about race relations and its image.\textsuperscript{26} Ann Florie, Executive Director of Leadership Birmingham, explains that each new leadership class discusses the city’s perceived negative image. She speculates that this negative image is self-perpetuating; yet she disagrees with those who assert that discussing the city’s past is necessarily negative.\textsuperscript{27} Many civic leaders and residents genuinely struggle with the residual effects of Birmingham’s past. These good faith efforts to discuss historic and current race relations are a challenging component of modern civic discourse. However, without some kind of broad-based, city-sponsored means of addressing the collective and individual harms of segregation and its enforcement, the image of “Bombingham” will likely remain fixed in local discourse and imagination.

Can there ever really be a resolution to the image of “Bad Birmingham”? Is there a value to the relentless power of this memory? I do not think that historians or residents of Birmingham will ever truly be able to remove the stigma of massive white resistance in the city, and perhaps this landmark of hatred should be a permanent feature of the American landscape. Yet, while an examination of this violence involves a necessary reckoning with the past, a therapeutic exposure of the wounds to air, it does not leave room for an acknowledgment of on-going civil rights struggles and victories, serving instead to trap Birmingham, in history and memory, under the weight of its own infamy.

Inequality in America today no longer rests in Jim Crow laws defended with bombings and dogs. Rather, a new urban landscape of disfranchisement has emerged, built

\textsuperscript{26}Hanes, interview.

\textsuperscript{27}Florie, interview.
on a foundation of structural economic discrimination, abandoned or ignored by those with
the resources to escape it. Watching Birmingham enter the mainstream of America’s racial
struggles, one feels almost a sense of relief. No longer what one writer has called the
“national warehouse for the white man’s burden,” Birmingham can link its dilemmas and
solutions to the greater national context, while at the same time the rest of the country can no
longer posit “race” as a southern problem tagged to old images of resistance.

Odessa Woolfolk, president emerita of the Civil Rights Institute, often encounters
visitors who arrive with a mental picture of “Bombingham”: “So I tell people, ‘Birmingham
[today] is like the rest of America. Forty years ago we were an anomaly, but we are like the
rest of America. We’re progressive, we’re struggling.’” An appreciation of present-day
achievements need not deny continuing or past inequalities. Rather, the history of
Birmingham and the history that has been written about Birmingham should teach us that
although the weight of the past should never be denied, to linger too long may undercut
aspiration and obscure real change.

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28 Diane McWhorter, Nation, October 8, 1990, quoted in Eskew, But for Birmingham, 394 n. 39.

29 Woolfolk, interview.
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