THE FEDERAL GOVERNMENT AND THE HARASSMENT OF BLACK LEADERS
A Case Study of Mayor Richard Arrington Jr. of Birmingham

MICHELE WILSON
University of Alabama at Birmingham

JOHN LYNXWILER
University of Central Florida

Why do people break the rules? A tremendous amount of energy has been expended by citizens and academicians in trying to answer this question. But even a superficial survey of human behavior reveals that we all break rules. Therefore, a more relevant and interesting question is “Why, of all of the rule breakers, are some singled out for observation and investigation, being tried, and being officially pronounced as deviant?”

At root, this question is based on the assumption that nothing is inherently deviant. That rules are the result of unique social environments is obvious by observing cross-cultural and historical variations in rule systems. That is, rules—whether they are values, role expectations, or a legal system—are not absolute; they are relative to culture and to historical period. It follows that there can be no rule breaking unless there are rules; and rules, including those defining crime, are socially developed. Crime, then, is behavior so defined.

Furthermore, there can be no socially recognized rule breakers unless someone has recognized that rules have been broken and is

AUTHOR’S NOTE: A version of this article was presented at the 1994 annual meeting of the American Sociological Association, Los Angeles, California, August 1994.
willing to label the other (Becker, 1963). Quinney (1970) explains, “Agents of the law . . . are responsible for administering criminal laws. Persons and behavior, therefore, become criminal because of the . . . application of criminal definitions” (p. 15).

The issue of relativity also is important in understanding how rules are applied. Different circumstances require different behaviors. For instance, although there is a general understanding that killing another is forbidden, there are exceptions depending on circumstances as varied as self-defense, war, and legal execution. Rules are also relative to audience. Among friends, one may engage in illegal drug use yet would exercise discretion in front of a police officer because these two audiences subscribe to different rules. Another source of variability in rule application is that of the actor: There are different rules for different kinds of people. The double standard of sexuality indicates that we expect women and men to operate by different rules. Affluent people who behave in bizarre ways are considered eccentric, not crazy. Obviously poor people are hustled out of public parks, whereas office workers on break are left alone.

From this perspective, the world is not divided into rule breakers and conformists. Because rule violations are ubiquitous, what divides the deviant from the conformist is the process by which rule infractions are noted and responded to. The transactional nature of deviance is central to understanding the process by which we create outsiders.

THE POLITICS OF DEVIANCE

“Deviantizing,” the process by which some group attempts to label an individual or another group as deviant, of necessity reflects on-going power struggles (Schur, 1980). In a heterogeneous society that lacks consensus on values and approved behaviors, those whose definitions of the rules to be followed prevail have, in fact, won in a contest of definitions. It is an affirmation of the power of some over others. Thus, deviance defining is an inherently political process. By definition, because they are modes of devaluing and
discrediting, the designation of deviance and the deviantizing of individuals involve the exercise of power and affect the subsequent distribution of power. The typical interests involved in this conflict can be straightforward or complex. They can be symbolic, moral, economic, or purely political. The arena can be interpersonal, as in a peer group, or formal, as in legislative and judicial decisions.

The involvement of the government and its agencies in the deviantizing process is deemed necessary when there is a challenge to the legitimacy of the state or when acts are thought to endanger the social order. Obvious governmental interests are involved in such circumstances. Although not necessarily legitimately, the state also is involved when contests occur in which factions mobilize to influence public opinion and the political process. Each side seeks official support of its values through legislation.

In the official labeling of deviants, the government plays a crucial role. Decisions to surveil some areas heavily and the pursuit of investigations and prosecutions are all accomplished by official agencies of control. Although there is an assumption of even-handed justice, it is true that there is selectivity in official processing. If we could be assured that the discretion of control agents was randomized, there would be little basis for study. But it must be assumed that official agents are at least as partisan as the rest of us in a stigma contest.

Research indicates that African Americans are more likely to be labeled deviant (cf. Georges-Abeyie, 1984). Conventional wisdom tells us that this might be true for a number of reasons. First, from a conflict perspective, it may be that Blacks break more rules that are considered to be important by the powerful. Second, if they are less valued as a social category, there might be more willingness to label Blacks as deviant, which causes them to suffer further stigma (Goffman, 1963). Third, it is generally conceded that, as disproportionately disadvantaged, African Americans have less access to resources to protect their own interests, for example, legal protection.

Once it is acknowledged that people can be labeled not just for what they do but also for who they are, the deviantizing process is even more intriguing. That the outcome of the process reflects existing power differences leads one to question whether the devi-
antizing process could be used intentionally to structure and affirm power arrangements.

Having established the arbitrariness of rules and the process by which individuals are labeled, it is necessary to think about the ways in which rule breaking and labeling might interact. Becker (1963) distinguished between rule breaking and deviance: Deviance is being publicly recognized and reacted to. This leads to a fourfold classification system based on whether a rule has been broken and whether one is perceived as deviant. The categories of pure deviant and conformist are obvious. There is also the possibility of a secret deviant. The final category is fascinating because of the lack of attention paid to it. This is the nonrule breaker who is, nevertheless, labeled one and thus is falsely accused.

Among the types of false accusations delineated by Klemke and Tiedman (1990) are “pure error,” an unintended mistake. “Legitimized error” is a form of false accusation occurring when labelers use standards for labeling that they accept as legitimate but that, in fact, are false. Victims play the central role in “victim-based error” when they actively pursue a deviant label. “Intentional error” is the pure form of false accusation; that is, the accuser knows that the other is innocent.

One can never know exactly the intentions of others. Yet, a thorough examination of a particular case, including the historical record of relations between the parties and the current context, may result in an understanding of the nature of that relationship. The details of that relationship can provide the starting point for making an intelligent guess about intent.

**HISTORY OF RACE AND THE FEDERAL GOVERNMENT**

Throughout history, official agents of social control have played a role in repressing groups thought to be dangerous to society. Militia were used against rebellious slaves and workers attempting to unionize. Leftists were hounded and jailed during the McCarthy era, and COINTELPRO—the Federal Bureau of Investigation’s
(FBI) counterintelligence program—instituted a program of “infiltration, psychological warfare, harassment through the legal system, and extralegal force and violence” (Glick, 1989, p. 6) to repress social movements in the 1960s.

What all of these activities by the government have in common is an attempt to maintain the status quo. Typically, when current power arrangements are threatened, the source of potential change is considered dangerous and is targeted for control efforts.

The effects of control activities performed at the discretion of the government or any agency is broader than the finite acts themselves. In the deviantizing process, the power, resources, and respectability of the accused are all endangered. Not unimportant, the uninvolved are also influenced in their understandings of the nature of deviance and deviants because these public processes inform our definitions of reality. In fact, public accusations made by agencies considered credible and disseminated by the media are particularly influential in forming public opinion. Angela Davis is still remembered by many as the terrorist who participated in the shooting of a judge.

Without question, the FBI has a reputation as a racist agency. This reputation, according to O’Reilly (1989) in Racial Matters, is deserved. From its inception, under the direction of the White House and the Justice Department, the FBI decided to “avoid protecting civil rights and to spy on blacks” (p. 9). Under J. Edgar Hoover, the agency actively violated the civil rights of many citizens. O’Reilly explains that by the Kennedy years, Hoover had learned that the civil rights movement threatened his personal prejudices and the interests of the agency. The struggle for democratic participation by African Americans appeared as threatening to his America as did the Communist threat.

Hoover, personally a believer in Black inferiority, was not merely following orders. He soon initiated activity on his own, and the FBI’s hiring practices mirrored his bigotry. During World War I, Black communities were investigated as the probable locations of subversion. Race riots of the time were assumed to have been spurred on by the Bolsheviks. That protest and shows of dissatis-
faction with racial conditions were thought to have been initiated by outsiders reinforces the current understanding of Hoover’s racism: Blacks obviously were incapable of reacting to racism on their own.

Black leaders and the Black press were investigated. Organizations advancing social change were infiltrated and surveilled. All of this attention to subversion going on right in front of them meant that the FBI had no time for investigating violations of the civil rights of citizens. Domestic security as a rationalization or as a motive was Hoover’s driving force. Yet clearly, the definition of that which was dangerous to our country centered on those individuals and groups challenging the status quo. The “Negro Question” remained a major topic of investigation throughout Hoover’s tenure.

Investigation was not the only relationship between the federal government and Black Americans. As noted by O’Reilly (1989), proactive techniques such as dirty tricks were used as a means of thwarting programs and making individuals ineffective. For instance, anonymous letters were written to wives of Black leaders, which recounted alleged sexual infidelity. The hope was that personal troubles at home would distract the leadership.

Among the most successful of the FBI’s tactics was the media leak. Agents across the country had come to trust certain media people whose view on race reflected that of the FBI. The no arrest policy of the FBI during the civil rights years was also indicative of the Bureau’s policy toward Blacks. Agents who knew of planned attacks on civil rights workers did not warn them or any other agency that might have intervened. At the extreme, agents watched and took notes on (investigated) attacks.

Infiltrators of protest groups were not just investigators. They often helped to make racist policy and to implement it, as in Ku Klux Klan actions. On occasion, they were encouraged to disrupt the activities of civil rights groups. Break-ins, illegal wire taps, and unsanctioned recordings of conversations were standard. All of these—dirty tricks, media leaks, the no arrest policy, and infiltration—are antithetical, legally and ethically, to the spirit of a democracy.
African Americans in Alabama have not been alone in being objects of covert action by official agents of control. Yet, in some ways, the attacks in that state have been more cruel because of the third-world status of many Blacks. With low rates of literacy, high infant and maternal mortality, and poverty, Alabama ranks low in most measures of civilization. For the size of the African American population, 26%, representation of Blacks in any form of government is low. Barriers to voter registration and to the ballot box are still many. Antiquated, at-large nonrepresentative elections are the norm in many parts of the state, and rarely have they been changed unless so ordered by the courts. Under these circumstances, attacks against African American leaders result in further racial and economic polarization.

Regardless of where it occurs, it is clear that Black officials are disproportionately targeted for harassment, especially legal interventions. In her studies published in 1977 and 1987, Sawyer concluded that harassment of these politicians and activists kept them from being effective in the performance of their duties. More important, those officials chosen for harassment are not just Black, they are also those who represent “Black politics”: those perceived as being interested in fundamental changes in the power structure and in equal access to economic resources.

Over and over again, the dominant characteristic of those who are assailed is their commitment to human rights and their stands on civil rights. . . . The new Black politics is even more threatening in that it assails not only ignorance and prejudice and discrimination; it shakes the very foundations of the world order—a foundation whose corner stones are racism and white economic dominance. (Sawyer, 1987, pp. 5-6)

MAYOR RICHARD ARRINGTON JR.

The attempts by federal officials to entrap Birmingham’s mayor, Richard Arrington, is a good example of current sophistication in federal strategy. That Arrington was targeted is suggestive of the
more complex motives that might underlie federal policy of 1980s and 1990s, when compared to the more overt racism under Hoover.

During much of the time of the civil rights struggle in Alabama, Richard Arrington was a student. He spent the mid-1960s earning a doctorate in invertebrate zoology at the University of Oklahoma. While he was in Oklahoma, the 1965 Voting Rights Act was passed, and intense civil rights activity in Birmingham, under Rev. Fred Shuttlesworth and Dr. Martin Luther King Jr., occurred. Also during this period, the city of Birmingham was changed from a three-member commission form of government dominated by “Bull” Connor to a mayor-council structure. On his return to Alabama, Arrington became an academician and administrator in higher education.

During this time, African American political power grew. Their proportion of the population increased, and they registered to vote. The political strength of Blacks in Birmingham resulted in 1968 in the appointment of attorney Arthur Shores, a moderate, as the first African American on the city council.

Although interested in politics, Arrington had not seen himself as a player. When asked to run for mayor in 1971, he responded with a firm “no,” although he agreed to consider running for the city council. Younger Blacks clearly saw the necessity for African American leadership and felt that their elders too frequently were accommodationists and excluded younger people from positions of influence.

In the 1971 election, 29 candidates vied for 5 at-large council vacancies. After the primary, 6 candidates remained for three seats. Existing organizations in the Black community mobilized for Arrington’s election, and some White support emerged. Arrington was overwhelmingly elected to a 4-year term. Also winning were two Whites considered to be moderate on racial issues.

While on city council, Arrington frequently clashed with Mayor George Seibels on affirmative action and police brutality issues. His stance on these issues consolidated his support among African Americans. However, Arrington’s appeal was broad enough to encourage more Whites to vote for him in his 1975 reelection.
Endorsement from Arrington and Black support resulted in the election of David Vann, a White moderate, to the mayor’s office.

The ongoing struggle over police brutality was tempered with the election of Vann. However, the power of the police, especially the Fraternal Order of Police, continued, and Vann, on occasion, sided with the police or remained passive. The case catapulting Arrington to the mayorship was the killing of Bonita Carter by George Sands, a White police officer with a history of brutality. Unarmed and shot in the back three times, her death in June 1979 galvanized the city. Protests, violence, and bitterness ensued. A citizen’s committee was formed to investigate the shooting, but Mayor Vann would not allow them access to key documents such as police reports. Vann’s final report on the matter included a refusal to fire the officer, and the district attorney refused to indict him.

Talks of boycotts or other means that would lead to the dismissal of the policeman resulted instead in a political plan “to reorder a power relationship between the races that could reshape institutions and how they operated” (Franklin, 1989, p. 133). Making Arrington mayor of the city of Birmingham became the strategy to attain this goal.

Arrington won the mayorship in 1979. He was reelected in 1983, 1989, 1991, and 1995. Each of his elections has brought greater White support. Crucial to his election was the formation, in 1977, of the Jefferson County Citizens Coalition. Regardless of the actual power of the group, it has come to be viewed as a political machine controlling the Black vote. In fact, the impetus for recent White acceptance of districting for city council elections was to weaken the influence of the coalition in citywide races.

The mayor’s increasing influence outside of Birmingham is indicated by the founding of the Alabama New South Coalition (ANSC) in 1986. The ANSC, which recruited as members most African American politicians in the state, publicly declared a revo-

This content downloaded on Sun, 17 Mar 2013 21:25:54 PM
All use subject to JSTOR Terms and Conditions
THE HARASSMENT

In April 1989, Robert Mousallem, a real estate developer in Alabama, dropped in on Mayor Arrington at his home. This was unexpected, as the two men were acquainted, especially through an attempt by Mousallem to develop a water theme park with the help of the city, but they were not friends. During this visit, Mousallem recounted “a 3-year ordeal he had endured at the hands of agents for the Internal Revenue Service (IRS), Federal Bureau of Investigation (FBI) and an Assistant U.S. Attorney” (Arrington, 1989, p. 1) who had tried over the years, to get Mousallem to frame Arrington.

Mousallem’s (1990) affidavit notes a 1988 meeting with agents of the IRS and the FBI. They offered him limited immunity and promised full immunity if he succeeded at a cooperative endeavor. A letter from Frank Donaldson (1989), U.S. Attorney, spelled out the immunity guarantee. One month later, Mousallem was given the details of what would be needed to get full immunity. Basically, he was to acquire property within the city over which there had been zoning problems. In addition to soliciting the mayor for help in rezoning, Mousallem was to approach four other Black elected officials for help. Although each was to be offered a bribe, the focus was to be on the mayor. Two of the officials were approached and “declined the offer of money and seemed to be confused and irritated” (Mousallem, 1990, p. S2544) by the suggestion. The attempt to entrap the mayor was called off, and the limited immunity offer was withdrawn.

The mayor’s affidavit notes other attempts that Mousallem said he had made to involve the mayor in illegal activity (Arrington, 1989). On September 18 and 21, 1989, Mousallem was found guilty of conspiracy, bribery, and tax evasion. On September 26, he was shot to death. Those present claimed it was an accident.

This was not the first time the mayor had been targeted by the federal government. As early as 1972, Arrington was a subject of COINTELPRO-type activity and investigation because of alleged ties to the Black Panther party. From August to October of 1985, the FBI conducted an investigation of the mayor to determine if he
had violated the Hobbs Act. This investigation was terminated because, according to a chief prosecutor, there was insufficient probable cause to continue. Records further indicate that “discrete inquiries” had been undertaken prior to this. The mayor, along with other officials, was again targeted for investigation in 1988 and 1989.

In 1990, another wave of IRS-FBI investigations of the mayor began. A federal grand jury subpoenaed a wide range of records including those of the Minority Participation Program of the city and charities to which the mayor or members of his family had contributed. The ongoing investigations of this era were widely publicized. One city consultant, Marjorie Peters, eventually was found guilty of defrauding the city. In the press, she was represented as a city hall insider and a crony of the mayor. Shortly before the last mayoral election in 1991, Donaldson, the U.S. Attorney, named the mayor an unindicted coconspirator in Peters’s case. Of course, this made headlines. If the label was intended to have a negative impact on the election, it backfired, as previously complacent Black voters turned out in droves to vote for their mayor. Peters’s conviction was overturned in federal court early in 1993.

At the same time, an ex-business partner of the mayor pleaded guilty to conspiring with Peters and testified that he had bribed the mayor to get city contracts. He named dates, but the mayor’s log showed him to be in Washington, D.C., on one date, and out of the country on the other.

In January 1992, following the election, the mayor was asked to turn over more material, including his personal log. He refused, explaining that this would give the U.S. Attorney the opportunity to fabricate a story of bribery that would be more believable because it could include more credible places and dates. Arrington’s refusal to comply resulted in his being sent to prison for 2 days before he was able to negotiate with the Justice Department for the integrity of his records.

In March 1992, Donaldson was replaced by Jack Selden as U.S. Attorney. The mayor promised full cooperation. On November 12, 1992, Selden wrote to one of the mayor’s attorneys that the “investigation has now been concluded” and that “based on a thorough
evaluation of the evidence, the Public Integrity Section and the Tax Division of the Department of Justice determined, with my concurrence, that prosecution should be declined” (“Investigation Closed,” 1992, p. A1). It should be noted, however, that the federal government had made previous public statements about ending investigations of the mayor. In effect, Arrington had been under continuous investigation since 1972. In all of these years, he has never been charged or indicted.

Throughout all of these specific instances and others omitted for the sake of brevity, the federal government used a number of illegal and quasi-legal tactics. Included were wire taps, leaks about investigations, entrapments, sting operations, encouragement of “creative testimony,” videotaping of social events, recording of license plate numbers, extensive checks on the finances of many individuals and businesses, and the mysterious deaths of two individuals who had approached the mayor with stories of their being pressured to set him up.

THE CONTEXT

In his affidavit, Mousallem (1990) made note of two interesting events. At his October meeting with federal agents, he noticed a black-and-white photograph of Mayor Arrington with the word “corruption” written above it. At a November 1988 meeting in which agents acknowledged that Mousallem had never bribed the mayor (contrary to widespread public allegations), the agents said “they (the blacks) all are a bunch of dope heads” (Mousallem, 1990, p. S2544).

These two incidents hardly square with the image of professional federal agents at the end of the 20th century. However, evidence from a related case, that of Reginald Eaves of Atlanta, forces acceptance of racism not just by individual federal agents but as federal policy.

Hirsch Friedman (1990a), an attorney who worked as an undercover agent and consultant for the FBI from 1979 until 1982, stated
in his affidavit that investigation of local government officials was a priority for the FBI. He continued,

Shortly after I began working with the FBI in 1979, I was made aware of an “unofficial” policy of the FBI which was generally referred to by Special Agent John McAvo as “Fruhmenschen.” The purpose of this policy was the routine investigation without probable cause of prominent elected and appointed black officials in major metropolitan areas throughout the United States. I learned from my conversations with special agents of the FBI that the basis for this policy was the assumption by the FBI that Black officials were intellectually and socially incapable of governing major governmental organizations and institutions. (p. S2544)

“Fruhmenschen” is translated as “primitive man.” Friedman understood that more than a dozen indictable cases against white . . . officials . . . were dropped and investigations discontinued altogether during this period of time while great effort was put forth in connection with the Fruhmenschen policy” (p. S2545). When asked by Friedman why they continued to try and set up an individual who already had refused a bribe, an agent replied it was because the target “was a Fruhmenschen and would thus have to break the law” (p. S2545).

In a supplement to this affidavit, Friedman (1990b) reaffirmed the acceptance within the FBI of the racist Fruhmenschen policy, racism by agents, the continued investigation of officials when there was no evidence of criminal misconduct, and the consideration given to Whites against whom there was evidence of criminal behavior.

ANALYSIS

Following Mousallem’s revelations, Mayor Arrington went on the offensive against the federal government. In addition to calling a press conference, he complained to the Justice Department and requested an investigation by the Committee on the Judiciary of the U.S. Senate. This committee referred the request to the Office of
Professional Responsibility of the Department of Justice. A panel of the Congressional Black Caucus has held hearings, and the World Council of Churches will soon look at the Arrington case. The mayor’s strategy is to expose each and every instance of what he perceives as harassment. To each of the mayor’s public charges, the federal response has been a dismissal of the “that’s ridiculous” variety.

The mayor’s response makes us attend to the degree to which the labeling process is transactional. Those being labeled are not required to be passive participants in the process; rather, they can play a role in the negotiations about the definition of the situation and the label (Schervish, 1991). In this case, the power struggle in the deviantizing process is salient. On one hand, agents of the federal government are trying to taint the mayor, whereas on the other, the mayor charges racial bias and selectivity by the government. This case is unusual in that the mayor is not only attempting to resist a negative label, he is also counterlabeling with his own charges. It is an important case because, although the reputation of the mayor is at stake, in fact, he is not presenting himself as an individual; rather, he is presenting himself as one of many other Black officials having similar experiences. The government strategy, as reported in the media, is to single him out. One would predict a better outcome for the mayor if he is successful in framing the situation as a power struggle between groups.

The mayor has never been charged with an offense. Most of the deviantizing activity has been in the two major newspapers where there have been regular reports of continuing investigations or impending grand jury action. In addition, the mayor is often referred to in reports of investigations or accusations aimed at people or organizations close to the mayor. One result has been the legitimation of a certain kind of racism manifest by those who do not trust the mayor and, particularly, by those willing to believe he is corrupt.

Recent bond issues are illustrative of how the mayor has come to be viewed as untrustworthy. Public debate in the newspapers and on talk radio centered on two things. The first was the part of the bond issue to help build a Civil Rights Institute. Overt racism was
openly expressed about this proposal. Second was the issue of stewardship. The public debate clearly centered on fears that “they” (Black city leaders, especially the mayor) could not be trusted to handle great amounts of money. On the third attempt, the bond issue passed. Not only was business supportive but the latest proposal excluded the institute and was drafted in a way that assured no increase in taxes. Yet, the talk on the street and on the airways was laden with allegations of corruption in city hall. Even with success, the process of deviantizing continued.

Where did these allegations come from? In a traditional southern community, one can expect a certain amount of racism by Whites who believe that African Americans are incompetent. But the specific idea that African American leaders are prone toward malfeasance seems to have its source in the semipublic hints that the mayor “was under investigation.” Certainly, the vague claims leaked to the press have affected Arrington’s reputation. If one accepts Sawyer’s (1987) contention that African American political leaders are disproportionately targeted for investigation by federal agencies and that Arrington is just another case, then the question “why?” must be raised.

One possibility is the raw racism exhibited by Hoover and alleged by Friedman in his discussion of Fruhmenschen. Clearly, in our society, there is a general devaluation of African Americans. Racism has declined, but White Americans still hold negative stereotypes of Blacks. Although the explanation could be accepted by rational people, it does not appear to be sufficient. Surely, there could not be 100% acceptance of the idea of African American inferiority by federal officials responsible for policy and practice.

An intriguing possibility has been raised by Howell Raines (1990) in The New York Times Magazine. In an article tracing the causes of Alabama’s backwardness relative to improvements in nearby states, Raines reports an interview with John Grenier, chairman of the Alabama Republican Party. “Grenier speaks openly of an institutionalized political segregation—‘the racial separation of the parties’—in which Republicans would become the party of the white majority” (p. 48).
If this is the motive for attacks on African American leaders, it only makes sense if rank-and-file White Democrats still hold sufficient racial prejudice to engage in White flight from their party to avoid being tainted by association with Blacks. In a Cox News Service editorial, Tom Teepen (1992) wrote,

Many in the South believe the real goal is not the perfection of racial justice, to which the administration otherwise has been indifferent or antagonistic, but the racialization of southern politics to the point where Democratic seems to mean black and white becomes Republican. (p. A5)

By many measures, racism in Alabama is on the decline. One would assume that only the most raw of racists would break with their backgrounds to avoid affiliation with Blacks. However, if Blacks are “taking over” as party leaders and are defined as corrupt, then the motive to flee the Democratic party is increased.

That the Republican Party in Alabama is gaining strength is clear. A Republican has been elected for a second term to the governorship, the first to serve in this office since Reconstruction. Some legislators have recently changed parties, and Republicans have been elected to other major offices. Regardless of the intent, the net result of publicly implying that Mayor Arrington is corrupt has been to make many people leery of him and of his party. A colleague of mine recently summed this up by saying “I don’t know, where there’s so much smoke, something must be going on. I’m now convinced he’s dirty.”

The 1992 campaign of Judge Carol Smitherman for the criminal court seat to which she had been appointed suggests some credibility for this explanation of the harassment of Mayor Arrington. Because no Black had ever won a countywide election, it was accepted that Judge Smitherman would have a hard fight. Nevertheless, it was assumed that she would win because she was the only candidate with prosecutorial and judicial experience. In addition, she was supported by the heads of most of the major law enforcement agencies in the county and had the Bar endorsement. The judge’s first judicial appointment had been to the city court. It
was in that capacity that she presided when the mayor’s daughter was tried on a public disturbance charge. The judge ruled that the prosecution had not proved its case. The mayor’s daughter charged the arresting officer with brutality. It was revealed that there were a number of complaints of excessive force against the officer, who was fired from the force for not complying with an order to seek counseling. The judge’s opponent was the officer’s brother. The *Birmingham News* editorial (“A Third Contender,” 1992) commenting on the judge’s loss said that “she lost her countywide race because outside this city the Mayor of Birmingham is about as popular as glass shards on a feather bed” (p. 8A). Her opponent won, not on merit, “but because he successfully linked Smitherman to Arrington” (p. 8A). The editorial charged that the populace of the White-flight suburbs had “been far too willing to automatically assume the worst about black public officials in Birmingham” (p. 8A).

A subset of the Republican conspiracy theory is also plausible if one examines not the individual citizen voter but rather the economic base of the mayor’s support. One of the reasons for the mayor’s and, therefore, the city’s success has been the support of the business community. As a consensus builder, Arrington has brought prosperity and, in return, has received support from major economic interests (Perry, 1990). It is reasonable to assume that business leaders would be sensitive to both the mayor’s reputation and his ability to manage financial matters. Because the two—reputation or judgment of essential character and perceived ability—are inextricably linked, a change in reputation can result in a reassessment or reinterpretation of the mayor’s skill. Only one major business leader, a banker, openly opposed Mayor Arrington. On one issue, that of using benefits as a basis for the city’s occupational tax, the city was vindicated. This banker also attempted to sway the business community to support the mayor’s opponent during the last election. He was not particularly successful in doing so, although he did help to woo a nationally known Republican strategist to advise the mayor’s opponent.

A third possible explanation of the deviantizing of Mayor Arrington was raised by Ken Lawrence (1985). Citing COINTELPRO and other programs of government agencies, he notes a shift in
strategy and understanding of the nature of opposition to the status quo. In the past, it was assumed that threats to the establishment would come periodically, but now, governments see themselves in a permanent struggle. Tactics to meet this change in perception call for “covert action designed to weaken the movements from within and to wage psychological warfare against them from without” (p. 4). This could be implemented in any number of ways calculated to weaken the movement: fragmentation of the movement, internal disputes, alienation of supporters, and criminal frame-ups.

These forms of counterinsurgency are based on dividing and weakening the movement, especially by creating a rift between the leadership and the masses of supporters. According to Lawrence (1985), class and race awareness are essential to this kind of operation. It is based on a conscious assumption “that people of color are to be permanently oppressed and . . . that the Black and Latino communities will be the usual source of insurgency” (p. 6). Recent revelations about the past and continuing practices of segments of the government of South Africa against the African National Congress lend credence to this explanation.

Although Lawrence’s (1985) explanation is couched in terms of insurgency and counterinsurgency, he has said much the same as Sawyer (1987) has about Black politics; that is, growing Black political power makes possible essential changes in our society because it challenges current power arrangements. In this context, Arrington’s charges—that he is being harassed without cause other than to marginalize and thus weaken his political position—make sense. This is especially so if the accusations are intentionally false, as claimed. Add that to the conclusion drawn earlier that one can be labeled for who one is, not just for what one does, and the mayor’s analysis has even more weight.

If the Grenier quote (in Raines, 1990) is true, then the Republican strategy, whether directed at alienating voters or financial supporters, may be just another spoke in the wheel. In terms of effect, it would make no difference whether this was part of a conspiracy or merely the result of the like-minded in parallel action. There are reasons, however, for believing that the manipulation of racism has been part of the Republican strategy in the South since the 1970s.
Of course, all of this is possible only in a society in which power is wielded by a few. That certain groups are consistently excluded from power is telling. That among these groups are African Americans makes racism a vehicle for maintaining current power arrangements or restoring those of an earlier age.

SUMMARY

Given that rules are social creations and that they are relative in their application, clearly, the difference between the deviant and the conformist is not that one breaks rules and is justifiably labeled, whereas one of good reputation deserves to be in that position. Some people who break rules are never detected or labeled; some may be falsely labeled when, in fact, they are blameless. If one has been falsely labeled, it may be for any number of reasons including bad intentions by the accuser. Of course, being accused does not automatically result in a deviant label. Any attempt to label is an attempt to define the essential character of the accused as flawed. The accused has a stake in deflecting the label and protecting himself or herself from negative character imputations.

If one views this not just as a contest among individuals about which is right and which is wrong but rather as a power struggle between two groups, it looks different. Deviantizing is a political process in which each side has a vested interest in the outcome. The case of Mayor Arrington epitomizes a nationwide situation. On one hand, the federal government claims to have discovered a disproportionate number of public officials who happen to be African American and who are deemed worthy of investigation of possible offenses of abuse of office. On the other hand, a large number of African American officials feel that they have been singled out for investigation to the point of harassment. Not one of these officials has ever claimed that every person investigated is innocent.

The federal government has spent many hours and dollars on investigations and trials yet has a high failure rate in terms of indictments and prosecutions and in being overturned on appeal. Because of this lack of success, I tend to conclude that something
else is going on here, and it appears to be not straightforward investigations of the probably guilty but rather a means of manipulating the reputations of certain people to political advantage.

Deviantizing, in the attempted labeling of Mayor Arrington, appears to be a political attempt to affect the distribution of power. It represents an attempt by the FBI, the Justice Department, and the Republican Party to use accusations of criminality as a means of destroying Black political power.

REFERENCES


Glick, B. (1989). *War at home: Covert action against U. S. activists and what we can do about it*. Boston: South End.


Michele Wilson, an associate professor of sociology at the University of Alabama at Birmingham, specializes in deviant behavior, social control, and gender. Most of her work has concentrated on abortion patients, the process of making that decision, and the mental health of workers in abortion clinics. She has also researched the coalitions among politically involved Blacks and Whites.

John Lynxwiler is an associate professor in the Department of Sociology and Anthropology at the University of Central Florida. His published works have examined the enforcement of white-collar crime, the decision-making process of women seeking abortions, and issues related to popular culture. His current research focuses on the structure of abortion attitudes within the categories of race, gender, and religion.