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# Censorship in Black and White: *The Burning Cross* (1947), *Band of Angels* (1957) and the Politics of Film Censorship in the American South after World War II

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## **CENSORSHIP IN BLACK AND WHITE: THE STRUGGLE TO MAINTAIN RACIAL HIERARCHIES AT THE MOVIES, 1920s-1930s**

Melissa Ooten

In 1806, Richmond entrepreneurs built the city's first theater, the New Theater, at the present-day juncture of Thirteenth and Broad streets. This theater was likely the first in Virginia, and Richmonders of all colors, classes, and genders attended, although a three-tiered system of seating and ticket pricing separated attendees by race and class. Wealthy white patrons paid a dollar or more to sit in boxes thoroughly separated from the rest of the audience. Their middle and working class counterparts paid two or three quarters for orchestra seating. For a quarter or less, the city's poorest citizens, any people of color, free or slave, and women "alone in public," who were considered prostitutes, filled the theater's pit and upper-most galleries.<sup>1</sup>

On the night of December 26, 1811, over 600 patrons, including Virginia's governor, George W. Smith, crowded into the theater. During that night's performance, a fire broke out, killing 72 people. Of the dead, fifty were well-dressed, upper-class white women, who had either been caught in the upper-tiers of the theater in cumbersome dresses or killed by the stampeding crowd. Twenty were African Americans trapped in the uppermost reaches of the theater.<sup>2</sup> Each theatergoer's class, race, and gender dictated the space he or she occupied in the theater that night and thus determined his or her likelihood of leaving the venue alive.

While the advent of cinema would not reach Virginia for another century, the space of the movie theater would still be stratified by class, race, and gender – and in many ways, theater space would become even more impermeable. By the twentieth

century, more rigid boundaries governed theater space as the advent of legal racial segregation regulated black moviegoers entirely out of white spaces or to the balconies where their presence would be rendered least visible to white attendees. And once patrons took their seats, the images they saw, especially ones of white women and all people of color, would be regulated as well.

In 1922, Virginia's General Assembly passed legislation to create a Motion Picture Censorship Board to view every movie seeking legal exhibition in the state. As a result of this law, all movies would be screened and judged by a three-person censorship panel before being exhibited publically in Virginia. Controlling what African Americans saw on-screen and controlling what sorts of depictions of African Americans all moviegoers viewed at the movies became central to the censorship board's mission. In the end, censors regulated out of the movies images of African Americans that suggested they be granted greater citizenship rights and depictions of scenes in which African Americans actually demanded basic civil rights. By sanitizing scenes of African Americans and only allowing the most caricatured, non-threatening images on-screen, white censors promoted the greater state project of extolling a façade of amicable race relations, with politically-empowered whites supposedly protecting African Americans by curtailing their basic economic and political rights. This cultural regulation of popular culture complemented other economic and political policies of the state designed to buttress the power of white, middle-to-upper class elites within the state.

During the latter third of the nineteenth century, thirty-three African Americans served on Richmond's city council. Many black citizens throughout Virginia could vote, although the beginning of the twentieth century severely curtailed this right. In 1900,

over 6,400 black men in Richmond could vote. With the passing of the 1902 state constitution, which included several new and potent voting restrictions such as a poll tax of \$4.50, age, residency, literacy, property, and veteran requirements, only 760 black Richmonders remained eligible to vote, and city officials gerrymandered the vibrant African-American neighborhood of Jackson Ward out of political vitality.<sup>3</sup> Despite the suffocation of such Jim Crow practices, African American activists negotiated daily boundaries to claim certain rights, especially public utility services within the city. In the 1910s and 1920s, these demands grew as NAACP leaders organized community meetings to discuss issues of school segregation and disfranchisement, and the Black press, particular John Mitchell Jr's Richmond *Planet*, which mounted intense publicity campaigns against lynching. It is into this contestation and negotiation between African Americans and white officials over basic rights that movie censorship fell.

For elite, state officials, movie censorship offered the possibility of acting as the cultural arm of the regulation of boundaries between blacks and whites on the movie screen that would accompany other legal and economic boundaries aimed at separating the races and classifying individuals strictly to one race or the other. Racial hierarchy, as historian Lisa Dorr has noted, functioned as the main social hierarchy in the South at the time, with whites openly acknowledging and publicly defending it.<sup>4</sup>

While Virginia's 1902 constitution disfranchised the vast majority of African American voters, the Assembly did not pass laws forbidding integrated seating at all functions until 1926 and did not segregate seating on public transportation until 1932, although custom had previously dictated segregation in most of these places.<sup>5</sup> It was African American activists' continued challenges to these de facto segregated spaces that

led to their de jure segregation. By the 1920s, five Richmond theaters welcomed African Americans, and a handful of white theaters offered balcony-only segregated seating for Black patrons by the latter half of the decade.<sup>6</sup> And it was the portrayal of race relations on-screen and whether films would be limited to “white-only” theaters that factored into many of the censors’ decisions. After all, the censorship of film in Virginia became a key way for white elites to regulate the state’s racial order.

### **RACIAL CONSTRUCTIONS IN EARLY TWENTIETH-CENTURY VIRGINIA**

In early twentieth-century Virginia, state officials presented Virginia as modern, economically progressive, and morally clean as a means of attracting more industry and business into Virginia. To this end, the General Assembly passed statutes governing film exhibition, eugenics, interracial marriage, and definitions of “whiteness” in the state.<sup>7</sup> Officials argued that no changes needed to be made to the state’s racial hierarchy while simultaneously using legislation to more strictly regulate the racial order through legal codes. For example, legislators passed legislation that regulated the sexuality of citizens of color and poor whites through eugenics-oriented programs by touting its economic benefit to the state. Officials used terms such as “clean” and “progressive” to describe the Virginia they envisioned as a modern locale filled with thriving new businesses and industries filling the state’s treasury. Through specific legislative initiatives in the early 1920s— the movie censorship law, the Racial Integrity Act (which defined the parameters of whiteness), and the sterilization act (which resulted in the sterilization of over 8,000 poor Virginians)—Virginia’s lawmakers successfully constructed certain races and sexual behaviors as dangers to the state and labeled specific “unclean” citizens as destructive to the state’s economy.<sup>8</sup> Yet the censorship law stood as a stark exception

to other legislation. Unlike the laws affecting marginalized populations—the poor of all races and all people of color—movie censorship affected everyone. As historian Pippa Holloway writes, “all Virginians could have their freedom of speech threatened by a censorship board.”<sup>9</sup>

Government officials rationalized their intervention into citizens’ lives by utilizing the logic of paternalism. They reasoned that such laws protected those without direct access to state power—which had the ultimate effect of further entrenching the power of white, male elites.<sup>10</sup> Paternalism, directed toward citizens in general and African Americans specifically, played a large role in Virginia’s passage of the 1922 censorship statute. According to historian J. Douglas Smith, white paternalism guided Virginia’s race relations in the early twentieth century. Smith defines this type of paternalism as the idea that politically empowered whites would protect the interests of African Americans if they, in turn, agreed to peacefully acquiesce to white authority without aggressive protest. Paternalists in Virginia promised African Americans certain basic governmental services, such as limited funding for black schools, in return for their deference. White leaders expected black men and women to seek redress for grievances through channels white elites deemed appropriate—and controlled. Virginia officials employed strategies such as “separation by consent,” through which they promoted the idea that both blacks and whites favored racial segregation while expecting African Americans to defer to this inherently racist system.<sup>11</sup> Of course, only in theory did segregation mark clear delineations of boundaries; in reality, daily encounters between the races fell outside of clearly ordered lines, and the tradition of protest and activism against second-class citizenship meant that African Americans did not acquiesce to the

passiveness expected by Virginia's officials. Yet such a systematic hierarchical system actively reinforced constructions of black inferiority. It suggested that African Americans' best interests lay not in governing themselves but in stepping aside to allow white leaders to make political decisions for them. Within this logic, powerful white Virginians worked to create "amicable" relations between whites and blacks, but only by keeping black Virginians in socially and economically marginalized positions. Separation "by consent" functioned as the linchpin to this system of white dominance.

But as J. Douglas Smith writes, white Virginians' use of "genteel paternalism" became increasingly irrelevant in the modernizing world of the 1920s as personal political and economic relationships between white and black citizens lost their effectiveness.<sup>12</sup> Increasingly uneasy with their ability to sustain their power, white elites turned to Virginia's legislature in the 1920s to redefine and codify the terms of white supremacy.<sup>13</sup> The very fact that Virginia's General Assembly adopted Jim Crow laws not at the turn of the century but in the 1920s and 1930s signaled the increasing difficulty white elites found in maintaining longstanding systems of racial order. White elites increasingly found sustaining white supremacy to be hard work. Locally, some African Americans had maintained some level of autonomy as landowners, voters, or skilled workers. African Americans in Virginia often experienced more mobility than others living in other Southern states, particularly the Deep South. Arguing that the 20,000 African American voters of Virginia demanded individuals in office who reflected their own interests, African Americans in Virginia ran on a separate Republican ticket in 1921 to protest the "lily-white" ticket endorsed by the state's white Republicans. Richmond *Planet* editor John Mitchell, Jr. ran for governor, Theodore Nash of Newport News ran

for lieutenant governor, and bank president Maggie Walker ran for Superintendent of Public Instruction.<sup>14</sup> Thus in the 1920s and 1930s, race relations in Virginia were not an example of static, fixed white authority but instead one marked by white elites' daily struggles to maintain their dominance in the face of African American activism.<sup>15</sup>

Yet leaders of the state employed specific legislative tactics to give the appearance of amicable race relations as a means to undermine any reform efforts directed at dismantling white supremacy. White supremacists hoped to use paternalism to placate Virginia's African Americans and prevent them from turning to "outside," "agitating" organizations—politically-active organizations that operated outside of and often in opposition to state leaders, such as the NAACP.<sup>16</sup> From the 1890s to the 1960s, the same group of Virginians—elite white, male Democrats—controlled both the state's legislature and judiciary.<sup>17</sup> From the 1920s to 1966, Democrat Harry Byrd and his political machine dominated Virginia politics, with Byrd first serving as a state senator, then governor during the 1920s, and finally as a U.S. Senator from the 1930s until 1966. Byrd opposed overt displays of racial hostility and violence while remaining wholly committed to across-the-board black subordination, causing some of his critics to sarcastically dub him a "kinder" white supremacist.<sup>18</sup> Throughout his tenure as governor and senator, he promoted and upheld segregationist policies at the most basic level of political participation by endorsing poll taxes, literacy tests, and white-only primaries to further restrict the few African Americans who could still vote.<sup>19</sup>

As informal modes of paternalism increasingly gave way to legal segregation and rigid interpretations of race in the 1920s, both African American power and white supremacy underwent constant negotiation and contestation.<sup>20</sup> The struggle for control



of the movies—and what would be allowed on-screen—fell directly into this negotiation of racial boundaries in 1920s Virginia. As white and black bodies on film came under the control of the censorship board, another set of struggles for racial supremacy and equality would now be played out in the realm of popular culture.

### **DEFINING “WHITENESS” ON & OFF VIRGINIA’S MOVIE SCREENS**

By 1924, no Virginian who carried as much as “one drop” of African blood could be classified as white, and white and black citizens could not intermarry. When Virginia’s censors regulated the movies, they strictly forbade images and verbal suggestions of miscegenation. Miscegenation and passing, both in practice and on-screen, threatened racial definitions because the ability to claim whiteness and the privileges that label contained depended on the idea that racial identity could be precisely known and fixed. Both miscegenation and passing threw this system of supposed racial knowledge into disarray and threatened the basis of claims to white supremacy and black inferiority.<sup>21</sup> Only the prevailing and fiercely defended conceptualization of races as pure could lead miscegenation to be constructed as a threat to that purity and passing as a threat to the maintenance of strict racial hierarchies.<sup>22</sup>

Historian Pippa Holloway suggests that as Virginia’s government officials in the early twentieth century increasingly became concerned with whiteness, government surveillance of private sexual relationships intensified accordingly.<sup>23</sup> This increased intervention by the state ultimately revitalized racial prohibitions and legally transformed the Southern household. Moral standards previously regulated by churches, families, and communities gave way to governmental enforcement in the name of a healthier,

progressive state. Virginia's leaders attempted to build this image of a "clean" state, as they termed it, unpolluted by racial mixing by strictly prescribing acceptable sexuality.

Historically, miscegenation laws have worked to both reflect and shape American racial attitudes.<sup>24</sup> Historian Peter Bardaglio persuasively contends that miscegenation laws before the Civil War focused on channeling interracial sexual relationships rather than eliminating them because black men and women were regulated as legal property under slavery—as were white women by white men who supposedly protected their "purity."<sup>25</sup> Scholar Martha Hodes posits that the problem of "containing" racial problems, and specifically of containing sexual encounters between the races, swelled into a national concern following emancipation, with newly mobile African Americans entering previously white-dominated political, economic, and local realms.<sup>26</sup>

Theater space and spaces occupied by African American actors and actresses within motion pictures soon fell into this volatile contestation of space. Virginia law required anyone operating a motion picture theater "which is attended by both black and colored persons, to separate the white and the colored races,"<sup>27</sup> and a combination of citizen protests and action on the part of civil authorities combined to squelch repeated attempts to integrate the space of the theater. In 1922, the African American Attucks Theater in Norfolk initiated Friday midnight showings of films with black actors that admitted white patrons as well, in an attempt to cater to whites who also wanted to see these films. Film scholar Donald Bogle suggests that African American filmmaker Oscar Micheaux at times himself approached white theater owners who might consider "special late shows for white audiences interested in black camp."<sup>28</sup> Writers at one local newspaper reported that at these showings, "a sprinkling of whites" patronized the theater

along with many African Americans. But with charges of interracial mingling ringing from several sources, city authorities in Norfolk passed an ordinance forbidding any theater or movie house from holding performances or shows after midnight without a permit from the director of public safety.<sup>29</sup> Thus, even before a state-sponsored censorship board, the space of the movie theater itself existed within a volatile construct of communal racial antagonism, state-imposed white supremacy, and even attempts at racial co-mingling in legally segregated spaces. Yet the segregated space of the theater always existed within a complex, fluid system, for the terms of a particular theater's segregation often changed depending on day and time rather than existing as rigid spaces solely for the patronage of one race.

African Americans did, however, face substantially restricted access to the movies. In the late 1920s, with more than 50,000 African American citizens in Richmond, only five movies houses operated exclusively for black patrons.<sup>30</sup> It was not until 1934 that businessman Abe Lichtman opened the first theater for Black Richmonders in over a decade, the Booker T., assumed control of the Hippodrome and Globe (the two remaining theaters for African Americans in the city), and built the first theater in the African American community of Church Hill.<sup>31</sup>

Despite the difficulty of marketing and distributing movies to black audiences under such arduous constraints, some early black filmmakers persevered in exhibiting their films to black audiences, despite censors' use of legal means to ban these films. Film researcher John Alley writes that while "the board seemed unconcerned over the racial tension generated by *Birth of a Nation* . . . it did use the supposed threat of racial violence as a weapon to exercise prior restraint and to cast immediate suspicion on all

movies made by black film makers. The immediate target of the Board became Oscar Micheaux.”<sup>32</sup>

## OSCAR MICHEAUX AND THE POLITICS OF BLACK FILMMAKING

Throughout the 1920s and beyond, the board had a recurring relationship with filmmaker Oscar Micheaux. In 1918, author, writer, filmmaker, and businessman Oscar Micheaux founded the Micheaux Film and Book Company. During his ensuing career, Micheaux wrote and published several novels while also writing and distributing dozens of feature films. Film critic Ronald Green argues that Micheaux’s films reflected realistic economic problems of the African American community that Micheaux himself experienced while trying to successfully establish a film business over the course of three decades.<sup>33</sup> “His constant purpose,” Green writes of Micheaux, “was to show, through art and through business, the capacity of African Americans to overcome American adversity.”<sup>34</sup> As a businessman, Micheaux toured the country publicizing one film while seeking financial backing for the next, and he reportedly promoted himself to censorship boards to get his films approved for exhibition within their jurisdictions just as he promoted himself to theater owners he wanted to show his films.<sup>35</sup>

As an African American entrepreneur operating in the early twentieth century, Micheaux employed a variety of innovative strategies and business tactics that distinguished him from his white contemporaries who did not have to work within the confines of racial discrimination. According to film critic Jesse Rhines, Micheaux distributed his films by “bicycle,” meaning he personally hand-carried individual films to theaters across the country.<sup>36</sup> Donald Bogle notes that Micheaux, “a hefty, six-footer, given to wearing long Russian coats and extravagant wide-brimmed hats as if ‘he were God about to deliver a sermon,’” cut quite a figure as he promoted his films.<sup>37</sup>

Micheaux's work as an African American film distributor promoting films that addressed some of the most controversial racial issues of his time, such as miscegenation and passing, was no easy task.<sup>38</sup> Film historian Thomas Cripps argues that Micheaux "faced the terrible odds of booking against white chains" and "soon discovered that he could slip pictures into black neighborhoods of Southern cities only in the slack summer, when it was so hot the majors shut down much of their operation."<sup>39</sup> Also, with his products often confined to theaters catering solely to African American audiences, Micheaux faced a stark lack of theaters in which to exhibit his films.<sup>40</sup>

The controversial topics of Micheaux's films also generated heated debate. Many of Micheaux's films concerned the "uplift" of African Americans, and expressed as much concern over issues of class as race. His first film, and at least four others, involved the plotline of a black man falling in love with a woman he presumes to be white, but who, in the end, is black. The film *Body and Soul* (1925) featured Paul Robeson as a conman/preacher in a parable warning people not to be overly trustworthy of some supposed ministers of God. Still others, such as *Veiled Aristocrats*, dealt explicitly with the implications of African Americans using passing not only as a means of traversing racial boundaries but also as a way to achieve a higher class status through perceived whiteness. According to scholar Ronald Green, all of Micheaux's films critiqued both white supremacy and black complicity while stressing moderation, independence, and ethical behavior.<sup>41</sup>

Virginia's censors consistently characterized Micheaux's films as inappropriate for state audiences. Alley argues that the legislation creating Virginia's censorship board provided for blocking films from screening that might "incite [the audience] to violence." Alley notes further that "the board interpreted [the "incite to violence" clause] solely in

terms of the presumed threats posed by the racial themes depicted in motion pictures from black film makers.”<sup>42</sup> While Alley’s point is overstated in that the board used the violation of “incite to violence” to regulate a variety of films, the board often applied legally viable reasons for censorship to situations they found personally offensive, particularly in films with racialized themes.

The first of Micheaux’s films to receive censure in Virginia was *Birthright*.<sup>43</sup> Scholars have described *Birthright* (1924) as a “race achievement” film in which an African American Harvard graduate returns to Tennessee to establish a black college to uplift the race.<sup>44</sup> The graduate encounters opposition from individuals in both the local black and white communities, whose leaders agree that education destroys African Americans. According to Bogle, “in its own silly and sly way, *Birthright* made a definite plea for black unity while seriously satirizing the old-style toms.”<sup>45</sup> At a time when Hollywood experienced repeated attacks by black activists and leaders of organizations such as the NAACP for exhibiting only stereotypical, offensive representations of African Americans, Micheaux offered black characters who were creative, active individuals laboring against a myriad of forces to overcome socially and institutionally-imposed racism.

Unlike its actions in relation to most film distributors, the censorship board’s participation in a dialogue with Micheaux concerning *Birthright* did not begin with the film’s application for a required state seal. Instead, the board discovered that the Attucks Theater in Norfolk, the Dixie theater in Newport News, the Idle Hour in Petersburg, and a Portsmouth theater were all exhibiting the film without a license. In fact, the board had never examined the film because Micheaux had not submitted it to them. Micheaux’s

initial evasion of the board's authority highlights the fluid and contest nature of censorship. Filmmakers did not necessarily have to enter into a dialogue with the censorship board to negotiate the boundaries of censorship. Here, for example, Micheaux simply circumvented the authority of the censors until they discovered the illegal showings. After this discovery, the board sent letters to the mayors of these cities warning that the exhibition of these films was illegal.<sup>46</sup>

In one such letter, board chairman Evan Chesterman told the mayor of Roanoke:

*Birthright*, according to official reports received at this office, was released by the Micheaux Film Corporation, a concern which produces films showing negro actors and designed for negro amusement houses. The picture passed the Maryland Board of Censors only after undergoing a dozen or more eliminations designed to lessen its offensiveness. We have reason to believe that it bears upon the race question and embodies scenes and subtitles which this Board would find most objectionable.<sup>47</sup>

The board described the film as “a photoplay released by a negro concern which touches most offensively on the relations existing between whites and blacks.” The censors hypothesized that since “the Maryland board of censors cut the picture to pieces... our assumption is that the concern was afraid to send the film to us.”<sup>48</sup> Indeed, Maryland's movie censors required twenty-three deletions from the film, and police confiscated the film when a theater in Baltimore screened it with some of the required deletions still intact.<sup>49</sup> Thus, even when censorship boards ordered cuts from a film, filmmakers, distributors, and theater owners still contested those impositions, although they did so at the risk of monetary fines, arrest, and other legal punishments.

For a film to be legally shown, Virginia required it to bear an attached official seal showing that the censors had approved it for exhibition in Virginia. Thus, a film without

a seal would be a definite signal to theater owners and patrons that a film had not passed the board. *Birthright*, however, had a seal attached to it, yet the board had not issued one. Someone had illegally affixed a seal from another movie to *Birthright* before its exhibition in Virginia.<sup>50</sup> As a result, the board began associating Micheaux's company with deviousness, assuming that the filmmaker himself must have illegally detached a seal from another film and attached it to *Birthright*. It remains unclear whether the theater's management unwittingly exhibited the film unaware that the censorship board had not approved it, consciously chose to exhibit the film illegally, or perhaps even illegally affixed the seal.

As an African American business facing the hostility of a white censorship board with the power to exclude all its productions—both present and future—from the state, the Micheaux Film Corporation responded promptly to the board's allegations. On letterhead advertising the company as “producers and distributors of high class Negro feature photoplays,” Micheaux stated that he simply took a chance on the bookings. He argued that he was too distracted “covering the South, riding in [a] cinder ridden Jim Crow car all night” to properly apply for a seal before the bookings took place.<sup>51</sup> Thus, Micheaux seized the opportunity to record and highlight the severe conditions he faced as an African American filmmaker working in the South. Perhaps he also meant to make a statement about such treatment to the board, although he hardly could have expected a sympathetic response. Yet in the course of this conflict, Micheaux revealed his resourcefulness. The board interpreted his lack of application for a state seal as ignorance of “their” white business and legal practices, and Micheaux indeed might have played the situation this way, since this scene repeatedly occurred in Micheaux's dealings



with movie censors. He shrewdly negotiated around the boundaries white agencies attempted to impose on his work, knowing that very few, if any, censors in the South would actually license his films, which dealt with racial issues they considered too explosive to be discussed on film. Since the censors believed Micheaux simply did not understand standard business practices, they decided to fine him twenty-five dollars and pursue no further prosecution. Among other things, they cited the fact that with fewer than a dozen African American theaters in Virginia, Micheaux's films stood to make very little money.

Micheaux's hefty production schedule kept him at the forefront of the Virginia board's activities for extended periods of time. In 1924, after the board had condemned *Birthright* in full, Micheaux then attempted to avoid the Virginia censors again by exhibiting *A Son of Satan* without the censors' approval. The board's negative reaction to his film *Birthright* illustrates why Micheaux deliberately tried to bypass the board's authority when feasible. Because *A Son of Satan* was shown illegally, the board sent letters to the managers of all of the theaters catering to African Americans in Virginia admonishing them not to play this "rogue" film and reminding them that their theaters would be subjected to fines if they did. The board described the film as one "released by a colored concern engaged in the distribution of motion pictures and practically has an all-negro cast."<sup>52</sup> Thus even before screening the movie, the board indicated a heightened scrutiny under which it would examine the film based on the film's black production company and cast. But unlike Micheaux's previous offering, *A Son of Satan's* protagonist was biracial. According to the board, "the central figure in the plot is a mulatto whose villainies justify the significant title of the photoplay." Even more

scandalous to the censors, “the audience is led to believe that the criminal tendencies of the man are inherited from his white forefathers.”<sup>53</sup> Not surprisingly, the board censored the film in full. Yet the film articulated a stark counterpoint to uncensored films like Griffith’s *Birth of a Nation*, which often suggested biracial people would be more socially acceptable and less prone to illicit behavior if not for black blood.<sup>54</sup> The board deemed the film “at best...unwholesome as it touches unpleasantly on miscegenation.” They further hypothesized that “many of its scenes will prove irritating—if not hurtful—alike to quadroons, octoroons, half-breeds, and those of pure African descent.”<sup>55</sup>

Thus, the board invoked its constructed role as a paternal authority protecting those who could not protect themselves and attempted to initially cast its censorship of the picture in terms of whom it might offend.<sup>56</sup> The board believed that movies possessed enormous power through visual depiction, and its members believed that behavior viewers saw on-screen could—and would—be mimicked in reality. According to the board, “in some of the scenes—notably that showing the ‘fashionable’ dance where a white orchestra furnished music for blacks—there is an intermingling of the two races which would prove offensive to Southern ideas. The most serious feature of the picture, however, is the series of race riots incited by the ‘Son of Satan’ who uses a white man as his tool.”<sup>57</sup> Not only did the film show something unbelievable to the censors—a biracial man manipulating a white man, it also contained riot scenes, which the board easily used to forbid the film on the grounds that it might incite its viewers to crime. The board concluded:

Riot scenes of any sort are calculated to arouse the passions, and even the mildest presentation of race conflict or friction is inflammatory material of the most dangerous sort for treatment on the screen. The scenes . . . smack far too much of realism and race hatred to be classified as mild, and . . .

might lead to serious results . . . it should be remembered that the picture, presumably, will be offered only to negro theaters where a large portion of the audiences will doubtless be illiterate or so ignorant as to misinterpret even what is good in the film.

Film scholar Jane Gaines suggests that such scenes, especially those showing rioting or lynching, symbolically represented “socially dangerous” activities that became tightly bound to the reality of these situations.<sup>58</sup> Whereas protests by African Americans against *Birth of a Nation* centered around the falsehoods portrayed by that film in terms of its representations of African Americans and the Klan, protests against Micheaux’s films often revolved around cinematic depictions of “too much truth.”<sup>59</sup>

In another invocation of paternalist logic, the board argued that the film’s target audience—African Americans—were too “ignorant” to distinguish reality from fiction, the same argument used to argue why movies proved so dangerous to children. The board grouped a segment of the population defined as immature and vulnerable to the movies—children—with a minority population they constructed as unknowledgeable and thereby vulnerable to on-screen displays as well. Thus what the board masked here was not the fear of African Americans viewing racial riots on-screen, but the fear of African Americans viewing inverted power relations. As historian Lisa Dorr notes, mob violence threatened elite control because such vigilante justice “ultimately expropriated elite control over social, gender, and class hierarchies and threatened to replace order with disorder.”<sup>60</sup> Such claims also reflected ignorance of black creativity and cultural production. This movie explicitly challenged the doctrine of white supremacy, and regardless of how it interpreted the issue, the board ultimately rejected a film that portrayed a way of life that challenged their own cultural and social authority as actors politically and economically empowered by the state.

While he worked to defy stereotypical images of African Americans popularized by Hollywood and to offer his audiences independent productions made by an African-American filmmaker, Micheaux still had to operate within the confines of the board's mandates throughout the 1920s and 1930s. When executives at Micheaux Productions received news of *A Son of Satan's* rejection by the Virginia board in late 1924, they immediately sent the board a version of the film with the elimination of the race riot scenes, along with a note explaining that both the New York and Pennsylvania state boards had licensed this version of the film. This example raises the issue not only of Micheaux's perseverance and willingness to compromise but also to manipulate the system of white censorship to his advantage. Obviously, Micheaux could have first submitted the version of his film without the race riots. Yet Micheaux may have kept these potentially most controversial scenes in the film so that the board would focus on censoring them while ignoring other scenes that, by comparison, would then seem more acceptable. Micheaux, like many moviemakers confronting censorship boards, negotiated which scenes a censorship board would pass through the use of filming and distribution tactics. Filmmakers often inserted particularly contentious scenes into their films—such as Micheaux's race riots--in a direct attempt to draw censors' attention away from other potent scenes that they often believed to be more necessary to their films.<sup>61</sup>

Unfortunately for Micheaux, the board decided it would not reconsider the riot-less *A Son of Satan* for exhibition because of the unlawful exhibition and still unresolved payment of fines concerning *Birthright*. Board chairman Evan Chesterman told Micheaux: "We have warned all exhibitors in the State against the use of any of your films except . . . pictures licensed by us before the film *Birthright* appeared in the

State.”<sup>62</sup> Here, the difficulties of the practical functions of the censorship board arose in the context of Micheaux. The board directly communicated with movie producers, leaving them to abide by the board’s rulings. Yet if producers chose to defy the board, they could attempt to sell their movies directly to theater owners who may have had no knowledge of the movie’s censored status -- or may not have cared. Theater managers and owners occupied tenuous, and often ambiguous, positions in relation to censorship decisions and banned material. If caught showing banned materials, the board initially threatened to fine and then close the theater in question before it took any action against the film’s distributors or producers. Furthermore, it is rarely clear whether theater managers and owners caught showing banned material simply did not know which films the board had censored, or whether they knew yet chose to run some films despite their prohibited status.

After the ordeal of showing *Birthright*, a general manager of a Norfolk theater actually wrote the board to inquire about the censorship status of *A Son of Satan*. After informing the manager that the film had been completely censored, Chesterman explained: “The Michaux [sic] Film Corporation, a negro concern, has given us a great deal of trouble. We do not quite know whether its attitude is due to ignorance or to a determined purpose to violate the law.”<sup>63</sup> Here we again see Micheaux as a skilled businessman. His shrewd yet amicable business style left his detractors wondering whether he simply did not understand the law—which he fully did—or whether he chose to deliberately defy it. Racist perceptions by white board members also facilitated this “act” of ignorance.

By the mid-1920s, the board did not trust Micheaux, and it actively enlisted help to police his films. After *Birthright*'s illegal exhibition, Chesterman charged his nephew, whom he referred to as Davis, with finding out if the Attucks Theater in Norfolk was illegally exhibiting a Micheaux film. Davis wrote to his uncle that no Micheaux film was showing, but he added an interesting note. According to Davis, "this [theater] is a colored place so there was some little trouble getting in. Not that the management was not agreeable, but the question was naturally raised in his [theater manager P. C. Collin's] mind as to the cause of my visit."<sup>64</sup> While a body of white censors could police black film, they did so under great suspicion and skepticism when employing whites to enter black theater spaces, thus sometimes allowing African Americans to use segregation law itself against white authorities. Clearly, there would be little reason other than regulation for a white man to enter a theater catering to African Americans and much suspicion on the part of the theater's management.

However, the censors had broader help regulating films. Some white Virginians worked in tandem with the board to police the exhibition of films. Both board members and the Virginians who wrote to the board vigilantly watched the theater scene. When they saw the Attucks Theater in Norfolk advertise *A Son of Satan*, local whites informed the censors, who "immediately wired the Manager . . . that he would subject himself to arrest and fine if he displayed the picture."<sup>65</sup> But the board did not stop at intimidating the theater manager by threatening him with fines and imprisonment. It also notified the Norfolk police and wired an angry message to Micheaux Productions, admonishing:

We wish to know what possible excuse you can offer for leasing *Son of Satan* to a Virginia exhibitor when you knew that it had been rejected by this Board . . . Your offense greatly aggravates your misdeeds and puts you in a very bad position . . . It is a source of deep regret to

us that you have shown so unwilling a spirit in regard to the observance of the censorship act. At first we were inclined to excuse you in part under the belief that you had acted partly through ignorance, but the recent turn of affairs in Norfolk puts you in a very bad light. PS—If you really intend to act in good faith—and you shall do so or lose all chance of doing business in Virginia—it would be well for you to send one of your representatives to Richmond to go over this entire business in person.<sup>66</sup>

It is worth noting that there are no records that indicate the board had such a consistent, if negative, relationship with any other production company—black or white—at the time. For any movie distributor to defy the board would have undoubtedly raised members' ire, but for an African American filmmaker whose films portrayed the most racially controversial themes of its day to defy an all-white censorship board was simply intolerable to its members. The censors had previously satisfied themselves by thinking Micheaux simply ignorant of their practices. They finally began to understand that Micheaux had very skillfully duped them; he knowingly and deliberately bypassed their requirements. As an empowered state agency, however, the board had the upper-hand. Without an immediate and in-person response—no doubt an extravagant traveling expense and gross inconvenience imposed upon Micheaux Productions—the board threatened to deny all of Micheaux's future films entry into Virginia.<sup>67</sup>

Micheaux, as always, promptly replied to the board's latest demands. On October 30, 1924, the executives at the Micheaux Film Corporation penned a letter to the board arguing that the company's "limited field of distribution warrants us showing in every bit of territory where there is income to be had, and we do wish to insist that you grant us permit to this film so as to derive much needed income from [the] same in the territory over which you have jurisdiction."<sup>68</sup> There is no evidence as to whether a representative of the company visited the board. Film representatives or distributors of censored films

routinely made personal visits to argue their case before the board, although most came voluntarily rather than being summoned. Whether from his letter or from a personal visit, the board wrote on November 10, 1924 that it would relent and license the film “but only in the shape in which it came to us [without the race riot scenes]. . . for reasons of discretion, as it dealt very unpleasantly in its original form with the theme of miscegenation.”<sup>69</sup> It appears, however, that in licensing the film, the board returned to its previous depiction of Micheaux as child-like and ignorant. As the board explained: “It was with some hesitation that we decided to reconsider this picture, since your corporation for many months past has shown but little disposition to observe our law. Our final conclusion, however, was that you had erred more through ignorance than through wilfulness [sic], and so we decided to be lenient.”<sup>70</sup> Three days later, the board wrote the company a second letter, indicating that it was prepared to resume business relations with the Micheaux Corporation.<sup>71</sup>

The search for “invisible” blackness continued on-screen as Virginia’s censors engaged in a politics of performance to regulate the racial order of Virginia. In 1924, the Micheaux Corporation sought to exhibit yet another film in Virginia. From the outset, the board characterized this film, *House Behind the Cedars*, as one that could be viewed solely by African Americans. In the film, Rena, a striking biracial woman passing as white, receives a marriage proposal from a white millionaire who has fallen in love with her. Rena accepts his proposal without disclosing her racial background, thus leaving her fiancé to believe she is white. Unhappy with both her white suitor and what she views as her deception, she returns to her former lover, Frank Fowler, a black man of some social standing. She confides to Fowler that although she has fooled the public about her race,



she has not fooled herself. The board, not surprisingly, found the film “most objectionable—so objectionable in fact as to necessitate its total rejection” due to its themes of passing and miscegenation.<sup>72</sup> Censors called for a second screening of the film, and they extended viewing invitations to the state labor commissioner, Ernest Cox, and a group of “public spirited women.”<sup>73</sup> After watching the film, all but one of the viewers called for the film’s complete censorship because of its portrayal of an interracial relationship.<sup>74</sup> Micheaux, however, knew that a second review of the film would not include his intended audience—African Americans. Micheaux asked the board if this review included “representative colored citizens.”<sup>75</sup> In his flattering yet firm, patronizing manner, he argued: “If you regard the colored Tax payers and leaders of being capable of thought, which I am sure you do, I could more fully appreciate your effort [to reconsider the film’s ban by holding a second viewing]. . . over all the Southland, inter-racial congresses are in vogue now to determine . . . the welfare of the colored folk.”<sup>76</sup> Thus, Micheaux again pushed at the boundaries constructed by the censors in an attempt to make them more inclusive and fair to him and his patrons. According to historian Charlene Regester, when caught illegally exhibiting films, Micheaux “responded to [censorship boards’] fury in his usual apologetic manner, defusing them, gaining time, but in the final analysis, bowing to their wishes.”<sup>77</sup> John Alley aptly characterized Micheaux’s relationship with censorship boards as “one of a dynamic tension between resistance and pragmatic compromise,”<sup>78</sup> perhaps the only stance possible given his precarious position. But in the end, the censors never addressed his request for an African American audience.

The censorship board simply would not tolerate interracial images on-screen that carried the slightest hint of equality or sexuality; the two presented together formed a lethal combination indeed. What made *House Behind the Cedars* so unpalatable to the board was its portrayal of miscegenation. According to the board:

Aside from presenting the grievances of the negro in somewhat infelicitious [sic] subtitles, [the film] touches even more dangerous ground—the intermarriage of the two races. Its plot is based on a love affair between a white man . . . and a colored woman who masquerades as a white. Even after the woman has severed her relations with the man, he is pictured as still seeking her society, nor does his quest end until she has become the wife of a dark-skinned suitor.<sup>79</sup>

As discussed earlier, state officials in 1920s Virginia legally constricted definitions of whiteness and as they sought to flush out those in society with some interracial ancestry “masquerading” as white, censors sought to do the same on-screen.<sup>80</sup>

The board also further commented on the very nature of film and what it deemed appropriate for such a medium. The board specifically lectured Micheaux for grappling with a subject like miscegenation within the medium of film. In its report, the board admonished:

The Photodrama, at best, is hardly the medium for the handling of so delicate a theme and [this film] assuredly proved inadequate for such a purpose . . . this film should not be displayed in this state, especially in negro houses for which it is intended since so many of its scenes, as well as subtitles, are liable to cause friction between the races and might therefore incite to crime. . . [The film] at least indirectly contravenes the spirit of the recently enacted anti-miscegenation law which put Virginia in the forefront as a pioneer in legislation aimed to preserve the integrity of the white race.<sup>81</sup>

Thus, Virginia’s motion picture censorship board saw itself as an arm of the state charged, much like the court system and the police system, with the same mission of preserving white supremacy.

Yet again, the censors forced the Micheaux Film Corporation to explain why its film should be exhibited in Virginia when its subject matter included on-screen depictions of illegal actions under Virginia law—namely, miscegenation. In response, Micheaux wrote that the film itself was an adaptation of a novel by the same title that had been published over thirty years prior, thus arguing that the discussion of miscegenation in popular culture was nothing new. Micheaux estimated that for every black person who had read *House Behind the Cedars*, a thousand whites had read it without antagonism. Never one to shy away from confrontation, Micheaux charged: “There has been but one picture that incited the colored people to riot, and that still does, and that picture is *The Birth of a Nation*.”<sup>82</sup> Micheaux further explained his very reasons for making films and why, in particular, he often chose to adapt novels into films, stating that he made pictures to address “race problems” that concerned both blacks and whites, and that such cinematic interpretations of novels appealed to his target audience of African Americans.<sup>83</sup>

While the censorship board seemingly held the final authority in these deliberations, Micheaux’s attempts to get his films exhibited benefited his business. As it had done before, Micheaux’s deliberate perseverance got his film into Virginia, albeit with heavy-handed cuts. After negotiations with Micheaux, the board licensed *House Behind the Cedars* in 1924 after splicing out over a thousand feet of film in its own Richmond-area cutting room. According to John Alley, Micheaux allowed such extensive cuts because he faced “the white power establishment that could effectively deny him access to all theaters.”<sup>84</sup> These cuts amounted to nearly a reel of film.<sup>85</sup> Without these cuts, however, Micheaux’s only alternative was to completely deprive

audiences of his films and sorely hurt his business.

After *House Behind the Cedars*, the board either found no fault with Micheaux's productions or Micheaux decided not to exhibit his films in Virginia between 1924 and 1932, because the next controversy involving Micheaux did not appear until seven years later with his film *Veiled Aristocrats*. Film scholar J. Ronald Green calls *Veiled Aristocrats* a sound remake of the silent *House Behind the Cedars*, which addressed both passing and miscegenation.<sup>86</sup>

As was typical of the board, it presented itself as censoring the film on behalf of African Americans who it must protect from such degrading images. In fact, the film showed egalitarian interactions between whites and blacks, as well as obviously controversial depictions of the blurring of racial boundaries. Again, behind the board's reasoning ran the same vein of white supremacy it had maintained throughout its existence. In completely rejecting the film, the board explained:

This picture is refused in toto because the Division considers it unfair to the Colored and its exhibition will prove unsatisfactory to them. Furthermore, should there be any attempt on the part of the Negro to try to associate with the White in Virginia, [the] attempt would tend to incite to crime. The Division is unanimous in rejecting the picture as it is an unfair index of condition[s] in the State.<sup>87</sup>

The idea of protection does hold some weight here, in that an attempt by African Americans to associate with white Virginians could lead to violence. But the reality was that in many parts of the state, whites and blacks interacted on a daily basis for a variety of reasons, including the fact that many whites employed blacks in a range of labor-intensive work. More likely, the censors employed this reasoning as a possible tactic of intimidation, suggesting that if blacks tried to protest segregation, they could expect violence in return. But the board also employed a new line of reasoning. It did not

simply reject the film in order to protect African Americans from images the board thought might “offend” or “confuse” them.<sup>88</sup> Instead, the censors banned the film because, in their opinion, it unfairly portrayed race relations at a time when Virginia’s white leaders were concerned with constructing amicable race relations in the state as a means to stymie any attempts at disrupting the racial hierarchy. The censors would not license a film that critically questioned the politically and economically inferior position of African Americans in society.

Again, the censorship board’s failure to approve his film did not stop Micheaux’s film from being shown in Virginia. Before Micheaux attempted to secure a state seal for the movie, a Newport News theater exhibited it. The board told the Micheaux Company:

We have been informed by reliable authority that you played your picture *The Veiled Aristocrat* at the Dixie Theater in Newport News on April 7<sup>th</sup> and 8<sup>th</sup>, having taken it there in person. You came to this office on April 9<sup>th</sup> but didn’t mention the fact that you had already played this picture in Newport News. You did this when you knew it was in violation of the State Censorship Law to display a picture before it had been passed by this Division.<sup>89</sup>

The censors chastised Micheaux for knowingly violating the law, since he had a scheduled meeting with them a mere two days after he showed his film eighty miles away without approval from them. The board then fined Micheaux the usual twenty-five dollars “as this is your first violation coming directly to our notice. You evidently do not realize the seriousness of your offense or you would not have done this when you were perfectly familiar with State Law.”<sup>90</sup>

For the second time in less than a decade, yet seemingly unbeknownst to the board members serving in the 1930s, the board had slapped Micheaux with a twenty-five dollar fine for illegally exhibiting his films. While the censors who sat on the board in

the 1920s threatened to ban his films from the state if he again defied the censorship law, those on the 1930s board, all different individuals by this point, were apparently unaware of the previous action taken against Micheaux. Yet again, the censors chose to interpret his actions as ignorance rather than as his deliberate dismissal of the state's censorship law.<sup>91</sup> As this example shows, changes in the membership of the censorship board over time meant Micheaux received a wrist slapping when he might have faced state-wide prohibitions against his films had the board recognized that he had been employing these same evasive tactics to his advantage for nearly a decade.<sup>92</sup>

Any study of Oscar Micheaux and his battles with censorship boards makes visible the struggles of the black filmmaker in the age of the white censor. Black filmmakers had to maneuver their products past white censorship boards interested primarily in maintaining white power. They also often faced criticism within some black middle-class communities because some films portrayed images on screen that some middle-class African Americans felt undermined the respectability they had worked so long and hard to earn. While white censors purportedly scrutinized the moral implication of films and their treatment of race relations, some writers in the African American press criticized what they termed the uncomplimentary portrayal of African Americans in popular culture after working for decades to gain an image of respectability in the eyes of white, middle-class individuals.<sup>93</sup> African Americans thus carried an awareness of the gaze of politically-empowered whites and how that gaze reflected black images in a society dominated by white elites working to uphold "second-class" citizenship for racial minorities.<sup>94</sup> These issues of race and censorship were especially complex in Virginia

where black filmmakers had to acquiesce to a myriad of demands by white censors to get their products shown.

At the same time, the very visibility of blackness and whiteness on screen shifted popular notions of racial construction. Film scholar Susan Courtney argues that by the 1920s, Hollywood producers had a vested interest in shifting racial identity away from “a discourse organized around ‘blood’ and ancestry” to one instead dependent upon “visual discourses of skin, color, and the bodily image,” a point seen in the prohibition of Micheaux’s films and in the censorship of other depictions of race on-screen as well. With the advent of film, blackness had the potential to be defined less by biology and more by traits easily identified visually on screen.<sup>95</sup> On screen, the color of one’s skin and one’s physical features often became the dominant determinant of one’s race.

When confronted with depictions of African Americans on-screen and racialized issues such as passing and miscegenation, the censors worked, according to their own words, to “protect” African American citizens and to prevent “crime.” In most cases in the 1920s and 1930s, they used “incite to crime” reasoning to keep depictions of race riots and lynching off-screen. They never fully stated whether they feared these scenes would motivate whites, blacks, or both to crime. However, they often wrote that the scene would incite “some classes” to crime, which most likely meant working-class individuals and, given the lack of economic opportunity and social mobility within the state, would have included substantial numbers of African Americans. Censors argued that Virginia had “amicable” race relations and regarded it as their duty to preserve these relations by keeping scenes of racially-motivated violence off-screen. Such a façade attempted to permanently ascribe second-class citizenship to African Americans by

arguing that everyone, both black and white, was satisfied with the status of race relations in Virginia, thus bolstering the work of Virginia's political elite. Furthermore, by working to police miscegenation on-screen, they buttressed the work of Virginia's legal system, which criminalized miscegenation as a felony.

Yet the censors did not work in a vacuum, and groups and individuals alike pushed the board to reconsider its decisions. Members of the NAACP called on the board to rid Virginia of *Birth of a Nation* because of the film's depictions of African Americans and its glorification of the Klan's vigilante terrorism, although the board never regulated *Birth* in any way. Oscar Micheaux and his supporters asked the board to allow films by one of the first African American filmmakers onto Virginia's movie screens, at least the screens of theaters catering to black audiences. The Ku Klux Klan and other anxious whites tried to persuade the board to keep images bothersome to them off the screen. While none of these specific groups and individuals met with success on the occasions discussed, they forced the board to respond to their concerns and at times, to re-screen films in the presence of a broader audience in order to reconsider a censorship decision. Furthermore, each incident shed light on the multiple contestations of popular culture in 1920s and 1930s Virginia, and the centrality of racial issues to that negotiation. And social and political actions throughout Virginia and the nation guaranteed that after World War II, spaces available to African Americans, both on and off the screen, widened. With African Americans' activism in the Civil Rights Movement, theater segregation in Virginia officially ended 1963 and the censorship board itself dissolved in 1965 when it could not rally against free speech guarantees mandated by recent Supreme Court decisions. African Americans now could legally view



films in any public theater space, although contestations around censorship, portrayals of race relations, and the demands of the film industry itself still persist in contemporary negotiations and tensions around popular culture.

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<sup>1</sup> Kathryn Fuller-Seeley, *Celebrate Richmond Theater* (Richmond: Dietz Press, 2002), 2.

<sup>2</sup> Patricia Click, *The Spirit of the Times: Amusements in Nineteenth-Century Baltimore, Norfolk, and Richmond* (Charlottesville: University of Virginia Press, 1989), 34. Two

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white men died, including the governor, who had initially escaped but returned to the burning theater to rescue one of his children.

<sup>3</sup> Virginia Historical Society. "The Civil Rights Movement in Virginia." Online Exhibitions. <<http://www.vahistorical.org/civilrights/jimcrow.htm>> (10 December 2004); J. Douglas Smith, *Managing White Supremacy* (Chapel Hill: University of North Carolina Press, 2002), 26.

<sup>4</sup> Lisa Dorr, *White Women, Rape, and the Power of Race in Virginia* (Chapel Hill: University of North Carolina, 2004), 80.

<sup>5</sup> Megan Shockley, "'We, Too, Are Americans: ' African American Women in Detroit and Richmond, 1940-1954'" (Urbana: University of Illinois Press, 2004), 19.

<sup>6</sup> Fuller-Seeley, 82.

<sup>7</sup> Daniel Bernardi, ed., *The Birth of Whiteness: Race and the Emergence of United States Cinema* (New Brunswick, NJ: Rutgers University Press, 1996), 4.

<sup>8</sup> Pippa Holloway, *Sexuality, Politics, and Social Control in Virginia, 1920-1945* (Chapel Hill: University of North Carolina, 2006), 30. As historian Richard Sherman points out, "racial integrity" referred solely to the white race. In no way did the law attempt to protect the racial composition of the black race or any other non-white race. Richard Sherman, "'The Last Stand: ' The Fight for Racial Integrity in Virginia in the 1920s," *The Journal of Southern History* 54:1 (February 1988), 79.

<sup>9</sup> Holloway, 61.

<sup>10</sup> William Link, *The Paradox of Southern Progressivism, 1880-1930*. (Chapel Hill: University of North Carolina Press, 1992), xi-xii. Historian William Link explains that during the Progressive era, the cause of moral reform made the South more receptive to state efforts at policing public morality, especially at a time when the same states vigorously resisted government centralization while promoting low governmental involvement and low taxes.

<sup>11</sup> J. Douglas Smith, *Managing White Supremacy: Race, Politics, and Citizenship in Jim Crow Virginia*. (Chapel Hill: UNC Press, 2002), 4.

<sup>12</sup> Smith, 5.

<sup>13</sup> Smith, 15, 17.

<sup>14</sup> Lewis Randolph and Gayle Tate, *Rights for a Season: The Politics of Race, Class, and Gender in Richmond Virginia* (Knoxville: University of Tennessee Press, 2003), 110.

<sup>15</sup> Smith, 17.

<sup>16</sup> Smith, 46-7.

<sup>17</sup> Peter Wallenstein, *Blue Laws and Black Codes: Conflict, Courts, and Change in Twentieth Century Virginia* (Charlottesville: University of Virginia Press, 2004), 9.

<sup>18</sup> Randolph and Tate, xiii. Randolph and Tate describe Byrd as progressive "by Virginia's standards" since he abolished the state land tax, promoted supplying electricity to and conserving rural lands, promoted tourism, eliminated the state deficit, and made lynching a state crime in 1928 (due to concerns over property damage and to thwart federal attempts to create such a law). Randolph and Tate, 114.

<sup>19</sup> Randolph and Tate, 31.

<sup>20</sup> Smith, 83. Smith states, "Powell and Cox underscored the degree to which the Anglo-Saxon movement reflected an admission among whites that they, at the very height of the classical period of segregation, had become powerless to guarantee racial boundaries in

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absolute terms.” While calling Powell a “radical extremist,” Smith argues that Powell and his supporters came to dominate racial discourse in Virginia in the 1920s, thus replacing the past prevalence of paternalism with an extremist “closing” of the white race. Smith, 76.

<sup>21</sup> Pearl Bowser and Louise Spence, “Identity and Betrayal: *The Symbol of the Unconquered* and Oscar Micheaux’s ‘Biographical Legend’” in *The Birth of Whiteness*, edited by Daniel Bernardi (New Brunswick, NJ: Rutgers University Press, 1996), 65.

<sup>22</sup> Richard Dyer, *White* (London and New York: Routledge, 1997), 25. Reproduced in Thomas Doherty, *Pre-Code Hollywood: Sex, Immorality, and Insurrection in American Cinema 1930-1934* (New York: Columbia University Press, 1999), Appendix 2, 363.

<sup>23</sup> Historian Peter Bardaglio suggests that legal barriers against interracial sex and marriage stood in stark contrast to the general hesitancy of state officials to regulate the private lives of individuals—at least the privacy of white men. Peter Bardaglio, “‘Shameful Matches:’ The Regulation of Interracial Sex and Marriage in the South before 1900.” In *Sex, Love, Race: Crossing Boundaries in North American History*, edited by Martha Hodes, (New York: New York University Press, 1999). 113.

<sup>24</sup> Bardaglio, 113.

<sup>25</sup> Bardaglio, “Shameful Matches,” 113.

<sup>26</sup> Martha Hodes, *White Women, Black Men: Illicit Sex in the 19<sup>th</sup> Century South* (New Haven: Yale UP, 1997), 178. Hodes makes an argument that could be applied to the censorship of African American and female images in the movies a few decades later. She argues that in sexual liaisons between white women and black men, society constructed white women as transgressors against the “patriarchs” of their race. This idea of the woman as transgressor against white men in favor of African American men, and how white men viewed these transgressions as threats, provides a useful analysis of why such images would be prohibited on-screen. Especially in films depicting miscegenation, censors could have interpreted white female behavior as a transgression that threatened a hierarchy of gender and racial privilege.

<sup>27</sup> Douglas Gomery, *Shared Pleasures: A History of Movie Presentation in the United States* (Madison: University of Wisconsin Press, 1992), 156.

<sup>28</sup> Donald Bogle, “B...is for Black: No Business Like Micheaux Business” in *Film Comment* 21:5 (September-October 1985): 32.

<sup>29</sup> Pearl Bowser and Louise Spence, *Writing Himself into History: Oscar Micheaux, His Silent Films, and His Audiences*. (New Brunswick: Rutgers University Press, 2000), 81.

<sup>30</sup> Gomery, 159.

<sup>31</sup> Fuller-Seeley, 84, 86.

<sup>32</sup> J. Ronald Green, *With a Crooked Stick: The Films of Oscar Micheaux* (Bloomington, IN: Indiana University Press, 2004), 209.

<sup>33</sup> Green, xi, 43.

<sup>34</sup> Green, 68.

<sup>35</sup> Bogle, “B...is for Black,” 32; Bowser, *Writing Himself into History*, 16.

<sup>36</sup> Jesse Rhines, *Black Film/White Money* (New Brunswick, NJ: Rutgers University Press, 1996), 24.

<sup>37</sup> Donald Bogle, *Toms, Coons, Mulattoes, Mammies, and Bucks: An Interpretive History of Blacks in American Films* (New York: Viking Press, 1973), 111.

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<sup>38</sup> The term miscegenation refers to sexual relations or marriage between black and white individuals, an illegal act in dozens of states, such as Virginia, in the early 20<sup>th</sup> century. Passing refers to light-skinned African American or multiracial individuals attempting to “pass” as white in society in order to achieve some of the privileges afforded to whiteness. Passing could be an inadvertent or intentional tool of blurring racial boundaries and racial privilege. According to Jane Gaines, passing is “by definition undetectable” since it was never more than a possibility. Yet some people of color appropriated passing as “a visual trick played on a gullible white culture.” Jane Gaines, “Fire and Desire: Race, Melodrama, and Oscar Micheaux,” in *Black American Cinema*, edited by Manthia Diawara (New York: Routledge, 1993), 18, 19.

<sup>39</sup> Cripps, 185.

<sup>40</sup> Henry Sampson, *Blacks in Black and White* (NY: Rowman and Littlefield, 1995), 16.

<sup>41</sup> Green, *With a Crooked Stick*, 52, 66, 275.

<sup>42</sup> Ronald Green, *Straight Lick: The Cinema of Oscar Micheaux* (Bloomington Indiana University Press, 2000), 209.

<sup>43</sup> Censorship records for only four of Oscar Micheaux’s films exist in archival records. Perhaps he only attempted to show four of his dozens of films in Virginia. Or, perhaps censorship records of the others have been lost or the censors allowed his later works to be shown as originally filmed.

<sup>44</sup> Several historians, including Pearl Bowser and Jane Gaines, have noted the problematic dating of many early silent films, including the films of Micheaux. For this study, I have dated them by the year they came before the censorship board for approval in Virginia, which coincides for the most part with generally accepted understandings of their original release or distribution year.

<sup>45</sup> Donald Bogle, *Toms, Coons, Mulattos, Mammies and Bucks*, 115.

<sup>46</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.

<sup>47</sup> Green, 211. The term “subtitles” refers to the dialogue that appeared on-screen, since these silent films preceded the “talkies.”

<sup>48</sup> Virginia. Division of Motion Picture Censorship Records, 1926-1968. Accession 26515, State Records Collection, The Library of Virginia, Richmond, Virginia. Box 53.

<sup>49</sup> Bowser and Spence, *Writing Himself into History: Oscar Micheaux, His Silent Films, and His Audiences*. (New Brunswick: Rutgers University Press, 2000), 16. In most instances of police confiscation, citizens, usually politically-empowered white elites, launched formal complaints about the indecency of a movie with the local police department, who would then approach the censorship board to receive a copy of mandated deletions in order to shut down movies showing forbidden scenes.

<sup>50</sup> It is not clear who attached the seal. Micheaux himself often drew upon the rich tradition of the trickster in African and African American cultures to work within a system of white supremacy. Scholar John Roberts explores the history of trickster tales, which emphasized the power of the trickster to acquire material possessions, to physically survive harsh, exploitative conditions, and above all, to rely on his or her “transcendent power of wit.” John Roberts, *From Trickster to Badman: The Black Folk Hero in Slavery and Freedom* (Philadelphia: University of Pennsylvania Press, 1989), 38, 40, 61.

<sup>51</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.

<sup>52</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.

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- <sup>53</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.
- <sup>54</sup> Charlene Regester, "Black Films, White Censors: Oscar Micheaux Confronts Censorship in New York, Virginia, and Chicago" in Francis Couvares, ed., *Movie Censorship and American Culture*. (Washington, DC: Smithsonian Institution Press, 1996), 177.
- <sup>55</sup> Virginia. Division of Motion Picture Censorship Records. Box 53.
- <sup>56</sup> Historian Joel Williamson describes white Southerners in the 1910s and 1920s as conducting a continuous search for "invisible" blackness, with whites constantly looking for interracial individuals who might be passing as white and condemning whites who "behaved black." Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1984), 465.
- <sup>57</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.
- <sup>58</sup> Gaines, 49.
- <sup>59</sup> Gaines, 50.
- <sup>60</sup> Lisa Dorr, *White Women, Rape, and the Power of Race in Virginia, 1900-1960* (Chapel Hill: University of North Carolina Press, 2004), 27.
- <sup>61</sup> Annette Kuhn, *Cinema, Censorship, and Sexuality, 1909-1925* (New York: Routledge, 1988), 64.
- <sup>62</sup> Evan Chesterman to Micheaux Productions, October 1924. Virginia. Division of Motion Picture Censorship Records, Box 54.
- <sup>63</sup> Virginia. Division of Motion Picture Censorship Record, Box 54.
- <sup>64</sup> Letter to Chesterman, 28 October 1924. Virginia. Division of Motion Picture Censorship Records, Box 31.
- <sup>65</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.
- <sup>66</sup> Virginia. Division of Motion Picture Censorship Records, Box 53
- <sup>67</sup> Virginia. Division of Motion Picture Censorship Records, Box 53, 54.
- <sup>68</sup> Letter from Micheaux Film Corporation, 30 October 1924. Virginia. Division of Motion Picture Censorship Records, Box 54.
- <sup>69</sup> Virginia. Division of Motion Picture Censorship Records, Box 54.
- <sup>70</sup> Letter to Micheaux Film Corporation, 10 November 1924. Virginia. Division of Motion Picture Censorship Records, Box 54. No information suggests why the censors chose to relent after Micheaux's protests. Virginia.
- <sup>71</sup> Letter to Micheaux Film Corporation, 13 November 1924. Virginia. Division of Motion Picture Censorship Records, Box 54.
- <sup>72</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.
- <sup>73</sup> Ernest Cox, an ethnologist of national distinction, authored the book *White America*, which promoted white supremacy.
- <sup>74</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.
- <sup>75</sup> Virginia. Division of Motion Picture Censorship Records, Box 53
- <sup>76</sup> Virginia. Division of Motion Picture Censorship Records, Box 53. Also quoted partially in Bowser, *Writing Himself into History*, 18.
- <sup>77</sup> Charlene Regester, "Oscar Micheaux on the Cutting Edge: Films Rejected by the New York State Motion Picture Commission" in *Studies in Popular Culture* (Spring 1995), 69.
- <sup>78</sup> Green, *With a Crooked Stick*, 210.
- <sup>79</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.

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<sup>80</sup> In 1912, Virginia law required individuals to file certificates testifying to their race, but to some extent, these definitions were self-definitions decided upon by individuals, offering some fluidity in categorization. Barbara Bair, “Remapping the Black/White Body: Sexuality, Nationalism, and Biracial Antimiscegenation Activism in 1920s Virginia” in *Sex, Love, Race: Crossing Boundaries in North American History*, edited by Martha Hodes (New York: New York University Press, 1999), 399.

<sup>81</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.

<sup>82</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.

<sup>83</sup> Virginia. Division of Motion Picture Censorship Records, Box 53.

<sup>84</sup> Green, *Straight Lick*, 210.

<sup>85</sup> Green, *Straight Lick*, 210.

<sup>86</sup> Green, *Straight Lick*, 188.

<sup>87</sup> Virginia. Division of Motion Picture Censorship Records, Box 55.

<sup>88</sup> Virginia. Division of Motion Picture Censorship Records, Box 55.

<sup>89</sup> Virginia. Division of Motion Picture Censorship Records, Box 55.

<sup>90</sup> Letter to Micheaux Film Corporation, 22 April 1932. Virginia. Division of Motion Picture Censorship Records, Box 55.

<sup>91</sup> Regester, “Black Films, White Censors,” 69, 165.

<sup>92</sup> Bogle, *Toms, Coons, Mulattoes, Mammies, and Bucks*, 111.

<sup>93</sup> Historian Evelyn Higgenbotham argues that respectability had political significance for African Americans. Through the claiming of the morals and manners accepted by white middle class society, she contends that groups such as poor black women “boldly asserted the will and agency to define themselves outside the parameters of prevailing racist discourses.” Thus African Americans, ever cognizant of the white gaze, used the discourses of white society to gain respectability for themselves and to subvert racism within society. Evelyn Higgenbotham, *Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880-1920*. (Cambridge, MA: Harvard University Press, 1993), 192-193.

<sup>94</sup> Regester, “Black Films, White Censors,” 169.

<sup>95</sup> Susan Courtney, “Picturizing Race: Hollywood’s Censorship of Miscegenation and Production of Racial Visibility through *Imitation of Life*,” *Genders* 27 (1998): 1.