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Screen strife: Race, gender, and movie censorship in the New South, 1922–1965

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SCREEN STRIFE
Race, Gender, and Movie Censorship in the New South, 1922-1965

A Dissertation

Presented to
The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of

Doctor of Philosophy

by
Melissa Dawn Ooten

2005
APPROVAL SHEET

This dissertation is submitted in partial fulfillment of
the requirements of the degree of

Doctor of Philosophy

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ABSTRACT

In 1922, Virginia’s General Assembly created a Motion Picture Censorship Board, which viewed every movie seeking legal exhibition in Virginia until 1965. 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. To this end, the censors, empowered by the authority of the state, were particularly concerned with regulating certain images of African Americans and female sexuality on-screen.

Yet the process of censorship was a contested, fluid practice, and individuals and community groups protested formal censorship decisions. Furthermore, filmmakers whose films were not allowed to play in the state often took more covert methods to get their films show. African-American filmmaker Oscar Micheaux continually worked with theater owners to get his officially censored fare shown to Black communities despite a state ban against them. While censorship decisions, despite contestation, stood unimpeded in the 1920s and 1930s, by the end of the World War II, many Virginians no longer accepted the cultural authority afforded the censorship board. A wide variety of groups protested the board’s censorship of the anti-Klan film *The Burning Cross* in 1947.

With rising civil rights protests, waning movie profits, and federal court decisions which continually expanded First Amendment protections to the movies, the work of the censorship board was continually constricted until, by the early 1960s, the censors only had the legal authority to censor ambiguously-labeled “obscenity” from the screen. In 1965, the U.S. Supreme Court ruled that “a priori” censorship which determines whether a movie is or is not suitable prior to its exhibition, was unconstitutional. As a result, Virginia’s censorship board disbanded, and the General Assembly officially dissolved it in early 1966. Virginia’s moviegoers enjoyed a brief interlude in which most any material could be found on some theater screens, including the hardcore pornographic film *Deep Throat* (1972). In 1973, however, the U.S. Supreme Court returned jurisdiction over such material to local authorities in the *Miller v. California* ruling. Thus film and other cultural offerings could be deemed acceptable in some locales yet forbidden in others.
SCREEN STRIFE:

RACE, GENDER, & MOVIE CENSORSHIP IN THE NEW SOUTH, 1922-1965
INTRODUCTION: MOVIE CENSORSHIP AND VIRGINIA

In the 1910s, Virginians joined the throngs of Americans streaming into nickelodeon, vaudeville, and motion picture theaters. Richmond alone supported two locally-published magazines devoted to motion pictures.1 Although the censorship of films by a state-supported board of authorities was still nearly a decade away, commonwealth and city officials already policed the boundaries of cinema. In 1914, Richmond police chief Werner stopped the exhibition of The Vampire at two city theaters after the president of the Richmond United Daughters of the Confederacy complained to the chief of the film’s “indecency.”2 By the mid-1910s, an informal committee had been created in Richmond to view newly released films that addressed sexuality, and it decided to ban, by the authority of the police to confiscate films deemed potentially disruptive to public order, a small number of films from the city and cut scenes from others.3 But such censorship was carried out on an “ad hoc,” infrequent, and informal basis. It was not until 1922 that Virginia’s Assembly members voted to establish a formal censorship board to screen and then issue or deny a license of exhibition to each movie seeking entrance into the commonwealth. The censorship board thus was established as a cultural method to round out political and economic ones for Virginia’s officials to maintain hierarchies of race, gender, and class that many of the state’s citizens contested and

1 Elisabeth Dementi and Wayne Dementi, compilers. Written by Kathryn Fuller-Seeley, Celebrate Richmond Theater (Richmond: Dietz Press, 2001), 240.
2 Several films with similar titles were released in the early 1910s so it is difficult to determine which film was censored. However, most dealt with a predatory woman dubbed a “vamp” or vampire.
3 Celebrate Richmond Theater, 39.

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negotiated on a daily basis. As time progressed, individual citizens and organizations continued to renegotiate the boundaries of censorship until the board disbanded in the mid-1960s.

Initially in 1922, the governor appointed three individuals to the board, and they viewed every movie seeking legal entrance into Virginia from 1922 until 1965. During this time period, Harry Byrd’s Democratic political machine dominated Virginian politics, and the commonwealth’s most powerful politicians were solidly Democratic. Thus all censors across the time period were politically active in Virginia’s Democratic party, and these jobs were undoubtedly granted as a political kickback to loyal party members.

The work of the censorship board was quite standard. Any film that a motion picture distributor wished to legally show at a movie theater in Virginia had to apply for an exhibition license from the censors. If the board approved a film, a seal of approval would appear in one of the movie’s frames. At least two board members viewed each film, with the third member consulted if the initial two screeners disagreed on a licensing decision. Most board decisions throughout the years were unanimous. Furthermore, it

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4 The first three censors were Evan Chesterman, Emma Sampson, and R. C. L. Moncure. Chesterman, a journalist and well-known citizen of Richmond, had previously served as the secretary of Governor Charles T. O’Ferrall and as secretary of the State Board of Education. Sampson, a writer who had gained popularity as the author of children’s stories, had previously served on the Board of Directors of the Richmond’s Woman’s Club. Moncure previously had served in the General Assembly, acted as a collector for the Internal Revenue Service, and served on the State Board of Fisheries.

5 Harry Byrd first served as a Virginia senator then governor of the commonwealth in the 1920s. From the 1930s until 1966, he represented Virginia as a U.S. Senator.

6 In The Face on the Cutting Room Floor, written in the mid-1960s with no citations or references noted in the text, Murray Schumach interviews a governor of an unnamed state who does not approve of the state’s movie censorship board. Yet the governor welcomes the political and financial functions of such a board, which provides him with an additional opportunity to offer patronage to his supporters by their appointment to the board while also providing an additional source of financial revenue for the state. Murray Schumach, The Face on the Cutting Room Floor: The Story of Movie and Television Censorship (New York: De Capo Press, 1975), 200.

7 This requirement applied to feature films and news reels. There is no evidence of short films being reviewed.
was common practice for the censors to either fully approve or outright reject a film. It was often only after a distributor contested a censorship ruling that the board viewed the film a second time and offered specific cuts of scenes and dialogue that would, with their elimination, assure the movie's approval. During its first year of existence, the board viewed 1,840 films and the following four years, it screened between 1,678 and 1,816 films per year, an average that remained consistent throughout the board's existence. The censors viewed a total of 8,843 films during its first five years of operation, and required a total of 1,954 "cuts" to 1,478 scenes and 476 subtitles. The number of films rejected in full was small: 16 were rejected, and 9 of those rejected films were later approved after significant changes were made to the films. Part of this study's focus is on what it meant for censors to rework these films before they were released for public consumption.

Despite the state-sanctioned structure for approving films, the policing of films shown in Virginia occurred erratically at best. The censors used a variety of tactics in this process of finding problematic films and later censoring them. In addition to the official screening process, there were a number of informal methods by which the state attempted to scrutinize film content. In some cases, individual film viewers wrote the censorship board and described in detail the scenes they found to be "salacious," often tipping off the censors to possibly illegal material being shown in a film. Throughout the existence of the board, the censors also recruited volunteers to view movies in their respective locales throughout the commonwealth by soliciting Assembly members for

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9 Virginia Board of Motion Pictures (VBMP). *State Board of Censors, Annual Report of the Virginia Board of Censors July 1, 1926 to June 30, 1927* (Richmond: Davis Bottom, Superintendent of Public Printing, 1927), 8. See Appendix B.
names of citizens in their districts that might want to serve as volunteers. This method of recruitment inevitably ensured that these volunteers would most likely be white and middle-class.\(^\text{10}\) The commonwealth did not compensate these volunteers; they were expected to view at least two movies a month and were given two free movie passes to do so. It appears that the board allowed them to select what movies they wished to view in their choice of theater. The theater manager, upon receiving the pass, then sent it to the censorship board so that the board could track whether its recruits were indeed going to the movies.\(^\text{11}\)

Movie distributors and theater managers faced a sliding scale of fines for showing films illegally in Virginia. Repeat offenders faced the possibility of all future products being banned in the commonwealth, although the board appears to have only used this tactic as a threat and never actually employed it. If film distributors wished to appeal a censorship decision, they typically asked the board to re-screen the film. The board usually obliged, and sometimes opened the screenings of particularly controversial films to other community leaders and politicians. Often, representatives of the movie’s production or distribution company would visit the censors in an effort to further persuade them to license their fare. If the censors persisted in barring the film, the distributors could sue the board through the Richmond Circuit court.

State officials frequently framed the creation of a censorship board under the rubric of modernization. The censors’ first interest throughout the board’s existence laid

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\(^{10}\) In fact, as will be discussed later, censors at least once resorted to sending a white volunteer into the space of an African American theater, likely rousing the theater staff to the intrusion of a censorship official in their midst.

\(^{11}\) Recruiting volunteers was a constant problem for the board; it continually solicited for additional help in monitoring the movies. Also, some distributors exhibited films illegally in the commonwealth and some films playing illegally were advertised only in African American newspapers, although they were not “race” films, perhaps hoping the censorial gaze of the white censors would not scan black newspapers.
in preserving and enshrining the power of white elites such as themselves in the state.\textsuperscript{12} At a time when the commonwealth’s leaders sought to “modernize” the state, they saw the regulation of popular culture as a central component in polishing the state’s image. Their approach was defined by “business progressivism,” the deliberate promotion of the image of Virginia as a growing, innovative, economically-sound, and welcoming environment for out-of-state business and industrial leaders. Furthering the idea of “business progressivism,” evidence suggests that censors specifically sought to regulate out of popular culture potentially provocative images of all women and African American men. For example, censors viewed scenes of race riots depicted in films as detrimental to their efforts to promote an image of amicable race relations and a peaceful, stable, law-abiding environment within the state.

The creation and operation of the censorship board in Virginia suggests that state officials wanted to control discourse in the state to support their ideology of white supremacy and to maintain their power. By framing the censorship bill as a “modern” or “progressive” piece of legislation (which officials did, in part, by pointing out that New York, the cultural hub of the East coast, had a state censorship board), officials hoped to broaden the legislation’s appeal.\textsuperscript{13} Also, officials could suggest that such censorship was “modern” because it allowed a national business, Hollywood, relatively easy access to a statewide market. Local variations in censorship and exhibition standards would be organized under one standardized system operating from Richmond. A 1940 court case

\textsuperscript{12} I use the term “elite” to refer to Virginia citizens, overwhelming white, middle-to-upper class, and often male, who either directly wielded significant political power as Assembly members or those individuals whose race and class privilege meant that they could exert a significant amount of political, economic, and/or cultural power in society more generally. These “elite” officials were typically white, middle-class men who help prominent political positions and purported to represent the interests of white, middle-class citizens of the commonwealth.

\textsuperscript{13} Richmond Times-Dispatch, 15 February 1922; Richmond News-Leader, 22 February 1922.
confirmed that localities throughout Virginia must conform to the rulings of the state censorship board; localities did not legally have the ability to censor a movie that the state board approved or exhibit a movie that the state board rejected.14 This consistent, and perhaps economical, implementation of exhibition guidelines could reflect a level of efficiency and standardization that other businesses and industries looking to enter the state found appealing.

Part of the question of censorship also revolved around debates involving a "national" culture versus local cultures. State officials were concerned with how to integrate Virginia economically with the rest of the nation while allowing it also to have a regional, state, or local culture. Films themselves were widely variable products that could convey very different ideas and concepts, yet they were always, throughout the existence of the censorship board, consumed in public. This context of national and local cultures shifts over time so that by the 1960s, with television, radio, and a variety of mass-consumed cultures, national culture had permeated American culture. Yet as the epilogue will show, a backlash against national cultural standards occurred when the Miller v. California (1973) Supreme Court decision placed the issue of censorship and obscenity (in particular regarding hardcore pornography) back into the hands of localities.

Understanding state officials’ attempts to regulate citizens’ sexual behavior, especially that of Virginia’s poor and/or non-white citizens, cannot be detached from its programs to lure lucrative economic and industrial development into the state.15 In order to protect their own elite status as cultural arbiters, censors sought to contain certain images of “other” races, classes, and “deviant” sexualities different from their own white,

14 City of Lynchburg v. Dominion Theaters (1940).
15 Philippa Holloway, Tending to Deviance: Sexuality and Public Policy in Urban Virginia, Richmond and Norfolk, 1920-1950 (Ph.D. diss., Ohio State University, 1999), 213.
middle-class, heterosexuality in order to shore up their power and authority. In essence, they engaged in a cultural war that cannot be understood outside of its relationship to political and economic control. The censors and the social and economic constituency they represented actively worked to prevent their authority from being undermined or contradicted by images viewed in popular culture by mass, diverse audiences. Thus the battle the Virginia censors fought was one to maintain their own cultural authority as white, politically-empowered elites, an authority that they saw increasingly challenged by a variety of individuals and groups within Virginia.

While several groups and citizens protested the censorship bill from the beginning and censorship always functioned as a negotiated and contested process in Virginia, the censors saw their cultural authority erode particularly after World War II. The board’s initial pretense of regulating movies in an effort to protect certain individuals and groups from harm did not hold in the postwar era as many people interpreted the board’s actions as abridgements to First amendment free speech rights rather than protective actions to prevent “harm” to certain vulnerable people. As Chapter three will discuss, when the board initially censored the film *The Burning Cross* in 1947, a film most viewers deemed as an anti-KKK production, a wide range of citizens used the rhetoric of Cold War politics to label the board’s actions “anti-democratic” rather than support the board’s reasoning that such censorship prevented exposing African Americans to harm from violent whites.  

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16 Virginia Board of Motion Pictures (VBMP). State Records Collection. The Library of Virginia. Box 53. *The Burning Cross* (1947) folder. This collection, which forms the major archival base for this study, consists of 57 boxes including License Applications (26 boxes), Indexes to Licenses (9), Employee Attendance Reports (4), Theater Listings (2), Film Title Listings (2), Financial Records (6), Annual Reports and Elimination Records (1), Theater Correspondence (1), General Correspondence and Controversial Films (3), and Miscellaneous (3).
This work explores the competing dialogues between groups and individuals making, supporting, and contesting censorship decisions in Virginia during the existence of the censorship board from 1922 to 1965. Historian Barbara Hobson describes politics as "a social institution that embodies the relations between sexes and classes; as a body of laws and legal practices; as a reform movement linked to other movements; and as a phenomenon with historical and cultural traditions that frame the discourse and guide the search for alternatives." This study uses the contestations surrounding film censorship as a framework for understanding the political, economic, and cultural power relations of the time through the lens of popular culture. It highlights the centrality of gendered and raced discourses to both the debates over the movies and over whom would wield regulatory power in society at large.

**Hollywood Censorship**

By the time Virginia's legislators created the censorship board in 1922, movie censorship had been carried out in a variety of settings in states for well over a decade. By 1909, the National Board of Review, based in New York City, began regulating films voluntarily submitted to it. And in 1911, the state of Pennsylvania established its own mandatory censorship board; other states, cities, and municipalities soon followed. When the U.S. Supreme Court denied the extension of First amendment free speech rights to motion pictures in 1915, the rise of official censorship bodies multiplied through the early

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19 According to Black, the National Board of Review screened more than 80% of all films within a year of its existence. Black, 14-15.
1920s. In 1921 alone, New York instituted a state censorship board, and legislatures in thirty-six states considered film censorship bills. As the opening chapter will discuss, it is in this period, as consistent with larger, national patterns, that a variety of individuals and groups fought over who would control the content and exhibition of motion pictures in Virginia. The contestation over censorship and negotiation between individuals demonstrates the fluidity of the process of censorship over time and insured that the state board would not always “win” censorship battles. Although the state criteria for censoring films remained static over time (but national standards did not) and state standards trumped local control, film distribution companies and groups such as the NAACP did manage to get censorship decisions reversed.

During the early 1920s, there was an increase in censorship activity partially fueled by sex scandals related to Hollywood celebrities. Hollywood existed as a highly organized, increasingly vertically integrated national industry, and movies were fast becoming a commonplace part of Americans’ lives. Hollywood industry leaders took action to curtail further rises in governmental censorship, especially at the federal level,

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20 Mutual Film Corporation v. Industrial Commission of Ohio (1915).
21 The New York state censorship board was a particularly hard blow for the movie industry since this board would regulate films shown in New York City, the country’s premiere urban center of the time. Lewis, 89.
22 Film distributors who protested the complete censorship of their films often motivated the board to review their product a second time and issue a list of required cuts that, if made, would then allow the film to be licensed in the state. The NAACP, along with a wider community of Black and white activists, successfully protested the censorship of The Burning Cross and eventually pushed the board to license it.
23 The influence of the Progressives also added to the calls for censorship. As America moved into the increasingly urban twentieth-century, Progressive-era reformers gained prominence as moral reform efforts transformed into ostensibly secular programs based on technical skill or professional knowledge rather than justified by an assumed class and ethnic-based superiority. According to Paul Boyer in Urban Masses and Moral Order in America, these largely middle-class “experts” increasingly sought to mold, rather than outright coerce, the behavior of working-class city dwellers, especially recent immigrants and people of color, through the reorganization of their physical environment. While a plurality of voices was evident in the Progressive movement, many stressed the importance of regulation as a means of promoting and preserving white, middle-class ideals. Paul Boyer, Urban Masses and Moral Order in America, 1820-1920 (Cambridge: Harvard University Press, 1978), 162.
to protect their profits. In 1922, Hollywood's top executives formed the Motion Pictures Producers and Distributors of America Association (MPPDA) with Will Hays at its head. The MPPDA and its leaders began to skillfully organize effective campaigns to battle censorship at all governmental levels. Initially, the "Hays office," as the association came to be known, met with little success, and in 1926, a group of activists representing over two hundred church and women's groups traveled to Washington, DC to demand federal censorship of the movies. In 1927, the Hays office issued a list entitled the "Don'ts and Be Carefuls" to inform Hollywood studios about issues that censors might understood as inappropriate for public viewing, but adherence to the office's list remained strictly voluntary. The Hays office's intention in publishing this list was to persuade studios to incorporate changes into their material that would decrease the amount of images and dialogue targeted for deletion by local and state censors nationwide. Officials also hoped to suggest to censors and lawmakers that Hollywood filmmakers were taking steps in appropriate directions to produce films that were morally acceptable to a wide range of audiences.

By the early 1920s, 20,000 commercial spaces nationwide showed movies at least one night a week. At least six hundred theaters operated on the "race movie" circuit. In 1920s Richmond, new "picture palaces," which seated well over a thousand patrons, boomed on downtown's Theater Row, but no such palaces were built by or for African

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24 In particular, scholars look to the incident in which actress Virginia Rappe died at a party hosted by famous comedian Roscoe "Fatty" Arbuckles amidst rumors that Arbuckle's weight and sexual proclivities had led to Rappe's death. Black, 31.

25 Black, 31. Hays had been serving as Postmaster General under President Warren G. Harding.


Americans. Instead, five theaters, three in Jackson Ward and two on Hull Street, served the city's Black population. By the mid-1920s, three hundred movie theaters operated throughout Virginia, and roughly ten percent of these theaters catered to African Americans. By 1930, however, with the combined stress of the Depression and the coming of sound to the movies, one-third of these 300 theaters had closed their doors. The total number of all theaters in Virginia barely numbered two hundred, and only twenty theaters remained to serve African Americans across the state (including two in Richmond). By the mid-1930s, however, theater construction was again on the rise, but the type and location of theater-building shifted. At least seventeen new theaters opened in the Richmond-area during the mid to late 1930s to replace theaters that had closed earlier in the decade, but builders no longer constructed these new theaters downtown, and seating capacity no longer reached into the thousands. Instead, owners began to

28 In 1923, the National opened with seating for nearly 1400 patrons. Four years later, entrepreneurs opened The Mosque, a playhouse, movie theater, and concert hall setting, that could seat over 4,000. In 1928, Loew's opened downtown with seating for more than two thousand. By the late 1920s, some of these picture palaces opened segregated balcony space to Black patrons and advertised their films in the local Black press. Celebrate, 84.
29 Celebrate, 84. The Hippodrome, Rayo, and Globe showed movies to Black audiences in Jackson Ward, and the Star and the Lincoln did the same on Hull Street. By the late 1910s, nine theaters for African Americans operated in the DC area (including both Virginia and Maryland), and four were owned by African American corporations. Robert Headley, Motion Picture Exhibition in Washington, DC: An Illustrated History of Parlors, Palaces, and Multiplexes in the Metropolitan Area, 1894-1997. (Jefferson, NC: McFarland & Company, 1999), 35.
30 Celebrate, 67. The history of Richmond-area theaters does not show that those theaters closed en masse during the 1930s. Most, in fact, did not close, although they most likely did lose patrons. If other urban areas in Virginia fared similarly to Richmond, it is possible, even probable, that the theaters hardest hit by the Depression were those located in rural areas of the state. Henry Jenkins notes that 2,000 theaters closed nationally in the early months of 1929 because it was simply not feasible for them to install sound systems. Small-town theaters, with limited resources and audiences, had an especially difficult time converting to sound. Henry Jenkins, "Shall We Make It for New York or for Distribution?" Cinema Journal 29: 3 (Spring 1990): 34, 38.
31 Celebrate, 67; Fuller, At the Picture Show, 33. Several theaters closed when the movies switched to sound because they could not afford to upgrade their theaters to show movies with sound.
place theaters outside of the city in local neighborhood suburbs and significantly scaled down seating capacity.\textsuperscript{32}

Richmond boasted as many theaters at the onset of World War II as it did in the 1920s, and movie-going thrived during the Second World War, but by the end of the 1940s and into the early 1950s, movie ticket sales waned as televisions entered the nation’s homes. In 1950s Richmond, about thirty theaters were in operation, a number equal to previous decades, although drive-ins now accounted for 1/3 of all operational movie theaters around the city.\textsuperscript{33} Roughly one-quarter of the city’s theaters closed in the 1950s, and unlike in the 1920s and 1930s, no new theaters opened to replace them. In the early 1960s, nearly a dozen theaters permanently shut their doors; by the mid-1960s, less than a dozen theaters remained in business in Richmond.\textsuperscript{34}

In the 1920s, Virginians kept pace with the national trend of movie-going. In 1925, moviegoers nationwide purchased fifty million tickets per week, and by 1929, ticket sales topped ninety million by 1929.\textsuperscript{35} In a 1922 \textit{News-Leader} interview, theater owner Jake Wells remarked that over 47,000 Richmonders attended his theaters each week.\textsuperscript{36} Wells remarked: “This is more than half the white population of the city.”\textsuperscript{37} This comment showed that African Americans could not attend theaters in Wells’s chain, the largest in the area, and it revealed that stressed that when patrons of theaters not owned by Wells were factored in, the movies were a remarkably popular entertainment in 1920s Richmond, easily drawing in more than half the city’s population in any given

\textsuperscript{32} \textit{Celebrate}, 167-170.
\textsuperscript{33} Only half of these drive-ins operated past the early 1960s.
\textsuperscript{34} \textit{Celebrate}, 167-171.
\textsuperscript{35} \textit{Celebrate}, 67.
\textsuperscript{36} From the turn of the century through the 1920s, Wells and his partners controlled nearly all of the major white movie houses in Richmond. By the 1920s, he owned 42 theaters in 9 states, making his chain one of the largest in the South. \textit{Celebrate}, 18.
\textsuperscript{37} \textit{Richmond News-Leader}, 28 February 1922.
Such popularity surely ensured that cultural contestation over what should be viewed on-screen and by whom would remain at the top of the reformers’ agendas.

In 1930, due to pressure from individuals nationwide and prominent Catholic leaders concerned about the content of film, the Hays office introduced the Production Code to Hollywood executives. According to historian Gregory Black, the 1930 code functioned as “an attempt by conservative forces to define permissible limits,” and for four years, debates raged between Hollywood film producers and the Hays office as to whether these prescriptions were guidelines or mandates.\(^{38}\) In 1933, Catholic church officials created the Legion of Decency (LOD) to influence millions of Catholics nationwide. The LOD encouraged Catholics to pledge not to patronize movies deemed “immoral” by the church.\(^{39}\) In response, Hollywood executives hired Joseph Breen, a Catholic who had been quite visible in the censorship debates, to head the new Production Code Administration (PCA).\(^{40}\) The PCA worked to strictly enforce filmmakers’ adherence to the Production code, which prohibited, among many other things, depictions of homosexuality, interracial marriages, prostitution, and sexual relations outside of marriage.

In the midst of the Depression with motion picture profits declining radically since the late 1920s, Hays, along with Breen, decided that the only way to protect the profits of Hollywood industry was to prevent studios from making controversial, and thereby censorable, movies. Thus by 1934, the Production Code was being enforced with a new ferocity, and movies “took on a decidedly conservative point of view for moral issues: Divorce was a sin, adultery was punished, ‘modern living’ was painted in

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\(^{38}\) Black, 46.

\(^{39}\) Black, 149.

\(^{40}\) Black, 173.
negative terms, and virtue was rewarded." The Code especially governed themes of sexual and criminal behavior on screen, demanded "compensating moral values" in films, and ultimately held sway over the movie industry for decades to come. "Compensating moral values" meant that any individual on-screen committing an act deemed "immoral" or "criminal" had to be appropriately "punished" for his or her actions. For example, criminals were always caught and convicted of their crimes, and women having children out-of-wedlock often either died or had a stillborn infant, which in turn led to their "repentance" for having sexual relations outside of marriage. In *Hollywood Censored*, Gregory Black focuses on the impact of the Production Code in assessing and reconstructing specific movies. While he criticizes censorial organizations such as the PCA and the Legion of Decency for forcing filmmakers to present all movie themes "through the restrictive lens of the code," he also analyzes censorship as a process defined by a series of negotiations that took place before the final version of a film was created. As we see with the work of Virginia's censors, this process also continued at the level of individual state and local authorities. In the end, Hollywood executives opted for self-regulation of the movie industry in an effort to prevent further efforts at government censorship and to retain as much profit as possible. In addition, PCA censorship was an effort to make producers aware of local norms that might prevent a

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41 Black, 192. The Code required that no films be made in which an audience's sympathies were directed toward "the side of crime, wrongdoing, evil, or sin." Adultery and rape could only be implied. Depictions of miscegenation, sexually-suggestive dancing, and scenes of actual child birth were forbidden in full.

42 Black, 41.

43 The stranglehold the PCA had over Hollywood studios began to wane in 1952 when the U.S. Supreme Court granted motion pictures some free speech protections. The Code, however, was not officially abandoned until 1968 when it was replaced with an age-restriction ratings system that still exists today.

44 Black, 41.

45 Black, 300.

46 Of the six state censorship boards, none stopped censoring after the Code. While the number of films they prevented from exhibition lessened briefly during the early years of the Code, by the 1940s, they were censoring films at a rate comparable to the pre-Code era.
film from showing in a specific market and, in a sense, controlled the market since it limited access into the mainstream marketplace. As Jon Lewis has noted, Hollywood’s self-regulation of its products always placed economics at the forefront. The policing of such images at the Hollywood level, he argues “rarely concerns the images themselves, the morality or immorality of their content. It derives instead from concerns...about how to make a product that won’t have problems in the marketplace.”

Overwhelmingly, Virginia’s censors left Hollywood films intact. By the 1930s, Hollywood’s own self-censorship was in place, excising controversial material before it ever reached the states. Thus state censors focused overwhelmingly on non-Hollywood productions. Additionally, many of the distributors of censored films arrived in person to protest the censors’ decisions, and the censors knew that censoring a Hollywood production would certainly bring economically-resourceful representatives to their door. For a few Hollywood films, the censors confined them to “white” theaters, *Pinky* for example, although they did not specify whether the films could be shown at “white” theaters that offered segregated seating for African Americans in the balcony area.

Mention should also be made of how foreign films fared with Virginia’s censors. Like other films produced independent of Hollywood, foreign films were not subjected to the Production Code. And like other independent films, they faced much stricter scrutiny by the state censors than Hollywood films did. Also, foreign films could be – and often were – seized by customs officials as “obscene” upon entering the country. Court cases involving foreign films often helped push for increased freedom of speech protections for

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48 *Showboat*, on the other hand, was approved intact and had no race-specific viewing restrictions.

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the movies. The court case *Burstyn v. Wilson* (1952), which afforded movies some free speech protections under the First Amendment, originated over controversy involving the Italian film *The Miracle*.49 Twelve years later, in the case *Jacobellis v. Ohio* (1964), the Supreme Court overturned the conviction of a theater owner who had defied Ohio's ban on the foreign film *Les Amants* (*The Lovers*) by declaring that the film was not obscene.50 While Virginia's censors judged both of these movies to be "vulgar" and "obscene," they did not censor them in light of U.S. Supreme Court rulings.

**The Meanings of the Movies**

I focus on motion pictures as the primary example of popular culture regulated by the state and citizens' responses to that regulation for several reasons. First, motion pictures were the only medium deemed "dangerous" enough to warrant the creation of a state board specifically designed to view every production that would be shown in the commonwealth. Furthermore, movies themselves fell into a gray area in terms of first amendment speech protections since film had not been granted such protection by the courts (and would not be granted protection until 1952). Also, due to the cinematic nature of the movies, films could deliberately or unintentionally obscure and blur boundaries of race, gender, and class in visual ways that were then consumed by large numbers of individuals. The transgression of boundaries that white officials worked to clearly demarcate as well as they could in other social, political, and economic realms created a heightened sense of anxiety concerning motion pictures and helped lead to the

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49 In *The Miracle*, a peasant believes a stranger is St. Joseph. The man seduces her and when she becomes pregnant, she decides she is carrying the son of God. Mocked by other villagers, she flees the village and gives birth in a church; conservatives interpreted the film as a satire on the birth of Christ. Miller, 148. Virginia's censors were offended that a small boy was shown naked and urinating at the beginning of the film. VBMP. Box 53. *The Miracle* (1952).

50 Lewis, 129.
creation of the film censorship board.

From the beginning of their exhibition, motion pictures generated controversy among both audience members themselves and cultural and state authorities due to the perception that movies harbored the power to promote, and even encourage, certain behaviors and ideologies to a vast number of diverse audience members. Censorship’s advocates believed that the power that the movies potentially had over individual audience members warranted strict regulation of the space of the theater and the depictions shown on-screen in those spaces. In terms of the “anxiety” reformers expressed about the movies, Lary May argues that the idea of the “family” unit under attack fueled not only this anxiety but also broader debates about modernity. May suggests that reformers worried most about the entity of the “family,” and movie censorship became a method to impose white, middle-class familial “order” on “disorderly” immigrant families and to reign in changes taking place in the middle-class family. Historian Andrea Friedman, however, instead suggests that conflicts over various medias were concentrated predominantly within the middle class, and these conflicts furthered middle-class hegemony. In short, Friedman argues that the spatial and content concerns over the movies emerged only once they became middle-class entertainments with the potential to “corrupt” middle-class youth. Middle-class theater owners and film distributors were willing participants too in such schema if they believed that they could reach a “good,” paying audience with the added benefit of keeping “lower class” competitors out of or on the margins of the theater and film market.

In the context of the censorship debates in Virginia, traces of both conflicts exist. Censors banned some movies by noting that they might incite “some classes” to violence, a reference to both working-class citizens and African Americans who white officials perceived to be outside of the middle-class, regardless of the existence of a growing middle-class of African Americans in 1920s Virginia. In the censorship debates themselves, however, when middle-class, white commentators spoke about these issues, they most frequently emphasized the effects movies might have on “their” children, “their” families, and “their” communities.\(^5\)

The central question of the initial censorship debates in early 1920s Virginia was whether the responsibility of movie regulation should rest with middle-class “local” authorities such as communities’ religious and civic leaders or whether regulatory authority should be centralized in the hands of state officials appointed by Virginia’s governor. Once the censorship law passed, debates shifted away from general questions of who should serve as film regulators to more specific concerns over what material should or should not be shown on-screen.

Film scholars and cultural historians frequently have grappled with the question of how much cultural influence motion pictures have historically held in the United States and how best to interpret the role motion pictures have occupied in American culture.

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\(^5\) These arguments within the white middle-class were especially geared at those who believed the movies had the potential to “pollute” their viewers. They were most concerned about members of the middle-class falling victim to habits and actions portrayed in movies that they deemed “working-class.” Also, many of these individuals had cultural authority as social or moral “experts” that further bolstered their status within these debates. Middle-class African Americans seem to have abstained from these debates, at least in Richmond. As Francis Couvares has pointed out, censorship itself presented many African Americans with uncomfortable options. While members of the NAACP stood firmly for liberty in all its forms, they also recognized in the case of Birth of a Nation, for example, that more Blacks had been lynched in 1915 than in any other year of the new century, often with the cry that Black men had raped white women. Thus a film portraying Black men as preying upon white women must be censored to preserve the physical safety of African Americans and to prevent further racial prejudice and injustice. Francis Couvares, “The Good Censor: Race, Sex, and Censorship in the Early Cinema,” The Yale Journal of Criticism 7:2 (1994): 235-236.
culture. Moviegoers in Virginia, especially in the 1920s and 1930s, frequently debated the “effects” of film on audiences in such popular venues as the local newspaper. With the rising circulation of the movies and mass entertainments in general, the nation shifted toward a mass cultural system of values, as addressed by film scholars Robert Sklar, Lary May, and Francis Couvares. Robert Sklar examines the changing cultural power(s) of motion pictures in *Movie-Made America*, arguing that during the twentieth century, movies played an instrumental role in defining new cultural values and mores for many Americans. From 1896 to 1946, Sklar argues that movies became the most popular and influential cultural medium in the United States; by the 1930s, “movie culture” had become the dominant culture for many.\textsuperscript{54} The movie industry began, he posits, as an anomaly catering to citizens in ethnic, working class, urban neighborhoods. As movies grew in popularity, so did their power to convey cultural values and influence to audience members. According to Sklar, “movies were the first medium of entertainment and cultural information to be controlled by men who did not share the ethnic or religious backgrounds of the traditional cultural elites.”\textsuperscript{55} Such power particularly confounded the middle class who saw the movies and their inculcating cultural power resting in the hands of working-class immigrants. Sklar argues that much of the authority of the Progressive movement derived from the discovery by the middle-class that they had lost control of the behaviors and values of “lower” classes and they targeted the movies as one way to reassert their power.\textsuperscript{56} Yet as stated earlier, and as this case study of Virginia bears out,

\textsuperscript{55} Sklar, x.
\textsuperscript{56} Sklar, 18.
often the regulation of the movies was as contested within the middle-class as it was between individuals of different classes.

Lary May's study, *Screening Out the Past*, situates movies in a political framework, emphasizing ways in which movies and filmmakers validated Progressive-era politics as they simultaneously fell under their regulation. Movies, according to May, ultimately buttressed the new economic system of consumption over production and showed, through on-screen images, how the consumer-oriented economy could fulfill one's every desire. May offers an implicit critique of the medium of the movies that, by extension, questions the idea of film as an inert medium that individuals unquestionably absorbed in similar ways, as suggested by Sklar. May notes that while the movies were an overwhelming phenomenon in the 1920s, half the country's population was still rural and had little access to such products. May further points out that the content of the movies themselves catered to decidedly northeast and west coast audiences.\(^5\)\(^7\) Certainly, many Virginians argued that they did want the "urban" values they believed movies often conveyed to challenge what they believed to be superior "rural" values of traditional rural life. However, other Virginians openly embraced the depictions of "city life" they found in movies. Whether they approved of such depictions, Virginians certainly flocked to the movies in great numbers in the 1920s and must have found something that appealed to their sensibilities as Southern, and often rural-living, audience members.

As a social phenomenon, scholar Ruth Vasey argues in *The World According to Hollywood* that between the two world wars, movies functioned as the most visible, if not

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57 Thomas Doherty argues that movies, especially comedies, did not "travel well." Not only did this assessment apply to international marketing, but it also included rural areas where non-urban residents did not "get" what they often characterized as "inane city talk." Thomas Doherty, *Pre-Code Hollywood* (New York: Columbia University Press, 1999), 179.
also the most influential, cultural institution in the world. Like Sklar and Couvares, she analyzes movies as they both defined and reflected certain cultural phenomena. She gives movies neither the sole power to shape audience perspectives nor does she negate the quite powerful effect of cinema upon its patrons. In particular, she suggests that since censors, editors, and many others modified movies, this process of continual reshaping signaled the movie’s status as a commodity. Vasey’s analysis of movies as “consumer products” allows for a great deal of audience influence in shaping the meanings of movies. As consumers, moviegoers pick the movies they will attend, individually interpret what they see on-screen, and construct their own experiences, thus challenging that movies exert a singular hegemony upon their audiences. While Vasey does not stress influences that might complicate her argument that individuals act alone as individual interpreters of the movies, it should be noted that peer culture, family, and other social structures embedded in society effect interpretations of movies rooted within these very constructions. Most commentators who spat against a bad movie in Virginia wrote that they virtually had been dragged there on a social outing by a family member or friend. Regardless of the potential the medium of film held to offer a measure of individualist interpretation on the part of the viewer, it would be individuals’ and government officials’ concerns over how a mass audience might collectively interpret certain cinematic expressions that fueled some calls for censorship.

The Meanings of Censorship

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Scholar Francis Couvares asks "whether the politics of censorship is about the protection of the vulnerable or the suppression of the imaginative." Couvares details how censors themselves constructed the idea of the "vulnerable viewer," who would passively absorb whatever images were presented to him or her at the movies, as a creation necessary to justify film censorship. While he agrees that motion pictures set the stage as a mass medium that spawned cultural wars throughout the twentieth-century, he also notes that movie producers could never control the environment in which audiences viewed the movies and the effects movies had on viewers. Likewise, Vasey suggests that censorship gave discriminating audience members the opportunity to craft more individualized interpretations of what they saw on-screen and offered viewers a way to more actively participate in the cultural project of the movies. Thus audience members always held the power to craft their own readings of what they saw on-screen.

According to Sklar, however, censorship presented nothing but a threat to the movies. He constructs censorship as a "top-down," hierarchical project begun by middle-class citizens, especially state officials and community leaders, who sought to regulate a "working-class" entertainment that was increasingly becoming a popular middle-class amusement as well. This study, however, illustrates how the work of Virginia's censors requires a more nuanced look at censorship that conceptualizes the work of censorship as a fluid process in which both audience members and filmmakers contested, and at times outright defied, the dictates of the censors. Thus, as noted in the earlier discussion of historian Gregory Black's concept of censorship as a process, it is essential to examine

the historical definitions of "censorship" and what it meant for censors to "rework" a film before its exhibition.

Even naming an act as "censorship" is a politically-charged project. Before the camera rolls, filmmakers decide what topics they will and will not address and what types of events and speech will or will not be included in their projects. Few strict boundaries, and often no boundaries at all, separate the classification of certain actions as "censorial," "regulatory," or "editing" decisions. As soon as the camera rolls, producers pick and choose which scenes will wind up in the final "cut" of a film. Thus, a film emerges from "editing" having already been shaped according to a compromise among a variety of competing interests—directors, producers, and screenwriters, to name only a few. From about 1906 to 1930, the film was distributed to face local and state censors. Then, between the early 1930s and the 1960s, Hollywood productions also faced the scrutiny of the motion picture PCA. Once a movie passed this industrial self-regulation—assuming it did—the film was ready for distribution. At this point, it would become subject to state and local government authorities who might decide to demand further cuts to the film or to completely prohibit its exhibition from their area of jurisdiction.

The ad hoc nature of "censorship" made it quite powerful, especially due to the very potent decision on the part of a theater or theater chain's owner to simply decide not to book a particular film. Individual theater owners could also choose parts of a film to clip out before showing it to their audiences.61 One prominent theater owner in Richmond, for example, told reporters in the early 1920s that prior to the implementation of a state censorship board that he regularly cut scenes from films he thought his

61 Richmond News-Leader, 28 February 1922.
audiences would find inappropriate. Thus, from the beginning to the end of the
production and distribution of a single movie, the reshaping and restructuring of a film
played an integral part of the process.

This process emphasized the ways in which film censorship is also embedded
within local and national power relations that a broader community of citizens can
critique and challenge. As film theorist Annette Kuhn reminds us, censorship remains a
decidedly complex process. She encourages conceptualizing the idea of censorship as an
action that is not strictly prohibitive. By moving beyond the presumption that film is
passive and inert—a medium, in short, to be acted upon—censorship practices can be
integrated into analyses of broader social and historical changes. We can understand
censorship as a constantly on-going process, rather than a top-down, hierarchical act in
which an agency of the state “imposes” its will upon a passive medium and audience.

As Jane Gaines suggests in Fire and Desire: Mixed Race Movies in the Silent
Era, censorship must be understood as a network of forces. Thus a state censorship
board, for example, functions as merely one facet of a much more complex layering of
both formal and informal mechanisms of censorship. Both she and Kuhn argue that
censorship must be reconceptualized as something more than a solely negative
construction. Gaines constructs the “censorial gaze” as a “group gaze, going beyond the
individual outburst and seeking its influence in official reprisals. The gaze is an

62 Richmond News-Leader, 28 February 1922.
63 However, it should be noted that this sort of editing probably decreased substantially with the arrival of
the “talkies,” which made it much more difficult to cut out scenes in a film and still keep the narrative
intact. Also films were altered for completely random reasons such as a break in the film or its
diminishment over time.
64 In other words, the rise of censorship laws from the mid-1910s then can be analyzed as part of a larger
process of social and political reform promoted by groups such as the Progressives to regulate
“undesirable” populations, the spaces they occupied, and the films they watched.
expression of power that has its eye more on the world than on the screen.” Thus, censorship boards looked to what they believed their particular public would accept (in Virginia, middle-to-upper class whites) and to their own views of acceptable on-screen depictions rather than merely looking at the screen and its images. Gaines suggests that censorship should be read as “intervention,” and like Kuhn’s conceptualization of censorship as a process, calls for a more nuanced rendering of the work of censors. The inclusion of resistance by the public to the work of censorship boards is necessary to temper the presumption that censors held complete power to mediate what the public saw. This study seeks to emphasize that censorship and protest against it must be shown together as part of a larger debate about culture and how it gets created, disseminated, and consumed in the public sphere.

Censorship and the Roles of Women

In Virginia, women played a prominent role in censorship debates from their inception, and at least one woman always served on the board of censors after its creation. In her study *Prurient Interests*, historian Andrea Friedman explores how the increasingly commercialized world of leisure, the rise of “modernity,” and the importance of “local” authority in the regulation of cultural entertainments coalesced in the time period prior to the Second World War, and what this process meant for women reformers. She argues that with growing emphasis on a democratic moral authority, male religious leaders and government authorities increasingly pushed women out of the arena of public reform.

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During the early twentieth century, middle-class female reformers utilized maternalist logic to justify their public presence, voice, and authority on cultural issues. They invoked their positions as mothers to claim authority based on their position as "natural" guardians of youths. This "maternalism," which Friedman defines as a "social expression of [women's] mothering roles," seemingly justified women's place in public spaces. Friedman suggests, however, that maternalism was taken for granted to the point that it remained partially unarticulated, and the fact that these women spoke specifically as mothers became obscured. Also, movie-going itself was seen as a release from maternal responsibilities; the fact that no one would fill this "maternal" role at the movies and that young people and children would be at the whim of the filmmaker certainly fueled calls for censorship.

As obscenity regulations increasingly rested in the hands of government officials, Friedman argues that women's control and participation in censorship activism dwindled. As self-regulation became state regulation, male clergy bolstered their prominence in the debates, and the guiding standard for obscenity classifications became the "average person" rule. The "average person" standard reflected the interests associated mostly with urban, white, middle-class men, thus undermining the authority of women who spoke exclusively as guardians of children. Also, whether something potentially obscene met the "average person" rule would now be judged from the jury box, a space that routinely excluded women by law. Friedman suggests that the "average person" standard, which assumed "men's" standard to be the "average," deliberately displaced

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67 Middle-class, white male reformers did not have to articulate a rationale for speaking in public on matters of social reform and censorship since their privileged status in society meant that citizens accepted without question their presence and voices in public debates.
68 Friedman, 16.
69 Friedman, 177.
maternalists from privileged positions as moral and cultural arbiters in favor of a masculinized norm.\textsuperscript{70} Thus when women appealed to state officials as anti-obscenity activists using the rhetoric of child protection, they merely cemented the idea that their moral authority rested only upon their claims as mothers. This method undermined the authority and effectiveness of women speaking publicly on issues unrelated to children and on issues such as film censorship in a way that did not overtly concern the issue of children.

In the censorship debates of Virginia, women’s activism worked in both similar and divergent ways to Friedman’s characterization of women’s positions in anti-obscenity movements. While it might be argued that these women judged films using a masculinized norm institutionalized through an agency of the commonwealth, the fact remains that women held state authority to decide what films would be exhibited in Virginia throughout the existence of the censorship board.

**Regulating and Racializing Theater Spaces**

In 1806, Richmond entrepreneurs built the city’s first theater, known initially as the New Theater, at the present-day junction 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 both free and slave, and women alone in public who elites

\textsuperscript{70} Friedman, 181.
perceived to be prostitutes filled the theater’s pit and upper-most galleries.\footnote{Celebrate, 2.} 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, which killed 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.\footnote{Patricia Click, The Spirit of the Times: Amusements in Nineteenth-Century Baltimore, Norfolk, and Richmond (Charlottesville: University of Virginia Press, 1989), 34. The other two deaths were white men, including the Governor, who had initially escaped but returned to the burning theater to rescue one of his children.} 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 theater alive. While the advent of cinema would not reach Virginia for nearly another a century, the space of the movie theater would still be stratified by class, race, and gender – and in less fluid ways, perhaps, as 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 raced and gendered ones, would be regulated as well, at first locally, and by 1922, by a state board of motion picture censorship.

Regulation of the spaces in which audiences viewed movies went hand-in-hand with regulating what they viewed on-screen. Lauren Rabinovitz, in her study For the Love of Pleasure, broadens the inquiry into movies as a social phenomenon by also examining spatial concerns of the theater itself. As cities industrialized and immigration increased, previous homosocial boundaries broke apart. With the rise of consumerism and the increasing acceptance of women in public spaces as consumers of both household
goods and leisure, some urban spaces allowed women to participate as “seeing” actors, or gazers, rather than merely passive objects to be gazed upon. Women’s increased presence in public spaces, even consumer-oriented spaces, caused anxiety for middle-class reformers as new possibilities opened for women to more publicly express their sexuality.⁷³ In terms of censorship, Rabinowitz argues that initially, reformers worried much more about gender mixing of both children and adults in the space of the theater than the content of films. Censorship of film content became the focus of regulation only because it was a manageable task. Film distributors and producers could direct, to some degree, the self-regulation of their products so the focus on “controlling” film content fueled their own power to varying extents. Controlling on-screen depictions of women could be done in a more uniform manner “at the top” whereas the regulation of theater spaces would have to be achieved by local theater owners nationwide. In other words, some reformers assumed (often naively) that films could be regulated before their distribution and the same regulated, uniform picture could be viewed nationally. The regulation of theater space, on the other hand, would be left to local enforcement officials and theater owners scattered across the country. However, given the strict, systematic segregation of African Americans out of many theater spaces throughout the South, reformers could not have construed the regulation of theater spaces as a particularly difficult task. While reformers were still concerned about gender, their anxieties shifted

⁷³ As with female anti-suffragists who toured the country denouncing women who spoke publicly in favor of woman suffrage, the irony here of women reformers publicly worrying about women in public is ever-present.
from regulating the space of the theater to images of women and female sexuality on-screen.74

Rabinovitz’s gender-based argument, however, does not hold up when one considers how issues of race and gender are inextricably intertwined. In terms of race, I would argue that it was precisely because the space of the theater had been successfully segregated by race that regulators turned their attention to the content of the screen. Hierarchies of race, gender, class, and sexuality worked together to reinforce one another and maintain both legal and cultural boundaries concerning people of color and women. According to Siobhan Somerville, the presence of white women at the movies contributed to pushing black bodies both off the movie screen and out of the theater. Somerville notes that “audiences’ ‘fear of the dark’ at movie theaters was both literal and figurative.”75 Middle-class, white male officials assumed white women were “safer” in white-only spaces, and the increased legal segregation of African Americans coincided with white women’s increased participation in these spaces.76 Thus one cannot successfully understand the regulation of African Americans out of theater spaces without considering how officials constructed the “protection” of white women.

Censorship in Virginia

Chapter One explores the censorship debates surrounding the proposed bill to create a board of motion picture censors in Virginia in 1922. At the crux of the debates was not merely the question of who would control the movies but, more broadly, who

76 Somerville, 69. According to Somerville, “segregated movie theaters encouraged white viewers to forget about racial difference and reminded African American audiences...that they had only limited access to dominant positions of spectatorship.”
would have the authority to regulate access to popular culture. Proponents of state-mandated censorship argued that the movies—cheap, unregulated, and easily accessed by all members of society—required the governmental regulation of state-appointed censors. Of course, movies were not easily accessible to everyone. White citizens living in rural parts of Virginia often found themselves without access to a neighborhood theater, a problem compounded much more for African Americans. Even in Virginia’s cities, African Americans were confined to a few theaters at most. Yet censorship’s proponents stressed “easy access” to the movies as a way to bolster their arguments in favor of regulation. Many others, however, suggested that appropriate modes of scrutiny through local community organizations, churches, and parents of children were already in place, and governmental censorship imposed a level of unnecessary and unwanted regulation that worked to undermine traditional modes of authority within society. In the end, white, male, elite members of the General Assembly passed the censorship bill because they believed it would contribute to the consolidation their own power.

Chapters two and three turn specifically to how censors and citizens negotiated depictions of African Americans and issues of race on-screen. I argue that controlling what African Americans could see on-screen and controlling what sorts of depictions of African Americans all moviegoers viewed at the movies was central to the mission of the censorship board. 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 project of the commonwealth. That project
was to maintain a façade that Virginia had "amicable" race relations and that everyone, both black and white, was satisfied with politically-empowered whites "protecting" African Americans by curtailing their basic economic and political rights. Chapter 2 specifically examines the regulation of race on film in the 1920s and 1930s. It also analyzes pioneering African American filmmaker Oscar Micheaux, and his persistence in defying Virginia censors to get his products shown. Chapter 3 continues to explore the regulation of depictions of African Americans on film and its contestation in Virginia following World War II. With increasingly visible civil rights movements and the changing norms of Hollywood filmmaking to explore issues of race on screen, protests against regulating film for racist reasons grew as the governmental framework for bolstering white supremacy increasingly came under serious attack.

Chapter four analyzes how Virginians and the censors negotiated issues of sexual knowledge, especially female sexuality, on film. Historian Lisa Duggan suggests that using a national framework to study sexuality might not be the most useful way to explore its regional and local differences, and this chapter works to highlight how the censors attempted to navigate the very fluid boundaries between "educational" films addressing sexual material and films they deemed "sensational" – or "exploitative" – in that they believed such films used provocative themes to draw in an audience with a

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77 I focus on the censors' reception of the films of Oscar Micheaux here to illustrate the tenets of racism and white supremacy that underpinned much of the board's censorship decisions in relation to "race films" in the 1920s and the 1930s. Micheaux was the only filmmaker, white or black, whose films the board repeatedly censored in their entirety. Micheaux, who repeatedly defied the censors' decisions, also offers unparalleled insight into the tenuous authority wielded by the censorship board. While their decisions were often final, and even the decisions contested by filmmakers in the local Circuit court were routinely upheld in favor of the censors, Micheaux's showcasing of films quite visibly without a license offers insight into the often obscured manner of how filmmakers and audiences defied censorship officials. Also, a popular figure of recent scholarship, this study offers a detailed look at Micheaux's dealings across two decades with the Virginia censors, and offers a more in-depth look at his relationship with this specific censorship board than exists to date.

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focus on profits and skirting censorship rather than education. Debates over the appropriateness of films involving sexual knowledge often revolved around the portrayal of female sexuality within those films. The censors and their supporters believed depictions of female sexuality must be controlled in order not only to restrain working-class women and women of color but other groups in society as well. Controlling depictions of middle-class white women on-screen buttressed both male supremacy and white supremacy. Allowing only working-class or women of color to be depicted as "diseased," for instance, permitted such images to suggest that disease resided only in the bodies of "lower" class women or women of color. Policing raced and gendered boundaries on-screen mirrored the policing of those same boundaries, and those same individuals, off the screen.

As an endpoint, the epilogue uses the film Island in the Sun (1957) to tie together dialogues addressing depictions of both race relations and female sexuality while also showcasing a film that surely, only a few years earlier, would have been banned from Virginia's movie screens. As the U.S. Supreme Court expanded movie producers' abilities to address issues such as passing and miscegenation on-screen, burgeoning civil rights efforts expanded what individuals could view at the movies just as African Americans demanded the integration of the space of the movie theater itself. Thus by 1965, movie censorship in Virginia reverted back to municipal authorities and soon a system of age-based movie regulation crafted by the film industry replaced prior methods of censorship. Finally, the epilogue briefly addresses the explosion of "porn chic" in the movie industry during the early 1970s, how these films fared in Virginia, and the 1973

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court case *Miller v. California* that shifted the basis for obscenity standards away from a national definition to locally-defined ones. Thus the story of movie censorship in Virginia moves from local regulation in the 1910s to state regulation from the 1920s until the 1960s. Then, after a brief interlude in which federal standards provided a space for even hardcore pornography at a handful of theaters, control of movie theaters reverted back to local, community control, where it remains today.
CHAPTER I
THE PROJECT OF CENSORSHIP:
DEBATING THE MOVIES IN 1920S VIRGINIA

On February 7, 1922, the editor of the white Durham Herald in neighboring North Carolina announced that members of the Virginia General Assembly would soon consider a bill to censor motion pictures entering the commonwealth. He doubted that the bill would become law, but noted “if it does, it will not amount to anything.” Less than a month later, Virginia’s legislators passed the bill, and it did, in fact, amount to something. In place for over four decades, the bill created a three-member censorship board that reviewed over fifty thousand films, rejected over one hundred and fifty films “in toto,” and ordered thousands of cuts from thousands of other movies before allowing them to be exhibited in the state. In the end, Virginia’s General Assembly was only one of six state legislatures to pass a motion picture censorship bill, and the only one in the South to do so, although neighboring Maryland also had a state censorship board as did the Southern cities of Memphis and Atlanta. It was also the last state to install such a
board, in 1922, eleven years after the creation of the first state movie censorship board in Pennsylvania.³

This chapter examines the rhetoric of the 1922 censorship debates to explore ways in which various groups and individuals advocated or protested the proposed movie censorship bill. By the 1920s, movie attendance figures soared nationwide and Virginians had three hundred theaters throughout the state within the first few years of the decade, with about ten percent of those spaces open to African Americans. This chapter highlights how the implementation of cultural censorship was contested and negotiated by a variety of people in several different venues from the outset of censorship proposals, and how individuals’ and groups’ views toward censorship were fluid over time.⁴

The censorship bill established a system that allowed three censors to decide what Virginians could legally view on movie screens for forty-three years. Signed into law on March 15, 1922 by Governor Trinkle, the bill subjected motion picture films and their advertisements to regulation through the mechanism of a censorship board. According to the bill, “It shall be unlawful to exhibit, or to sell, lease or lend for exhibition at any place of amusement for pay or in connection with any business in the State of Virginia, any motion picture film or reel, unless there is at the time in full force and effect a valid license or permit therefore of the Virginia State board of censors.”⁵ The bill called for three state residents who were “well qualified by education and experience to act as

⁴ For example, the editors at the Richmond Times-Dispatch routinely denounced movie censorship as an attack on freedom of speech in 1922, but by the mid-1960s, citing fears of juvenile delinquency and exposure to obscenity, different writers and editors at the paper mourned the passing of the board.
censors act under this act.” The bill charged censors to issue a license for a film “unless such film or a part thereof is obscene, indecent, immoral, inhuman, or is of such a character that its exhibition would tend to corrupt morals or incite to crime.” The bill also gave censors the ability to revoke a film’s permit if its advertisements violated these boundaries. Otherwise, the bill offered no additional parameters for censorial judgment of film, and the censors were left to work out the practicalities themselves.6 Appeals made by movie exhibitors or producers would first be directed to the full board, and if the board again refused to license the film and the movie’s advocates proceeded, an appeal could be filed in the Circuit Court of Richmond. In most cases when the producer or distributor requested that a film be reconsidered, the board issued a list of specific cuts that, if made, would allow the film to be licensed for exhibition in Virginia. The board, viewing over a thousand films annually, may have rejected complete films as a time-saving measure and only provided detailed eliminations to make a film “acceptable” when distributors and producers of such movies appealed their products’ status.

By the time Assembly members passed the censorship bill, Virginia’s legislators had already established the precedent of regulating individuals’ behavior within the state. In 1914, four years before the national amendment, Assembly members passed a Prohibition bill, beginning their foray into regulating behaviors that some legislators construed as “immoral” and harmful to both the family and the commonwealth. With the passage of Prohibition, Virginia’s lawmakers began constructing what they saw as the ideal role for the state in modern society. Like movie censorship, legislators used Prohibition as a method to legislate “reform” for the public’s welfare. Temperance began as an effort at self-control to persuade individuals to control their own behavior but

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evolved into state control as reformers increasingly equated intemperance with social disorder.\(^7\) Once reformers understood alcohol as a social problem that threatened the moral and political order, the focus of temperance activists shifted from moral suasion to legal coercion.\(^8\) The movie censorship debate played out in similar ways. Anti-censorship advocates argued that movies could be properly regulated through filters already in place in society, such as newspaper editorials and parental regulation, while pro-censorship advocates contended that movies presented such a dire threat to the moral fabric of society that the State must step in to provide institutionalized regulatory control.

Despite a history of rhetoric in Virginia against state intervention into the lives of Virginia's citizens, the commonwealth had been concerned with policing raced and gendered boundaries from its inception. As early as 1661, colonial officials outlawed miscegenation, and a heightened intervention by the state to maintain the racial and sexual order of Virginia in the 19\(^{th}\) century set the framework for interventions concerning race, gender, and sexuality in early twentieth-century Virginia.\(^9\) Mixing of peoples of different races, genders, and classes was always a central concern of Virginia's officials. By focusing on fears of miscegenation and even the non-sexual mixing of men and women of different races, officials hoped to give legitimacy to a state law such as the censorship bill for they could attempt to use fears of miscegenation to spark whites of all classes to possibly support the bill. Likely, white officials were much more concerned about issues such as the social "mixing" of races and genders and Black


\(^8\) Pegram, 25. Prohibition and temperance activists were also very concerned with issues of class and race. In the late nineteenth century, the saloon was seen as a working-class, ethnic, masculine environment that increasingly agitated middle-class white women as middle-class white men increasingly frequented the same sorts of establishments. Thus, like Prohibition, the issue of white, middle-class morality was at stake.

citizens “passing” as white, but the rhetorical use of miscegenation could be seen as a useful method in bolstering censorship’s supporters.

**RACE AND THE CENSORSHIP DEBATES**

Issues of race and ideas of racial hierarchies informed the movie censorship debates as they did with most issues in 1920s Virginia. As chapter 2 will show, white, elite officials of the commonwealth constructed African Americans as one major element of Virginia’s “vulnerable” citizenry. Such “vulnerability,” according to white officials, required state action to control what images African Americans could see at the movies and what images of African Americans could be viewed on screen and by whom. Under the guise of “protection,” this reasoning led censors to forbid any representations of African Americans that might offend white audiences. The heavily censored portrayals of African Americans on-screen and censors’ refusal to allow films produced by African Americans to be shown uncensored in Virginia worked to maintain a façade of “amicable” relationships between the races in Virginia. White officials used similar arguments to uphold segregation, deny African Americans full citizenship rights, and to heavily regulate their presence on screen and behind the camera.

While censors maintained an active agenda to prohibit any non-subservient portrayals of African Americans on-screen, they made few efforts to censor films showcasing racist caricatures of African American characters. In February 1922, a few months before the censorship board began its operation, revival showings of *The Birth of a Nation*, an infamously racist film originally released in 1915 that has been credited with fueling the revival of a nativist Klan in the late 1910s and the 1920s, reappeared in
Virginia’s capital.\textsuperscript{10} The white press focused on the art of the film rather than its overtly racist and sexist plot lines, which it never openly acknowledged. As leaders and citizens of the commonwealth debated the pros and cons of censorship, a movie that had been heavily censored in other parts of the nation and vigorously denounced by African American citizens again opened to uncritical white fanfare in Richmond. At the film’s final showing in Richmond at the Academy of Music on February 10, forty-two “white-robed and silent” Klansmen attended the show.\textsuperscript{11} The Klansmen entered the Academy in street clothes, emerged in the theater’s boxes in their white KKK regalia, and left in their robes while wearing their hoods. Other moviegoers noted that three times during the movie, the men “arose as one man and stood motionless with their left arms pointed to the screen.”\textsuperscript{12} While proponents and opponents of film censorship alike did not directly discuss the racial components of censorship, the immediate work of the censorship board shows that race functioned as a critical, frequent subtext throughout the censorship debates. When proponents of censorship spoke about the need for the state to police popular culture, they saw this policing as a mechanism to maintain strictly raced, gendered, and classed boundaries. Miscegenation, as mentioned earlier, was also at issue here, and censors stated that no miscegenation could be shown on-screen in the state since such portrayals would support criminal behavior.\textsuperscript{13} Evidence suggests that the

\begin{footnotesize}
\textsuperscript{10} Maxim Simcovitch, “The Impact of Griffith’s Birth of a Nation in the Modern Ku Klux Klan.” \textit{Journal of Popular Film} (1972): 48. As the Klan reemerged in this time period, it focused on the “virtues” of motherhood, chastity, temperance, and “clean” movies and literature, much like moral reformers. Yet Kenneth Jackson argues that the fear of change motivated the Klan to be most concerned by issues of ethnicity and race, rather than new technologies such as the movies. Kenneth Jackson, \textit{The KKK in the City, 1915-1930} (New York: Oxford University Press, 1968), 81, 243.
\textsuperscript{11} Richmond \textit{Times-Dispatch}, 12 February 1922.
\textsuperscript{12} Richmond \textit{Times-Dispatch}, 12 February 1922.
\textsuperscript{13} VBMP. Box 53.
\end{footnotesize}
regulation of “deviant” racial and sexual portrayals on-screen went hand-in-hand from the board’s inception.

Klan demonstrators marked their supremacy as white men by staging such an exhibition during a time when Virginia officials increasingly undertook the maintenance of white supremacy and white “purity” as a state project, which simultaneously suggests their tenuous hold on white supremacy. In 1924, Virginia’s lawmakers passed what historian Peggy Pascoe calls “the most draconian miscegenation law in American history,” under which citizens could claim whiteness only if they contained not one drop of non-Caucasian blood, with the exception of up to 1/16 Native American blood. Furthermore, whites could only marry other whites, which further promoted the ideal of a “pure,” white civilization and worked to constrict the ability of people of color to “pass” as white.

The movie censorship debates must be situated within the constricting parameters of “whiteness” in Virginia and state attempts to police increasingly strict boundaries to further entrench white supremacy. Historians such as Peter Bardaglio argue that State intrusion upon the private life of citizens began long before the early twentieth-century. His study of southern miscegenation laws suggests that before the Civil War, states instituted miscegenation laws “not so much to eliminate interracial sexual contacts as to channel them.” Lawmakers designed miscegenation laws to keep black men and women “in their place” and to protect the “purity” of white women. The rise of laws

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prohibiting interracial sex and marriage presented "a notable exception to the general
hesitancy about monitoring the private lives of individual whites." 16

Even in the antebellum period, Bardaglio suggests state regulation of mixed
marriages "stood in sharp juxtaposition to other areas of antebellum marriage law in the
North and the South, which usually encouraged hands-off approach." In the late
nineteenth century, advocates supported miscegenation statutes with arguments
concerning the social and biological effects mixed marriages could have. Bardaglio
characterizes this prohibition within "a broader judicial trend in the post-war period to
promote more rigorous tests of marital fitness that supposedly protected the well-being
and safety of the public." 17

Virginia's historical reluctance to intrude upon "private" issues faded when the
potential for interracial liaisons was at issue. The widening of State power to regulate
individual behavior, even within the home, was firmly in place by the time of the
censorship debates, as was the idea of the State as protector of the home. Censorship
legislation of a popular new medium followed in this vein and fits within Bardaglio's
conclusion that "the new reliance on the state to define and protect the public welfare . . .
eventually resulted in the legal transformation of the southern household." 18

Black Virginians, including editors of black newspapers and members of the
NAACP, resisted state attempts to promote white supremacy through legislation, by
protesting not only the state regulation of popular entertainment's content but also the
regulation of theater spaces. On February 4, 1922, writers at the Norfolk Journal and
Guide, an African American weekly, drew their readers' attention to letters written by

16 Bardaglio, 118.
17 Bardaglio, 118.
18 Bardaglio, 128.
NAACP officials to movie producers concerning a proposed statute in South Carolina’s legislature which would prohibit the showing of motion pictures exhibiting women of one race in movie theaters of another race. Passed by the House and awaiting Senate action at the time of publication, NAACP activists called this Moon Bill, named after its legislative sponsor, a “vicious and dangerous precedent in legislation.” This proposed law again revealed the tension surrounding both race and gender in the new space of the motion picture, both physically within the theater and visually on screen. South Carolina’s legislators attempted to stave off perceived social disorder by regulating representations of women, whose supposed racial, sexual, or social deviance they sought to control through such bills and to thwart the “deviant” use of “innocent” images. Virginia’s leaders likewise sought to displace the complex ambiguities surrounding the movies and inscribe the racially and sexually “deviant” upon working-class white women and people of color. If successful, these legislators could cement their power as white men at a time when newly mobile groups challenged white, middle-class, male positions of authority. Thus state officials attempted to bolster and to protect their own power as white, heterosexual men by preventing certain “dangerous” on-screen bodies from being viewed by raced, classed, and gendered communities of individuals they considered to be equally precarious spectators.

Terrorist-oriented organizations such as the Klan had made clear what they believed the stakes were in terms of regulating cultural spaces, and they tried to maintain

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20 "Deviant" women referred to prostitutes, women who had sex outside of marriage, or white women who had sex with or married men of color. Racial "deviance" typically referred to white individuals who chose to have some type of sexual relationship with people of color, most often white women who "threatened" the very existence of the white race by having sexual relations with black men and potentially bearing "non-white" children.

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strict racial boundaries through the use of threats of violence. In 1922, the play Emperor Jones, starring African American actor Charles Gilpin along with a supporting cast of white actors, was set to start touring in Virginia when Gilpin received a letter with the Ku Klux Klan’s signature advising him not to extend the tour further South with a mixed company of players. The play’s management took this “advice” and headed north. According to a reporter at the Journal and Guide, “the warning was too tenuous . . . to be an avowed social expression, but as a portent it was powerful and the South has missed a great play . . . because the actor is black. Probably not only the fact that he is black but that being black he is the star made him undesirable.” This writer argued that the play itself would not have challenged Southern social conventions concerning race because it adhered to the principle “that the white does and must rule when the races are thrown together.” This incident showed an attempt by the Klan to (re)organize society along the racial boundaries it promoted—white, male supremacy. The Klan may have cared little for how the play spoke to race relations within the context of the story. It did, however, care deeply about the interaction of black and white actors on stage and that interaction being viewed by spectators. Touring play companies featuring both black and white actors differed little from on-screen black and white interaction in raising the furor of white supremacists, and even if not regulated by law, groups such as the Ku Klux Klan, yet another “community filter,” used violence to rid the state of such “threats.” Movie censorship legislation had the potential, through the subjective censorship of film, to institutionalize such racism by forbidding the same sort of films from exhibition in Virginia.

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THE BILL'S PASSAGE

Some state officials believed they could legislate a clean, progressive, modern citizenry of Virginia, in part through making alcohol illegal and, later, by forbidding the consumption of "dangerous" movies. Senator G. Walter Mapp, representing Accomack, Northampton, and Princess Ann counties, sponsored the moving picture censorship bill in the 1922 session of Virginia’s General Assembly. Under Mapp’s tutelage, a series of public hearings on the censorship bill took place. As controversy surrounding the bill arose, citizens took to the streets and to the Assembly floor to voice their opinions on censorship, and newspaper editors readied their pens to tackle the debate as well. At one public hearing held in the General Assembly, “a crowd composed of several hundred citizens packed the hall of the house of delegates . . . and overflowed into the lobby, where men and women stood on chairs to listen to the debate . . . Cheering, hand-clapping, cat calls, and hisses were interspersed by the audience.” According to one account, “several women in the audience lost their poise long enough to utter hisses” when the mayor’s letter against the bill was read.

In the early hours of the morning of March 8, 1922, Virginia’s House of Representatives approved the motion picture censorship bill by a vote of 62 to 10. With the bill then off to the Senate, only a few days remained before the issue of movie censorship in Virginia would be decided. Some, however, still did not like the available options: state censorship or nothing. While the editors at the white Richmond daily News-Leader continued to favor the self-censorship of movies at the level of production, Richmond News-Leader, 16 March 1922. A white, Progressive, moral reformer, Mapp made a name for himself with his ardent support of prohibition.

Richmond News-Leader, 28 February 1922.

Richmond Times-Dispatch, 28 February 1922.

Richmond Times-Dispatch, 8 March 1922.
their rival writers at the other white Richmond daily, the *Times-Dispatch*, firmly opposed all censorship. The day following the House's passage of the bill, *Times-Dispatch* editors called the bill an "anti-progressive," "medieval" law which "at the best . . . must prove a complete farce; at the worst, an active menace to the principles upon which the government of this State was founded." On March 12, 1922, the white Richmond dailies announced the Senate's passage of the censorship bill by a vote of 26 to 13. The Governor then signed the censorship bill into law.

The question of who would emerge as the governing authority in 1920s Virginia operated at the crux of censorship debates. Would it be religious authorities, parents, lay public leaders, or Virginia's lawmakers? While these controversies specifically addressed the question of movie censorship, they spoke to a much more encompassing question of the time: what should the role of the state be in "modern" times? Debates over movie censorship often masked more substantial issues over the role of the "modern" state. In Virginia, the question of movie censorship became a question of who would ultimately regulate individuals' behavior both on and off the screen. By the end of the 1920s, Virginia's lawmakers had successfully "won" the ability to regulate the commonwealth's citizens. They had successfully banned the consumption of alcohol, regulated images on film, defined "acceptable" sexualities and reproduction—by regulating which individuals could marry each other and providing for the sterilization of those they constructed to be the most "dangerous" to the modernizing state—and

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28 Richmond *Times-Dispatch*, 9 March 1922.
29 Richmond *Times-Dispatch*, 12 March 1922. Prior to the bill's passage, Senator Robert Leedy of Page, VA offered a substitute that would have relied on the decisions of the National Board of Review in New York to determine what movies could be licensed in Virginia. State senators, however, voted against this measure.

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established "raced" public boundaries by passing segregation statutes in the late 1920s and early 1930s.

Censorship debates revealed that individuals' views on film censorship specifically and the role of the state in regulating individuals' lives generally were far from dichotomous. As this chapter will show, a plethora of voices from such diverse sectors of the community as police officers, Klan members, and NAACP activists indicated an on-going process of negotiation and contestation between those favoring censorship and their opponents.

VENUES OF DEBATE

In the course of the censorship debates, anti- and pro-censorship activists utilized a variety of public venues to debate why Virginians did or did not need a censorship statute. Like the debates themselves, race and class stratified the physical space of venues. While many of these spaces were public, social and racial hierarchies, coupled with complicated legal and customary standards of whose opinions could be voiced in public, still regulated these spaces. For example, letters addressing censorship appeared regularly in the local white Richmond newspapers, but editors decided which letters would or would not be printed, thus mediating the "public" space of the newspapers. Individuals could also debate the censorship issue on the Assembly floor or in other forums. Several meetings took place in Richmond-area churches, but those participating in the debates usually functioned within existing hierarchies so that white, middle-class men who held power within the commonwealth or the site of the forum (such as ministers

\[\text{\textsuperscript{30}}\] Although the Richmond Times-Dispatch and News-Leader deliberately served a white audience, there is no reason to suppose that African Americans could not have written to the newspapers and had their letters published. At times, both newspapers published letters by individuals who specifically identified themselves as African Americans, although none in the course of the censorship debates did.

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in churches) were the most frequent speakers. Other citizens wrote directly to public officials involved in the debate, and later to the censorship board itself, and they sometimes received return correspondence from these officials.

Newspapers in particular served as a significant arena in which the debates over movie censorship took place. In the weeks leading up to and following the passage of the censorship bill, Richmond’s two white daily newspapers carried reports on pro or anti-censorship activities almost daily. Richmond’s black press, however, remained silent. Consumed with issues of physical violence and intimidation that African Americans experienced daily, the editor of the black weekly Richmond Planet, John Mitchell Jr., led a crusade against lynching in his paper during the 1920s and remained mostly silent on questions of movie censorship and the cultural representation and regulation of African Americans on film.

THE PROONENTS OF CENSORSHIP

Proponents of movie censorship argued that the visual medium of film demanded a heightened scrutiny not required of printed material. At the center of the pro-censorship argument was the presumption that children and young people were like a

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31 It is not possible to determine how these editors chose what letters would be printed for public consumption. Editors at both Richmond dailies ran letters for and against movie censorship. Often, they would run a letter voicing a pro- or anti-censorship stance and a few days later, they would print a letter of the opposite viewpoint written in direct response to the previous letter. In the press, it also seemed important for both anti and pro-censorship advocates to construct a “desirable” public that was on “their side.” In other words, both sides wanted to publicize their supporters as white, middle-class “moral” people and to suggest that those upstanding citizens represented the majority of public opinion.

32 While both newspapers printed letters to the editors both for and against censorship of the movies, the papers’ editors took firm stances on the censorship bill. The editorial staff at the News-Leader did not promote the state censorship bill, but they did want the movies censored. They instead called for censorship of the movies to take place at the production level, thus creating uniform movie censorship throughout the country. The editors at the Times-Dispatch, however, did not want the movies to be censored at any level. They argued that, like newspapers, proper controls were already in place to adequately protect the populace from “scandalous” content. They further linked censorship of the screen with censorship of the press, and they were loathe to promote censorship anywhere, for fear it might be suggested for newspapers as well.
sponge in their complete absorption of their surroundings. State censorship advocates argued that children unconsciously and uncritically soaked up whatever they viewed on-screen. Thus state officials had a duty to regulate the movies in order to preserve the “morality” of children. This idea of the “child as sponge” functioned as the motivating rationale for state censorship advocates and was heavily promoted by both religious leaders and social scientists.33

Supporters of the Virginia censorship bill often spoke about the degeneracy the movies would encourage in audience members, especially younger viewers. According to film scholar Richard De Cordova, by the time the movies started dominating the commercial leisure scene, childhood had already been sentimentalized, and leading social scientists and cultural commentators constructed children as “innocent,” impressionable entities vastly different from adults and with families defined as the entity responsible for providing children with a “total environment” of learning, nurturing, and intimacy.34 While Victorians spoke vaguely of an undefined “youth,” twentieth-century social scientists invented “adolescence” as a category that described young people as a unique, dynamic, separate category rather than as merely “inferior” adults.35 This “new” stage of

33 Historians credit G. Stanley Hall with “inventing” adolescence with his 1904 publication, Adolescence. Jeffrey Moran, Teaching Sex: The Shaping of Adolescence in the Twentieth Century. (Cambridge: Harvard University Press, 2000), 1. As the movies gained an increasingly greater following in the 1920s, public activists, social scientists, and civic authorities, began to address the effects of the movies on audience behavior. How, they asked, did movies affect their audience? Often central to this question was the “problem” of the child. Children and young people frequented movies, often without adult supervision, and adult fears of what effect the movies might have on these “unprotected” children often fueled the debates over the movies.


35 Moran argues that adolescence began to be conceived as a distinct stage of life at the turn-of-the-century due to three factors. One, young people were increasingly sorted by age, which was fueled by a growth in public schools. Second, scientific professionals “dropped” the age of puberty in terms of how they defined the category. Third, the period of training or education lengthened, especially for men, so that the time between the onset of puberty and the age of marriage widened. Moran, 15.
life between puberty and marriage became a key focal point for moral reformers and social scientists alike in the early twentieth century.

Today, the refrain that popular mediums of entertainment corrupt the youth of this generation still reverberates as movies and television continue to operate under rigid regulations.\(^{36}\) In the twenty-first century, however, these entertainments are usually found within the space of the home itself in the form of video games, compact discs, television, and the internet. In the early twentieth century, however, the movies usually trumped all else, including dime novels and live theater, as the mass entertainment reformers targeted as most likely to corrupt children. The movie industry had both technology and access on its side. Movies were cheap, and movie houses plentiful. Also, reformers believed that the visual effects of films held a particular potential to scar young people. “The question of harm was always at the center of critiques of movies and mass culture,” argues historian Francis Couvares.\(^{37}\) While youths had to use their imaginations to make books come alive, they could, according to pro-censorship advocates, passively absorb the visual representations of crime- and sex-filled movies with complete ease.\(^{38}\)

Movies’ potential to “corrupt” youth became a question that many social scientists would tackle in the coming decades. Social scientist Ellis Oberholtzer argued that while a book required tedious attention by children and knowledge of word meanings, the movie “is swallowed like a sweet,” whole and without thought.\(^{39}\) He,

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\(^{36}\) Movies are self-censored by the MPA (Motion Picture Association) while the FCC (Federal Communications Commission) regulates television, radio, satellite, and cable.


\(^{38}\) Some critics argued that boys and girls could not divorce fictive on-screen portrayals from real life, thus if they saw a robbery on screen and the criminals set free without punishment, they believed it to be an accurate rendition of typical behaviors and consequences in society. Martin Quigley, *Decency in Motion Pictures* (New York: Macmillan Company Publishers, 1937), 5-6.

along with like-minded reformers, described the film industry's large, youthful audience as in its "most impressionable years of life, hungry for experience, real and vicarious." In a massive movie investigation undertaken in 1928, the Payne Fund Studies published eight volumes under the series title "Motion Pictures and Youth." The study's most popular volume, *Our Movie Made Children*, defined movies as "a monster Pied Piper, with marvelous trappings, playing tunes and increasingly alluring to the youth of the present day. [Movies] have become, in fact, a sort of superimposed system of education for the young." Where, then, did the origin of this child audience lie, and why did it receive such prominence in censorship debates?

Authors of much of the popular literature published during the 1920s and early 1930s before the enactment of the Production Code argued that movies caused, or at least furthered, juvenile delinquency. These studies quoted interviews in which "diagnosed" juvenile delinquents, when questioned, stated that the movies implanted the idea of committing a specific crime in their heads. The movies, in other words, made them "think" to commit the crime. Social scientist R. C. Sheldon, like Ellis Oberholtzer, wrote that when one read a book, he or she had time to think, to reason, and to form a judgment, but movies, on the other hand, inspired mere spontaneity. He even suggested that movie producers visit the criminals they, through their movies, had created. Sheldon and Oberholtzer were two representative viewpoints of many budding social "professionals" who constructed children as a much different audience than adults—

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40 Quigley, 6.
43 Sheldon, 121.
more open to suggestion, lacking the ability to foresee consequences of on-screen action, lacking self-restraint, and feeding an imagination that was not controlled by reality.44

Some critics argued that movies permeated all communities and spoke a universal language. With such extraordinary reach to defy even language barriers, censorship advocates like cultural commentator and author Lemar Beman depicted the movies as powerful devices capable of disseminating a myriad of ideas to every segment of the population. Beman himself called the movies "the most powerful teaching device civilization has produced since the invention of the printing press."45 Again, reformers and social scientists couched their efforts to regulate the movies in the language of child protection. Frequently quoted statistics from a mid-1920s Federal Trade Commission’s Report cited up to twenty million people attending movies daily, with 75% of those attendees under the age of 24.46 These statistics became rallying cries at sermons, public meetings, and in the popular press to demonstrate how “salacious” movies marketed themselves to the young and worked to undermine America.47

Some reformers, like social scientist Donald Young, claimed that the physical space of the theater itself created a harmful environment, regardless of what might be showing on-screen. In 1922, Young posited that the environment of a darkened public space must have “an undoubted effect on standards of conduct resulting from the fact that the audience, often young boys and girls, are packed in narrow seats, close together, in a

44 Lamar Beman, compiler. *Censorship of the Theater and Moving Pictures.* (New York: H.W. Wilson, 1931), 72. When the Production Code was enacted in the early 1930s, it required the consequences of “harmful” behavior to be shown on screen. For example, if someone committed a crime, the film must show that person being punished accordingly for the crime.
45 Beman, 6.
46 Beman, 141.
47 *Collier’s Weekly*, 16 September 1922 (70:4).
darkened room.”48 Teens might be influenced by the “questionable” morals on-screen, but Young also wanted people to be aware that the promiscuous space of the theater itself warranted regulation.49 In a Richmond *Times-Dispatch* article, Wilbur Crafts of the International Reform Bureau “coupled motion pictures with dancing and automobiles as causes of degeneracy among the young.”50 He targeted movies, automobiles, and dancing because all allowed young men and women close physical contact. Crafts held that through this new use of unsupervised space, the morality of youth would be compromised. Both Young and Crafts sought to regulate spaces free from parental and communal supervisions in which they feared young people’s socialization would turn sexual.

Through their work, social reformers and professionals suggested that children should be molded to adhere to native-born white, middle-class norms, and movies could seriously impede this project for the middle-class parent. Many state officials and proponents of state censorship in general viewed children as malleable and thus moldable into good citizens adherent to these white, middle-class standards. Reformers who pushed for censorship in the name of child welfare were essentially anxious about the cinema’s potential to erase the demarcation between class and racial distinctions on-screen. How, in other words, could children “properly” distinguish between “superior” middle-class values and “inferior” working-class values in movies that might not make the relative worth of such values distinct? The movies, in short, could rival the family as a site of socialization and intimacy and therefore contained the potential to do much more.

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49 Young, 21.
50 Richmond *Times-Dispatch*, 11 February 1922.
than entertain. Film could unravel the family’s, and even the state’s, influence on “properly” instilling white, middle-class values in children and potentially challenge the function and importance of the family and its “job” in relation to children. Furthermore, white, middle-class young people could come into contact with raced and classed “others” not only on-screen but potentially even in the actual physical space of the theater.

Activist groups such as the Women’s Christian Temperance Union (WCTU) based their censorship calls upon the model of child development that “equated consumption of any given cultural form with mimetic action.” In her examination of the activities of the WCTU, historian Alison Parker argues that the organization “waged its battle for movie censorship with the rhetoric of child-saving.” In the context of the WCTU, Parker explains that these female activists used maternalist rhetoric, “mothering the movies,” not only to protect the child but also to justify their own place in a public space. This “traditional maternal mantle,” as she calls it, was inextricably tied to state-building and public policy.

Like male social scientists and professional reformers, white, middle-class women entered the censorship debate in part to buttress their own cultural authority. Mrs. Hoge, of the local Virginia WCTU asserted in the Richmond Times-Dispatch that the WCTU’s reach extended “in everything that has as its aim the protection of the home,” and she argued for the bill because “so often good pictures have something in them that lowers

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52 Parker, 73.
53 Similarly, social scientists hoped to gain legitimacy and public exposure by inserting their arguments prominently into cultural debates at the time.
the standards of the home."\textsuperscript{54} By arguing that movies should be not only an
entertainment but a morally uplifting activity as well, she promoted the WCTU's role as
moral guardians of entertainment. While using the language of the "vulnerable child,"
reformers' protection of youth was often about creating a place for themselves to
participate in public in a manner that middle-class citizens and officials would deem
"appropriate." Yet as historian Andrea Friedman suggests, the platform of maternalism
was ultimately a narrow one. The language of child protection used by these women
resembled the rhetoric of other reformers so closely that their articulation as activist-
mothers became obscured.\textsuperscript{55} In other words, their rhetoric obscured their uniqueness as
mothers articulating public policy and by calling upon the State to protect children,
female activists merely reinforced the idea that their moral authority was limited to
protecting their children.\textsuperscript{56} Thus the cultural debates bolstered by psychology and social
science over the contortion of the ever-malleable youthful mind often involved adult
issues of who would retain or be given the authority to regulate certain segments of
society.

Religious leaders, who functioned as some of the most prominent community
leaders as well, also expressed concern over the "moral" issues surrounding youthful
audiences and the movies. Like many social scientists and state officials, religious
leaders expressed concern over youth "morality" at the movies. Reverend Freeland Peter
of Richmond argued that over one-third of films were "questionable and tended to lower

\textsuperscript{54} Richmond \emph{Times-Dispatch}, 28 February 1922. On a side note, Mrs. Hoge applied, with hundreds of
others, to serve on the censorship board once it was established. She was not, however, appointed to the
board.
\textsuperscript{55} Andrea Friedman, \emph{Prurient Interests: Gender, Democracy, and Obscenity in New York City, 1909-1945.}
\textsuperscript{56} Friedman, 179.
the standards children should have,” although it's unclear how Peter arrived at that statistical conclusion.57 Watching such a film, he suggested, tainted children’s developing morality. Like Peter, Reverend Thomas Semmes of Ministerial Union argued in Virginia for state regulation of the movies under the banner of the child. He believed that “the character of children . . . was changing as a result of their indiscriminate attendance on [sic] movie pictures,” and other ministers concurred.58

Virginia’s residents were undoubtedly concerned about the lifestyles portrayed on-screen in movies, and ministers were heavily involved activists vocal on movie censorship. Echoing reformer Wilbur Crafts, Canon William S. Chase, while speaking at Broad Street Methodist Church in Richmond, announced that “just as the automobile and the wireless and the airship have required new legislation, so does the motion picture.”59 Chase was the rector at Christ Church, NY, and the author of the then-defunct federal censorship bill. An advocate of governmental film censorship, Chase spent a large amount of time speaking in Virginia in favor of state censorship in the weeks leading up to the General Assembly’s deliberations on the censorship bill. Chase called upon government intervention to circumscribe and regulate new technologies. Proponents of state censorship stressed the value of censoring films before the public viewed them, since any controversy would not lead to attendance surges by people curious to see the controversial film for themselves. In his weekly sermon at Hanover Avenue Christian Church, Rev. J.B. Hunley railed against “questionable amusements,” including “habitual theatergoing,” urging all Christians to reject such amusements due to their base

57 Richmond Times-Dispatch, 11 February 1922.
58 Richmond News-Leader, 13 February 1922.
59 Richmond Times-Dispatch, 27 February 1922.
corruption. Pastor Cecil Maxson of Tabernacle Baptist Church attacked the movies for instilling bad morals and notions of crime into their audiences' heads and subsequently causing degenerative behavior. He blamed rising divorce rates in Virginia on movies in which young people saw the acceptability of such behavior on-screen. He also cited a recent murder committed by a youth in Richmond who stated that the movies motivated his crime, leaving Maxson to conclude that if not for the movies, at least one specific murder would have been prevented. Thus, he argued movies had the potential to criminalize and "demoralize" youths in ways other popular entertainment could not.

Movie debates concerned questions of governmental power and protection. Those engaging in the debates contested whether citizens had the right to make their own determinations about what they could view on-screen or whether the risks of these on-screen images were so great as to warrant state regulation.

Chase also inserted another factor into the debates when he proposed that some Assembly members opposed censorship out of fear that powerful movie trusts would attempt to defeat them at the next election. Chase's suspicions of political collusion were not entirely unfounded. Thomas Dixon stated that in order to get The Birth of a Nation shown in Ohio, "we had to go into that state and help to elect James M. Cox governor and

\[\text{60} \quad \text{Richmond Times-Dispatch, 6 March 1922.}\]

\[\text{61} \quad \text{See later discussion on the interconnections between divorce, perceived morality, and the changing roles of women. In early March, "A Liberty Loving Virginian" wrote a letter to the editor of the Times-Dispatch to call for the ousting of professional reformers from the censorship debate, and this writer probably directed his or her argument directly at Chase. The writer encouraged reformers to stay away from the movies and called upon Virginians to vote out of office those Assembly members who favored the censorship bill at the next election. In an ironic twist, the letter writer urged that one specific out-of-state reformer, presumably Chase, should be denied the right to speak publicly in Virginia. While arguing against the censorship bill, the writer simultaneously called for this reformer to be censored. Apparently his or her disdain for State censorship did not correlate into an all-encompassing freedom of speech for each individual. Richmond Times-Dispatch, 5 March 1922.}\]

\[\text{62} \quad \text{Richmond News-Leader, 23 March 1922.}\]
overturn the whole board of censors.” While Dixon’s statement suggests no overt blackmail, censorship was a decidedly political issue, and Chase’s recognition that pressure groups and a powerful movie industry lobby could affect the passage of the bill were well taken. Before the Supreme Court struck down the vertical integration of the movie industry in 1948, forcing the major studios to divest their theater chains, a handful of movie production studios controlled most aspects of the movie industry. In 1948, the Supreme Court ruled on the case *US v. Paramount Pictures.* They found that the major movie studios were guilty of violating anti-trust laws, thus bringing the so-called “studio era” to an end. By controlling first-run theaters, the Court declared these major studios held a position of monopoly over the entire exhibition system. While the ruling sought to break up the movie industry’s vertical integration, it focused on movie exhibition, and the decision did not significantly affect the major companies’ control of production and distribution of the movies. 

Historian Linda Gordon posits that anxiety about family life “usually expressed conservative fears about the increasing power and autonomy of women and children.” In the case of the censorship debates, the desire to regulate film stemmed from fear of the increasing power of several groups in society but focused heavily on women and African Americans. These ideas, coupled with the Progressives’ belief that the family was weakening, led pro-censorship activists to call upon the State to control those that the family potentially could not. According to Lary May, Progressive-era reformers sought

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63 Richmond *News-Leader,* 27 February 1922.
66 Gordon, 117. Gordon argues that child neglect was “discovered” during the Progressive era and that an emphasis on neglect explicitly linked good parenting with a healthy citizenry.
to unify disparate groups around “vice” in an effort to assure that the “good” family
controlled society. These reformers eventually constructed the State as a “good parent”
capable of not only regulating society but humanizing it as well. With the call for
governmental censorship, regulatory responsibility shifted away from parents to the state,
creating a symbiotic relationship between the state and the family for the supposed good
of everyone.

Pro-censorship ministers, state leaders, and reformers characterized children and
often adults of color, working-class adults, and women as “vulnerable” segments of the
population. By constructing certain citizens as vulnerable, they justified their own
intrusion into the regulation of popular culture. “Vulnerable” people could not think for
themselves and could not “properly” interpret popular culture mediums like the movies.
Instead, they consumed movies uncritically and might replicate any “immoral” act
viewed on-screen. If state authorities could persuade others, or be persuaded themselves,
that certain people might recreate scenarios from the movies, then state lawmakers could
justify their own claims to power on behalf of a “vulnerable” populace. If Virginians
were all rational, thinking people who could distinguish screen fantasy from real life,
then the commonwealth could not validate its regulation over cinema. Yet in reality,
state officials were the vulnerable ones. As white, middle-class men, they had the most
to lose from any change in the social, political, or economic status quo. The theater
became a location where its patrons could venture outside of the purview of figures who
typically operated as authorities in their lives. For example, women watched movies

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68 This protectionist ideology constructing the idea of the “vulnerable” was especially important in terms of adults because it articulated a rationale as to why adults of legal age should face restrictions on their liberties.
without men, African Americans viewed movies outside of white eyes, and children went to the movies without their parents. While a trip to the movies was hardly revolutionary, it did afford a certain escape from reality (or possibly a view of a potential alternate reality), including in moviegoers a separation from “protective guardian” figures. If white, middle-class men could not control what everyone saw on the movie screen, then perhaps films would be exhibited which might prompt audience members to question their power.

THE OPPONENTS OF STATE CENSORSHIP

Individuals who opposed the commonwealth’s censorship of motion pictures offered three main reasons. Some argued that state censorship interfered with individual freedom, and such governmental intrusion into people’s personal liberty was “anti-progressive” at a time when elites in the commonwealth sought to modernize the image of Virginia in the eyes of outsiders. Writers at the Richmond Times-Dispatch, for example, connected the freedom of the press they enjoyed under the First Amendment with freedom of speech protections movies should receive.69 Second, many opponents of state censorship argued that such regulation interfered with the established rights of other authorities. When advocates argued that state-imposed film censorship was necessary to protect the “vulnerable” child, for instance, opponents pointed out that such reasoning stripped parents of their authority to regulate their own children. Thus some anti-censorship proponents advocated parental rights over the right of the state to regulate popular culture. Finally, intertwined with this argument in favor of parental rights was the common refrain among many not favoring censorship that state censorship was unnecessary because there were a number of effective “filters” already in place to

69 Movies, however, did not legally have free speech protection under the First Amendment in the 1920s.
"protect" viewers from "dangerous" material on screen. These noted filters included such diverse community groups as parents, church leaders, newspaper editors, local authorities, the police, the mayor, theater owners, the Klan, and public opinion.

Opponents of censorship claimed that the censorship of movies on behalf of children was merely a veil to justify the censorship of movies for other reasons. The editors of the *Times-Dispatch* published an editorial in which they argued that censorship’s proponents merely used the rhetoric of child protection to promote views constricting the liberties of legal adults.\(^7^0\) The editors continued by asserting that no board could remain free of partisanship and that any censorship board "necessarily reduces censorship to a narrow expression of individual opinion."\(^7^1\) Thus, these editors held that the dangers of a censorship board ultimately rested in the censors’ ability to judge a film based solely on their personal feelings rather than any objective set of rules. They could easily mask their subjective judgments in legal jargon that justified their decisions as being for the "greater good" of the community.

Some who opposed state censorship claimed that local censorship would be nearly impossible and state censorship difficult and costly. Editors at the Richmond *News-Leader* argued for film censorship at the production level, calling upon production studios to establish their own regulations before the government did it for them. Writers of the paper announced: "Americans who did not balk at undertaking the prohibition of liquor, drunk for hundreds of generations, will not hesitate to introduce national censorship of an industry that has developed within twenty years."\(^7^2\) The *News-Leader*’s editors suggested that the censorship bill before the Senate could not satisfy the demand

\(^7^0\) Richmond *Times-Dispatch*, 26 February 1922.
\(^7^1\) Richmond *Times-Dispatch*, 26 February 1922.
\(^7^2\) Richmond *News-Leader*, 14 February 1922.
for clean, high quality pictures because the danger existed in suggestions embedded within the visual display itself, "suggestions so sinister and so subtle that it cannot be censored out easily." Production-level censorship would both protect freedom of speech and prevent state censorship from creating tyranny. Harkening back to its stance throughout the censorship debates, the News-Leader editors argued that "if the producers will not act efficiently as their own censors," then "it is better and cheaper to have thorough, national supervision... than to attempt expensive separate censorship in forty-eight states."74

Parental Rights

Like proponents of government censorship, many opponents also saw the cinema as a peril, but they did not see state censorship as the solution to the problem. Articulating the argument for parental rights, Mrs. Julian Barnette of Lynchburg contended that movies depicted whatever they could for sheer profit, with art a mere secondary consideration and that the influence of film could not be overstated.75 Yet she promoted the ability of the public and the parent to serve as adequate filters to regulate the movies. Citing statements from ministers in New York declaring that half a million Protestant children weekly avoided Sunday school in favor of the glamour and allure of the movies, she maintained that New York's deletion of hundreds of film scenes over the course of the past year highlighted the dangers of the moving picture. Barnette's argument centered on her construction of the movies as "dangerous" and children as "innocent." She stated: "In particular, it is necessary to remember that children crowd

73 Richmond News-Leader, 8 March 1922.
74 Richmond News-Leader, 8 March 1922.
75 It should be noted that all names are listed as found in archival material. For women, I have included their first names when available but in many cases, married women are listed only by the names of their spouses.
the picture houses and that some of them develop an almost irresistible craving of this kind of entertainment" because the screen "has a tendency to make the mind entirely dependent upon external stimulation and to render it completely passive." Thus, again like a "sponge," children mindlessly and effortlessly absorbed what they saw on-screen. Unlike those who encouraged state censorship with similar logic, however, Barnette suggested that the solution to this "cinema peril" lay in "a well-educated and enlightened public opinion that will be quick to sense and ready to resent every infringement of morality and good taste." Her conclusion invoked public opinion and parental judgment as the litmus test to judge movies rather than state officials.

Other participants in these debates more specifically portrayed parents as the most effective filter to regulate which movies children and youths could or could not view. In her letter to the editor of the Richmond Times-Dispatch, Edsa Schmidt of Farmville argued that if parents would "do their job" by policing their children's movie-viewing habit, then it simply would not be necessary for all movies to be suitable for children or for a state censorship board to exist. Schmidt claimed that she "manage(s) to find wholesome amusement for her [child]... a mother... surely ought to be able to keep [her children] away from unsuitable pictures if she is on to her job and not using the picture as a day or night nursery for her children. Please let us have some uncurtailed, grown-up amusement." Schmidt argued against state-regulated censorship and instead called upon parents, and more precisely mothers, as the essential ingredient to effectively address the "problem" of youthful movie viewers. She also advocated that "adult" types of amusements should be made available to the public, including mothers, a portion of

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76 Richmond Times-Dispatch, 26 February 1922.
77 Richmond Times-Dispatch, 26 February 1922.
78 Richmond Times-Dispatch, 19 February 1922.
the population that the state was trying to "protect," thus challenging one of the basic frameworks (protection of the "vulnerable") promoted as necessary for censorship.

In a speech given before the National Congress of Mothers and the Parent Teacher Association in St. Paul on May 8, 1924, Mrs. Charles Merriam, the national chairwoman of the Better Films Committee, explained that mothers realized children learn from imitation and from their heroes—the two greatest byproducts of movies. Representatives from the Better Films Committee, based in New York, traveled to locales considering censorship legislation. The Committee promoted community-based, local decisions regarding movie censorship. They stood against the legalization of movie censorship at any government level and instead promoted community discussions to regulate films through community efforts. Merriam articulated that the parent should not be held solely responsible and instead posited that "the community cannot allow the children to see such lawlessness and then blame the parent. It is the duty of the community to prevent this."79 Thus Merriam maintained that parents alone were not adequate filters to prevent children from seeing inappropriate movies and a larger, community-wide effort would be necessary. Merriam, like others on both sides of the censorship debates, believed that movies debased the entire foundation of the nation. She held that the movies "defy all the standards and ideals upon which the nation was founded. This nation was founded on liberty, but it was the liberty of religious worship, and not physical license."80 Thus Merriam was not willing, much like the Supreme Court at the time, to afford the movies any sort of free speech protections and instead defined movie production as a business subject to regulation. Yet while she insisted upon the

80 Merriam, 79.
capacity of the movies to turn young audiences into all shades of criminals, she
constructed the dangers of leisure entertainment as a moral problem needing redress by
the community rather than the state.

This effort to show the sufficient regulation of films by community organizations
continued with Mrs. Philip Spede, an instructor at UVA, and Mrs. Price, chairperson of
the motion picture committee of the Norfolk PTA who both urged local censorship over
state control. As Mrs. Price’s affiliation shows, some neighborhood organizations such
as parent-teacher associations had already created committees to deal with the new
medium of film in their local communities. These community leaders did not want to
relinquish control of this new technology and their local power to centralized regulation
by the state.81

Some community leaders who saw morality as an issue that started “at home” also
advocated the rights of parents to control what their children viewed. As seen earlier,
while no uniformity existed among religious leaders, most who publicly debated the issue
promoted state censorship. Rabbi E. N. Calisch of Beth Ahabah Synagogue, however,
condemned what he called the autocratic control of the movies by a few individuals and
declared that the issue of censorship extended beyond the local to a more general
symptomatic reactionary movement. He argued that censorship should occur solely in
the home: “Let fathers and mothers guide and guard the morals of their children and you
will need no State legislation. Let churches and Sabbath schools give their energy to
create a sound moral atmosphere.”82 Calisch and those of like-minds feared state
regulation would usurp the moral regulation that had occurred on an individual and

81 Richmond Times-Dispatch, 1 March 1922.
82 Richmond Times-Dispatch, 4 March 1922.
communal basis in homes and religious centers for generations. Not only could parents serve as filters to regulate the movies their children watched, but spiritual leaders could function in a similar capacity. Calisch saw the greatest danger of censorship in its potential to be wielded by groups: "By both sides, the accusation is made that censorship becomes a tool for political propaganda. Canon Chase declared that the legislators are in danger of being terrified from doing their duty by political pressure. Reverend Dixon asserts . . . that censorship, where established, is being used for partisan political purposes." Calisch did not define the role of the State as a regulator of morality, whether at the movies or elsewhere. Not only were adequate filters like families and religious centers in place to regulate the movies, but such decisions were not "properly" under the state's purview.

Along similar lines, some anti-censorship advocates argued that a handful of people—three, to be exact—was not reasonable for establishing the standards for on-screen morality for millions of commonwealth citizens. The *Times-Dispatch* editors thought that "to charge any small group of persons with the sole and special duty of making motion pictures conform to necessarily vague standards of purity is simply to invite fantastic and destructive regulation." The editors could see no way that censors could use a fair, objective standard to decide what should or should not be shown in Virginia. Because "there can be no fixed border-line between the clean and unclean . . . pictures will be approved or rejected according to the individual conceptions—or whims—of three censors, three custodians of public morals. . . three censors, probably not of transcendent wisdom, will determine for the rest of us what is 'nice' for us to

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83 Richmond *Times-Dispatch*, 4 March 1922.
84 Richmond *Times-Dispatch*, 1 February 1922.

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see.\textsuperscript{85} In a letter written to the editors of the \textit{News-Leader} signed "From One who Hasn't Forgotten what Patrick Henry Said," one Virginia citizen suggested that no one had a right to determine what others saw. According to this individual, "the thousands of liberty-loving Virginians do not want to be harnessed to the limited opinions of three or four persons . . . If this principle were carried out in all things, we would soon be a horde of same-thinking, in-the-rut and narrow-minded boobs."\textsuperscript{86} Thus, these commentators rejected the role of the State as a regulator of morality, a position the State increasingly sought, especially in matters of sexuality, in the 1920s.

\textbf{Societal Filters}

While the question of "vulnerable" adults in society could not be addressed by advocating for parental rights, anti-censorship activists had still other filters in mind to protect everyone in society. These filters included local police departments with the power to shut down a theater or to seize a film deemed inappropriate, public opinion, newspaper reports on questionable films, theater owners who would seek to maximize profits by appealing to as broad an audience as possible, religious leaders, and public leaders like the mayor who wielded jurisdictional powers similar to the police to regulate film screenings. Some individuals even argued that police and city officials like the mayor were already apparatuses of the state, albeit at the local level, with regulatory powers. While individual anti-censorship activists argued for the effectiveness of different filters, as a whole they agreed that state officials should stay out of the business of film censorship.

\textsuperscript{85} Richmond \textit{Times-Dispatch}, 1 February 1922.
\textsuperscript{86} Richmond \textit{Times-Dispatch}, 24 February 1922.
For the most part, opponents of state censorship had no problem with local arms of the state, such as the mayor or police, regulating cinema. First, these officials were locally-based and, in the case of mayors, often locally elected. Also, local state officials regulated movies only on an “ad hoc” basis. If a movie proved especially controversial, sectors of the public might press for its censorship. There were two major differences between local and state censorship. On the local level, only extraordinarily controversial movies were censored, much unlike a censorship board in Richmond that required every movie to be viewed and a censorship decision made on it. Second, locally-regulated movies faced censorship only after they had opened at area movie theaters. Under state censorship, officials decided whether a movie could enter the state. If censors banned a movie from Virginia, no citizen would have an opportunity to view it, a system known as “a priori” censorship.

Anti-censorship proponents, such as the Times-Dispatch editors, argued that public opinion constituted both a reliable and reasonable censor. They pointed to uncensored news reports and film reels to support their perspective. They believed that the fact that so many people attended the movies and very few protested what they saw on-screen should save the industry from “the inevitably narrow regulatory treatment of an amusement that has become the most popular of all.” The editors argued that while they had no intention of defending salacious films, moving pictures were “under the restraining and correcting influence of a sane public opinion.” Describing public opinion as “all powerful,” they noted that when public opinion is to be found on the side of an

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88 Richmond Times-Dispatch, 24 February 1922.
immoral or suggestive fence, "we may be sure that no State commissioner on the preservation of virtue will check the decadence."\textsuperscript{89}

Anti-censorship advocates also argued that local police effectiveness made state censorship unnecessary. The \textit{Times-Dispatch} editors, for example, reasoned that every community already possessed a police department with the full authority to regulate movies and cited the past example of local Richmond police confiscating the controversial film, \textit{The Vampire}, eight years earlier. Pro-censorship activists, however, rejected the effectiveness of police in repressing potentially "dangerous" movies. According to the \textit{News-Leader} editorial staff, if Richmond police suppressed a film, "the news is telegraphed to other towns where the picture is booked and great crowds fight for an opportunity of seeing it," although there is no evidence to suggest this scenario actually ever happened.\textsuperscript{90} Rather than the police acting as a mechanism to control movies, the writers suggested that police suppression would only serve to publicize "degenerating" movies and send people rushing to the theaters to see the notoriety of the film for themselves.\textsuperscript{91} From this perspective, similar to that of activists promoting prohibition, the public could not be trusted to "control" themselves in the face of immorality.

\textbf{Theater Owners}

Anti-censorship activists also saw theater owners as critical filters because these owners controlled what pictures were shown at their movie houses. As business owners, their ultimate interest was to show movies palatable to the largest number of people, and

\textsuperscript{89} Richmond \textit{Times-Dispatch}, 24 February 1922.
\textsuperscript{90} Richmond \textit{News-Leader}, 14 February 1922.
\textsuperscript{91} This argument is similar to the one that without a standard regulatory system, local methods would only inspire curiosity in people to see "dangerous" films.
at least one owner, Jake Wells, censored movies shown at his Richmond-area theaters in order not to offend his audiences. Wells claimed that he could not possibly be showing films unpalatable to the public since he claimed close to 50,000 of Richmond’s “best” citizens attended his theaters weekly. Holding that he and his fellow theater owners were responsible individuals who censored movies themselves to appeal to a vast audience, Wells argued that they needed no governmental interference in this process. Wells acknowledged that “[theater owners] review every picture we receive in addition to receiving reports made on it by other exhibitors, and if it does not come up to the highest moral standard, we do not take it.” He further reported that owners “eliminate entire scenes from pictures at times, even at the expense of spoiling the entire picture” in order to maintain high “moral” standards at their theaters.

Wells himself noted the roles of other community filters in movie censorship. He commented: “The newspapers are the best censors and I believe they are fully capable of guarding the public against the showing of improper films even if the exhibitor would show such films. Further . . . there is a chief of police who has authority to stop any picture that he feels is against public morals.” According to Wells, then, movie owners took a pro-active role in the films shown at their individual theaters, even cutting scenes to make the films more palatable and less offensive to their target audiences. In addition to theater owners, community filters such as newspapers apprised patrons of any controversy surrounding a film and local police officials were empowered to confiscate

92 Richmond News-Leader, 28 February 1922.
93 Richmond News-Leader, 28 February 1922. His argument here could potentially be connected to Prohibition. Its opponents accused Prohibitionists in much the same way Wells attacked censorship’s advocates. Wells implied that proponents of censorship were prudes who wanted no part in “fun,” which he characterized as public amusements, like the movies. Opponents of Prohibition characterized its proponents in much the same light of prudery.
94 Richmond News-Leader, 28 February 1922.
95 Richmond News-Leader, 28 February 1922.
particularly salacious material. Thus the refrain among censorship’s opponents continued to stress that adequate community filters worked together to mediate the movies before they reached the public’s eyes.

On February 9, 1922, sixty-four white, male Virginia theater owners convened in Richmond to draft a letter to the leading movie producers, also white men, stating their opposition to the “manufacture of films which, for any reason, could not be exhibited for women and girls 16 years of age in Virginia.” In an effort to maximize business, this letter revealed the large constituency of female spectators in the movie industry. Theaters offered white, middle-class women an opportunity for public amusement at a time when few venues were available to them without threatening a white, middle-class sense of “respectability.” But the owners’ letter also revealed their willingness and ability to censor film options for their viewing public. Theater owners, for example, readily declined to exhibit films that they believed were “inappropriate” for women and girls. As Harry Bernstein, manager of Richmond’s Colonial, explained: “We found less than one percent of the pictures had had complaints lodged against them; and you may say that the Virginia exhibitors are a unit in the effort to remove even that one percent.” Bernstein’s statement raises a couple of interesting points. First, evidently some female moviegoers, or men possibly complaining on women’s “behalf,” voiced their complaints over the (in)appropriateness of certain movies. Second, for economic reasons, these theater owners wanted to present movies acceptable to as large an audience as possible and lobbied movie producers to achieve this goal. Thus Richmond’s white, male theater

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96 Richmond News Leader, 9 February 1922.
97 On one hand, the censors did not want to lose profits by showing films women and young girls would not patronize. On the other hand, they viewed their decisions as “protecting” women by keeping off-screen films that the owners thought they would find offensive.
98 Richmond News Leader, 9 February 1922.
owners believed questionable movies should be stymied at the root of production for their own economic good and for the community's moral health.\textsuperscript{99}

Public officials functioned as yet another filter for anti-censorship advocates to claim. Theater owner and anti-censorship activist Jake Wells solicited letters of support from Richmond's mayor, the director of public safety, and the assistant of Richmond public schools, all of whom stated that theaters had their fullest cooperation in keeping movies on a "high plane." Richmond Mayor Ainslie remarked that he had not "received over a half dozen complaints from citizens in three years concerning pictures being shown in the city and in no instance has any manager ever declined to comply with my suggestion for the elimination of any scene."\textsuperscript{100} In this letter, the mayor acknowledged the lack of substantive complaints received in his office by citizens concerning the public display of moving pictures, while also suggesting he had the authority to have scenes censored if he found something offensive. While public officials could operate as a filter to monitor movies, pro-censorship activists were concerned that these officials did not devote much effort, if any, to this cause.

Nevertheless, public figures of local celebrity status also weighed in on the merits of movie regulations in an attempt to sway public opinion. On February 14, 1922, a number of people, including Thomas Dixon who penned the book \textit{The Clansmen} upon which the film \textit{The Birth of a Nation} was based, addressed the Senate committee deliberating on the censorship bill. Dixon, in entering the censorship battle, officially spoke on behalf of the Authors League of America, an organization consisting of several thousand members, but he also inserted his own personal battles against censorship into

\textsuperscript{99} The idea of the community's "moral health" may have been rhetorically invoked simply as a justification more palatable to people than an economic argument.

\textsuperscript{100} \textit{Richmond News-Leader}, 28 February 1922.
the debate. In his speech to the Senate, Dixon implied that no Democratic legislature would impose laws as constricting as censorship, and he invoked regional North/South tensions by citing his new "historical novel" and the bad reception it received in New York. To support this point, Dixon recounted his recent visit to the state board of censorship in New York where he had discussed material for his new work, but professed that he "dare not undertake it now for fear of my masters, who have been clothed with omnipotent legal power to suppress it." While using language evocative of slavery, Dixon described his latest novel as "authenticating" how Congress passed the Civil War amendments forcibly without the consent of the Southern states. Dixon related that when he asked Mr. Levenson, the secretary of the New York board, whether he would allow such a rendering on screen, Levenson replied: "No...no such view of American history can be brought to the people with my consent." Specifically, Dixon related his trouble with states and cities trying to censor *The Birth of a Nation*. Dixon first declared that only states where the Republican party held power had instituted state censorship laws. In doing so, he suggested that Virginia legislators, firmly Democratic, would surely not want to emulate a political party from which they so often tried to distance themselves. Dixon also noted that *Birth of a Nation*’s original title, *The Clansman*, taken from the novel on which it was based, had to be changed to pass the Pennsylvania Board of censors, and the Kansas board refused to exhibit the film regardless of any cuts or changes made.

Private businesses also wasted no time in entering the censorship debates, perhaps because they feared a ruling in favor of censorship would hamper their own operations.

101 Richmond News-Leader, 24 February 1922.
102 Richmond News-Leader, 24 February 1922.
103 Richmond News-Leader, 13 February 1922.
A committee composed of Retail Merchants Association members claimed that the quality of pictures shown in Richmond did not warrant state censorship. Many of these merchants also worried that a system of censorship would prevent Richmond from receiving pictures like other large cities, and film distributors would instead treat Richmond as a small town "depriv[ing] its people of the best pictures."\textsuperscript{104} Historians of other Southern cities such as Atlanta, Georgia and Knoxville, Tennessee have argued that these cities' residents sought "progress," and understood the movies as one indicator that a city and its residents were "progressive" and "modern."\textsuperscript{105} Not only did these cities' residents want to enjoy the cultural events of the larger, urban Northeastern cities, but they also wanted to be seen by outsiders as "contemporary."\textsuperscript{106} Historian Pat Murdock cites newspaper accounts of Atlantans bemoaning censorship as unbecoming the city's image. Seeking to mold itself into a national and even an international venue for business and entertainment alike, some in Atlanta felt the continuance of a censor who alone held the power to dictate what the city could see on-screen did not fit the more cosmopolitan image they wished to project.\textsuperscript{107} Thus, the residents of some southern cities associated the movies with northern, urban progress, and they wanted to fully claim this progressivism for themselves. They saw movie censorship as a step backward on this

\textsuperscript{104} Richmond News-Leader, 28 February 1922.
\textsuperscript{106} Historian John Kyle Thomas recounts the cultural paternalism wielded by early theater managers in Knoxville, TN. While theaters supposedly brought culture to those desiring it, they also attracted a crowd perhaps less desirable to the theaters' owners and other patrons. Thomas quotes playbills from a Knoxville theater admonishing its attendees to correct their pronunciation of "drawmah" to "drama." Through such cultural paternalism, "manners" of those presumably "less desirable" elements, most often constructed as African Americans and white "hillbillies," could be shaped to resemble a national, "mass," white, middle-class. Thomas, 38-39.
\textsuperscript{107} Murdock, 70.
path, despite the fact that New York state had a censorship board that did, in fact, regulate movies in “cosmopolitan” New York City.

The desire of some southern city dwellers to mirror the lifestyles of their more urban, northern neighbors, which some expressed as an explicit goal, may have been confined to the city limits. Throughout the censorship debates, rural denizens often protested against the “urban,” “Hollywood,” and “city” lifestyles portrayed on-screen that they felt were both immoral and foreign to them. They constructed the city in general as a place of peril and immorality, and neither welcomed urban authority nor films privileging urban lifestyles. Commentator Samuel Woods, labeling a recent movie he saw in Richmond as immoral, announced: “Here in the country we think that this cesspool at L.A., a stench in the nostrils of the nation, should be cleaned out. From it is coming an insidious and powerful propaganda, permeating every community.”

Woods continued to argue that with children looking to actors and actresses as their heroes, “what can be expected from a few generations with such false ideals and taught in this school of vice?” Similarly, a writer from rural Zanoni, Virginia claimed that “refusing to look to Hollywood for its standards of dancing” did not constitute an abridgment of rights. “The wiggles of ‘wild desert dancers’. . . have no ‘fundamental’ or other right in either Virginia or any other place, where common decency is still an asset.” Another rural resident John Perrin lamented that “sex, sex, sex is rammed down’s one throat” by movies, plays, and “diaphanous clothes.” These letter writers all explicitly identified

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108 Richmond Times-Dispatch, 12 March 1922. Scholar Henry Jenkins argues that regional differences created widespread resistance to certain films, especially new sound films in the late 1920s playing outside of specific urban areas in the Northeast and on the West Coast. Henry Jenkins, Cinema Journal 29: 3 (Spring 1990), 34.
109 Richmond Times-Dispatch, 12 March 1922.
110 Richmond Times-Dispatch, 17 March 1922.
themselves as rural residents attempting to resist the imposition of "urban" values and "modern" sexuality upon their communities. While some inhabitants of Virginia undoubtedly looked to the movies as a sign of "modern" progress, others clearly saw the movies as a corrupting influence that imposed foreign lifestyles upon their viewers.

Complicating this idea is the fact that urban residents, especially if they were white, had greater access to movie theaters than rural residents. While cities such as Richmond had been exposed to other entertainment venues such as nickelodeons and live theater for decades, rural areas often had not. In another telling signal, both Senators representing Richmond voted against the censorship bill, which may begin to explain a sort of rural and urban divide peppered sporadically throughout the censorship debates. Furthermore, historian Lary May points out that movies catered to a decidedly northern and West Coast audience. These differences between rural and urban spaces must be recognized when discussing movie censorship. When a rural element consisting of half the population is defined outside of the paradigm of the movie culture, all questions of hegemony, cause, and effect must be tempered with specific spatial references to delineate what regions did and did not fall within this evolving world of leisure.

WOMEN IN THE DEBATES

The question of the state in the shift from a "modern" era and outlook also fueled debates surrounding women's status. In 1922, hundreds of women, identifying themselves as public, "moral" reformers, attended the censorship debates in the state Assembly.¹¹¹ Three women spoke on the floor of the General Assembly in favor of censorship, but not necessarily state-imposed censorship. Mrs. Philip Steed of the

¹¹¹ Richmond News-Leader, 28 February 1922. While the speakers were white, it is not known whether the spectatorship was an interracial gathering.
National Committee on Better Films of New York brought to the Assembly members' attention the efforts of her organization to set up a board in each city to, in her language, "better" the film industry through its voluntary actions rather than through a state-mandated censorship board. At a time when women had few opportunities to speak in public and to express their opinions on matters of public policy, the censorship debates provided a unique space for some women to do both. Assembly members and the broader community regarded these middle-class, white mothers and church workers as morally-upright citizens who could help guide it on this issue. While few doubted the salience of women's opinions on film censorship, there was no question that the ultimate decision rested with white, middle-class men in the state government.112 Women claimed authority and space to openly voice their opinions on issues concerning the home and family, yet their voices were by no means monolithic. As seen, women expressed a variety of views on censorship and the broader questions of the role of the state in regulating individuals' lives. Children and their protection were at the rhetorical heart of these debates, as was a general question of what was morally appropriate to show on-screen. While women did not wield power in conventionally political ways, such as office-holding, state officials and the broader middle-class community considered middle-class white women the arbiters of home life, and issues intersecting the home, reform, and public morality propelled them into the spotlight. According to historian Sharon Ullman, late nineteenth century and early twentieth century reformers furthered

112 Friedman, 2. According to Andrea Friedman, Protestant middle-class women and ministers—the "core" nineteenth-century reformers—were joined by governmental and local authorities, Catholic clergy, rabbis, and social scientists in the debates over movie censorship.
the hegemony of the white middle-class by creating a moral authority to accompany the middle-class's rising political and economic power.\(^{113}\)

Middle-class cultural arbiters such as local newspaper editors and national magazine authors still called upon mothers to police the actions of their children. Presumably, middle-class "society" expected mothers (as the parent in the white, middle-class home responsible for child care) to control their children's behavior and to receive the full blame if their children went "wayward." In contrast, advocates of state intervention constructed working-class mothers and mothers of color as incapable of instilling the "proper"—meaning middle-class and white—behavior in children. White, middle-class mothers used their leverage as "proper" guardians of their children and middle-class values to argue that they could not police their children alone and needed the regulatory power of the local community to guard against the "dangers" they saw in popular entertainments easily accessible to children.

Ultimately, whether speaking to racism, the vulnerability of children, or on-screen sexuality, issues of white, middle-class morality framed the debates over movie censorship and often echoed the moral issues raised by temperance activists. In terms of female activists in both campaigns, women entered the public sphere under the rubric of "home protection." As guardians of the home, women found ways in which to leave the space of the home in order to defend it.\(^{114}\) Their "domestic feminism" linked influence in their homes to public power, and they intentionally began to expand their roles from the


domestic to the public realm.\footnote{Giele, 63-4, 69.} The space they created for women to speak publicly would also be claimed by women publicly participating in the censorship debates.

With the subtext of sexuality in the movies often at the center of these debates for many Virginians, the controversy over censorship functioned as a slice of broader discussions over “moral” issues.\footnote{As Christina Simmons and Kathy Peiss have argued, while a new “sexual revisionism” of sexuality took place in the 1920s, sexual power still resided largely with male authority. While they argue that it recognized improvements in female status, it “was grounded in a male perspective and reflected primarily fears of female power.” Christina Simmons and Kathy Peiss, eds., \textit{Passion and Power: Sexuality in History} (Philadelphia: Temple University Press, 1989), 171.} In mid-February, a reporter for the \textit{Times-Dispatch} wrote, “fights are brewing on the floors of the senate and house on two ‘moral’ issues—censorship and divorce.” Some reformers appeared prominently in both debates. Reform protagonist Wilbur Crafts of the International Reform Bureau, who had denounced movies along with automobiles and dances as harmful to youth, emerged in the divorce debates as well, declaring that in terms of divorce rates, “several counties in Virginia are worse than Nevada.”\footnote{Nevada had some of the highest divorce rates in the country at the time. Richmond \textit{News-Leader}, 16 February 1922.} By the early twentieth century, a premium was placed on personal satisfaction in marriage, and the language of marriage was increasingly linked with sexual renegotiations such as companionate marriage and the acknowledgment of female sexual desire. Not only did such shifts cause concern for moral reformers, but rising divorce rates did as well. At the beginning of World War I, the United States had the highest divorce rates in the world.\footnote{Sharon Ullman, \textit{Sex Seen: The Emergence of Modern Sexuality in America}. (Berkeley: University of California Press, 1997), 85.} To many reformers, divorce presented a threat
because it was emblematic of a larger problem of social degeneracy facing the nation, and women resided at the heart of these debates.\footnote{119}

World War I functioned as an impetus toward censorship of the movies, as government officials sought to censor and control everything from "subversive" speech to immigration. Historian Andrea Friedman argues that World War I had served as an impetus for states to censor the movies with fathers at war and mothers at work, although she argues that reformers believed the effects of the movies upon children differed by gender. Through unregulated movie consumption, boys learned to victimize others while girls became sexual delinquents.\footnote{120} As the censors began their work splicing the movies, the on-screen portrayal of women from their "extreme" or scanty clothing to their jobs and marriage prospects, caused a particular uproar as gender and visual culture met in the space of the movie theater.

While citizens in the South historically rejected attempts by the State to increase its regulation of individuals' daily lives, several historians complicate this argument by studying how issues of morality and sexuality affected Progressive reform. In \textit{The Paradox of Southern Progressivism}, William Link contends that the South historically embraced conservatism by resisting government centralization and stressing low governmental involvement in personal affairs. Yet, Link also shows that during the Progressive era, efforts by male and female moral reformers helped make the South more

\footnote{119} The effort to stamp out rising divorce rates also functioned as an effort to re-impose male authority over women. Women initiated over two-thirds of divorce suits in the country by the early twentieth century. Ullman, 84. Women initiating divorces not only signaled new economically autonomous positions for women but they also threatened male authority within the family and the community. If women could leave the family through divorce, then they could potentially form lives independent of male control. Like the censorship debates, rising rates of divorce in Virginia and State efforts to restrict its availability spoke to the larger issue of what some saw as "waning morality." Thus state officials promoted and even legislated morality in an effort to properly "contain" certain segments of society and re-inscribe their dependence upon white, male elites.\footnote{120} Friedman, 57.
receptive to state attempts at policing morality. Thus, the debate over censorship in Virginia centered around the question of whether the potential evil posed by movies trumped the evil of governmental control.

White, middle-class women in the censorship debate used their influence and prominence both to entrench their own cultural authority and to promote the larger state project of advancing “white civilization.” Louise Newman’s study of white women’s activism in the campaign for woman suffrage offers additional insight into understanding why some white women may have participated in censorship debates. Newman argues that during the late nineteenth century, middle-class white women stressed their cultural and racial superiority to gain rights and authority for themselves. In early twentieth-century Virginia, middle and upper-class white women argued that they deserved the vote more than enfranchised African American men due to both their race and their gender. As white women, they argued they would represent a better-educated, more moral voice in government than men, especially men of color. 121 White women constructed their activism as part of a larger project to promote white civilization and its “superiority.” 122 As teachers and mothers, white women increasingly claimed moral authority based on their positions in homes and schools and constructed themselves as enforcers of moral rules. 123 Newman asserts that white women used evolutionary, racist discourse to promote their own political and social authority as white women. 124 Thus, in terms of the

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123 Newman, 79.
124 Newman, 181.
censorship debates, white women in part claimed authority in the debates not only as moral subjects but also as upholders of white civilization in a 1920s southern society increasingly concerned with rigidly upholding the "purity" of the white race. As middle-class white women, they were concerned with maintaining their positions as cultural authorities like their white, middle-class male counterparts were.

CONCLUSION

In the end, Virginia's General Assembly members decided that movie censorship was consistent with the functions of the State in modern society. As the General Assembly ended its session in mid-March, tongue-in-cheek criticisms began to appear about the legislature's latest proceedings. Editors at the Times-Dispatch took the opportunity to call the session a "standpot," concluding that "on the whole, the session of 1922 represents lost motion, wasted time and money." During the session, Assembly members passed other pieces of legislation tightening the divorce process, thus further policing Virginia's citizens' "morality" and constricting the autonomy of women, and regulating both maternity hospitals and women's employment, along with bills providing provisions for the children's bureau, recreational centers, and local welfare boards. The News-Leader's editors noted that the fight over censorship occupied the top rung of the Assembly's agenda "from a standpoint of the purely spectacular" and that the debate played out in large part amongst current and former ministers.

125 Richmond Times-Dispatch, 12 March 1922.
126 Richmond News-Leader, 12 March 1922. Thomas Dixon, opponent of censorship, was one such former minister. On a related note, the day after the papers announced the passage of the moving picture censorship bill, a front page report in the Times-Dispatch carried England's censorship code which listed sixty-seven reasons for barring films and an equal number of forbidden film scenes, including scenarios such as "making young girls drunk," "improper exhibition of feminine clothing," and "women fighting with knives." The listing of England's rules for the movies also denotes that movie censorship was not only a national concern but an international one as well.
The end of the Assembly's session did not stop the controversy over censorship. Thomas Dixon declared that "the country is hell-bent . . . in its futile legislation" and that he was "deeply grieved to see a Southern state follow the vicious example of the North." But the debate over the merits of the censorship bill quickly shifted to publicity over who the new censors would be. Virginia resident Mrs. N. V. Randolph, after announcing her disapproval of movie censorship, suggested the appointment of a woman to the board. She argued: "It would certainly seem that now women are the equals of men (I have always considered them the superior), they might be allowed to reap the benefit of the salary for these righteous men censors." While she framed her analysis with humor, Mrs. Randolph suggested something quite radical for 1922—that a woman be appointed by the governor to a state-funded board of censors with the power to decide what millions of Virginians would be allowed to view on their local movie screens.

On March 21, Governor Trinkle announced the appointment of three censors to relieve his office of the hundreds of mounting applications seeking appointment. Evan Chesterman, appointed by the governor to serve as the board's chairman, had previously worked as a journalist, writer, and critic. The governor appointed writer Emma Sampson as the board's secretary and vice-chairman, and he appointed R.C.L. Moncure as the

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127 Richmond News-Leader, 17 March 1922.
128 Richmond Times-Dispatch, 14 March 1922. The Assembly eventually appropriated $2,400 annually for each censor, down from the original $3,000 suggested.
129 The governor's secretary, Captain Cardwell, reported hundreds of applications had been received for the jobs and that the applications came from citizens across the state with a proportional male/female distribution. Applicants included the president of the Virginia League of Women Voters, the chairperson of the welfare committee of the Richmond's Woman's Club, and numerous church leaders and drama critics as well. Richmond News-Leader, 16 March 1922.
Commentary from the new censors on their duties peppered the newspapers. Sampson remarked that the Board would not be too censorious and that she would be careful not to allow the power bestowed upon her to hamper expressions of genius in film. She promoted herself as an open-minded regulator who recognized the value of art in motion pictures. Evan Chesterman declared: “I am not an extremist,” but he did recognize “that the city viewpoint is not the viewpoint of the country people and that what we consider conventional might shock some people in the rural districts.”

He continued by announcing that he did not intend to approach his duties “with the mind of a Puritan . . . [but while] the picture itself may be decent . . . its moral tone may be objectionable.” Chesterman also noted that he “like[d] the plan of seeking the views of ministers and others interested in moral reform. To my mind, the Board should accord frequent audiences both to the clergy and to the representatives of the motion picture producers.” Thus, those reformers and citizen advocates who had been most vocal in the coming of the censorship bill, ministers for example, would continue to have their voices heard by the newly-formed board. Chesterman also declared that “censorship is not a practical joke, and I assure you that I take my office very seriously.” Chesterman’s declaration of the importance of the board suggests that the board might not have been viewed as a particularly serious arm of the State. After all, one newspaper rated the passage of the censorship bill as one of the “most sensational” legislative acts of the year.

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130 VBMP. Chesterman served on the Board until his death in 1931. Sampson resigned in 1934. Moncure served until his death in 1937.

131 As some letters to newspapers suggested, he may have been quite right in his analysis of some sort of fluid rural/urban divide, particularly in light of letters of criticism written to protest the appointment of “city” people to the board of censors and to ask how rural interests would be represented. Richmond News-Leader, 21 March 1922.

132 Richmond News-Leader, 21 March 1922.

133 Richmond News-Leader, 21 March 1922. As we shall see, the board frequently invited ministers and other civic leaders to view controversial films.

134 Richmond News-Leader, 21 March 1922.
Nevertheless, censors portrayed themselves as tempered professionals who would neither be censoring zealots nor shirkers of their state-mandated duties.

Before the censorship board began its work in the summer of 1922, Chesterman and Sampson traveled to New York for five days to study that state’s censorship board. Upon their return, the board gave each approved motion picture a strip of film containing a serial number and the seal of the Commonwealth. Current event newsreels, along with educational, scientific, and religious films, could bypass this process by applying for a seal with a sworn description of the film’s content. Enforcement of the board’s decisions would be carried out by volunteer “watchdogs” stationed throughout Virginia who, in return for their services, would receive free movie passes rather than a salary. By the summer of 1922, Virginia’s three censors began watching every movie that sought exhibition in Virginia and thus decided whether the movie could be shown in the state. As we shall see, despite increasing legal constrictions placed upon the board through federal Supreme Court decisions, issues of race, gender, and sexuality would inform nearly all decisions to forbid specific movies entry into Virginia. As state-appointed moral guardians, the censors lost no time in prohibiting images that conflicted with their own views of white, middle-class morality.

CHAPTER II

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

During the latter third of the nineteenth century, 33 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 6400 Black men in Richmond could vote and nearly 3,000 of them resided in the Jackson Ward district. With the passing of the 1902 state constitution, however, which included a poll tax of $4.50, age, residency, literacy, property, and veteran requirements, only 760 Black Richmonders remained eligible to vote, and only thirty-three resided in Jackson Ward, since the district had been gerrymandered out of political vitality by white, city officials. Within 90 days of the constitution's ratification, over 125,000 of Virginia's 147,000 Black voters were disfranchised. 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 mounted intense publicity campaigns against

lynching. It is into this contestation and negotiation between African Americans and white officials representing Virginia 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 confining individuals strictly to one race. This chapter examines how the censorship board worked to maintain hierarchies of race and attempted to further entrench white supremacy by regulating Black images on-screen. 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. Depictions of African Americans on-screen, along with depictions of white women, concerned the censors the most in the 1920s and 1930s, and they directed most of their energy toward regulating these images.

**Birth of a Nation Arrives in Virginia**

In October 1915, D. W. Griffith’s *Birth of a Nation* played for a week at the Academy Theater in Richmond, marking the film’s entrance onto Virginia’s movie screens. African Americans in the city campaigned against the film, and writers at the local black newspaper, the Richmond *Planet*, covered NAACP protests against the movie.

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3 Griffith’s *Birth of a Nation* is a tale of the Civil War and Reconstruction-era which centers around the actions of the Cameron family of the South and the Stonemans of the North. The film portrays the post-war situation in the South as one in which newly freed African Americans prey upon the political, economic, and sexual power of white men. The Klan “rescues” Southern whites from African American politicians and black men depicted as sexual predators. According to *Variety*, the Klan restores to “the white men the authority rightful theirs.” In one of the most studied plot lines of the film, the African American character “Gus,” played by a white actor in blackface, “with the lust of the beast in his eye, gives mad chase” to the film’s white heroine. She jumps to her death rather than allow Gus to touch her. *Variety*, 12 March 1915.
in Boston and New York. A group of prominent African American professors from Virginia Union University led Richmond-area protests, with students petitioning mayor George Ainslie while professors met with him. Despite these actions, Ainslie allowed the showings of the film to continue. The first exhibition began with a sold-out premiere, a live symphony playing the musical score, and members of the United Daughters of the Confederacy decked out in evening gowns for the occasion.4

Five decades later, a fiftieth anniversary edition of D. W. Griffith’s Birth of a Nation made its way to movie theaters nationwide. Although NAACP leaders urged the censorship of what they called an “anti-Negro production” that “glorifies the KKK,” the film was not censored in Virginia.5 Writers at the white Richmond daily News Leader wrote an editorial to commemorate the film, calling it a “masterpiece” and denouncing organizations like the NAACP for officially campaigning against the film. According to these editors, NAACP leaders’ problem with Birth was that “the film is all black and white, and to the civil rights organization, that means race, not art.”6 The writers argued that the “pro-Southern” viewpoint presented by Griffith was out-of-fashion in 1960s Hollywood, regardless of the “fact” that Griffith “wanted to show how the South was

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4 Celebrate, 40. Film scholar Thomas Cripps argues that black citizens, like white ethnic minorities, often modified their views on freedom of speech and did, on occasion, push for censorship on the grounds that many images of African Americans—exaggerated or degrading—“seemed to slander the whole race” rather than any one individual. NAACP leaders, for example, exercised their power to repeatedly call for the censorship of racist movies, most notably with the decades-long campaign against The Birth of a Nation. This campaign began with the picture’s release in 1915 and continued through the 1990s in response to the American Film Institute’s inclusion of The Birth of a Nation on its top one hundred movie list of all-time. Yet Cripps maintains that African American leaders generally did not support across-the-board movie censorship because they believed any censorship would completely remove any portrayal of black people from the screen. Cripps also argues that the campaign to censor Birth of a Nation became one of the first times local communities of African Americans joined together and united nationally on a single issue. Cripps, 69.

5 VBMP. Letter to the Board from W. Lester Banks, Executive Secretary of the Virginia NAACP. 1965. As late as 1978, a riot resulted when the film was screened in Oxnard, CA; Dawn Sova, Forbidden Films: Censorship Histories of 125 Motion Pictures (New York: Facts on File, 2001), 48.

wronged by the Civil War . . . He believed the Southern white population had been abused and exploited by Northern carpetbaggers and Southern scalawags who manipulated the emancipated Negroes.”7 In 1965, then, *News-Leader* editorialists did not directly blame newly freed African Americans, but they did suggest that emancipated individuals were easily manipulated by conniving whites and partly to blame for the Reconstruction regime. The writers’ pointed statement criticized NAACP advocates for not accepting the artistry of the movie and instead focusing on what the editorial writers suggested was outdated—the film’s portrayal of race relations. At a time when many of Virginia’s white leaders and journalists at white presses stressed amicable race relationships, these writers believed NAACP leaders were agitating about circumstances that were historically-specific to the late 1860s. Such an approach allowed these editors writing in 1965 to both conceptualize the portrayal of African Americans in *Birth* as accurate while simultaneously protecting themselves from charges of present-day racism by stressing the “historic” nature of the film.

*News-Leader* journalists argued that members of the NAACP opposed the film not because of its demeaning depiction of African Americans, but because the film was “pro-Southern” and thus sullied in their eyes.8 In response to complaints made by NAACP activists that the film glorified the Klan and the violence it perpetrated against black victims, the writers contended that leaders of the NAACP overlooked the fact that the Klan depicted in Griffith’s film and the Klan “as it exists in ragtail groups about the country today” were not the same.9 According to *News-Leader* editors, the Reconstruction-era Klan “rightly” subdued “Negro slaves, suddenly emancipated [who

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brought havoc to the residents and governments of the Southern states.” They posited that NAACP leaders rejected the story of *Birth* because the film “‘glorifies’ the Ku Klux Klan.” But according to the editors, this representation appropriately showcased the history of the Klan. They wrote:

> It is true that the Klan is the savior of the South in Griffith’s movie. The Klan rides in, chases out the carpetbaggers, and restores the South to rule by local citizens. One historical fact overlooked by the NAACP is that the Klan, as presented in the film, and the Klan, as it exists . . . today, are not the same thing at all. The Reconstruction Klan was under the leadership of ex-Confederate officers. It did much to eradicate the injustices of Reconstruction regimes and to restore the South to local self-government. That Klan was disbanded in 1869.10

In a theme common throughout this study, many white social commentators in Virginia insisted that while the Klan of their time deserved condemnation, “the Reconstruction Klan . . . did much to eradicate the injustices of Reconstruction regimes and to restore the South to local self-government.”11 Thus the newspaper’s writers and some of its white readers validated the depictions of the nineteenth century Klan in *Birth* while simultaneously paying lip service to a critique of the contemporary Klan. The paper’s commentators referred to the film’s portrayal of history as “fact” throughout the article and chastised the leaders of the NAACP for wishing to rewrite history to fit into “the prevailing racial orthodoxy.”12 In short, the writers understood their present-day race relations as “better” than those of the Reconstruction era. They suggested that while

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10 This editorial ignores the fact that by 1869, military Reconstruction had begun. Richmond *News-Leader*, 9 February 1965.
11 Richmond *News-Leader*, 9 February 1965. Historian Nancy MacLean analyzes the Klan as a response to modernity and a method for lower-middle class whites to maintain a hierarchy of power at a time when they feared the future due to their uncertain status in society. She argues that the 1920s Klan functioned as a form of reactionary populism that grew out of the dangers its members first equated with Prohibition and the “endangered” family. Thus the Klan “provided answers to the basic questions about who should wield power over whom.” The language of “pure 100% Americanism” used by the Klan in the 1920s remained in the post-WWII era as well. Nancy MacLean, *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan* (New York: Oxford University Press, 1995), 91.
NAACP protestors wanted a more equitable view of race relations on-screen, *Birth* offered an “historical,” meaning “true,” depiction of race relations during Reconstruction. Thus these white writers argued that the demeaning caricatures of African Americans portrayed in *Birth*, including that of the “black beast” and individuals corrupted by “black blood,” were accurate depictions of past behaviors by African Americans. They constructed the contemporary Klan of their time as separate from the Reconstruction-era Klan, thereby validating their praise (and Griffith’s) of the actions of the earlier vigilante group. These white writers did not deny Klan violence against African Americans, and they particularly supported *Birth*’s depiction of black men as predatory “beasts” deserving of attack by white men who, in the context of the film, dispensed appropriate justice and provided order in the Reconstruction South.

Controversy had accompanied the exhibition of *Birth* since its 1915 release. In Richmond, the editors of the *News-Leader* contended that groups such as the NAACP wrongly tried to act as a “public censor” to silence the film, despite the fact that white officials had functioned as state-appointed public censors for over four decades in Virginia.\(^{13}\) While the commonwealth’s censorship board never banned the film in Virginia, in 1918, managers at the Alhambra theater in Richmond canceled a revival showing of the film after mayor M. Evans requested the film not be shown.\(^{14}\) The mayor claimed that he made his request after prominent citizens requested the film be canceled in order to prevent “race problems.” Some white elites critiqued the film’s depiction of “the intermarriage between negro and white.”\(^{15}\) In 1924, writers for the weekly African

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\(^{13}\) Richmond *News-Leader*, 9 February 1965.


\(^{15}\) Fleener-Marzec, 218.
American *Planet* announced that *Birth* had been banned in Newton, Massachusetts, and quoted the town’s mayor as saying that “as long as our colored citizens feel as they do [against *Birth*] it seems to me most unwise to stir up ill feeling at this time.”\(^{16}\) Film historian Jane Gaines argues, however, that “for every mayor who banned the film out of respect for local blacks and desire to keep the peace, there would be another who did so out of opposition to the representation of interracial sex.”\(^{17}\) Alhambra Theater manager Anna Belle Ward cited the picture’s cancellation as costing the theater over two hundred dollars in advertisements, and noted that the theater owners did not believe the film to be offensive, but “we concluded not to show the wonderful production and comply with the Mayor’s request.”\(^{18}\) The film, however, was shown at the same time in Lexington, Virginia at the Ben Ali theater.\(^{19}\)

At the same time that African Americans in the late teens and early 1920s sought to keep *Birth* off of Virginia’s movie screens, they also faced restrictions in their own access to the movies. In 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.\(^{20}\) As this study will show, when Virginia’s lawmakers established the movie censorship board in 1922, the portrayal of race relations on-screen and whether films would be limited to “white-only” theaters would factor in

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\(^{16}\) Richmond *Planet*, 1924 July 26.

\(^{17}\) Jane Gaines, *Fire and Desire: Mixed-Race Movies in the Silent Era* (Chicago: University of Chicago Press, 2001), 224. Gaines interprets the campaign by NAACP activists to censor *Birth* as the empowerment of a group of people who did not necessarily wield a great amount of political power outside of their function as a pressure group. Through protesting Griffith’s movie, members of the organization showed how censorship could be a “righteous” enterprise by protesting against highly racist on-screen depictions of African Americans.

\(^{18}\) Fleener-Marzec, 303.

\(^{19}\) Fleener-Marzec, 303. A mere four years later, in 1922, the film’s revival opened to much fanfare in Richmond, including a formal appearance by the Klan, whose members lifted their raised arms mid-movie in support of the film and at its conclusion, they marched out of the theater from their box seats in full Klan regalia.

\(^{20}\) *Celebrate*, 82.
many of the censors’ decisions. After all, the censorship of film in Virginia became a key way for white elites to regulate the commonwealth’s racial order. Yet social and political actions throughout Virginia and the nation would guarantee that after World War II, spaces available to African Americans, both on and off the screen, continually widened. With the legal end of Virginia’s theater segregation in 1963 and the end of the censorship board’s existence in 1965, African Americans could legally view these films in any public theater space, although unfettered access to public spaces never existed.

In 1920s Richmond, Second Street in Jackson Ward, known popularly as “the Deuce,” functioned as the center of black commerce in the city. The Hippodrome, built in 1912, continued to function as a meeting place for the Black community to discuss civil rights issues on Sundays, since the state’s blue laws prevented movies or performances from being held on that day of the week.21 With the Richmond Planet offering extensive coverage of the Harlem Renaissance, Black Richmonders had access to the cultural outpourings of African American communities in the Northeast, although the paper said little about local artistic culture. Throughout the 1930s and 1940s, the Hippodrome hosted a range of the nation’s most popular artists including Ethel Waters, Ella Fitzgerald, James Brown, and Ray Charles. In 1934, 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 Richmond community of Church Hill.22

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21 State officials allowed Virginia’s first Sunday movies to be shown in 1936. Celebrate, 71.
22 Celebrate, 84, 86.
RACIAL CONSTRUCTIONS IN EARLY TWENTIETH-CENTURY VIRGINIA

In early twentieth-century Virginia, commonwealth officials presented Virginia as "modern," economically progressive, and morally "clean" as a means of attracting more industry and business into Virginia. To this end, at the same time that film censorship passed into law, the General Assembly passed statutes governing eugenics, interracial marriage, and who could claim "whiteness" in the commonwealth. Officials used the façade of amicable race relations to argue that no changes needed to be made to the commonwealth's racial hierarchy while simultaneously using legislation like the movie censorship law to more strictly regulate the racial order through legal codes. Legislators argued that regulating the sexuality of the marginalized "other"—citizens of color and poor whites—would be economically beneficial for the commonwealth, although white citizens of any class had access to avenues of mobility that people of color did not. Officials used terms such as "clean" and "progressive" to describe the Virginia they envisioned as bringing in new business and industry to fill the commonwealth's coffers. 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 lawmakers successfully constructed certain races and sexual behaviors as "dangers" to the commonwealth and deemed certain citizens they labeled

23 Daniel Bernardi, ed., The Birth of Whiteness: Race and the Emergence of United States Cinema (New Brunswick, NJ: Rutgers University Press, 1996), 4. Daniel Bernardi contends that "during the birth of cinema, social Darwinism and eugenics paradigms dominated the meaning of race, promoting the notion of a natural hierarchy of human cultures and histories." This idea of a "natural" hierarchy was carried over in images of film as well.

24 During this same time period, historian Philippa Holloway argues that Virginia lawmakers pushed for an expanded governmental role in the realm of sexuality by using the rhetoric of economic progressivism. Philippa Holloway, "Tending to Deviance: Sexuality and Public Policy in Urban Virginia, Richmond and Norfolk, 1920-1950" (Ohio State University, Ph.D. diss), 1999.
"unclean" to be destructive to the commonwealth’s economy. 25 Yet the censorship law stood as a stark exception to the other legislation. Unlike the laws affecting the "marginal" populace—most often the poor of all races and people of color—movie censorship affected everyone. As historian Phillipa Holloway theorizes, "all Virginians could have their freedom of speech threatened by a censorship board." 26

Government officials rationalized their intervention into citizens’ lives by utilizing the logic of "protecting" those without direct access to state power—which had the ultimate effect of further entrenching the power of white, male elites. 27 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 complete 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

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25 Holloway, 30. The 1924 sterilization act permitted the sterilization of any person at one of the state’s four mental institutions or the Lynchburg State Colony for the Feeble-Minded who was “affected with hereditary forms of insanity, idiocy, imbecility, feeble-mindedness, or epilepsy.” Holloway, 29. As historian Richard Sherman points out, it should be noted that “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.

26 Holloway, 61.

27 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.
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. 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. Yet such a systematic hierarchical system actively maintained constructions of black inferiority. It suggested that African Americans' best interests lay not in governing themselves but in stepping aside to allow "knowledgeable" white leaders to make political decisions for them. Within this logic, powerful white Virginians accepted the "uplift" of the black race as their responsibility, but only if they could simultaneously keep black Virginians in socially and economically marginalized positions within the commonwealth. Separation "by consent" functioned as the linchpin to this system of white dominance.

With increasing modernization and urbanization, traditional tactics of paternalism, which relied upon close, personal political and economic relationships between white and black citizens, lost their effectiveness, and white elites worked hard to maintain their power. Increasingly uneasy with their ability to sustain their power, white elites turned to the commonwealth's legislature in the 1920s to redefine and codify the terms of white supremacy. The very fact that Virginia's Assembly adopted Jim Crow laws in the 1920s and 1930s rather than in the 1900s and 1910s signaled the increasing difficulty white elites found in maintaining longstanding systems of racial order. White elites found sustaining white supremacy to be hard work. Locally, some African Americans

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29 Smith argues that white Virginians' use of "genteel paternalism" became increasingly irrelevant in the modernizing world of the 1920s. Smith, 5.
30 Smith, 15, 17.
had maintained some level of autonomy as landowners, voters, or skilled workers. African Americans in Virginia often experienced more mobility than individuals 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 Maggie Walker ran for Superintendent of Public Instruction. Thus in the 1920s and 1930s, race relations in Virginia were not a story of static, fixed white authority but instead one marked by white elites’ daily struggles to maintain their dominance.

Leaders of the commonwealth 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 commonwealth leaders, such as the NAACP. From the 1890s to the 1960s, the same group of Virginians—elite white, male Democrats—controlled both the commonwealth’s legislature and judiciary. From the 1920s to 1966, Democrat Harry Byrd and his political machine dominated Virginia politics, with Byrd first serving

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31 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.
32 Smith, 17. At the same time, the population of black men and women living in Virginia’s urban centers jumped 32% during the 1920s, and racial antagonism increased with the new closeness of living space and competition for services between the races. Smith, 32.
33 Smith, 46-7.
34 Peter Wallenstein, Blue Laws and Black Codes: Conflict, Courts, and Change in Twentieth Century Virginia (Charlottesville: University of Virginia Press, 2004), 9.
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.\(^{35}\) Throughout his tenure as governor and senator, he promoted and upheld segregationist policies at the most basic level of political participation, such as poll taxes, literacy tests, and white-only primaries to restrict the few African Americans who could still vote in the commonwealth.\(^{36}\)

As Byrd’s political machine geared up in the 1920s, other white supremacists, fearing the erosion of their power, began participating in “civic” organizations that overtly promoted the maintenance of white supremacy. John Powell, organizer of the Anglo-Saxon Clubs and chief proponent of the 1924 Racial Integrity Act, believed whites now needed legislation to assure that African Americans could not contest their power.\(^{37}\) To this end, Powell and his followers fought to narrow the definition of “white,” a goal they successfully achieved with the General Assembly’s passage of the 1924 Racial Integrity Act. Simultaneously, the Virginia General Assembly passed Jim Crow laws legally separating the white and black races. While Virginia’s 1902 constitution disfranchised the vast majority of African Americans within the commonwealth, the

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\(^{35}\) 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 which he adamantly opposed). Randolph and Tate, 114.

\(^{36}\) Randolph and Tate, 31.

\(^{37}\) Smith, 77-78. White supremacists John Powell, Ernest Cox, and W.A. Plecker founded the first post of the Anglo-Saxon Clubs in Richmond during September 1922. The founders stated that the club’s purpose was to preserve and to maintain white supremacy while finding a “final solution” to the race problem, especially the “Negro problem.” On October 13, 1923, twenty-five club posts held a state convention and adopted a state constitution, while also encouraging the membership of any native-born, white, male American citizen over the age of eighteen “of temperate habits and good moral character.” Richard Sherman, “‘The Last Stand’: The Fight for Racial Integrity in Virginia in the 1920s” in *The Journal of Southern History* 54:1 (February 1988), 74-76.
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.38

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.39 White Virginians sought to dramatically constrict legal definitions of “white”—and to ensure political and social power only to those deemed “white”—while African Americans sought to contest white supremacy and to gain political, social, and economic power of their own. The struggle for control of the movies—and what would and would not 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, one set of struggles for racial supremacy and equality would now be played out in the realm of popular culture.

BLACK IMAGES ON-SCREEN AND THE SOUTHERN MOVIE MARKET

Black images on-screen were constantly mediated by Hollywood studios’ desire to generate as little controversy as possible in order to appeal to a broad audience to

39 Smith, 83. As white elites saw paternalism based on close relationships with African Americans crack in the 1920s, they pushed for legislative reform to shore up white supremacy legally if it could no longer be firmly achieved through informal methods of white control. 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 absolute terms.” The history of the Anglo-Saxon clubs itself is worthy of analysis. In 1922, John Powell, a world-renowned pianist and composer, along with “ethnologist” Ernest Cox, organized Post No. 1 of the Anglo-Saxon Clubs of America. Within six months, the group claimed over 400 members in Richmond alone. 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. Richard Sherman also argues that the campaign for “racial integrity” in Virginia consisted primarily of a “dedicated coterie of extremists who played effectively on the fears and prejudices of many whites.” Richard Sherman, “‘The Last Stand:’ The Fight for Racial Integrity in Virginia in the 1920s,” The Journal of Southern History 54:1 (February 1988), 69.
maximize their profits. The “problem” of the southern movie market continually plagued Hollywood producers for while it lagged behind the national market, southern censorship boards had far more influence on racial themes in Hollywood-produced movies than the southern movie-going population seemed to warrant. In the history of both movie censorship and production, the South—or the idea of the South—has occupied an ambiguous role. Critics and historians have argued that Hollywood executives used the “myth” of the Southern box office to continually depict African Americans only as stereotypical caricatures on film rather than as self-affirming subjects. In other words, they charge that Hollywood moviemakers used the South as an excuse; the studios contended that they could not portray African Americans more positively on film without losing massive profits in the South. 

Film scholar Thomas Cripps modifies this understanding of how film producers used the South to create a more nuanced discernment of the decisions of Hollywood studio executives. He contends that Hollywood moguls viewed the South as a predictor of how to handle racial themes in movies nationwide, so that “the Southern box office became a monolithic creature that predetermined racial images on the nation’s screens.” Thus, while censors worked to keep certain racialized images off screen—any depictions of miscegenation or passing, for example—the presumption that most whites would not frequent movies showcasing affirmative portrayals of black individuals already influenced filmmakers to create negative, stereotypical caricatures of African Americans on-screen in the 1920s and the 1930s.

White, Southern elites used race to fundamentally rank people and to establish a hierarchy which placed themselves at the top and African Americans at the bottom. According to historian Nell Painter, in the South, “the seizure, maintenance, and cession of power have long been expressed in racial terms, as though race were a real, not a social, category.”

Early white filmmakers rigorously maintained these hierarchies. In D. W. Griffith’s *Birth of a Nation*, for example, Painter contends that not only does Griffith fail to portray his villains as poor whites (or whites of any sort), but all whites have power, “not only wealth and education . . . but also height, slenderness, and refinement.”

Critic Anne Everett posits that racist films such as *Birth of a Nation* functioned as a mode of “cultural gatekeeping” to regulate and maintain hierarchies not solely in the South, but wherever theater owners exhibited these films. Hollywood executives’ decisions to promote such stereotypes assured that such racial prejudice would be screened nationwide. Later films such as *Gone with the Wind* released in 1939 only further convinced many white southerners that the Civil War had indeed been an ideological victory and reaffirmed the place of African Americans at the bottom of the social strata for the entirety of the nation to see.

**DEFINING “WHITENESS” ON AND OFF MOVIE SCREENS**

While popular cultural outlets such as mainstream Hollywood films worked to shore up whiteness and maintain rigid racial hierarchies by the 1930s, legislators in Virginia moved to legally constrict who commonwealth officials deemed “white.”

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43 Painter, 55.


1924, no Virginian could be classified as “white” who carried as much as “one drop” of African blood, and white and black citizens could not intermarry. When Virginia’s censors regulated the movies, images and even verbal suggestions of miscegenation were strictly forbidden. Miscegenation and passing, 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. Both miscegenation and passing threw this system of racial “knowledge” into disarray and threatened the basis of claims to white supremacy and black inferiority.46 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.47 Miscegenation on film, however, proved to be a short-lived problem for the censors, at least in Hollywood productions. With the introduction of the Hollywood-generated Production Code in 1930 and its strict enforcement by 1934, the Hays Office, which provided self-censorship for Hollywood movie studios, expressly forbid the representation of miscegenation in Hollywood films. Indeed, the Code mentioned race only once—in its prohibition of miscegenation.48

While Virginia’s censors permitted Imitation of Life to play unrestricted in the state, the PCA based its regulation of the film on the code’s miscegenation ban. Since the film did not deal with a sexual transgression of the color line, scholar Susan Courtney suggests that the PCA censored portions of the film due to the “psychic” transgression of

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the light-skinned African American character Peola who desires to be, and to be seen as, white. According to Courtney, "Hollywood's investment in fantasies of miscegenation is so dear precisely because those fantasies have everything to do with how subjects [on screen and in the theater] believe in, and identify in relation to, racial lines," thus it threatens to destabilize racial and social hierarchies at the level of identity. This film highlighted the issue of passing — and the ease with which some individuals could pass — a situation much more common, and more disconcerting to officials concerned with maintaining strict racial boundaries than miscegenation.

By the early 1920s, Virginia had bureaucratic mechanisms in place to record all marriages and births (and the races of all involved), including the Racial Integrity Act, discussed earlier. In a further effort to shore up white supremacy, the law also forbade interracial marriages. Decades later, the Supreme Court of Appeals in Virginia upheld the ban against interracial marriages in the face of a challenge from Mildred Jeter Loving and Richard Loving. That case, however, made it to the Supreme Court of the United States, and in 1967, justices for the highest court in the land struck down Virginia’s miscegenation statute, along with similar statutes in dozens of other states, in the case *Loving v. Virginia.*

Phillipa Holloway suggests that as Virginia's government officials in the early twentieth century increasingly became concerned with "whiteness," government

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50 Courtney, 1.
51 Sherman, 91. Jeter and Loving, an interracial couple, left Virginia to get married in DC in 1958. Upon their return, state officials charged the couple with violating the miscegenation ban. The couple pled guilty and were sentenced to one year in prison, a sentence that would be suspended for 25 years if they agreed to leave Virginia. Prior to the *Loving* ruling, twenty-four states legally forbade miscegenation. Michael Rogin, *Blackface, White Noise: Jewish Immigrants in the Hollywood Melting Pot* (Los Angeles: University of California Press, 1996), 5.
surveillance of private sexual relationships also intensified.\textsuperscript{52} This increased intervention by the commonwealth ultimately revitalized racial prohibitions and legally transformed the Southern household. Virginia’s policy on sexuality still followed a strict color line, with white elites using their power to gain more control over politically and socially marginalized citizens.\textsuperscript{53} 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 rationalized their actions by starkly articulating the possible results of unregulated sexuality—a state overtaken by “degenerate mongrels.”

Virginia legislators billed the Racial Integrity Act as a measure to ensure the commonwealth’s “moral purity.”\textsuperscript{54} By maintaining this “purity,” Virginia’s elites hoped to stress the commonwealth’s orderliness, efficiency, and whiteness in an effort to boost its image to outsiders in order to attract more economic development and industry.\textsuperscript{55}

Virginia’s leaders attempted to build this image of a “clean” commonwealth, as they termed it, unpolluted by racial mixing by strictly prescribing “acceptable” sexuality. According to scholar Nell Painter, white segregationists used sex as a “whip” to keep all whites interested in enforcing “purity” laws.\textsuperscript{56} Segregationists suggested that nearly all white men had a vested interest in white “property,” their female relations—wives, sisters, and daughters. Segregationists thus appealed to the broad fears of many white

\textsuperscript{52} The Virginia Assembly’s passage of laws regulating who could be “white” coincided with the increasing intrusion of the state of Virginia into the realm of private family life at a time when public officials otherwise reluctantly regulated “private” issues. 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. By the late nineteenth century, the government and its supporters increasingly defended miscegenation statutes, which had been on the books in Virginia since the seventeenth-century, on the grounds that such unions presented serious social and biological risks, arguing it was in the commonwealth’s best interests to prevent such unions. Bardaglio, “Shamefull Matches,” 113.

\textsuperscript{53} Holloway, 5.

\textsuperscript{54} Holloway, 56.

\textsuperscript{55} Holloway, 213.

\textsuperscript{56} Painter, 49.
men and women that miscegenation would “pollute” the white race. White elites, interested in maintaining segregation to protect their own power, deliberately emphasized these fears to gather support from whites of all classes for strictly enforced miscegenation laws and to try to effectively prevent passing.

Historically, miscegenation laws have worked to both reflect and to shape American racial attitudes. 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 easily kept “in their place” as legal property under slavery—as were white women by white men who were supposedly protecting their “purity.” Historian 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.

Theater space and spaces occupied by African American actors and actresses within motion pictures soon fell into this volatile contestation for space. Virginia law required anyone operating a motion picture theater “which is attended by both black and

59 Martha Hodes, White Women, Black Men: Illicit Sex in the 19th Century South (New Haven: Yale UP, 1997), 178. Hodes makes an interesting 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 the threat these transgressions were seen to be by white men, 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 privilege and racial purity and further threatened to advertise these transgressions by portraying them through a mass medium for millions to see and to potentially emulate.
colored persons, to separate the white and the colored races,“\textsuperscript{60} 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 might also want to see these films. 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.”\textsuperscript{61} 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.\textsuperscript{62} Thus, even before a state-created 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 theater’s segregation often changed depending on day and time rather than existing as rigid outlets solely for the

\textsuperscript{60} Douglas Gomery, \textit{Shared Pleasures: A History of Movie Presentation in the United States} (Madison: University of Wisconsin Press, 1992), 156. As historians Pearl Bowser and Louise Spence have shown, the Colonial Theater in Portsmouth, a segregated theater which admitted both black and white patrons, albeit to separate physical spaces once inside, advertised itself in the Norfolk \textit{Journal and Guide} as an “inclusive” establishment that served all segments of the public. The Attucks Theater in Norfolk, however, presented itself in the same paper as “The 100 Per Cent Negro Theater.” Thus, African American consumers had to decide whether to patronize theaters catering to everyone, yet relegated them to segregated spaces—usually to balconies or to “special” showings, often at midnight and other times when it was thought whites would not want to come—or to those serving solely African American audiences. Bowser, 80.

\textsuperscript{61} Donald Bogle, “B...is for Black: No Business Like Micheaux Business” in \textit{Film Comment} 21:5 (September-October 1985): 32.

\textsuperscript{62} Bowser, \textit{Writing Himself into History}, 81.
patronage of one race alone.

With such restrictions placed upon black viewers, African Americans faced substantially restricted access to movies. In the late 1920s, with more than 50,000 African American citizens in Richmond, only five movie houses operated exclusively for black patrons.\footnote{Gomery, 159. Advertisements for movies did not appear in the African American newspaper, the Richmond Planet, until the latter part of 1930. Advertising began with both the previously all-white Bijou and National touting newly opened balconies for black patrons. These theaters no doubt wished to expand their audiences in the face of falling profits amidst the Depression. By 1944, only twenty of Virginia’s 246 theaters catered to exclusively black audiences. Richmond Planet, 20 September 1930 and various other 1930 editions. Peter Noble, The Negro in Films (Port Washington, NY: Kennikat Press, 1969), 100.} 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 movies they deemed inappropriate for screening. Movie researcher John 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.”\footnote{Ronald Green, Straight Lick: The Cinema of Oscar Micheaux (Bloomington Indiana University Press, 2000), 209. John Alley wrote a pamphlet on Micheaux’s reception in Virginia from a 1990s film festival in Charlottesville, Virginia.} 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 did apply legally viable reasons for censorship under commonwealth law to situations they found personally offensive rather than actually indicative of inciting to violence. Telling is Alley’s point that the board did not attempt to censor The Birth of a Nation.\footnote{It should be noted that The Birth of a Nation was released in 1915, seven years before Virginia’s state censorship board began regulating motion pictures. However, throughout the board’s existence, Birth was continually re-released and shown on movie screens throughout the commonwealth.} According to Alley, “the board seemed unconcerned over the racial tension generated by Birth of a Nation . . . [yet] 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.66

OSCAR MICHEAUX AND HIS RELATIONSHIP WITH VIRGINIA’S CENSORS

Throughout the 1920s and beyond, the board had a recurring relationship with filmmaker Oscar Micheaux.67 In 1918, author, writer, filmmaker, and businessman Oscar Micheaux founded the Micheaux Film and Book Company.68 During his ensuing career, Micheaux wrote and published several novels (the sales of which often funded his filmmaking ventures), and he wrote and distributed 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 Black film business over the course of three decades.69 “His constant purpose,” Green writes of Micheaux, “was to show, through art and through business, the capacity of African Americans to overcome American adversity.”70 As a

66 Green, 209.
67 I specifically use Oscar Micheaux and his relationship with the censors across the 1920s and the 1930s to illustrate not only how completely the board censored productions by one African American filmmaker but also to emphasize the paternalism the censors employed toward Micheaux and to show how Micheaux used deliberate tactics to thwart the censors. Furthermore, the censors seemed to have corresponded, both by letter and in person, with Micheaux more so than any other filmmaker at the time—perhaps because they banned in full every film he submitted to them for review, and he continually appeared in person to argue for his films’ exhibitions in the state. Also, this scholarship provides a more in-depth look at Micheaux’s relationship specifically with Virginia’s censors than has been available thus far.
68 Mark Reid, Redefining Black Film. (Berkeley and Los Angeles: University of California Press, 1993), 12. Micheaux was not the first black filmmaker of his time, but his distinguished and prolific career, which spanned three decades, certainly sets him apart. In 1916, African American actor Noble Johnson and his brother George Johnson established the Lincoln Motion Picture Company, the first movie company controlled solely by black filmmakers. Noble Johnson served as the company’s president, and the company released its first film, The Realization of a Negro’s Ambition, in 1916. Because of limited theater space for “race” pictures, the company’s film played mainly at black churches, schools, and the few black theaters open at the time. Due to the enormous difficulties the company faced, it folded in 1921. Online at the African American Registry [www.aaregistry.com/african_american_history/1830/The_Lincoln_Motion_Picture_Company]
69 Green, xi, 43.
70 Green, 68.
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.\textsuperscript{71}

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 a racist society. According to film critic Jesse Rhines, Micheaux distributed his films by “bicycle,” meaning he personally hand-carried individual films to theaters across the country.\textsuperscript{72} 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 the figure as he promoted his films across the country.\textsuperscript{73} 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.\textsuperscript{74} 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

\textsuperscript{71} Bogle, “B...is for Black,” 32; Bowser, \textit{Writing Himself into History}, 16.
\textsuperscript{73} Donald Bogle, \textit{Toms, Coons, Mulattoes, Mammies, and Bucks: An Interpretive History of Blacks in American Films}. (New York: Viking Press, 1973), 111.
\textsuperscript{74} The term “miscegenation,” in this context, refers specifically to sexual relations or marriage between black and white individuals, which was illegal in dozens of states in the early 20\textsuperscript{th} century, including Virginia. “Passing,” in the context of Micheaux, refers specifically 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.” Gaines, 18, 19.
was so hot the majors shut down much of their operation.”
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.

The controversial topics of Micheaux’s films also generated heated debates. All 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 semi-autobiographical plotline of a black man falling in love with a woman he presumes to be white, but who, in the end, is black. One film, the 1925 Body and Soul, 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 passing, and 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 gaining 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.

The Reception of Micheaux’s Birthright (1924) in Virginia

Virginia’s censors consistently characterized Micheaux’s films as inappropriate for state audiences. The first of his films to receive censure in Virginia was Birthright in 1924. Scholars have described Birthright as a “race achievement” film in which an

75 Thomas Cripps, Slow Fade to Black, 185.
76 Henry Sampson, Blacks in Black and White (NY: Rowman and Littlefield, 1995), 16.
78 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 and/or distribution year.
79 Censorship records of four of Oscar Micheaux’s films can be found in existing Virginia records.

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African American Harvard graduate returns to Tennessee to establish a black college to “uplift” the race. The graduate encounters opposition from individuals of both the local black and white communities, whose leaders agree that education “ruins” 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.” 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 portrayed them as creative, active individuals who labored 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 film was being exhibited at the Attucks Theater in Norfolk, the Dixie theater in Newport News, the Idle Hour in Petersburg, and a Portsmouth theater without having been licensed, or even examined, by the board. Micheaux’s initial evasion of the board’s authority highlights how the censorial process was a fluid, contested one. Filmmakers did not necessarily have to enter into a dialogue with the board to negotiate the

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80 Birthright chronicles the journey of Harvard graduate Peter Siner, an African American man, as he returns south to set up a school for black children in his Southern hometown. Before his arrival, white officials order him out of his Pullman car and into the “Jim Crow” car in the rear. In other trials, Siner raises money to buy land for his school, only to learn that the deed to the land he eventually purchases forbids African Americans from occupying the land. As a result, even the local black community begins to ridicule Siner and his education, since many of them had contributed money for the school land that would now go unused. The film Birthright no longer exists, and the conclusion of the film is not known.


82 Micheaux used similar tactics elsewhere. After the New York board of censors refused to license several of his films in the early 1920s, Micheaux decided to release his 1927 film, The Millionaire, without submitting it to the board for approval.
boundaries of censorship. Here, for example, the authority of the state board was circumvented in full until the board’s discovery of the illegal showings. After this discovery, the board sent letters to the mayors of these cities warning that the showings of these films, “apparently” being shown in “negro houses” throughout the state, was illegal.\footnote{VBMP. Box 53.}

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.\footnote{Green, 211. The term “subtitles” refers to the dialogue that appeared on-screen, since these silent films preceded the “talkies.”}

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 Virginia board 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.”\footnote{VBMP. Box 53.} 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.\footnote{Pearl Bowser and Louise Spence, *Writing Himself into History: Oscar Micheaux, His Silent Films, and His Audiences*. (New Brunswick: Rutgers University Press, 2000), 16. Such examples show the vast conspiracy involved in the regulation of the movies. 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.} 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, the commonwealth required it to have an attached official seal to prove it had permission to be exhibited within Virginia. Thus, a film without a seal would be a definite sign 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, although it remained a mystery who, had illegally affixed a seal from another movie to *Birthright* before its exhibition in Virginia. As a result of this action that the censors labeled “covert,” the board began associating Micheaux’s company with deviousness, assuming that the filmmaker himself must have illegally detached a seal from another film and illegally attached it to *Birthright*. It remains unclear whether the theater’s management unwittingly exhibited the film—unaware that the Commonwealth had not approved it—or whether the theater owners and managers consciously chose to exhibit the film illegally (or perhaps even affixed the seal themselves).87

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

87 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.” Roberts notes that under slavery, the trickster tradition gave slaves a guide to actions that could give them some advantage in negotiating the slave system. Slaveowners often operated under a view of paternalism that supported their delusion that the slave system was a cooperative one that both the enslaved and the free accepted as legitimate. Such misguided paternalism nevertheless left open the possibility for trickster manipulation. In 1920s Virginia, Micheaux shows his ability to manipulate white paternalists who promoted the idea that both races supported a system based on white supremacy and black deference. John Roberts, *From Trickster to Badman: The Black Folk Hero in Slavery and Freedom* (Philadelphia: University of Pennsylvania Press, 1989), 38, 40, 61.
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. 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. 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 as well, since this scene repeatedly cropped up 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, such as miscegenation. Since the censors believed Micheaux fell outside of the loop of “how things worked,” 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 only a very small amount of money.

Micheaux’s *A Son of Satan* (1924) in Virginia

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 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

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88 VBMP. Box 53.
when feasible. Because *A Son of Satan* was shown illegally, the board sent letters to the managers of all of the “Coloured Theaters” 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.” 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 these white board members was that “the audience is led to believe that the criminal tendencies of the man are inherited from his white forefathers.” Micheaux’s movie, which implied the criminal activities of a biracial character were attributed to white blood, was censored by the board. It articulated a stark counterpoint to uncensored films like Griffith’s that often suggested biracial people would be more socially acceptable and less prone to illicit

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89 Film scholar Charlene Regester explains the scene deletions the New York State Board of Censorship required before *Birthright* could be exhibited there. To pass the board, Micheaux had to cut the word “hell” from the film, eliminate all scenes showing crap shooting, and eliminate the words “You ain’t no black Jesus” from the film. The censors considered such language and scenes to be crass, immoral, and even sacrilegious. These deletions, coupled with the ones New York censors required of *A Son of Satan*, reveal that while the New York board also required cuts from Micheaux’s work, the New York censors seemed less concerned with scenes of explicit racial “intermixing,” and more worried about depictions of gambling and religion, although racial issues certainly did concern them. In *A Son of Satan*, New York censors denied the film a license because of scenes of black men drinking, gambling, committing violence, and crime. Ultimately, the New York board reported that “the film is of such a character that in the opinion of the commission, it is inhuman and would tend to incite to crime.” 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): 65. The New York Board’s elimination, however, also could have been racially motivated. As Jane Gaines questions, were such acts as drinking and gambling censored in Micheaux’s films because of their depiction of “vice” on-screen in general, or was it because his movies portrayed African Americans engaging in these acts? Jane Gaines, *Fire and Desire: Mixed-Race Movies in the Silent Era*. (Chicago: University of Chicago Press, 2001), 234.

90 VBMP. Box 53.

91 VBMP. Box 53.
behavior if not for black blood.\textsuperscript{92} The board decided that the film “at best...[is] 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.”\textsuperscript{93}

Thus, the board invoked its role as a patriarchal and paternal authority “protecting” those who could not protect themselves and attempted to initially cast its censoring of the picture in terms of whom it might offend. While evidence is sketchy, the board’s attitudes reflected the ideology of white supremacy.\textsuperscript{94} The board felt movies possessed 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.”\textsuperscript{95} Not only did the film show something unbelievable to the censors—a “mulatto” 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:

\textsuperscript{92} Regester, “Black Films, White Censors,” 177.
\textsuperscript{93} VBMP. Box 53. It is not clear whether Micheaux was intentionally countering the racism of \textit{Birth of a Nation}, but scholars agree that his films in general presented protests against the racist depictions of African Americans in white-produced popular culture at the time.
\textsuperscript{94} With emancipation, historian Joel Williamson notes that whites became so fearful of African Americans that they not only constricted the definition of who could be “white,” but blackness itself no longer functioned as “a matter of visibility, not even, ironically, of the one drop rule. It had passed on to become a matter of inner morality and outward behavior.” Williamson, \textit{New People}, 107-108. 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, \textit{The Crucible of Race: Black-White Relations in the American South since Emancipation}. (New York: Oxford University Press, 1984), 465.
\textsuperscript{95} VBMP. Box 53.
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.96 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.”97

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” for 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.98 Thus what the board masked here was not the fear of African Americans viewing racial riots on-screen, but of African

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96 Jane Gaines, “Fire and Desire: Race, Melodrama, and Oscar Micheaux,” in Black American Cinema, Edited by Manthia Diawara (New York: Routledge, 1993), 49. Gaines’s specific analysis revolves around Micheaux’s 1919 film, Within Our Gates. This film showed the hanging and burning of two innocent African Americans, and the film’s release followed directly on the heels of the nation-wide racial violence of the “Red Summer” race riots of 1919. Gaines argues specifically in this instance that protests against the movie were motivated by white attempts to stop the broader, national protest against lynching.
97 Gaines, “Fire and Desire,” 50.
98 The board, and Virginia’s leaders in general, framed the way they spoke of African Americans in the same ways they spoke about children. Like children, they believed that African Americans could not take care of themselves and needed the “protection” of state guardians, in this case. This construction of African Americans as unable to care for themselves is crucial to the board’s attempts to justify their regulation of African Americans on-screen as a method to “protect” them from white behavior provoked by certain evocative on-screen images. On a larger scale, white elites used this ideology of “protection” to justify denying African Americans a wide range of political and economic rights, including the vote.
Americans viewing a turn-about in 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." 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 which would challenge their own cultural and social authority as actors politically 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 a black 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 boards had licensed this version of the film which did not contain race riots. This example raises the issue of both Micheaux’s perseverance and willingness to compromise and also to manipulate the system of white censorship to his advantage. Obviously, Micheaux could have submitted the version of his film without the race riots. Yet Micheaux probably kept these potentially most “offensive” 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,

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negotiated what scenes would be passed by a censorship board through the use of filming and distribution tactics. Filmmakers often inserted particularly spurious scenes into their films—such as Micheaux’s race riots—in a direct attempt to draw censors’ attention off other potent scenes that they often believed to be more necessary to their films. In other words, filmmakers included scenes in their films that they knew censors would cut in hopes of making other scenes seem, by comparison, more acceptable and thus more likely to be left intact.\textsuperscript{100}

Unfortunately for Micheaux, the board, still angry over the exhibition of \textit{Birthright} without its approval, decided it would not reconsider the riot-less \textit{A Son of Satan} for exhibition because of the unlawful exhibition and still unresolved payment of fines concerning \textit{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 \textit{Birthright} appeared in the State.”\textsuperscript{101} Here, the difficulties of the practical functions of the censorship board arise in the context of Micheaux. The board directly communicated with movie producers, leaving producers to abide by their rulings. If producers chose to defy the board, they could attempt to sell their movies to theater owners who may have had no knowledge of the movie’s censored status.

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

\textsuperscript{100} Kuhn, 64.
\textsuperscript{101} Evan Chesterman to Micheaux Productions, October 1924. VBMP. Box 54.
simply did not know which films the board had censored, or whether they did know and 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*. This movie depicted the experiences of an African American man spending the night in a haunted house as a result of an argument. The picture contained scenes of drinking, of masked men becoming drunk, the stoning of a cat, a man murdering his wife, and the killing of a leader of "the hooded organization."

After informing the manager that the film had been completely censored, Chesterman went on to write: "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." 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. Micheaux undeniably thwarted the censors when possible, which was often the only route an African American filmmaker could take at a time when white supremacy remained firmly entrenched in the South, and Jim Crow laws separated white and black audiences and films.

By the mid-1920s, the board did not trust Micheaux, and it actively enlisted help to police his films. After *Birthright*’s illegal exhibition, board chairman Evan Chesterman charged his nephew, whom he referred to as Davis, with finding out if the Attucks Theater in Norfolk was exhibiting a Micheaux film. Davis wrote to his uncle that no Micheaux film was showing, but he added an interesting note. According to

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102 VBMP. Box 54.

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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."103 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 space, thus sometimes allowing African Americans to use the "letter" of segregation law itself against white authorities.

Some of Virginia's white citizens also worked in tandem with the board to police the exhibition of films. Both board members and the many white Virginians who wrote to the board vigilantly watched the theater scene. When they saw the Attucks Theater in Norfolk advertise *A Son of Satan*, the board "immediately wired the Manager ... that he would subject himself to arrest and fine if he displayed the picture."104 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.

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103 VBMP. Box 31. Letter to Chesterman, 28 October 1924.
104 VBMP. Box 53.
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—racial uplift, passing, and miscegenation, to name only a few—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. As an African American filmmaker, they did not think him smart enough to understand the procedures of film distribution in Virginia. 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 the commonwealth.105

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 his 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.”106 There is no evidence as to whether a representative of the company visited the board. It was a common occurrence for film representatives or distributors of censored films to make personal visits to argue their case before the

105 VBMP. Box 53-54.
106 VBMP. Box 54. Letter from Micheaux Film Corporation, October 30, 1924. Micheaux is referring to the fact that his films, for the most part, were confined to theaters catering solely to African Americans.

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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." It appears, however, that the board, in licensing the film, had decided to return to its previous depiction of Micheaux as child-like and ignorant of its proceedings. 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."\(^{107}\) Three days later, the board wrote the company a second letter, indicating that it was prepared to resume business relations with the Micheaux Corporation.\(^{108}\)

**Micheaux's *House Behind the Cedars* and Demands for Black Reviewers**

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. This film was *House Behind the Cedars*, and from the outset, the board characterized the film as one that would probably 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

\(^{107}\) VBMP. Letter to Micheaux Film Corporation, November 10, 1924. No information suggests why the censors chose to relent in the face of Micheaux's protests. Perhaps they wished to preserve the appearance of "amicable" race relations touted so fervently by commonwealth officials at the time or perhaps they simply tired of dealing with Micheaux's relentless campaigns to get his films shown.

\(^{108}\) VBMP. Letter to Micheaux Film Corporation, November 13, 1924.
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 since the film suggests an interracial marriage, found the film “most objectionable—so objectionable in fact as to necessitate its total rejection.” In this judgment, it did not rely on its opinion alone. The board called for a second screening of the film, and it extended viewing invitations to the state labor commissioner, Ernest Cox, and a group of “public spirited women.” 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. 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.” In his flattering yet firm and even 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.” 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. 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

109 VBMP. Box 53.
110 Ernest Cox was the author of *White America* and an ethnologist of national distinction.
111 VBMP. Box 53.
112 VBMP. Box 53. Also quoted in part in Bowser, *Writing Himself into History*, 18.
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.\(^{113}\)

As discussed earlier, commonwealth officials in 1920s Virginia legally constricted definitions of “white” 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.\(^{114}\)

The board also believed it could further comment on the very nature of film and what it deemed appropriate or inappropriate for such a medium. The board did not confine its opinion to any specific film but attacked Micheaux for dealing with a subject like miscegenation within the medium of film. In its report, the board wrote:

> 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

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\(^{113}\) VBMP. Box 53.

\(^{114}\) 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 rather than a state-determined category of race. 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*. Martha Hodes, ed. (New York: New York University Press, 1999), 399. By 1924, as stated earlier, Virginia instituted a “one-drop rule” for whiteness, and according to historian Joel Williamson, by the twentieth century, “whites became so fearful of Negroes that they insisted upon an absolutely ‘closed ranks’ attitude among all whites.” Joel Williamson, *New People: Miscegenation and Mulattoes in the United States*. (New York: The Free Press, 1980), 107. Thus, Southerners “began to look with great suspicion upon mulattos who looked white, white people who behaved as black, and whole congeries of aliens insidious in their midst who would destroy their happily whole moral universe.” Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1984).
which put Virginia in the forefront as a pioneer in legislation aimed to preserve the integrity of the white race.\textsuperscript{115}

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

Again, the censors forced the Micheaux Film Corporation to explain why its film should be exhibited in Virginia when its subject matter, according to the board, 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, and he argued that the discussion of miscegenation in popular culture was nothing new.\textsuperscript{116} Micheaux estimated that for every black person who had read \textit{House Behind the Cedars}, a thousand whites had read it, and no antagonism had ever occurred. Never one to shy from politics or confrontation, Micheaux charged: “There has been but one picture that incited the colored people to riot, and that still does, and that picture is \textit{The Birth of a Nation}.”\textsuperscript{117} 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” and concerns of both blacks and whites, and that such film interpretations of novels appealed to his target, African American audience.\textsuperscript{118}

While the censorship board seemingly held the upper-hand in these deliberations, Micheaux’s attempts to get his films exhibited benefited his business. As it had done

\textsuperscript{115} VBMP. Box 53.
\textsuperscript{116} But race relations and the entire idea of race were arguably more fluid in the late 1890s than they were in the mid-1920s when Micheaux attempted to market his film, and when the state of Virginia created a definition of whiteness to exclude anyone with even the smallest percentages of black ancestry.
\textsuperscript{117} VBMP. Box 53. Letter from Micheaux Film Corporation.
\textsuperscript{118} VBMP. Box 53.
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 cutting room in Richmond. 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.”\(^{119}\) These cuts amounted to nearly a reel of film.\(^{120}\) Without these cuts, however, Micheaux’s only alternative was completely depriving audiences of his films and the “progressive” social and racial dynamics he presented on-screen. And as noted earlier, Micheaux may have purposely filmed and included scenes that the censors deemed most offensive in order to get other scenes approved that seemed more palatable by comparison.

**Micheaux’s Films in 1930s Virginia**

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 from 1924 until 1932, for the next controversy over 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*. The film addressed passing, and Green suggests that the moral of the film for the female protagonist was that passing was a personally harrowing, unworkable lie and for the male protagonist, the moral was the same with the addition that an honest effort by a dark-skinned black man was preferable to a light-skinned man passing as a white man.\(^{121}\)

\(^{119}\) Green, 210.  
\(^{120}\) Green, 210.  
\(^{121}\) Green, *Straight Lick*, 188.
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. Again, behind the board’s reasoning ran the same vein of white supremacy it had maintained throughout its existence. The film showed egalitarian interactions between whites and blacks, and the censors refused to allow any Virginian to view these interracial exchanges, lest some African American viewers decide to contest the legally constructed racial boundaries or question institutionalized white supremacy. 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.1 2

The idea of protection does weigh here, as the board contends, perhaps correctly to some extent, that an attempt by African Americans to associate with white Virginians could lead to violence.12 3 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 would “offend” or “confuse” them. 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 “good” race relations in the commonwealth as a means to stymie any attempts at disrupting the racial hierarchy that firmly placed white, elite leaders at the top of the social, racial, and economic order. The censors certainly

122 VBMP. Box 55.
123 This line of reasoning could also be interpreted as a tactic of intimidation, suggesting that if Blacks tried to protest segregation, they could expect to be met with violence.
were not going to license a film that critically questioned the politically and economically inferior position of African Americans in society.

This lack of approval for his film did not stop Micheaux’s picture from being shown in Virginia. Before Micheaux attempted to secure a state seal for the movie, it was shown in Newport News. 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 7th and 8th, having taken it there in person. You came to this office on April 9th 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.124

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 the Board. 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.”125 According to historian Regester, Micheaux, when caught illegally exhibiting films, “responded to [censorship boards’] fury in his usual apologetic manner, defusing them, gaining time, but in the final analysis, bowing to their wishes.”126 In his dealings with Virginia’s censors, Micheaux artfully deceived the board by continuing to exhibit his banned films, despite risks that included the possibility of having his films banned from the entirety of the commonwealth. Thus, while recognizing the necessity of dealing with the board carefully, he did not give in to the demands and threats of the censors. John Alley aptly characterized Micheaux’s relationship with

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124 VBMP. Box 55.
125 VBMP. Box 55. Letter to Micheaux Film Corporation, 22 April 1932.
censorship boards as "one of a dynamic tension between resistance and pragmatic compromise,"\textsuperscript{127} perhaps the only stance possible given his precarious position.

Controversy over Micheaux and his films continued throughout the late 1920s and the 1930s. 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 unaware of the previous action taken against Micheaux. And again, the Board chose to interpret his actions in the mode of ignorance as symbolic of his dismissal of the commonwealth's censorship law.\textsuperscript{128} Micheaux worked tirelessly to bring African American productions addressing the most racially potent issues of his day to black audiences. Historian Thomas Cripps suggests that "if black filmmakers could make movies in isolation, they still could not release them until white eyes had approved them."\textsuperscript{129} Always subject to white censorship at both state and local levels, Micheaux pushed past the law knowing he would incur monetary fines to get his pictures shown. 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.\textsuperscript{130}

\textsuperscript{127} Green, 210.
\textsuperscript{130} Bogle, 111.
Any study of Oscar Micheaux and his battles with censorship boards necessarily 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 to earn. While white censors purportedly scrutinized the “moral” implication of films and their treatment of race, 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. 131 African Americans thus always 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. 132 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.

CENSORING DEPICTIONS OF RACE ON-SCREEN, 1920s - 1930s

While a study of Micheaux offers insight into one independent filmmaker’s intimate dealings with Virginia’s censorship board, it is also important to examine the

131 Historian Evelyn Higgenbotham argues that respectability took on a political dimension for African Americans. She posits that “the politics of respectability constituted a deliberate, highly self-conscious concession to hegemonic values.” 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 that society. Evelyn Higgenbotham, Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880-1920. (Cambridge, MA: Harvard University Press, 1993), 192-193.

board’s responses to other films depicting racial issues during the same time period. 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. On screen, the color of one’s skin often became the dominant determinant of one’s race.

_Cracked Wedding Bells and the Meanings of Black “Camp”_

From its inception, the censorship board forbade miscegenation on screen. From the 1920s to the 1940s, members feared that such representations would undermine the racial order of Virginia by portraying, in any way, the “polluting” of the white race with black blood, which also included passing. Throughout this period, the board censored a series of films that portrayed interracial relationships. The first film to receive censure for its portrayal of interracial interactions was _Cracked Wedding Bells_, distributed in 1923. In this film, a white man disguises himself as a black individual, a reversal of the passing of light-skinned African Americans that censors also banned from film. Through successive fiascos, the white man masquerading as a Black man is poised to marry a Black woman. The wedding proceeds until it is interrupted by the arrival of a wagon of chickens. Board members described this final scene as “the negroes all rush[ing] out to

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134 Also, after the Racial Integrity Act of 1924 reinforced the state’s anti-miscegenation laws and constricted the commonwealth’s definition of “whiteness,” the censors believed showing any hint of miscegenation on-screen could be considered a promotion of a criminal offense.
capture the fowls which are their favorite article of diet."\textsuperscript{135} Even in merely reporting the summary of the film’s plot, the censors inscribed their own racist and stereotypical views of African Americans onto the film’s narrative. In their assessment of the film, the censors argued that the film’s suggestions of miscegenation and passing would offend both blacks and whites, citing that “the race question is always a delicate matter . . . and here in Virginia the union of whites and negroes is seldom discussed or even suggested in polite society. Furthermore there is a statute making the marriage of whites and blacks a felony.”\textsuperscript{136} According to the board, making miscegenation (or to be more accurate, the hint of miscegenation) a laughing matter was “very offensive.”\textsuperscript{137} They suggested that even by applying for a license to exhibit the film in Virginia, the movie producers showed no respect for Virginia’s legal code, which criminalized interracial unions. The board ultimately decided that the film held too much “potential to ignite racial antagonism” to warrant its licensing while reiterating that the movie’s entire theme of miscegenation was not an acceptable topic to be explored on film.\textsuperscript{138}

How serious the censors were with their policing of racial boundaries can be seen in the disagreement between board members that ensued over \textit{Cracked Wedding Bells} (1923). A minority report written by board member J. M. Moncure held that in his view, the film seemed to be “just a comedy by white folks blacked up, and there is nothing in it prejudicial to the coloured [sic] race.”\textsuperscript{139} Thus Moncure asserted first that he, unlike the other board members, read past the idea of miscegenation and instead interpreted the film

\textsuperscript{135} VBMP. Box 53. Unfortunately, no extant copies of \textit{Cracked Wedding Bells} exist, and neither do any known reviews of the movie that details its plot. Only the board’s brief, racist review of the film is available for analysis.
\textsuperscript{136} VBMP. Box 53.
\textsuperscript{137} VBMP. Box 53.
\textsuperscript{138} VBMP. Box 53.
\textsuperscript{139} VBMP. Box 53.
at its word of being a “comedic farce.” He interpreted the film merely as entertainment, while the other two board members constructed the film’s portrayal of interracial mixing as “serious representations” of forbidden marriages and sexual liaisons between African Americans and whites. Second, by noting that the cast of the movie consisted of white actors and actresses in blackface, he argued that no real harm was done. As literary scholar Susan Gubar suggests, blackface afforded white actors and audiences the ability to simultaneously believe they could be like African Americans while also rendering actual African Americans invisible. The physical absence of the black body in blackface entertainment suggested that whites could not only replace African Americans, but that they could obliterate them as well. White performers in blackface buttressed white supremacy by destroying the human subject on stage or film and replacing it with the idea of the Black “Other,” an irrational black body reduced to physicality, desire, animality, and entertainment—in short, reducing African Americans to images “worthy” of white domination.

Other scholars, however, have suggested readings of blackface that emphasize the African American viewer of whites in blackface. Minstrel scholar Eric Lott suggests that nineteenth-century minstrel blackface functioned as the first formal, public recognition of Black culture by whites, and his study’s title, Love and Theft, encapsulates what he describes as “minstrelry’s mixed erotic economy of celebration and exploitation” of Black culture. White uses of blackface showcased both their attraction and fear of African Americans. Lott speaks of the minstrel mask in terms of its “slipperiness” which

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140 Susan Gubar, Racechanges: White Skin, Black Face in American Culture (New York: Oxford University Press, 1997), 75.
141 Gubar, 81, 96.
momentarily placed African Americans "on top" and may have represented a desire "as much to maintain control over a potentially subversive act as to ridicule" it.\textsuperscript{143} Film scholar Arthur Knight emphasizes that blackface, far from suggesting an absence of African Americans in culture, actually signaled their presence.\textsuperscript{144} Through the space of film, African American audience members could interpret on-screen whites in blackface outside the "white gaze."\textsuperscript{145} This space, according to Knight, "enabled African American audiences to critique and reformulate U.S. culture and their claim on and their place in it."\textsuperscript{146} Whites in blackface could indicate to white culture that whites performing "instead" of blacks were attempts to displace African Americans out of the broader culture. Yet African American readings of blackface served as "a critical foot in the door of American opportunity." African Americans used depictions of whites in blackface as a method to critically examine white behavior and "to remind whites of the continuity of (and responsibility of) races in relation."\textsuperscript{147}

\textit{Love Mart (1928)}

Throughout the 1920s and 1930s, the censors banned any film that touched on subjects of miscegenation and passing in their efforts to regulate the racial order of the commonwealth through their control of movie images. For example, in 1928, the board rejected the film \textit{Love Mart} as "immoral," "indecent," "inhuman," and as a movie likely

\textsuperscript{143} Lott, 29, 113. According to Lott, "whites involved in minstrelsy were far from unenthusiastic about black cultural practices or, conversely, untroubled by them...blackface minstrelsy has seemed a form in which transgression and containment coexisted, in which improbably threatening or startling sympathetic racial meanings were simultaneously produced and dissolved." Lott, 234.


\textsuperscript{145} Knight, 50.

\textsuperscript{146} Knight, 54. Knight further notes that in some films, blackface was rendered comical because it did not narratively "fit" in the film. Instead, it was obvious, and no one was disguised—or fooled—by it. Knight, 52.

\textsuperscript{147} Knight, 89.
to “incite to crime.” The basic storyline follows Antoinette Frobelle, a “belle” of the South, who is accused of being an “octoroon” of black ancestry passing as white, and she is summarily sold into slavery. The man who buys her, a Creole aristocrat, frees her, forces her accuser to confess that he had lied about her heritage (Antoinette is ultimately pronounced fully “white”), and marries her. According to the board’s report, the movie not only contained elements offensive to whites but also scenes “calculated to cause irritation among the negroes.” In a mantra repeatedly used by board members to censor movies for race-related issues, the board cited the “good” race relationships that existed in Virginia. According to the board, “in a state where the best of feeling prevails between the two races, it is always unwise to present . . . any entertainment which emphasizes race prejudice or suggests injustice to the coloured [sic] races.” Here, censors used the broader tenets of white paternalism to justify their actions, invoking a “protectionist” ideology to persuade individuals that they exerted their authority to “protect” African Americans from derisive movie-generated images. Again, white leaders of the commonwealth sought to portray Virginia’s race relations as amicable in order to thwart any attempts to change the commonwealth’s racial system. Yet the board never acted to censor the demeaning, stereotypical portrayals of African Americans consistently placed on screen by major Hollywood studios, because such portrayals affirmed, rather than threatened, white supremacy.

*White Cargo (1930)*

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148 VBMP. Box 53.
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151 VBMP. Box 53.
Censors not only set out to keep miscegenation and passing off-screen; they also contained any images of African Americans gaining some semblance of dominance or gain at the expense of whites. In 1930, Virginia’s censors banned the film *White Cargo*, in which an African American woman is shown duping a white man.⁵² The board summarized the film and its setting as “a rubber plantation in a desolate, miasmatic [sic] section of Africa where white men suffer alike from ennui and sex starvation and where damp rot prevails on almost every side.”⁵³ According to the censors, one white man, “deprived of the society of decent women of his own race,” turns to a “mulatto” woman, as they describe her, whom he marries. After the marriage, the censors wrote that the husband “in disgust” realizes his mistake and the interracial woman “never quite able to understand the sanctity of the marriage tie” tries to poison her husband.⁵⁴ In the end, the white man returns home, and the biracial woman is forced to drink the poison she had prepared for her white husband.

The board began its criticism by stating that the film contained many questionable scenes including “sordid scenes which show the negress putting forth her meretricious efforts to ‘vamp’ the white man.”⁵⁵ The censors interpreted the biracial woman as the “seductress” goading the white male character into sexual relations while constructing the white man as the victim, falling prey to her seduction. The board furthered the stereotype

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⁵² This British film, distributed independently in 1930, was censored in its entirety by both Virginia and Ohio, although Virginia noted miscegenation as its reason for censorship while Ohio only noted that the film was all-talking, probably indicating that the film was not approved because the censors could not properly view it. In Virginia, for example, dozens of movies were censored before the censors had acquired the proper equipment to view talking movies. Most of the other state boards did cut four or five scenes between the “white man” and “native girl,” but they did not deem it necessary to forbid the exhibition of the entire movie. Margaret Herrick Library. Academy of Motion Pictures of Arts and Sciences, Los Angeles, California. Production Code Administration Files. File: White Cargo, MGM, 1941.

⁵³ VBMP. Box 53.

⁵⁴ VBMP. Box 53.

⁵⁵ VBMP. Box 53.
of the manipulative, sordid, and sexually provocative biracial woman by using the common trope of the mythical "Jezebel." The censors again cited the film’s “most disgustingly offensive feature” as the marriage between a white man and a woman of color. They used the same reasoning as they had seven years earlier when censoring *Cracked Wedding Bells* (1923). Although new censors now sat on the board, they still noted that miscegenation was an “unwholesome” theme for movies in general, and a particularly troublesome one in Virginia “where the intermarriage of blacks and whites constitutes a felony [and] such plot material . . . would excite a universal sense of revulsion.” The censors worked to maintain a strict color line that denoted privilege and power as much as race.

**RACE, CENSORSHIP, AND THE KLAN**

This chapter began with the exploration of both black and white responses to the *Birth of a Nation*. At the center of African American protests against the film were the criminal, hypersexual caricatured portrayals of its African American characters. White defenses of the film centered around *Birth*’s “true” portrayal of Reconstruction-era African Americans, which in turn justified the Klan’s vigilante violence. The Klan itself sought to influence censors in an attempt to police racial boundaries on-screen. In July 1923, B.G. Pease, secretary of the Richmond Knights of the KKK, expressed the

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156 According to theorist Patricia Collins, the mythical Jezebel image painted African American women as animalistic, sexually aggressive women who preyed upon men, thus providing the powerful rationale for the widespread sexual assaults African American women experienced at the hands of white men. The mythic Jezebel, sexually aggressive and thereby deviant from white women, functioned as a dangerous social contaminant capable of undermining the patriarchal family structure by luring both black and white men away from their “proper” roles as family patriarchs. Patricia Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 1990), 170. Lisa Anderson, *Mammies No More: The Changing Image of Black Women on Stage and Screen* (Lanham, MD: Rowman and Littlefield Publishers, 1997), 88.

157 VBMP. Box 53.

158 VBMP. Box 53.

159 The leading African American characters were played by white actors in blackface.
organization's dissatisfaction with the board's approval of *The Pilgrim* starring Charlie Chaplin. In this film, Charlie Chaplin plays an escaped convict who masquerades as a preacher in a Texas church. *The Pilgrim*, Pease stated, was "nothing but a burlesque on Protestant Ministers" and thus worthy of censorship. He noted that the film *Bella Donna* was even more offensive. In *Bella Donna*, a woman travels to Egypt with her engineer husband where she falls in love with an Egyptian who persuades her to poison her husband. Speaking for the Klan, Pease said that the organization believed the film to be "nothing more than a clandestine love affair of a white married woman and a dusky paramour, who is represented to be an Egyptian prince, but who is nothing more than a common coon." Thus skin color on film could become the most important determinant in the viewer's mind of a character's race or ethnicity.

In response to the Klan's letter of complaint, board chairman Evan Chesterman explained that not only had both films passed other censorship boards but also that, in the case of *Bella Donna*, many cuts had been required before the film was licensed. Chesterman told Pease: "You astonish us when you refer to the Egyptian prince...as 'nothing more than a common coon.' As we recall...the actor was not even made up as a dark-skinned man. There is nothing either in history or ethnology...which suggests that the Egyptians, especially the higher classes, have any tint of negro or Negroid blood in their veins." Not only did Chesterman render the Egyptians "non-black," he also posited a classed argument that suggested elite Egyptians especially had little chance of being "black" due to their economic status. Chesterman also included with his letter a

160 As Nancy MacLean notes, nativist Protestantism was a central tenet of the 1920s Klan.
162 Ibid., Evan Chesterman to B.G. Pease.
copy of the eliminations the board had ordered out of *Bella Donna*. While board member Emma Sampson suggested the board sue the Klan for intimidation reasons, the board decided to ultimately ignore the complaint after sending an initial response.\(^{163}\)

**CONCLUSION**

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 commonwealth, would have included substantial numbers of African Americans in the minds of the censors. 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 race relations and the status of all races in Virginia.

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

\(^{163}\) In her autobiography, Sampson recalls, “The Klan accused [the censors] of being in the pay of the producers and threatened us with dire punishment if we did not comply with their dictates as to race and creed...For some weeks [we] were in hourly expectation of a sheet-and-pillowcase party.” *Diary of Emma Sampson*. Virginia Historical Society. Special Collections. Richmond, Virginia.

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Americans and its glorification of the Klan's vigilante terrorism. 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 a black audience. 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 shed light on the multiple contestations of popular culture in 1920s and 1930s Virginia, and the centrality of racial issues to that negotiation. As the next chapter will show, issues of race remained a central concern of the board and both its supporters and detractors in the post-World War II era as well, and the contestation over the censors' decisions in the postwar era would increasingly threaten the board's ability to function.
CHAPTER III

THE CULTURAL POLITICS OF RACE AND THE COLD WAR

The post war years in Virginia, and the nation as a whole, were particularly contentious as Cold War politics, Civil Rights activism, and anti-Civil Rights protests framed the state’s political stage. Into this framework fell the opportunity for a variety of groups to challenge censorship practices. As African Americans and whites who no longer subscribed to white supremacy protested the entrenched racial hierarchies of the state – and permanently unhinged them – political, economic, and cultural methods previously used to shore up white supremacy fell under significant attack. The censorship board, which formed part of the cultural arm of the maintenance of hierarchies of power within the state, including white power, also faced increasingly more criticism as many individuals and groups came to see the board as unnecessary.

With the controversy over The Burning Cross, we see vibrant local and national responses to censorship and racism, with both Black and white Virginians contesting the film’s censorship. In this postwar climate, some began to label support for the KKK as anti-democratic and the censorship board’s power was increasingly scrutinized. Some white southerners were no longer silent about anti-racist attitudes, and white hegemony simply did not hold after World War II when African Americans, veterans, organized Protestants, intellectuals, and white Democrats voiced strong opinions about civil rights, fascism and democracy. Like Chapter 2, this chapter continues to focus on how the
censors regulated Black images on-screen. But in the postwar era, this project was increasingly contested on a much larger scale and the racial hierarchy that censors, and by extension state officials, sought to preserve threatened to crack beyond repair as African Americans made their way into integrated police and fire departments in the early 1950s and integrated libraries, theaters, lunch counters, and voting booths by the mid-1960s. In the postwar era, the racial hierarchies that state officials had tried heartily to preserve for decades came under such attack that the bedrock of white supremacy would not stand.

Film and War

As war engulfed Europe and Asia in the late 1930s and early 1940s, U.S. government officials expressed increasing concern over Hollywood's portrayal of war at the movies. In February 1941, ten months before the U.S. entered the war, President Franklin D. Roosevelt praised Hollywood producers at an Academy Awards banquet for their cooperation "with all who are directing the expansion of our defense forces."1 Others, however, did not share Roosevelt's praise for the filmmakers. In a series of U.S. Senate hearings in September 1941, the Committee on Interstate Commerce subcommittee began investigating war propaganda distributed by the motion picture industry and any monopolies that may have existed within it. The subcommittee investigated forty-eight films, of which twenty-five were American productions, including Confessions of a Nazi Spy (1939), written by future blacklisted writer John Wexley.2 The hearings stemmed from concerns such as those expressed by isolationists

like Senator Gerald Nye of North Dakota who believed Hollywood producers actually promoted war in their products to advocate U.S. entry into World War II. Producers in turn accused isolationists of arranging the hearings as a way to gain publicity for their cause and argued that their movies were “pure entertainment” and contained no political agenda.  

Despite the existence of self-censorship through the Hays office meant to ward off governmental censorship, Hollywood filmmakers faced various forms of government censorship once the U.S. entered World War II. Less than a year into the war, the military expressed its unhappiness with Hollywood’s emphasis on “blood-and-guts” imagery and instead suggested that films should focus on the sacrifices required by everyone in all American families.  

In June 1942, government officials created the Office of War Information (OWI) to domestically promote the U.S. effort in the war. As part of its mission, it created the Bureau of Motion Pictures, which supervised the production of government propaganda films by major film studios and also attempted to regulate the contents of Hollywood movies more generally.  

The OWI worked closely with the Office of Censorship, which issued export licenses for movies and determined which U.S.-produced films could be exhibited in overseas “liberated” areas under American control. According to historians Larry Ceplair and Steven Englund, Hollywood filmmakers were enthusiastic and cooperative “recruits” to the U.S. war

3 Koppes and Black, 17-18.  
4 Ceplair and Englund, 178.  
5 Koppes and Black, 59.  
6 Koppes and Black, viii.
effort: "Virtually everyone, mogul and grip alike, committed himself to all varieties of war support activity, from making propaganda films to buying bonds."  

OWI executives in charge of overseeing Hollywood productions set up an office in Hollywood and began to "suggest" to film studio executives that it would be helpful if they gave film scripts to OWI workers to review prior to production. In the beginning, OWI officials stressed the voluntary and cooperative spirit of the request. According to historians Clayton Koppes and Gregory Black, the "OWI preferred to convert Hollywood, not censor it." Soon, OWI executives began to issue repeatedly updated manuals to specifically instruct studios how to "help" the war effort in their films, and they soon reviewed screenplays from every major studio except Paramount.  

Given the national and even international reach of the movies, OWI officials believed that Hollywood filmmakers could casually insert war propaganda into their films in a manner in which viewers would not realize they were being "propagandized." The idea was to manipulate film in a way in which the public would not notice. OWI executives asked filmmakers to consider seven vital questions when producing films. These questions included: will the film help win the war? Will it harm the war effort by creating a false picture of America or its allies? Is the film being made merely for profit and thereby lessen the effects of more important pictures? Will the film be outdated by the time of its mass circulation? Does the film tell "the truth" or will "young people... say they were misled" by propaganda?  

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7 Ceplair and Englund, 177.
8 Koppes and Black, 63.
9 Koppes and Black, vii.
10 Koppes and Black, 64.
11 Koppes and Black, 66-67.

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By late 1942, OWI officials asked the Office of Censorship to prevent "bad" pictures (those that did not present the American war effort or Americans themselves in a positive or appropriate manner) from being exported, thus hoping to prevent the studios from making such films since foreign exhibition often determined whether a movie lost or made money. By December 1942, OWI executives formally advised studios that it would be in their best interests to routinely submit not only finished scripts and treatments but also summaries of proposed productions to their office for review. That same month, the Office of Censorship hammered out new rules under which no films were sent overseas if they showcased factories, military equipment, or identifiable terrain without explicit approval from the Office of Censorship, the military, or both. In addition, no movies exploring labor or class issues after 1917 in which the "enemy" could distort and use in its own propaganda would be released for overseas distribution. At home, Westerns won validation under the system, as they esteemed "law and order," "good" heroes, and the triumph of the "American way." Gangster films, which showed a sense of lawlessness, recklessness, and ethnic strife in America, did not. As Koppes and Black note, profits and propaganda melded in the Hollywood films of the World War II era. Movies portrayed America and its citizens as prosperous, wholesome, and democratic with everyone cheerfully doing his or her part for the war effort. Thus under varying degrees of coercion and cooperation framed as "suggestion" by the U.S. government, Hollywood filmmakers worked with government officials to create movies palatable to the government and profitable for Hollywood. The war helped establish in

12 Koppes and Black, 105.
13 Koppes and Black, 126.
14 Koppes and Black, 126.
15 Koppes and Black, 143.
the minds of federal officials how central the movies were in promoting ideologies and national mindsets and created a relationship between Hollywood executives and governmental officials that would continue, albeit often in more coercive ways, in the postwar era.\(^{16}\)

**THE BURNING CROSS IN VIRGINIA**

The regulation both of the movies and the space of the theater fell into these regulatory actions. Before World War II, African Americans had attempted to desegregate theater spaces around the country, including Virginia's capital, Richmond. Also, individual African Americans, along with activists working through formal organizations such as the NAACP, increasingly protested against censors' decisions. They criticized the board for banning positive depictions of African American characters and portrayals of white violence against black individuals and communities from the screen while simultaneously never censoring depictions of African American violence against whites or portrayals of African Americans as villainous, such as those found in *Birth of a Nation*.\(^{17}\)

By 1934, Hollywood's own censorship board had prohibited miscegenation on film, so Virginia censors no longer had to worry about "forbidden" images of miscegenation slipping by them in Hollywood productions. In fact, it would only be after the Second World War that Hollywood producers and industry censors again began expanding what could be shown on film. Censors had turned their concerns in the 1920s

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\(^{16}\) In the postwar period, some in Hollywood supported the government's purging of Communists wholeheartedly. They even invited HUAC to Hollywood. Others, however, would be persecuted and blacklisted from the Hollywood film industry by government officials and their partners in Hollywood.

\(^{17}\) While D.W. Griffith first released *Birth of a Nation* in 1915, the film enjoyed continuous revival status. It played to sold-out audiences in Virginia in the 1920s, the 1940s, and the 1960s, and its screenings often were accompanied by African Americans calling for the film's censorship.
and 1930s to regulating depictions of African Americans on-screen as Virginia legislators constricted the legal definition of "whiteness" and the physical spaces citizens of color could occupy in the commonwealth. In post World War II Virginia, African Americans began to more publicly and vocally press for expanded civil rights in both the commonwealth and the nation. Thus it remained a top priority for censors to continue to maintain the boundaries of white supremacy by actively regulating out of films any depictions that might question or threaten the commonwealth's racial order, which still firmly placed white, elite men at its head. Immediately following World War II, when the censors retained greater power to regulate the movie screen and African American civil rights protests had not yet become as visible, the board severely curtailed on-screen depictions that challenged white hierarchies. One such film that received full condemnation from the censors was the independent film *The Burning Cross*, which applied to Virginia's censors for an exhibition license in 1947.

Some white citizens and many African Americans hailed *The Burning Cross* as a searing response to the racism of Griffith's *Birth of a Nation* (1915). The movie showcased the horrors of a white, Reconstruction-era Ku Klux Klan exacting unwarranted, vigilante violence on innocent citizens in the South, specifically African Americans. Unlike *Birth of a Nation*, however, *The Burning Cross* was initially banned from exhibition throughout Virginia. Furthermore, when compared with the board's dealings with Oscar Micheaux beginning over two decades earlier, the censors' positions seemingly changed little. Board members still used the rationale of maintaining racial harmony to censor African American films and to maintain their authority in prohibiting any images on-screen that might call into question the "value" of white supremacy.
However, between the early 1920s and the late 1940s, one very important change occurred. In the mid-1920s, the board’s dealings with Micheaux were primarily private. There are no accounts of the many controversies between Micheaux and the censorship board in either the local Black or white press. By the late 1940s, however, even one white newspaper, the Richmond *Times-Dispatch*, published the request NAACP leaders made to view *The Burning Cross* and the censors’ refusal.\(^{18}\)

The board initially prohibited *The Burning Cross* from exhibition in Virginia on September 17, 1947 with its evaluation that the film “has to do with the Ku Klux Klan and we feel that such a subject is inflammatory and not conducive to keeping the best relations among various racial or religious groups.”\(^{19}\) The late 1940s witnessed increasing civil rights protests by African American citizens accusing white elites of perpetuating systematic violence, political disfranchisement, and economic impoverishment toward them. Censors would not permit films exhibiting violence against African Americans to be shown, lest viewers use these images as a further means to question and protest the tenets of the commonwealth’s white supremacy.\(^{20}\)

Virginia censors initially banned *The Burning Cross* as “inhuman” and on the grounds that it might “incite to crime,” although the board’s report did not specifically state whom the film might criminalize.\(^{21}\) In response to the ban, Jack Cartwright, the film distributor’s publicity chief, appealed to legislators in Richmond: “Virginia is now on record as the first and only State to completely ban this picture which is mainly [an]

\(^{18}\) *Richmond Times-Dispatch*, 19 October 1947.


indictment of the Ku Klux Klan and other types of un-American organization.”

Following on the heels of World War II and in the midst of the Cold War, the distributor suggested Virginia’s censors’ ban of the film was “un-American.”

When the board refused to approve the film after a second screening, the film’s distributors took their case to Richmond’s circuit court. For the next two months, articles concerning the ban of this movie peppered newspapers across the state and even the nation as the censorship board, the movie’s producers, and Virginia’s citizenry awaited the court’s decision on whether the censors’ initial ban would be upheld.

Even before its release, The Burning Cross had been reworked by Hollywood censors. According to a 1947 Ebony magazine edition, the film’s writers originally wrote the leading Black character’s role in dialect. Worried that Black audiences would find it offensive, Eric Johnston, the president of the Motion Pictures Association of America, “suggested” that the dialect of the main Black character be deleted from the film. Also, a letter written by Joseph Breen of the PCA to the film’s producer mandated that “the Negroes throughout the production will at no time be shown as too subservient and ... their dialogue will be cleaned up so that the English will be grammatical.”

This required alteration was one of many included in the PCA’s multi-page instructions to the movie’s producer, Walter Colmes, that he would need to change before the movie could...

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23 This label represents an indictment invoking overtones of Communism and disloyalty to the nation at the time of national Congressional hearings and jailings for those accused of conducting “un-American” activities.
24 Ebony was a mass-marketed African American monthly glossy.
26 Margaret Herrick Library. Motion Picture Academy of Arts and Sciences, Los Angeles, California. Production Code Administration Files. File: The Burning Cross, Somerset, 1947. While the PCA declared the basic story line acceptable, it issued pages of mandated changes, including many dialogue changes and repeated warnings about taking the “greatest possible care” concerning the portrayal and dressing of female characters.
leave the production studio. At the root of these changes were attempts to make the movie as palatable as possible to all audiences to ensure protests would not override the profit margin. Also, I would argue that they wanted to keep African Americans as complacent as possible. If films presented material to African American audiences that precipitated protest, then such protests would be framed within the larger context of the continual denial of African American rights and their lack of appropriate and accurate representation in all aspects of society. In other words, protests against how filmmakers depicted African Americans on-screen might galvanize further protests concerning the status of African Americans more generally in society. Thus the PCA’s interest in not allowing the most offensive depictions of African Americans on-screen worked as part of a more deliberate strategy to pacify African Americans just enough to keep them from demanding the “first-class” citizenship that whites enjoyed, from full voting rights to a complexity of non-offensive character depictions on-screen.

Some white editorialists, however, believed that the movie’s indictment of white violence against black citizens would meet with stiff resistance in southern movie theaters. To this end, writers at the New York Times called The Burning Cross “a modest experiment in defiance of the Southern motion picture market” and characterized the film’s distributor, Screen Guild Corporation, as “a minor organization which can afford the risk of alienating the Southern market.”27 Hollywood producers expressed caution in portraying race relations in movies and were especially attentive not to offend the white movie-going South. Thus most portrayals of African Americans on-screen consisted of “benign” characters who, at the very least, did nothing to challenge white authority and were acceptable to Hollywood’s oversight agencies. Since a small studio released The

Burning Cross, white commentators on the national level suggested that the studio could afford to potentially alienate southern whites because it had few, if any, other films playing at the time that could be boycotted. These writers suggested that any negative portrayal of the KKK would be so unpalatable to Southern white audiences that only an independent outfit could have afforded to “alienate the South” by producing a picture like The Burning Cross.

While the movie’s producers, Walter Colmes and Solly Levinson, may have risked alienating the southern movie market, an Ebony article suggested that they faced more widespread discrimination. The movie had difficulty securing funding, and its producer Solly Levinson told Ebony writers that while many actors volunteered to star in the movie without pay, no writers wanted to participate in the project out of fear of ruining their reputations in the film industry. Levinson noted: “Even though we knew Hollywood was always on the fence when it came to offending any group—even the KKK—we decided to go ahead.” With the rumblings of anti-Communist hysteria and the idea of “subversives,” particularly in Hollywood, producers increasingly became cautious. John Festini, an actor in the film, declared that “if [the film] saves ten people from joining the Klan, the picture is worthwhile.” Ebony writers claimed: “Movie audiences have been waiting thirty years for Hollywood to answer The Birth of a Nation. . . The Burning Cross wallops back at the KKK full measure and more.”

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28 “The Burning Cross,” Ebony, September 1947. Ebony’s editors did not list a writer or writers for the article on The Burning Cross, which was entitled The Burning Cross. At the time, John H. Johnson both published and edited the magazine, and Robert Ellis worked as its Hollywood editor.
30 Ebony, 38.
31 Ebony, 36.
article’s writer noted the resistance awaiting the film in the South, remarking that “plans include selling the picture in the South despite sure Klan opposition.”32

As discussed earlier, for decades, major Hollywood studios had been using the “Southern box office” excuse in response to critiques about their “anti-progressive” stance toward on-screen racial relations and their lack of films frankly addressing racial issues. Hollywood producers claimed that the industry’s films would present more “progressive” circumstances on-screen such as interracial sexual relationships if not for the fear of the Southern movie market boycotting such a product.33 Movie critics in turn argued that Hollywood should not allow the myth of the Southern box offices’ power to control the movies it produced.34 Regardless, with its independent status, the gradual liberalization of the movie industry following on the heels of World War II, and a movie with a low-budget price tag of under $150,000, Colmes and Levinson brought The Burning Cross to the nation.

World War II had propelled racial issues to national prominence while simultaneously straining public accommodations, leading to a broader questioning of the “cost” of maintaining racial segregation, including the segregation of movie theaters.35 As early as 1939, African American protestors had attempted to integrate the seating at

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32 Ebony, 38.
33 Robert Sklar, Movie-Made America, 329; Thomas Cripps, Making Movies Black, 19.
34 The South did have censorship boards, including the cities of Memphis and Atlanta and the state of Virginia. However, the five other state censorship boards existed outside of the South in Ohio, Kansas, New York, Pennsylvania, and Maryland during this same time period.
35 Between 1908 and 1965, Virginia officials executed 54 men convicted of rape or attempted rape, all of whom were African Americans. By the post-World War II era, however, such executions were increasingly rare due to the successful use of statistics to show the high execution rate of Black men convicted of rape compared to no execution of white men convicted of the same crime, Black press coverage of such cases, and the mobilization of Black communities and civil rights organizations. Dorr, 125.
the Richmond Mosque theater, which the city owned. Integration proceeded slowly in the commonwealth and often, “voluntary” desegregation took place only because of whites’ fears of how threats of protests against them might negatively affect their businesses. Thomas Cripps argues that a sea change occurred in movies and movie exhibition as a result of World War II. The movies themselves created “new conditions upon which blacks and whites might agree to fight a war together against external enemies.”

According to Cripps, experiences during the war forced a reconsideration of racial arrangements that, by extending his argument, might allow a movie like The Burning Cross to be made in the immediate postwar era. When the Supreme Court moved away from an interpretation of movies as merely a business and toward a reconfiguration of the medium as constitutionally-protected speech in 1952, some movies, began to deal critically with the social and political legacies of racism, although not without censors diluting the final product.

The Burning Cross defied easy characterization, although most viewers agreed that it would not cause audiences to riot, which the censorship board had used as its main reason for banning it. According to the film’s co-producer, Solly Levinson, it was “an entertaining document, showing the forces of evil trying to take over parts of the country

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36 Megan Shockley, We Too are Americans: African American Women in Detroit and Richmond, 1940-1954 (Urbana: University of Illinois, 2004), 177.
38 Richard Randall, Censorship of the Movies: The Social and Political Control of a Mass Medium (Madison: University of Wisconsin Press, 1970), 26. The PCA ordered scenes of the Klan beating an African American to be reduced. The film, according to the restrictions, could not show the Klan lashing someone with straps, and any lashing had to be limited to only one or two strokes. Margaret Herrick Library. Motion Picture Academy of Arts and Sciences, Los Angeles, California. Production Code Administration Files. File: The Burning Cross, Somerset, 1947.
again." Writers at the Richmond *Afro-American* depicted the film as “poor movie fare, being literally ‘thrown together,’ but . . . shoddy as it is, it is the most daring exposé of the Ku Klux Klan ever filmed.” After the censors first screened the film, they decided to hold a second screening with a broader white audience before banning it in its entirety, a common practice for the board. White Virginians present at the film’s second viewing at the board’s offices did not think that the movie would “incite to crime” as the censors did, but the board nevertheless decided to uphold the ban on the film. While noting some violence in the film, Walter Cragie, the Protestant co-chair of the National Conference of Christians and Jews, saw “nothing objectionable to Virginians” in the film, further stating that Virginians “are perfectly capable of thinking for themselves and forming their own opinions.” J. Westwood Smithers of the American Legion described the film as “crude” and “propaganda.” He went on to remark that despite the film’s purpose to incite the emotions of the naïve, “as far as I can see, its effect, like that of an old-time revival sermon, is not to incite one to crime, but to incite one to fervently oppose crime, especially the crimes committed by those spurious organizations such as the modern KKK which capitalizes on racial and religious prejudice under the guise of one hundred percent Americanism.” The censors themselves served as the lone public voices supporting the censorship of *The Burning Cross*.

Other organizations of white Virginians who pre-screened the film viewed it as inoffensive, and activist organizations throughout the state petitioned the board to rescind

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39 *Ebony*, 38. This quote from Levinson suggests the producers at least saw their film as offering a presentist argument on race relations and that the historic characterization of and violence associated with the Klan could speak to current race relations.
40 *Richmond Afro-American*, 8 November 1947.
41 *Richmond Times-Dispatch*, 3 October 1947.
42 *Richmond Times-Dispatch*, 3 October 1947.
its ban. The Committee for Virginia, an affiliate of the Southern Conference of Human Welfare, telegrammed the censors to announce that "refusing to allow the people of Virginia to view a film protesting against the antidemocratic forces such as the KKK is a blight on our efforts of democracy in our country." The Committee labeled the film "a strong protest" against the KKK and called its censorship "un-American," foreshadowing the red-baiting language that would become rife during the 1950s. The telegram's writer, white civil rights activist Virginia Durr, admonished the leaders of the commonwealth who, she noted, "talk so big . . . about democracy with a capital D one day and cut her throat in Richmond by the absurd censorship of this picture the next." She further declared that she intended to bring the censorship of the film to the attention of HUAC. The Screen Guild's publicity chief, Jack Cartwright, spoke of the possibility of showing the film to HUAC, which was headed by Representative Parnell Thomas of New Jersey. Cartwright announced that the film "will be offered to the Committee as conclusive evidence that some producers in Hollywood are aware of un-American activities in this nation and that this picture is an all-out indictment of such subversive groups."

Central to anti-censorship arguments was the claim of "constitutional protection" and its corollary that freedom of speech restrictions were "un-American." In the politically charged post-war era, as the Cold War heated up and Communism became a label used to discredit and ruin one's opponents, characterizing a political action such as

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43 Richmond Times-Dispatch, 3 October 1947.
44 Richmond Times-Dispatch, 3 October 1947.
45 Virginia Durr joined the Woman's National Democratic Club in the 1930s and worked closely with liberal political leaders to further the cause of both African Americans and women. She and her husband bailed Rosa Parks out of her Montgomery jail cell after her arrest for sitting in the white section of a city bus. Durr was especially active in galvanizing support for the Voting Rights Act of 1965. Richmond Afro-American, 11 October 1947.
movie censorship or a group like the KKK as “un-American” threatened to paint them “Red” and, thereby, politically suspect. The same year *The Burning Cross* was released, HUAC, the House Un-American Activities Committee, arrived in Hollywood and those who refused to satisfy its interrogations could no longer find work in the industry.47

Several citizens’ groups protested the censors’ ban on the film, including the Richmond chapter of the American Veterans Committee whose chairman wrote directly to the board to protest the picture’s censorship, reasoning that it would be “difficult to believe a picture which . . . attempts to show the evils of the Klan can have anything but a beneficial educational effect upon its audiences.”48 Another writer lamented: “Next I suppose you’ll ban ‘Confessions of a Nazi Spy’ as controversial!,” a comment suggesting that the Klan’s claim to innocence in its actions were as unbelievable as those made by Nazis. 49 One writer for the Richmond *Times-Dispatch* reasoned that if the movie stirred potential audience members to violence, such action would be projected toward the Klan. This tongue-in-cheek commentator suggested that since Klan members did not publicly identify themselves, “I doubt very much if a showing of this picture would be followed by the spectacle of sheeted corpses on the lawns of Virginia.”50 The unnamed author went on to point out that no one suggested censoring *Gone with the Wind* because it might revive North and South animosities.

Censorship certainly had its defenders. Leaders of the Young Women’s Christian Association (YWCA) wrote the board out of their concern that the film might expose

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47 See the discussion of HUAC in Hollywood later in this chapter for further explanation of the committee’s operations in the movie industry.
48 VBMP. Box 53.
49 VBMP. Box 53. As discussed earlier in the chapter, *Confessions of a Nazi Spy* was investigated by a Senate subcommittee in 1941 for its controversial depictions of war-related material.
50 Richmond *Times-Dispatch*, 19 October 1947.
youths to violence, calling the film as bad as the KKK itself. Many of these pundits expressed their opinions publicly on the particular merits of this movie without having actually seen the film. Censors in Virginia screened movies before they could be shown in the commonwealth so only the censors, and the select few to whom they issued an invitation, had access to viewing this film in Virginia. Times-Dispatch writer Edith Lindeman asserted that “there are some folks hereabout who feel that the local censors are too broad-minded,” although she herself had “never been sold on censorship.” Lindeman, who had not seen the movie, suggested that the producers designed the movie for tolerance but if any scenes exhibited racial antagonism, then “Virginia’s board is to be commended for sticking its neck out and keeping the picture off the screens.” She defended the commonwealth’s censors by asserting that only “a rare film gets itself chopped up” by them and that “even when deletions seem necessary, they are made with minimum cuts.” Thus, some citizens like Lindeman praised the general tolerance of the censors and readily upheld their decisions, suggesting that since the board infrequently censored pictures in their entirety, their decisions to censor should be supported.

Many local civic and church leaders opposed the film’s censorship. If they functioned as an accurate gauge for the communities they represented, then a large portion of Virginia’s citizenry, both black and white, opposed movie censorship by the post-World War II era. Routinely addressing racism, the reasons for banning the film appeared particularly obvious to the reporters and editors at the region’s African

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51 VBMP. Box 53.
52 Under prior censorship, Virginia’s censors privately viewed films before they could be released to the public. If the board chose to ban a film, that picture would never be shown in the state. Citizens, however, could gain access to movie reviews in national publications.
53 Edith Lindeman, Richmond Times-Dispatch, 23 September 1947.
54 Edith Lindeman, Richmond Times-Dispatch, 23 September 1947.
55 Edith Lindeman, Richmond Times-Dispatch, 23 September 1947.
American newspapers. Writers at these papers recognized that the censors did not want to acknowledge the historical truth of white violence practiced against African Americans. Norfolk *Journal and Guide* writers announced: "The Virginia Board of Censors instituted its ban recently after the film proved to be one decrying the un-American activities of the Ku Klux Klan, that infamous hooded order." Pointing to the exhibition history of the "pro-Klan" *Birth of a Nation* in Virginia, the paper’s editors concluded: "*The Birth of a Nation*, a film which in mode [if] not in actuality lauded the Klan, was allowed to play the Virginia circuits without even the most remote occurrence of ‘dissension.’ *The Burning Cross*, which brings the Klan down front, however, had to be the vehicle to receive the ‘black mark’ from the censors."

Local African American leaders also attacked the protectionist ideology employed by the censors to ban films such as *The Burning Cross*. They denounced this framework as a façade censors systematically utilized to keep depictions of race relations that might prompt a questioning of the commonwealth’s racial hierarchy off-screen. Along these lines, NAACP members at the Virginia conference penned a letter to the board, urging it to rescind the ban, and the ensuing controversy led the predominantly white Richmond *Times-Dispatch* to carry the contents of that letter in its pages. The letter revealed that leaders of the NAACP had requested permission to attend the movie’s second screening held by the censorship board. The censors maintained that they had attempted to phone the NAACP office immediately before the preview. The leaders of the NAACP, with no

58 NAACP leaders had a long history of protesting unequal racial treatment in films and under censorship provisions. The organization first criticized the depiction of African Americans onscreen as early as 1914 with the picture *The Nigger*. Jesse Rhines, *Black Film/White Money* (New Brunswick, NJ: Rutgers University Press, 1996), 15.
method of assessing the validity of the board’s claim, further declared that even a phone
call would not constitute an adequate reply to a formal, written request made days in
advance, and that they could only conclude that the censors had rejected their request.
Having not seen the movie and without cooperation from the board, the leaders of the
commonwealth’s NAACP declared themselves forced to assume that the board censored
the film without foundation. According to NAACP spokespeople, The Burning Cross
represented an “exposé” on the Klan and presented an opportunity “to educate the public
with facts about the working technique and the viciousness of the Klan.” By banning
the film, leaders of the NAACP maintained that the censors blatantly denied an
opportunity to further everyone’s racial understanding: “The board has a further
opportunity to correct a mass of misinformation that has, through official acts of silence,
been allowed to become deep rooted in the thinking of too many people in the State.”

While censors allowed The Birth of a Nation and its pro-Klan depictions to be
shown repeatedly throughout the state for over thirty years by this point, they expressly
forbade the exhibition of a film that portrayed the Klan in a decidedly negative manner
and made visible its racially-motivated violence against African Americans. Thus the
censorship board attempted to define the ways in which the Klan could be depicted at the
movies. The leaders of the NAACP concluded their protest by stating: “Certainly, to
rectify a great wrong done by permitting The Birth of a Nation to be shown, the board
should permit the people of Virginia to see The Burning Cross.” The censors had
drawn the racialized boundaries of what was acceptable on screen in Virginia, but the

59 Richmond Times-Dispatch, 4 October 1947.
60 Richmond Times-Dispatch, 4 October 1947.
61 Richmond Afro-American, 11 October 1947.
leaders of organizations such as the NAACP vocally publicized their opposition to the racism embedded in such censorship.  

Producer Walter Colmes appealed the censorship board’s first decision, but the board again banned the film upon a second viewing attended by an amalgam of white civic and religious leaders, although the board invited no members of the NAACP, despite their request to be present. According to writers at the Richmond Afro-American, “even after the board took care to hand-pick those who would view the picture . . . barring out all others, the majority of the persons selected . . . disagreed with the attitude of members of the board, the disagreement being practically unanimous.” The paper’s editors declared that “accepting the testimony of the board’s own aides, the picture would not ‘incite to crime,’ the basis upon which the censors based their verdict.” Issued in October, the censors’ second ban read, in part, that the “public exhibition of the film would have a tendency to excite prejudices and intense emotions thereby reviving controversies and disputes which the Board believes presently to be quiet.” One black newspaper writer suggested that, before the censors again condemned the film, they might instead “affix its seal of approval without losing face. The board’s action would then be motivated . . . by the opinions expressed by these persons rather than by pressure

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62 Thomas Cripps, Making Movies Black, 206. Historian Thomas Cripps argues that despite the poor quality of The Burning Cross, it “drew blacks into its orbit both to overpraise it and to defend it against censorship.” Although he describes the film as an independent B movie made by “a $100,000 nut team of underpaid actors [and] a kernel of an idea about a black man who infiltrates the KKK” and that NAACP organizers called it a “not too good picture,” black activist organizations nevertheless supported its exhibition. In these situations, obviously the political and social agenda of the film trumped its quality as an art form. Despite its reputedly poor quality, leaders of organizations such as the NAACP stood firmly behind the picture’s right to have an equal showing in Virginia regardless of how artfully it may or may not have been presented.

63 Richmond Afro-American, 11 October 1947.
64 Richmond Afro-American, 11 October 1947.
Those "from without," however, certainly exerted pressure upon the board. Not only did the film’s distributor take legal action, but hundreds if not thousands of white and black Virginians criticized the ban. Members from organizations throughout the state and many with national affiliations, such as the Southern Conference for Human Welfare, the Virginia Conference for the Advancement of Colored People, B’nai Brith, the NAACP, and the National Conference of Christians and Jews, protested the ban.67

Virginia’s censorship of The Burning Cross generated publicity for a movie that would not have received it otherwise. One reporter noted that the “censor’s ban proved to be a boomerang” for the film’s demand, and in mid-October, hundreds of reporters and columnists attended a special screening of the movie held in Washington, DC at the National Press Club as a direct result of Virginia’s ban.68 Writers for the Richmond daily Times-Dispatch suggested that the uproar surrounding the film made it prominent not because of its high quality but “simply because three Virginians, sitting in judgment on what the people of their State shall see, have decided that a picture detailing the nefarious doings of the Kluxers will offend the sensibilities, arouse old animosities, and incite to crime.”69

John Jones, president of Screen Guild, the picture’s distributor, tried to counter the censors stated rationale for censorship that the movie would “incite to crime” by arguing that “there have been no cases where the picture has caused any quarrels of

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66 Richmond Afro-American, 11 October 1947.
69 Richmond Times-Dispatch, 19 October 1947.
breaches of peace nor has it corrupted morals nor incited anyone to crime." But his argument was to no avail because the censors’ prime motivation was not to prevent riots. They wished to endorse a version of history, like that shown in Birth of a Nation, in which the Reconstruction-era Klan was shown to be justified in its violent actions, instead of a characterization of the Klan as condemnable terrorists. Furthermore, Jones noted: “We feel that the Virginia Board banned this picture solely for the reason that it exposes the KKK and the terrible crimes which this un-American organization has perpetuated under the false guise of 100 percent Americanism.”

Editors at the Norfolk Journal and Guide concluded that “newspaper reviews and reports from cities where the picture has been shown [in] public clearly indicate that the Virginia Board’s stand is not well founded.”

Circuit Court Judge Julien Gunn struck down the ban on the movie, ruling in early November that the film could be shown once the censors and the producers collaboratively agreed on mandatory deletions. Gunn himself had once been a member of the Knights of America, a KKK affiliate, and he noted that he thought “the KKK did good work, but afterwards it was distorted and went too far,” again harkening back to the “goodness” of the Reconstruction-era Klan as opposed to the “maraudings” of the contemporary Klan. Personally, he noted: “I don’t see how [the film] can do any good or do any harm . . . I wouldn’t want to see it again.” Judge Gunn announced his decision after returning from a viewing of the film held at the Capital Theater. Those attending the viewing included a thirty-five member panel composed of representatives

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70 Richmond Afro-American, 1 November 1947.
71 Richmond Afro-American, 1 November 1947.
73 VBMP. Box 53. The Burning Cross (1947) file.
from various church and civic organizations who watched the film in a special screening arranged by the attorneys for the film's distributor, Screen Guild.75 Reporters for the Richmond Afro-American noted that this unofficial review staff consisted of "leaders of both races in industry, religion, education, business and labor, and members of the press."76 Upon the integrated screening's conclusion, the individuals answered a questionnaire asking: "Do you think the picture will corrupt morals? Do you think the picture will incite to crime?" Reportedly, only one individual answered affirmatively. Others wrote that the film would "combat lawlessness," "promote justice and democracy," and would not "popularize the Ku Klux Klan."77 A reporter for the Richmond Afro-American who questioned some viewers following the showing wrote that no one expressed opposition to the movie, although "one man asserted that he felt like kicking a player in a scene showing how hooded Kluxers invade the home of their prey."78 The reporter summed up the general attitude of the moviegoers by concluding that the "consensus...was that the movie definitely is very poor entertainment, lacks quality in production and leaves much to the imagination, but is good propaganda against such hate organizations as the Ku Klux Klan."79 Furthermore, "not one agreed with the official censor board that the picture would tend to incite to crime or create animosity between the races. The unanimous view was that it is a very forceful indictment against lawlessness and hate."80

76 Richmond Afro-American, 8 November 1947. Thus over twenty years after Oscar Micheaux had petitioned the board for an interracial group of leaders to view his film and been refused, the board did invite leaders of both races to view The Burning Cross.
77 Richmond News-Leader, 1 November 1947.
78 Richmond Afro-American, 8 November 1947.
79 Richmond Afro-American, 8 November 1947.
80 Richmond Afro-American, 8 November 1947.
Although the film could now be shown, the Court required some significant deletions before distribution. While all parties involved tried to emphasize the triviality of the required deletions, these scenes constituted the most gruesome depictions of violence perpetrated against African Americans by the Klan. On November 8, 1947, the censors and the film’s producers reached a consensus on the four deletions they would make. Some prefaced their announcement of the deletions made by declaring that “the entire eliminated footage amount[ed] to not more than five minutes of running time,” suggesting that the deleted footage, as a mere fraction of the complete film, was minor and insignificant.81 Buttressing their point was Ross Wheeler, a representative of Screen Guild, who remarked that all deletions made in the film were minor.82

The content of the four deleted scenes, however, suggests that these cuts were not as insignificant as the censors would have citizens believe. According to one newspaper writer, “deleted from the picture were one brief show of the shadow of a hanging man, a short scene showing the actual tar-and-feathering of a Klan victim, a scene in which a lanky woman character dances in a saloon, and a scene in which a character is shot in the back.”83 A journalist for the New York Times recorded the film’s portrayal of “a veteran who comes home to a small Southern town and is lured into the KKK because he is dissatisfied with his life. He participates in the tarring and feathering of a labor picket, the shooting of an Italian businessman and the burning of two Negroes who insist on exercising their franchise before he realizes the horror of the Klan and goes to a special prosecutor with State’s evidence.”84 This paragraph writer’s summation of the film in a

81 Richmond Times-Dispatch, 8 November 1947.
82 Richmond News-Leader, 5 November 1947.
83 Richmond Times-Dispatch, 8 November 1947.
nationally-circulated newspaper detailing three of the four scenes cut out of the movie in Virginia suggests that the deleted scenes were not insignificant. Writers for the Richmond *Afro-American* reported that one deleted scene “shows vividly the cowardly act of a member of a Klan group shooting a helpless victim in the back as he fled in terror.” The authors also explicitly noted the race of those portrayed in the deleted scenes. The other three deleted scenes consisted of “an actual tarring and feathering of an innocent Klan victim (white), another of a white woman with a stringbean figure and a nightmarish face dancing in a saloon and the third shows the super-imposed shadow of a man hanging from a tree.” Interestingly, the board ultimately chose to delete the scene of the white Klan attacking at least one white person. Perhaps it did not want to give the impression that the Klan would attack one of its own race, which could lead to the conclusion that the Klan also participated in violence motivated by factors other than race such as class, economic mobility, or personal vendettas. Also, the censors and the producers chose to cut a scene of a woman dancing in a saloon, following its decades-long policy of cutting scenes involving women participating in “immoral” behavior. The censors did note, however, the consistency in their policy of always cutting scenes from the screen in which people were murdered by a shot to the back.

Despite the movie’s implicit message about race relations and white elites’ desires to censor it, Virginians eventually could view *The Burning Cross*, but only after a two month battle both in and out of court and only with court-mandated deletions of three violent and one “risqué” scene from the film. In her genealogy of black film criticism,

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86 Richmond *Afro-American*, 15 November 15, 1947; VBMP, Box 53.
87 Richmond *Afro-American*, 15 November 15, 1947; VBMP, Box 53. The Production Code, which governed Hollywood films, also forbade depictions of individuals being shot in the back.

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Anna Everett suggests conceptualizing censorship as an act of sanitation. Through censorship, violent, racially-motivated acts such as lynching could be cut, and the films "sanitized," or dulled, for their audiences. Such sanitation allowed historically racist and violent groups like the KKK to be portrayed positively in *The Birth of a Nation*, negatively in *The Burning Cross*, or somewhat negatively in Virginia's reconfigured version of *The Burning Cross*. Such actions by censorship boards often dealt explicitly with the most potentially volatile and significant social and political issues of their day—in this case, race. The Virginia censorship board, empowered with the authority to decide what could or could not flicker across hundreds of movie screens throughout the state during the heyday of the movies' popularity as mass entertainment, sanitized *The Burning Cross* to "clean up" what audience members viewed on screen and possibly lessened the horror of Klan violence the film had purposely sought to portray.

**ON-SCREEN RACIAL DEPICTIONS IN POST-WWII VIRGINIA**

Prior to World War II in Virginia, African Americans had led repeated demonstrations to contest white-only spaces, including movie theaters, schools, and libraries. African Americans took greater steps to protest racially-motivated discrimination during World War II, as more than a million African Americans fought for the U.S. military abroad while being denied basic citizenship rights at home. During the course of the war, membership in the NAACP jumped from 50,000 to nearly half a

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89 African American resistance to Jim Crow laws in Richmond began in force with the African American communities' 1904 boycott of the Virginia Passenger and Power Company, which operated streetcars in the capital. The boycott "failed" in 1906 when Virginia's General Assembly members voted to segregate all streetcars, and black Virginians then shifted their focus to attacking legal segregation through the court system. Beginning in 1917, NAACP officials began filing suit against residential segregation ordinances in Richmond, a tactic they continued for decades.

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million members. In 1944, the U.S. Supreme Court outlawed the “white primary,” one of several voting devices aimed specifically at denying people of color the vote. Three years later, Jackie Robinson became the first African American to break the color barrier in major league baseball and in 1948, President Eisenhower desegregated the military. Yet by the 1950s, white newspapers still refused to call African Americans by their names (instead using terms such as “a negro”), the federal government sanctioned housing discrimination based on race, and over half of African Americans lived in poverty, a rate twice as high as white individuals.

As Virginia’s censors continued to try to police black images on screen in the postwar era, intense civil rights efforts pressed filmmakers to expand, however slightly, their cinematic depictions of African Americans on-screen. Stereotypical, caricatured images of African Americans did not disappear from film, but a range of more complex, nuanced portrayals of Black characters began to appear in films. To this end, in 1956, the Hollywood Production Code Administration revised the movie industry’s censorship code to ban any picture that might incite bigotry or hatred among groups from different racial, religious, or national backgrounds.

According to white officials in Virginia, black and white citizens lived together amicably, but this supposed “compromise” simply did not hold after World War II. Some white officials still insisted that African Americans “appreciated” the “protection” offered to them by white officials; they asserted that both whites and blacks approved of a system in which African Americans “agreed” not to agitate for greater rights in return

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91 Patterson, 20.
92 The Supreme Court outlawed “white primaries” in Smith v. Allwright (1944). Patterson, 19.
93 Patterson, 381, 384.
94 Richmond Afro-American, 1957 January 5.
for being "guaranteed" certain basic services within the commonwealth. But this "compromise" no longer held as Black citizens increasingly fought for access to schools and voting booths. In terms of film, censors still attempted to ban certain racialized images, although they increasingly had no legal grounds upon which to base their decisions. To the censors, showing movies in which whites exploited African Americans might unduly prod individuals to rethink the commonwealth's racial hierarchy and to demand a restructuring to incorporate African American needs and rights into the system. I am not suggesting, and the censors did not either, that officials believed individuals seeing African Americans fighting for voting rights or demanding justice for racially-motivated violence on-screen would alone galvanize crowds to go out and become activists for racial equality. However, they implied that given the postwar climate of increased demands for equal rights, a movie promoting activism for racial equality could be a significant contributing factor in motivating individuals to action. In short, the censors suggested that they had a vested interest in banning on-screen depictions of the advocation and promotion of civil rights activism.

Increasing restrictions on what censors could legally censor came as result of the 1952 court case, Burstyn v. Wilson. Justices of the U.S. Supreme Court voted unanimously to afford some free speech rights to the movies, noting that motion pictures offered a significant forum for the discussion and expression of ideas. However, the justices made clear that extending free speech protections to film did not mean every

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95 Smith, 20. These services typically were of the municipal sort and included works such as road maintenance. It never extended to "rights," such as voting. Smith argues that the disfranchisement and segregation of black citizens assured that "benign neglect" would be the best situation African Americans could expect from the commonwealth's government.

96 Of course, they stated that they wished to protect all citizens from "violence," I argue that they wished to protect their racial privilege.

movie would now be allowed to be shown at all times in every place without regulation. The ruling dented censorship efforts, but it did not immediately sound the death knell for Virginia’s censorship board, which continued to operate for another thirteen years.98

**The Cold War and McCarthyism**

While Supreme Court decisions in the early 1950s suggested film censorship was waning, McCarthyism had already firmly established itself in Hollywood. With the legacy of federal film regulation during the war and the establishment of the blacklist in Hollywood, Ceplair and Englund note that by the 1950s, Hollywood executives “complacently turned out hundreds of movies which not only debased women, ignored blacks and other minorities, and exalted war and imperialism, but also caricatured the ‘evils’ of communism.”99 The climate of the Cold War not only insured a greater scrutiny of film themes being produced but also created an atmosphere in which Hollywood moguls openly banned hundreds of individuals who had been former employees from gaining any further employment in the industry.

Communism was defined, according to Ceplair and Englund, as “un-American” because it was “atheistic, collectivistic, and international.”100 By defining

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98 Between 1952 and 1965, the Court ruled on six film licensing cases. In five, the justices reversed municipal orders to suppress a film. In the sixth, they ruled that a jurisdiction attempting to ban depictions of adultery in an effort to censor “sexual immorality” on-screen created an unconstitutional barrier to the discussion of ideas. While the Court ruled in Roth v. U.S. (1957) that “obscenity” was not constitutionally protected speech, the term itself was vaguely defined and offered little guidance for acceptable film censorship standards. Carmen, 101. The fatal blow to Virginia’s censorship board came via the review of Maryland’s state film censorship board’s actions in Freedman v. Maryland (1965). Again unanimously, the nine justices found that a state censorship board that required all films to be viewed by the board before they could be shown in the state (known as “a priori” censorship) was unconstitutional because it represented a governmental framework that did not provide adequate safeguards for freedom of expression. Randall, 43. The Court, however, did not strike down all censorship. In fact, it continued to recognize the licensing power of such boards, but not “prior censorship.” Under this decision, however, the actions of Virginia’s board, which operated under a policy of prior censorship, were unconstitutional. The board disbanded in 1965, the same year the Court handed down the decision.

99 Ceplair and Englund, 52.

100 Ceplair and Englund, 203.
"Americanism" specifically in terms of "organized religion, private property, and nationalism," it became communistic and "un-American" to "be critical of, or to wish to change or challenge, those values and the institutions and policies which reflected them." The anti-Communist crusade consisted of a series of social, political, and religious elites including what Ceplair and Englund call "the engine of war itself—usually a congressional committee staffed with conservative politicians" and community-centered organizations such as the American Legion—that aligned to rid the country of "Communists" and, more specifically, their social and political rivals.

In 1933, writers in Hollywood created the Screen Writers Guild, which functioned as the most powerful Hollywood trade union from then until 1948. The anti-Communist crusade, and organizations that fueled it, swept away most of the Guild's power following World War II. In 1944, members of the Hollywood community who represented a backlash against the liberal policies of FDR and his Hollywood supporters formed the Motion Picture Alliance for the Preservation of American Ideals. The organization pledged to combat "any effort...to divert the loyalty of the screen from the free America that gave it birth" and its first president, Sam Wood, carried around a book in which he wrote the names of Communists in Hollywood, with vocal FDR supporters topping the list. It was the Alliance that invited the House Un-American Activities Committee (HUAC) to Hollywood and explicitly articulated its belief that communism "infected" the film industry. HUAC's 1947 hearings were "as much to spread anti-

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[101] Ceplair and Englund, 203.
[102] Ceplair and Englund, 204.
[103] Ceplair and Englund, 209.
[104] Ceplair and Englund, 211.
[105] Ceplair and Englund, 211.
Communist anxiety among film industry management as to censure individual Reds."\textsuperscript{106} Not surprisingly, most of HUAC’s “friendly” witnesses were members of the Alliance.\textsuperscript{107}

As early as 1947, both proponents and opponents of censorship used red-baiting, accusing someone of being a Communist or Communist sympathizer often with the purpose of politically discrediting him or her, to support their positions. Historian Ellen Schrecker argues that McCarthyism reigned as one of the major ideological underpinnings of the U.S. from 1946 to 1956. It was during this time frame, she suggests, that proponents of McCarthyism “used all the power of the state to turn dissent into disloyalty.”\textsuperscript{108} Officials turned vague threats into criminal prosecutions, thereby dehumanizing “subversive” individuals by constructing them as criminals.\textsuperscript{109} According to Ceplair and Englund, HUAC and the anti-Communist crusade focused so deliberately on Hollywood directors, producers, writers, and other studio workers because “Hollywood” existed as much as an image symbolic of America as a place within the country. By disseminating its products nationally and even internationally, Hollywood films and industry workers existed as a sort of “national property” that everyone laid claimed to as consumers of its products.\textsuperscript{110}

When the House Committee on Un-American Activities (HUAC) arrived in Hollywood in 1947, it secured its own power in the course of its investigations by defining permissible behavior for witnesses and making it impossible for witnesses to rely on the protection of the First Amendment. In collusion with Hollywood studio executives, the committee also began pressing for economic sanctions, which proved to

\textsuperscript{106} Ceplair and Englund, 257.
\textsuperscript{107} Ceplair and Englund, 258.
\textsuperscript{109} Schrecker, 120.
\textsuperscript{110} Ceplair and Englund, xiv.
be crucial to HUAC’s success. Once HUAC “had” the producers, the two groups together could turn a witness’s subpoena from an inconvenience into his or her “professional death.” As HUAC left town in 1947, ten individuals (known thereafter as “the Ten”) who had resisted the committee’s inquiries and refused to name possible Communist sympathizers were publicly pushed out of the Hollywood film industry.

Following the HUAC hearings, Hollywood executives from the industry’s three most powerful employer groups met. They appointed a committee, which drafted the Waldorf Statement, declaring their abandonment of the “Ten” and their adoption of stricter self-regulation to excise other “subversives” from their employment.

By 1951, when a second round of HUAC hearings began in Hollywood, the search for domestic Communists had increasingly come to be seen by the nation’s leaders as a matter of national security. In 1950, the “Hollywood Ten” had begun one-year prison sentences for contempt of Congress, and witnesses now knew that in order to retain their jobs, they would have to “name names” and potentially publicly confess their past Communist “allegiances.” In this second round of hearings, fifty-eight witnesses listed names of former or current members of the Communist party; fifty-two did not. Hollywood executives immediately dismissed those who remained silent from their current jobs and placed their names on the industry’s blacklist. All “unfriendly” witnesses (those who did not implicate others) and all “named” as Communists before HUAC were placed on the “official” blacklist as well. This blacklist prevented anyone

111 Schrecker, 319.
112 Ceplair and Englund, 255.
113 Ceplair and Englund, 329, 336. These three groups were the Association of Motion Picture Producers, Motion Picture Association of America, and the Society of Independent Motion Picture Producers.
114 Schrecker, 328.
115 Schrecker, 329.
on it from working for a Hollywood studio. It contained over two hundred names of artists, producers, and studio workers by the early 1950s. A “graylist” of at least three hundred names, but possibly many more, also existed. Those on the gray list were not necessarily Communists but did lean left in some respect. Since these names were not public in the way the blacklist was, many workers simply stopped receiving offers of work from the studios without knowing the cause. According to Schrecker, by 1952, Hollywood “had essentially surrendered control over its hiring practices to the professional anti-Communists.”

The label of “un-American” appeared at least as early as 1947 in the context of film censorship debates in Virginia over the controversy between the censorship board and interested citizens concerning the previously examined film, The Burning Cross. While it was explicitly evident in discussions involving The Burning Cross, such practices were also evident as late as the 1960s. In April 1960, reader Karl Spiess wrote a letter to the editors of the Richmond Times-Dispatch concerning the movie He Who Must Die. He Who Must Die, originally released in 1957, was a French movie titled Celui Qui Doit Mourir. The film showcases a “revolt against oppression” located in Crete. In the movie’s opening scene, the Turks occupy Crete, and the narrative focuses on a small town that lives peacefully under its low-key Turkish overlord. However, a group of refugees led by a priest soon arrive in the town after their own town has been destroyed. After deliberation, the townspeople refuse entrance to the refugees, and they

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116 Schrecker, 330. The “graylist” was compiled by American Legion workers and the private firm American Business Consultants who scoured the Daily Worker and HUAC transcripts to find more “subversives.” Ceplair and Englund, 387.
117 Schrecker, 331.
118 Both pro- and anti-censorship advocates employed the language of “Un-Americanism” in an attempt to discredit their positions of their opponents. See the discussion of The Burning Cross for further analysis.
set up camp outside the town. The film then focuses on three town members who decide to help funnel food to the refugees. Tension between the townspeople and the refugees leads to a battle between the two groups, to which Turkish officials respond with a crackdown on both groups.

In his letter, Spiess defended Mr. Woodson, superintendent of Fairfax county schools, who circulated a flyer among the district’s principals warning parents about the film. The flyer, entitled *Common Sense*, prepared by the Christian Educational Association of Union in New Jersey, described *He Who Must Die* as “an anti-Christian filthy film presented by Communists to water down Christianity and confuse our people so they will more easily accept Communism.” Speiss pointed out what he termed the movie’s “socialist tinge. It harbors the idea that the ‘havenots’ can by emotional appeal get, without working for them, the goods of the ‘haves.’” After referring to the film as an attempt to “brainwash” viewers, Speiss called upon the censorship board to ban the film “based on the public welfare, more particularly that of our children.”

Two days before Karl Spiess’s letter called upon *Times-Dispatch* readers to demand the censorship of the “socialistic” *He Who Must Die*, on April 24, 1960, the paper’s editorialists hailed the Richmond school board’s “right” decision to keep a middle school in the city “white” for the upcoming school term. In an effort to resist integration of its schools, Richmond officials established a directory of schools that listed all white schools in one division and all black schools in another. Students were placed in schools according to this directory, while it appeared to the casual observer that the

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120 Richmond *Times-Dispatch*. 26 April 1960. The pamphlet, as quoted by Spiess, also called anyone who, knowing the film’s background, still chose to view the film “a Traitor to Our Country.”


city had "dual attendance zones." Rather than consolidate white students to alleviate severe overcrowding at African American schools, city school officials decided to leave the school white. The school, Chandler Junior High, was supposed to convert to an all-black school, but with "overwhelming public sentiment" against the move, school board members decided not to make the change. The writers described the surrounding residential neighborhood as "solidly white" and expressed the belief that "the psychological effect of the conversion of the school from white to Negro use might well push forward the inevitable day when the Negro residential area 'jumps' across the boulevard" surrounding the school.124 These authors, however, also noted the fear that this or any white school operating below capacity could leave the schools "more vulnerable to court-ordered integration."125

According to historian James Patterson, social and demographic changes, grassroots movements, pressure from groups such as the NAACP, and rulings handed down by the U.S. Supreme Court "ignited" African American movements for civil rights in the 1950s. By the mid-1950s, the U.S. Supreme Court had ruled school segregation unconstitutional in Brown v. Board of Education of Topeka, KS (1954), and the Montgomery bus boycott had sparked a heightened civil rights movement and helped elevate Martin Luther King, Jr. to national, and even global, recognition.126 The court case Davis v. County School Board of Prince Edward County was one of four others folded into Brown, and the case became the center of massive resistance in Virginia. The county closed its schools from 1959 to 1964 rather than integrate them. Resistance to the civil rights movements came swiftly from Virginia's white elite. In 1954, U.S. Senator

124 Richmond Times-Dispatch, 24 April 1960.
125 Richmond Times-Dispatch, 24 April 1960.
126 Patterson, 398.
Harry Byrd announced that Virginia would use all legal means available to continue its segregated schooling. In 1956, all senators and representatives to the U.S. Congress from Virginia signed the "Southern Manifesto." This decree, signed by over one hundred members of Congress, held that the Supreme Court had abused its power in issuing decisions such as Brown, and called upon state governments to cut aid to desegregated schools, issue tuition grants to students attending "private" (all-white) schools. Thus when examining film censorship in Virginia during the post-WWII era, censorship decisions and controversies must be situated within the broader contexts of the Cold War, the growing movements for African American civil rights, and a U.S. Supreme Court continually narrowing the scope of censorable images, depictions, and themes in popular culture.

Band Of Angels (1957) and the Policing of Racial Boundaries

The censors remained concerned not only with the maintenance of a white-dominated racial hierarchy but also in strictly policing cinematic images so that no depictions of race relations on-screen could offer support to civil rights activism. For example, it was important to the censors not to allow any images on-screen that suggested African Americans should protest any aspect of white supremacy or that showed African Americans in positions of "second-class" citizenship that might suggest action to gain basic citizenship rights in the nation. In 1957, the Warner Brothers film Band of Angels came before the board for approval. Based on Robert Warren's 1955 novel, the movie chronicled the conversion of a wealthy, white transplanted Southerner from racial prejudice to tolerance. The character Hamish Bond, played by Clark Gable, renounces his past when he falls in love with and frees his "half-black" mistress during
the Civil war. In the end, Hamish Bond does not emerge as a hero, for he is hanged at the end of the war, and his last words are curses issued while looking at his mistress: “all niggers... ass deep in niggers.” Historian Allison Graham suggests that such an ending indicates that Bond did the “right thing” for the white race by denouncing the black race. I would expand Graham’s analysis and argue that while the ending does show Bond denigrating African Americans in a manner acceptable to the period, it also could suggest that the behavior of those involved in interracial relationships was so deviant that they deserved to be hanged.

Virginia censors approved Band of Angels. The board still considered miscegenation on-screen a serious problem, but two circumstances prevented this film from censure. First, with recent rulings of the U.S. Supreme Court, the censors, by 1957, could only legally condemn films for “obscenity,” and miscegenation no longer automatically qualified. Second, Bond, the white man who takes a biracial mistress, dies at the end of the film and appears to realize his “mistake” by cursing his mistress and African Americans more generally. The film also contained only “safe” images of African Americans, “benign” antebellum caricatures subservient to whites, thus confirming white supremacy rather than presenting images that may have questioned racial hierarchies. The board required the deletion of some statements such as one reference to “hot natured blacks” from the film in an attempt to maintain “amicable” race relations. Again, they sought to delete the most offensive depictions off the screen in

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128 The previous year, in 1956, Hollywood’s Production Code had been amended to preclude negative stereotyping of racial and ethnic groups and allow responsible depictions of previously forbidden depictions including miscegenation, although Virginia still legally forbade miscegenation. Frank Miller, *Censored Hollywood: Sex, Sin, and Violence on Screen* (Atlanta: Turner Publishing, 1994), 168.
129 VBMP. Box 53.
an effort not to generate controversy among African Americans that might turn into activism. With the censors and Virginia’s elites in general still promoting the idea of genteel race relations in order to thwart any attempts by African Americans to topple white supremacy, censors did not want to prompt explicit reaction from the commonwealth’s African Americans against white hierarchies.

The film, however, did garner protest from white Virginians. The board’s strict maintenance of racial boundaries (along with Hollywood’s Production code) meant no images of miscegenation had been shown on Virginia’s movie screens in decades. This film, therefore, provides an uncommon opportunity to see what some white viewers thought of the portrayal of interracial relationships on-screen.130 These white viewers overwhelmingly approved of the censors’ prior condemnation of on-screen miscegenation.131 White Virginian Bruce Dunstan wrote to the board demanding to know why the board would approve Band of Angels (1957), a film “in which the Negro, Sidney Poitier is shown slapping a white woman across the room in a tantrum of rage.”132 Dunstan suggests here that this woman operated outside of the protection of a white man and that it is inappropriate to show a “black male beast” committing an act of violence against a white woman.133 After all, Emmett Till had been killed by white men just two years earlier in 1955 for whistling at, talking to, or looking at (depending on varying

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130 From the construction of the letters, most of the writers were white. If some of the letter writers were citizens of color, they did not identify themselves as such.
131 It should be noted that miscegenation was still illegal in Virginia and punishable by several years’ imprisonment in 1957, the year of the film’s release.
133 Donald Bogle defines the mythic “brutal black buck,” which he states was first introduced to film audiences with Griffith’s Birth of a Nation, as “big, baaddddd niggers, oversexed and savage, violent and frenzied as they lust for white flesh.” Sex and racism collided to articulate white fears (and justify white dominance and violence) that every black man was a psychopath lusting after white women. Donald Bogle, Toms, Coons, Mulattoes, Mammies, and Bucks: An Interpretive History of Blacks in American Films (New York: Viking Press, 1989), 10, 13. It is clear from his letter that Dunstan is offended because a black man has some contact, or any interaction, with a white woman.
accounts) a white woman in Mississippi. Other white commentators argued for the film to be banned because they saw it as an attempt to “popularize miscegenation and interracial lovemaking in the eyes of the nation’s youth.” Thus they framed their analysis of the film’s “promotion” of miscegenation around the “threat” to young people who they assumed uncritically absorbed and practiced any and everything they saw on-screen.

Most of the white responding public disapproved of the interracial “mingling,” as some derogatorily termed it, that the film exhibited, falling in line with the censors’ objective of maintaining the racial boundaries that they had been policing for decades. Another white Virginian commenting on the film’s exhibition condemned the board for its refusal to cooperate with Senator Byrd’s “most commendable plan of Massive Resistance to integration and amalgamation of the white and black races.” Tracts sent to the board by presumably white “concerned citizens” regarding the movie carried headlines warning, “total integration means total mongrelization,” while the accompanying text cautioned that NAACP leaders held their highest hopes for integration in promoting the racially-mixed “bedroom.” Some materials included pictures of “Northern Negroes” who had already taken “white wives” to support this claim.

Clearly, these white Virginians, like the censors, were concerned with the maintenance of

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134 VBMP. Box 53. Band of Angels (1957) folder.
135 VBMP. Box 53. Band of Angels (1957) folder. See Chapter 1 for previous discussions of the vulnerability of youth in absorbing movie images as reality.
136 VBMP. Box 53. In 1954, the Supreme Court invalidated the racial segregation of schools in its Brown v. Board of Education, Topeka, KS ruling. In direct response, Virginia governor Thomas Stanley vowed to use all legal means available to continue segregated schools. In 1958, Governor J. Lindsay Almond closed schools in Norfolk, Charlottesville, and Warren and Prince Edward counties rather than integrate them. In 1959, massive resistance ended (with the exception of Prince Edward county), thus beginning more passive resistance with whites fleeing to the suburbs and enrolling their children in private schools.
137 This statement duplicates the discourse surrounding Birth of a Nation, suggesting Blacks are primarily interested in sexual ends.
racial barriers and maintaining the “purity” of the white race—and its monopoly on state power—at a time when African Americans increasingly publicized their discontent with their political, social, and economic subordination in both the commonwealth and the nation.\textsuperscript{139}

Fears of miscegenation, or even non-sexual social interaction between the races, again functioned as the unifying theme around which white activists rallied to suggest to all white citizens that without strict, legally-maintained racial boundaries, black “pollution” of the white race would be inevitable. In an especially bizarre response to the movie, someone sent the board a clipping of the poem “The Saddest Story Ever Told” by Oliver Allstorm, the National Chairman of Pro-Southerners. In this ode, Allstorm argues that miscegenation must be forbidden by law (which it was in Virginia at the time) so that families would not suffer the shame of white women marrying black men and the devastating effects of “racial suicide” and a lack of “racial pride.”\textsuperscript{140} Tellingly, Allstorm singles out relationships between white women and black men as the most threatening, thus suggesting white women’s deviant sexuality (not marrying white men and producing white children) bore the responsibility for “polluting” the white race, not white men’s.

While these white commentators characterized \textit{Band of Angels} as a harrowing foreshadowing of what would come (interracial interaction) unless politically-empowered elites like the censors worked vigilantly to buttress white supremacy, others characterized the threat posed by the movie as benign. Writers at Richmond’s white daily \textit{Times-Dispatch} described \textit{Band of Angels} as an amalgamation of \textit{Uncle Tom’s Cabin}, \textit{Birth of a Nation}, and \textit{Gone with the Wind}. These books and films all contained caricatures of

\textsuperscript{139} VBMP. Box 53. \textit{Band of Angels} (1957) file. No letters were found in the collection that supported the board’s decision to license the film.

\textsuperscript{140} VBMP. Box 53. \textit{Band of Angels} (1957) file. Poem “The Saddest Story Ever Told” by Oliver Allstorm.
African Americans restricted by white power, and these white editors remarked very positively on the portrayal of “slave markets, beautiful half-breeds, [and] cotton fields a-burning” in the film.\textsuperscript{141} Apparently, for some Virginians, biracial individuals safely confined to a movie which depicted them as slaves in the antebellum South firmly under the control of white patriarchs did not warrant the heightened scrutiny deemed necessary in more contemporary twentieth-century portrayals of biracial characters. In the same year as \textit{Band of Angels} appeared, controversy heated up over Sidney Poitier’s new film, \textit{Edge of the City}, although there is no evidence Virginia’s censors banned the film. The writers of Richmond’s \textit{Afro-American} updated the populace on how the film fared elsewhere in the South, however. The paper’s editors described the film as decades ahead of its time in portraying racial integration throughout society and argued that although critics called it devoid of any social message, it stood as “a bold stroke for the independent producer to violate past Hollywood traditions of keeping hands off where integration on the screen is shown.”\textsuperscript{142}

\textit{Black Like Me} and Interracial Sexual Relations

By the 1960s, campaigns to integrate or maintain segregated schools in Virginia were at the top of local headlines as yet another site affecting youth that many officials believed was in need of strict, racial policing. The issue of desegregation captured the headlines daily of both black and white newspapers across Virginia. In September 1961, African American attempts to desegregate Richmond’s largest theater, Loew’s, temporarily failed when theater officials refused to sell tickets to patrons of any race until

\textsuperscript{141} Richmond \textit{Times-Dispatch}, 29 August 1957.
\textsuperscript{142} Richmond \textit{Afro-American}, 1957 January 19. The weekly African American newspaper, the Richmond \textit{Planet}, later renamed the \textit{Afro-American}, regularly kept the African American community apprised of race relations in entertainment.
the "crisis," as the white owners called it, passed.143 In 1963, African American students protested segregated theaters thirty miles south of Richmond in Petersburg, where officials arrested two high school students and two Virginia Union college students, fined them twenty-five dollars, and issued them thirty-day suspended jail sentences. Also in 1963, Virginia Union students began a month-long campaign to integrate Richmond's theaters, with fifty students peacefully picketing four downtown theaters every night for thirty days. After a month, leaders of the local NAACP, the Richmond Citizens Advisory Committee, and the Virginia Council met with theater executives to negotiate a settlement. As a result of the meetings, on June 11, 1963, Richmond theaters decided to desegregate. On July 1, 1963, theater segregation ended across the commonwealth when justices at the Federal District Court in Alexandria declared Virginia's theater segregation laws unconstitutional.144

With civil rights protests at full force in the 1960s and white elites of the commonwealth concerned more than ever with preventing African Americans from entering white political, economic, and social spaces, the censors continued to attempt to ban films due to their portrayal of interactions between the races and incidents such as

143 Celebrate Richmond Theater, 139.
144 Celebrate Richmond Theater, 140. Theater desegregation followed protest from Virginia's African American communities demanding equal access that had begun decades earlier. In Richmond, the public library voluntarily desegregated in 1947. Within the next six years, the city hired its first African American firemen and police officers. In 1956, Richmond officials voluntary desegregated the city's buses, although they hired no black drivers for another six years. Historians Lewis Randolph and Gayle Tate mark the beginning of the overtly active civil rights movement in Virginia's capital as February 1960 when students from Virginia Union University began sit-ins at seven downtown lunch counters. The city's African Americans mobilized after police officers arrested students at Thalhimer's lunch counter in front of 500 supporters. They began a boycott of the department store that lasted for two years. While mainly middle class African Americans participated in boycott and sit-in efforts at downtown department stores, working class African Americans boycotted a major local drugstore chain, Springer Drug Company. African American activists successfully desegregated Springer's seven months before a desegregation agreement was reached with Thalhimer's in August 1961.
passing that suggested fluid racial boundaries. In 1964, distributors sought to license the film *Black Like Me* for exhibition in the commonwealth. This film, adapted from the book by John Howard Griffin, chronicles the journey of a white man who takes medical treatments to turn his skin black and then heads south to find out what being an African American man in the United States would be like by passing as black. While Virginia’s censors approved the film, their required deletions shed an intriguing light on what they considered to be appropriate depictions of on-screen race relations. The board required the deletion of lines referring to black men having sex with white women, including a conversation between black men in which one asked, “did you ever get a white woman,” “she ever had it from a black man,” and another pronouncement that “there’s plenty of white women round here would like a good buck nigger.” According to the censors, any indication that white women engaged in sexual relations with black men for any reason, perhaps especially consensual desire, was not allowed to be voiced on screen at the movies in 1960s Virginia. The quote, “Nigger women know they can’t get jobs unless they put out to their bosses,” was banned as well. This last comment speaks further to the construction of the commonwealth’s racial hierarchy. Rather than being banned simply as a crude, interracial sexual reference, the comment was also likely censored because it spoke to the extraordinary power white male employers exerted, often by force, over African American female employees. In other words, such dialogue could be understood as speaking of predatory white men in positions of authority preying upon black women, perhaps a situation too close to the truth for authorities to allow on-

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145 Again, the censors attempted to regulate such images, although they increasingly found their legal power to do so seriously eroding.
146 VBMP. Box 53. *Black Like Me* (1964) file.
147 VBMP. Box 53. *Black Like Me* (1964) file.
screen. Other references to the mixing of the races on various levels and dialogue referring to black sexual contacts, orgasms, and the supposed larger sexual organs of African Americans were also banned. The censors permitted no language or scenes that might question the sexual and racial dominance of white men, suggest that white women sexually preferred black men, or speak to the sexual exploitation of black women at the hands of white men. While some critics dismissed the movie as a white man slumming at a black man’s expense, film scholar Tom Bogle persuasively suggests that as shoddy as the movie was, “it was an earnest attempt to confront and expose racism in America.”

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Censorship waned in post-WWII Virginia as it was challenged at local, national, legal, and ideological levels, and white elites’ efforts to bolster white supremacy and police the racial order increasingly fell apart. New spaces for African American consumption of popular culture expanded somewhat as did the images they could view on-screen. Consequently, by 1965, when African Americans in Virginia went to the movies, they not only had the option to legally attend any theater space they wished, but they also had the opportunity to view motion pictures no longer subjected to the cutting shears of movie censors interested in using the medium of the movies to preserve a racial hierarchy that kept white supremacy firmly in place. Yet this should not suggest that African Americans had unfettered access to movie theaters or that filmmakers committed themselves to presenting non-stereotypical images of African Americans on screen.

148 VBMP. Box 53. Black Like Me (1964) file.
149 Bogle, Toms, Coons, Mulattoes, 206.
The final chapter will explore how sexual identities have been crucial to shifting social relationships as issues “of race and class have also been articulated through sexual categories, which in turn have been a ground of cultural conflict and political struggle.”

Scholar Siobhan Somerville articulates the deliberate connection between classifying bodies as homosexual/heterosexual and black/white at the turn of the twentieth century. Somerville argues that “the formation of notions of heterosexuality and homosexuality emerged in the US through (and not merely parallel to) a discourse saturated with assumptions about the racialization of bodies.”

Emphasis came to rest on the body, especially the “mixed” body of “inverts” and “mulattos,” who defied clear classification into strict dichotomies. On film, sexuality, often functioning in tandem with depictions of “whiteness” and “blackness,” constituted another heightened area of scrutiny due to the censors’ concern with “acceptable” portrayals of female sexuality, which they often defined according to a woman’s race, and their desire to enshrine their position as gatekeepers for the dissemination of sexual knowledge through film in Virginia.

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150 Peiss and Simmons, “Passion and Power: An Introduction” in Passion and Power, 5.
CHAPTER IV

THE SEARCH FOR SEXUAL "DEVIANCE:"

REGULATING AND CONTESTING DEPICTIONS OF FEMALE SEXUALITY ON-SCREEN

The first motion picture scholars generally classified as a “sex hygiene” film was the 1914 production Damaged Goods. The movie, based on French playwright Eugene Brieux’s play that arrived on Broadway in 1913, generated relatively little controversy. The play focused on the threat of venereal disease to both the individual and society, showcasing the story of George Dupont who infects his wife, his new child, and the child’s wet nurse with syphilis. The Medical Review of Reviews created a Sociological Fund to secure backing for the play, and after a successful run on Broadway, it made its way to Washington, DC where actors performed it for President Woodrow Wilson, his Cabinet, and members of Congress. According to social historian Allan Brandt, this play—and its positive reception—signaled a new public openness about sexual issues. While Brandt notes that the play as well as the subsequent film encouraged individual moral responsibility to save the family from disrepair, Brieux’s play also made clear that

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1 Allan Brandt, No Magic Bullet: A Social History of Venereal Disease in the United States Since 1880. (New York: Oxford University Press, 1987), 47. In terms of sexuality, Brandt argues more broadly that the 1920s were not the watershed many assume. Moral uplift won out over scientific solutions to venereal disease, again leaving the diseases shrouded in silence. Virginia was no exception. In the 1930s, public health would again extend into the private, with the emphasis placed on identifying the sexual contacts of venereal disease carriers. At the same time, the anti campaign, guided by the fear of unrestrained sexuality, pushed to prevent what it saw as a further breakdown of familial and societal restraints upon sex. If there were no fear of pregnancy and disease—no serious “consequences” of sex, in other words—then morality would not be maintained. Brandt, 122, 129, 150, 160.
if individuals did not act responsibly, then the state had a vested interest in intervening in the "private" space of the family. Brandt suggests that this friction between individual responsibility and the public good worked in constant tension. The question of who should police individuals' behavior characterized venereal disease debates—and broad-reaching sex hygiene campaigns—for decades to come.2

This chapter explores Virginia's censors' and citizens' responses to sex hygiene films and, more specifically, how their reactions to these films often rested upon changing conceptions of "proper" roles for women and on-screen depictions of female sexuality. The term "sex hygiene" referred to social reformers' promotion of practicing hygienic, "healthy" sexual relations for the good of both individuals and the community. Sex hygiene programs began as part of much broader Progressive-era reform efforts to scientifically "clean up" society as a whole under the rubric of social hygiene. New York physician Prince Marrow launched the social hygiene movement with the stated intent of curtailing the spread of syphilis and gonorrhea in 1905.3 As reformers sought to control venereal disease as a health problem, sex hygiene films, which subsequently addressed a range of health issues such as pregnancy and venereal disease, were born.

This chapter uses sex hygiene films nearly exclusively to examine representations of women's sexuality on-screen and its regulation by Virginia's censors. The reason for

2 Brandt, 47-48. Damaged Goods also began the assertion of the authority of the medical professional. In that film and most other "hygiene" films for decades to come, a "doctor" leads characters through the film to highlight the ravages of disease. Until the 1960s, "authoritative" male voices narrated sex hygiene films, regardless of whether their target audience was male or female, further entrenching the idea of medical authority as male authority. Robert Eberwein, Sex Ed: Film, Video, and the Framework of Desire (Rutgers: Rutgers University Press, 1999), 2.

3 John D’Emilio and Estelle Freedman, Intimate Matters: A History of Sexuality in America (New York: Harper and Row, 1988), 205. By World War I, social hygienists had organized themselves into the American Social Hygiene Society, which sought to educate the public about venereal disease (or to control sexual behavior in the name of public health), promoted blood tests before marriage, and required the reporting of infectious disease outbreaks.
this approach is two-fold. First, both before and after the PCA Code, movie viewers were most likely to be exposed to the most explicit displays of sexuality and nudity through the medium of the sex hygiene film. While non-sex hygiene films might show a very briefly exposed woman’s thigh or a “risque” dancing scene, it was sex hygiene films that, through their “education” reels, exposed audiences to partial or fully nude bodies, albeit diseased ones. Also, audience members could view women giving birth through the medium of sex hygiene films. While sex hygiene films offered mediated views of sexual issues and nudity—one could view both male and female genitalia, but only by viewing diseased genitalia or by viewing a birth sequence—these representations of sexuality and nudity were the most controversial and “revealing” of the early to mid-twentieth century.

Second, I use sex hygiene films because they are central to issues of state control and power. This chapter traces the history of sex hygiene films produced by both “legitimate” medical and public health institutions and those films produced by “exploitation” filmmakers who labeled their products “sex hygiene” films to secure the censors’ approval. While medical and public health officials billed their fare as strictly educational, “exploitation” filmmakers were much more intent on earning a profit from audiences seeking a bit of nudity and discussions of sex on-screen under the ruse of education. They wrote and produced their films in a manner that the “salacious” material could easily be snipped out if censors required it, a process of censorship that filmmakers employed when dealing with racially controversial material as well. Yet it should be

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Filmmakers employed several strategies using this method. They provided an easy method to make their films more palatable in areas where they were most likely to encounter censorship. Censors or distributors could simply cut out the offending scenes (which filmmakers have placed together for this very reason) and show a less controversial version of the film. Also, as stated earlier, filmmakers often included material they actually expected to be censored in order to get scenes included that, by comparison, would seem less controversial.
noted that the demarcation between these two categories was rarely this distinct. The state at least thought it had a vested interest in defining the boundaries of who would control and have access to sexual knowledge. In fact, I argue that sex hygiene films received heightened scrutiny from state censors not only because of the actual footage these films contained but also because of their stated educational mission.

As part of their attempt to maintain hierarchies of gender, censors undertook the project of attempting to control both certain images of women’s expression of sexuality on-screen and the dissemination of sexual knowledge through the movies. Such a project was crucial in that certain images of women, in the board’s view, must be contained in order to preserve broader cultural images of women. Middle-class white women must only be portrayed as “pure” lest other portrayals threaten that image in a broader cultural sense. African American women must be relegated to raced, stereotypical roles lest they be thought of as anything other than hypersexual or domesticated. Historian Lisa Dorr has shown that rape cases involving “disreputable” women highlights the malleability of “whiteness” and the fluidity of racial identity as based not only upon one’s race and gender but also upon one’s economic class and social “reputation.” Whiteness thus functioned as a performance of sorts and white women who failed to uphold expected standards, or who did not meet the “requirements” of class, saw their racial privilege as white women erode. While censors sought to maintain white women’s “purity,” portrayals of black women’s promiscuity were not perceived by them as problematic. Such censorship patterns produced a racial discourse about female sexuality by defining “acceptable” images of women based on their race and class status.

Central to this chapter is Virginia officials' expansion of the state's sexually-coercive regulations in order to cultivate an image of the state (as exemplified by both its public officials and its citizens) as moderate and progressive, especially in economic terms. In particular, attempts to control female sexuality and its depictions on-screen functioned, in the minds of Virginia's white elite, as one of the most crucial issues in need of control. Three overarching arguments guide this chapter. First, the issue of sexual knowledge—who controls it and who has access to it—operates at the core of these debates over sexuality among both censors and citizens. Specifically, this chapter focuses on the production of different types of sexual knowledge through these films rather than the audience's reception of this knowledge. Second, in order to entrench themselves as the chief controllers of sexual knowledge, censors employed the rubric of "protection" to regulate popular culture. Third, the contested sexual discourses that emerged to surround the censors' "protective" actions involved inextricably linked subtexts of gender, race, and class. Censors spoke about prohibiting certain images of all women and African American men in order to "protect" these groups. Actually, they censored these images as a mechanism to control how these individuals were depicted on film as an extension of the control state officials already sought to wield over its African American, working-class, and female citizens.

Three themes will be interwoven throughout the chapter to underscore and demonstrate these arguments. First, film producers used different types of and approaches to sex hygiene films and their production, as noted earlier. Second, the censorship board changed its approaches and actions toward all sex hygiene films over

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6 Legitimate films firmly emphasized their educational value and did not typically use carnival-like techniques employed by "exploitation" filmmakers to draw in audience members.
time. Scenes that could be found only in sex hygiene films of the 1920s and 1930s—some nudity and explicit sexual dialogue, for example—became mainstream modes of depictions and topics in foreign films, and increasingly Hollywood films, by the late 1950s and 1960s. Finally, this chapter analyzes the ways censors suppressed the content of certain movies and the relation of that censored material to the construction of deviant sexual discourses.

Censorship patterns concerning depictions of female sexuality on film shifted over time to focus less on behavior and more on displays of “skin.” Before World War II, censors focused on eliminating material in which women presented themselves as sexual subjects. Images of women wanting or pursuing sex, working in the sex industry, speaking explicitly about sex in film dialogue, or simulating sex through activities such as dancing were generally prohibited by the board of censors in Virginia. After World War II, however, Hollywood producers and investors relaxed their own self-censorship. At the same time, the U.S. Supreme Court narrowed the definition of “obscenity” that allowed for the showing of many foreign films which discussed sexuality in more provocative ways. As a result, Virginia’s censors allowed portrayals of women acting from a variety of subjective positions on-screen as long as they remained clothed. Thus, in the postwar period, censorship of depictions of women’s on-screen behaviors and actions gave way to a much more narrow focus on preventing complete nudity from making its way to Virginia’s movie theaters.

By “foreign films,” I refer to films produced outside of the United States that were imported for exhibition in the U.S.
Sexuality, as defined by Kathy Peiss and Christina Simmons, is “a core element of modern social identity, constitutive of being, consciousness, and action,” a concept that stands both alone as its own entity but also as part of other gendered and raced struggles.\(^8\) Historians John D’Emilio and Estelle Freedman add to this definition by noting that sexuality “has been continually reshaped by the changing nature of the economy, the family, and politics” and that sexuality cannot be understood apart from an understanding of changing power relationships between men and women.\(^9\) The state has been central to the reconfiguration and “channeling” of modern sexual identities. I use Peiss and Simmons’s reference to “channeling” as they articulate the importance of “the growth of state power in channeling sexual energies to preserve existing social order.”\(^10\) These sexual identities themselves have been crucial to shifting social relationships as issues “of race and class have also been articulated through sexual categories, which in turn have been a ground of cultural conflict and political struggle.”\(^11\)

The medium of film itself furthered the projection of sexuality into the public domain, spurring on the effort for governmental regulation. Film and its connection with potentially provocative displays of female sexuality--initially portrayals of prostitutes, glimpses of bare legs and thighs, and sexually-evocative dialogue and later full nudity--combined to invite a particularly potent attack by movies’ detractors. Initially, individuals attacked film depictions of prostitutes, “houses of ill repute,” glimpses of thighs and legs peeking through clothing critics labeled “risqué,” and women presenting

\(^9\) John D’Emilio and Estelle Freedman, xii-xiii.
themselves as either desirous of sex or as sexual actors. After World War II, the main opposition to portrayals of women in film would be confined to their nudity. Pre-1940s quick shots of women’s exposed legs, thighs, and breasts became slow shots that gave viewers more time to gaze upon women’s bodies. Censors still attempted to regulate images of women in which they asserted their own sexual desire in which they were sexual actors outside of male control, but since such images were not common in films, their focus honed in on depictions of the nude, female body.12

Some public expressions of sexuality found acceptance during the 1920s, chiefly among white, middle-class, heterosexual individuals living in urban areas.13 D’Emilio and Freedman note that the spread of entertainment venues such as the movies encouraged white, middle-class women especially to partially break away from their “protected” domestication, the space of the home where they supposedly operated under the economic and physical protection of husbands and fathers, around the same time that the link between sexual activity and reproduction weakened with the wider use of birth control, paving the way for more women to engage in premarital sex.14 But rather than

12 Sharon Ullman contends that the female body could, in theory, now be “had” for the price of a movie ticket. Also present was the idea that audience members would see sexual acts, or sexually-suggestive actions on screen, and attempt to replicate them in real life. Sharon Ullman, Sex Seen: The Emergence of Modern Sexuality in America (Berkeley: University of California Press, 1997), 109. Ullman writes, “Filmmakers provided a vision that called for the mass ownership of women’s bodies, offering equal title to all who watched. In essence, they engaged in...the sexual colonization of onscreen bodies...the primary topic was...how male desire and sexual expression were to be constructed in modern society.” At the same time, popular portrayals of “bad” women—those initiating sexual action, engaged in sex work, or other “deviant” gender roles—served a purpose as well. According to historian Janet Staiger, movies’ “bad women” served as cautions to women and girls to support normative feminine behavior or risk not only the ruination of one’s reputation but also economic and social disaster. Janet Staiger, Bad Women: Regulating Sexuality in Early American Cinema (Minneapolis: University of Minnesota Press, 1995), 180.

13 I would argue that these “new” expressions of sexuality arrived in the South later than they did in the urban city centers of the Northeast and West coast, as did public entertainments in general. For example, as early as 1907, Chicago officials were regulating nickelodeons and early motion picture theaters, and most state censorship boards were formed in the early 1910s. In predominantly rural Virginia, however, the General Assembly did not create the state censorship board until 1922.

14 D’Emilio and Freedman, 231, 233.
interpreting this "new" sexual articulation as indicative of a broader acceptance of certain displays of sexuality in public—women dancing and wearing more revealing clothing, openly socializing with men at public entertainment venues, and young women going on unchaperoned dates with men in private automobiles—historian Andrea Friedman instead argues that this "new" expression actually functioned as a control mechanism. It defined, maintained, and patrolled very specific and narrow boundaries of "acceptable" sexuality. Friedman contends that while films held the potential to break the silence imposed upon sexuality in the broader public, "cultural traditionalists" interpreted sexual depictions on-screen for any purpose as obscene and regulated them out of public consumption.15

Christina Simmons also suggests that "the new sexual discourse of the 1920s and 1930s was not necessarily 'liberating' for women, but rather attacked women's increased power."16 By the 1920s, white, middle-class, heterosexual womanhood had undergone redefinition to include sexual passion and desire, and sex was increasingly discussed publicly.17 A new explicitness concerning sexual matters grew alongside women's roles in a consumer society, which increasingly stressed personal gratification and fulfillment, both in shopping and in sexual relations.18 D'Emilio and Freedman argue that the importance of the 1920s lies in the fact that sexual norms formerly associated with non-dominant groups spread to the white middle-class. Expressions of sexual behavior outside of marriage were becoming normative in America, especially with the growing

15 Andrea Friedman, Prurient Interests: Gender, Democracy, and Obscenity in New York City, 1909-1945 (New York: Columbia University Press, 2000), 48. Cultural traditionalists, as defined by Friedman, were those who believed that any discussion of issues related to sexuality "were by nature obscene." She notes that by the early 1910s, it was this view that municipal authorities increasingly held.
16 Simmons argues that the myth of Victorian repression did not signal a decline in male dominance. Instead, it "cast women as villains if they refused to respond to, nurture, or support" male sexuality. Christina Simmons, "Modern Sexuality and the Myth of Victorian Repression" in Passion and Power, 158.
17 D'Emilio and Freedman, 233.
18 D'Emilio and Freedman, 234-235.
room for experimentation among urban, middle-class youth. Yet this new discourse, in
which white, middle-class, married women could be portrayed as somewhat sexual,
worked to further entrench male power rather than to acknowledge or reaffirm women’s
power. Simmons claims that this “sexual revisionism” of the 1920s and 1930s in fact
buttressed white male sexual prerogatives, attacked women’s power to counteract male
sexual needs, and created a new female ideal. In short, the revisionists made the image of
the sexual male a positive one and while they “recognized improvements in women’s
status and power,” they pushed women “not to go too far, not to abandon men, and not to
try to control them.” In other words, men were still in control.

D’Emilio and Freedman assert that womanhood had been redefined by the 1920s
to include eroticism as the public reticence toward sex continued its decline. While
particular sexual dialogues may have broken some public silence over sex, many
representations of sexuality were actively pushed out of public discussions and popular
cultural venues such as the movies— interracial sex, same sex sexual acts, and extramarital
sex, for some examples. Thus many expressions of sexuality were still defined as
“deviant” and pushed out of public spaces, either legally or by social conventions.
D’Emilio and Freedman define such sexual regulation as indicative of whom in a society
“has the authority for determining what is normal and what is deviant.” This study
argues that in twentieth-century Virginia, state laws and agencies such as the motion
picture censorship board sought to define “normal” sexuality by eliminating from popular
culture what these cultural arbiters considered “deviant.” Such questions of “proper”

19 D’Emilio and Freedman, 241.
22 D’Emilio and Freedman, 223.
23 D’Emilio and Freedman, xvi.
sexuality and who would control sexual knowledge rested at the heart of debates over sex
hygiene films and Virginia’s censors’ efforts to mediate the sexual content of films were
a key state mechanism to maintain the prevailing social order.

Sexual topics on film presented a particular set of problems for Virginia’s movie
censors. The censorship board’s debates revolved around who controlled and who would
have access to sexual knowledge. While not officially involved in sexual education, the
censors did sit in judgment of whether the medium of film constituted an “appropriate”
venue for educating (and potentially controlling, to some extent) the public on issues of
sexuality. Censors also had to decide whether each sex hygiene film educated the public
or cultivated prurient interests in its viewers. Both censors and audience members
debated the classification of sex hygiene films, and in these debates and others, it is
crucial to understand that the middle-class never functioned as a monolithic voice.
Controversies within the middle-class, as Andrea Friedman notes, fueled censorship
debates as much as tensions between different classes.\textsuperscript{24}

**SEX HYGIENE FILMS**

Examining the process by which filmmakers negotiated with Virginia’s censors
for approval of sex hygiene films provides a means to study censors’ and citizens’
responses to depictions and discussions of sexuality in popular culture. The board’s
heavy-handed regulation of such films illustrates the board’s use of protectionist ideology
to undermine representations of assertive sexuality on-screen for certain groups of
people, including people of color, working-class individuals, and, especially, “deviant”
women. To the censors, whose censorship patterns suggest that they idealized
stereotypical behaviors of white, middle-class, heterosexual and even Southern

\textsuperscript{24} Friedman, 7.
womanhood, any actions and behaviors not befitting this ideal were characterized as
“deviant” and unsuitable for the screen. Such “deviant” on-screen depictions included
prostitution, pregnancy, abortion, suggestions of sexual relations outside of marriage,
dancing, drinking, or interracial sexual interest. Depictions of these acts on film were
strictly regulated if white women portrayed as middle-class citizens participated in them.
Censors often allowed some depictions of female sexual passion and assertiveness on
screen but only if such depictions could be easily ascribed to poor and working class
white women or African American women. For example, censors allowed no depictions
of African American women on-screen unless they fell into such mythical caricatures as
the servile, docile, asexual “mammy” or the conniving, hypersexual Jezebel. These
representations were acceptable to the censors because they reinforced a gendered
ideology of race. Such caricatures “safely” confined Black women in stereotypical roles
that suggested the need for protective action since the mammy needed paternalistic
protection to survive and the Jezebel required regulation to curb her innate sexual
appetite. At the same time, it rendered other women “white” and thereby “pure” who
were not sexually promiscuous or domestic workers.

Sexual control was the central controversy surrounding the creation,
onsense, and distribution of sex hygiene films. First, while filmmakers of sex
hygiene films—both “legitimate” and “exploitation” producers—promoted their films as
educational, historian Allan Brandt reminds us that “the necessity for sexual control

25 Prior to World War II, only African American filmmakers presented non-caricatured depictions of both
African American men and women on-screen. Virginia’s censors repeatedly tried to deny the products of
these black filmmakers from being exhibited in Virginia, yet the work of Oscar Micheaux shows how he
both worked with and evaded the censors.

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underpinned all educational efforts." Sex education programs sought to "properly" educate the public by emphasizing restraint and promoting what educators deemed to be the "correct" ordering of sexual relations between genders, races, and classes. In short, sexual education programs "destroyed the conspiracy of silence—a seemingly radical act—to uphold the conservative sexual mores of their time." Second, the censors' regulation of these films represented their attempts to control Virginians' access to certain kinds of sexual knowledge. The question of what sorts of sexual knowledge these films attempted to convey to the public and how the films treated such "education" concerned the censors from the board's inception.

Sex hygiene films as a genre began in the 1910s as a direct result of—and often in association with—campaigns against venereal disease. The emergence of such films marked the beginning of an intricate campaign by some public health, medical, and government officials to offer public health education through popular media. Others appropriated the framework of "legitimate" sex hygiene films to mimic the films' form and earn money by slipping their products past the censors as educational material when the movies were, in fact, most often made to emphasize their "forbidden" subject matter. Nearly all sex hygiene films utilized scenes in hospitals and clinics to show characters on-screen (and by proxy, theater audiences) the effects of venereal disease or

26 Brandt, 31.
27 Brandt, 31.
28 Film scholar Martin Pernick argues that the producers of medical films in the 1910s wanted not only to educate their audiences but to motivate people to change their (sexual) behavior as well. While the scientific community sought a "clean," "objective" image, the melodramatic and propagandistic functions of these films clashed with their attempt to project images of professional impartiality. Martin Pernick, The Black Stork: Eugenics and the Death of "Defective" Babies in American Medicine and Motion Pictures Since 1915 (New York: Oxford University Press, 1999), 120.
29 "Forbidden" subject matters often included sex hygiene and vice topics. Since these films were nearly always made independent of Hollywood, scholar Eric Schaefer suggests that the unsavoriness of such topics can be judged by Hollywood's prohibition of such subject matters through the industry's self-censorship boards. Eric Schaefer, Bold, Daring, Shocking, True: A History of Exploitation Films, 1919-1959. (Durham: Duke University Press, 1999), 5.
the course of pregnancy. Reliance on such scenes embodied the medical authority associated with these institutions to help construct these films as “educational” while complicating the question of whether they also functioned as entertainment. To justify these films as educational endeavors, they typically contained one or more “square-ups.” In a “square-up,” a film displayed a title card that talked about sexual norms and the importance of viewers watching such “educational” films as a way to enhance both individual and public morality. In reality, these square-ups also validated the audiences’ viewing of potentially “illicit” material by emphasizing the social and moral value of doing so. Film distributors billed these motion pictures as an appropriate means to extend sexual education into public, commercial venues in an effort to reach individuals outside of the sexual education systems being established concomitantly, though unevenly, in school systems.  

All sex hygiene filmmakers promoted their products as necessary for educating the public about health issues, especially venereal disease. One type of these films, especially those released by supposed “legitimate” sources supported by medical and public health officials, demonstrated the “horrors” of venereal disease infection. Public health officials hoped this focus might function as a control mechanism to scare individuals into sexual prudence and to confine their sexual activity to strictly monogamous relations practiced solely within the confines of heterosexual marriage.  

30 Brandt, 27. Educators integrated sex education classes into existing courses so as not to highlight “sex” as a “special interest.” Sex education for men centered around suppressing their sex drive while for women, it focused on warnings about hypersexual men. Although Progressive-era sex educators provoked critics who denounced breaking the sexual silence for women, nearly half of all secondary schools had implemented some sort of sexual hygiene instruction by 1922. Brandt, 30.  
Furthermore, these films operated within raced and classed frameworks that consistently located sexual deviance and constructed sexual deviants outside of the white, middle-class. Film theorist Annette Kuhn has shown that the content of many early venereal disease films depicted sexually-active, working-class women as the source of venereal disease.32 These white, working-class women, portrayed either as prostitutes or simply as "sexually accessible" women, inflicted their "working-class" diseases upon middle and upper-class white men. By locating disease in the bodies of working-class women, sex hygiene filmmakers simultaneously defined working-class, sexually-active women as dangerous disease-carriers that threatened the white middle-class family while constructing white middle-class men who had sex with these women as victims of working-class women's deviant sexuality. Virginia's censors' approach was consistent with such depictions, for their work explicitly promoted the idea of the morally pure and "clean" white, middle-class populace.

**Exploitation Sex Hygiene Films**

The censors' main concern was that some films purporting to be educational might be using the vehicle of the educative sex hygiene film as a method to depict nudity and explicit sexuality on-screen merely to titillate viewers. In response, board members focused on preventing scenes and dialogue they considered sexually explicit. "Exploitation" sex hygiene films played upon these fears and occupied particularly critical spaces since Hollywood producers did not welcome competition from these

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32 Kuhn, 63.
independent filmmakers and believed the “forbidden” topics these films explored would lead to heavier governmental censorship for all films.33

Members of Virginia’s censorship board believed that they had legitimate reasons to look at sex hygiene films suspiciously. By 1919, independent producers and distributors working outside of Hollywood produced cheap films addressing “forbidden” subjects such as sexuality, venereal disease, vice, prostitution, drug use, and nudity, and independently distributed them nationwide. Because these individuals produced films independent of Hollywood sanction, their work did not fall under the self-regulatory censorship codes that began in the 1920s and culminated in the Hays Office Production Code in 1934.34 Film scholar Eric Schaefer calls these films, which began production in the 1920s and existed through 1959, “classic exploitation films.” He applies this term to early “exploitation” films—films that used over-the-top promotional techniques to gain an audience since they contained no identifiable celebrities and did not conform to recognizable, traditional genres promoted by Hollywood producers.35 These film distributors relied upon creating a carnivalesque atmosphere to promote such films, and these movies’ topics were often prohibited under Hollywood’s self-censorship controls. “Classic” exploitation films were characterized as a whole by their “forbidden” topics,

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33 I use “forbidden” because from the mid-1920s onward, the topics explored by exploitation films were forbidden by films produced in the Hollywood industry by its self-censorship mechanisms.
34 Schaefer, 2, 5. These films often were not shown in theaters affiliated with major Hollywood studios. Instead, they played through a distribution method known as “four-walling.” The film’s producers would simply rent out the entire theater for a specified amount of time and a certain amount of money, and then played films as they wished.
35 A number of film genres would later be classified under the rubric of “exploitation” movies, although Schaefer notes that he uses the term “classic exploitation film” as it was used before the more fluid extension of the term occurred. His usage, and mine, refers to low-budget movies that relied upon sensational promotional techniques and subject matters to generate an audience. Schaefer, 4.
low budgets, independent distribution methods, and their exhibition in independent theaters not owned by Hollywood studios.\textsuperscript{36}

Distributors for “exploitation” sex hygiene films developed techniques specifically to counter efforts to censor their products. “Hot” and “cold” versions of these films—including “hot” and “cold” advertising campaigns—existed, and producers marketed them according to the presence or absence of either a censorship board or a conservative audience base.\textsuperscript{37} “Hot” and “cold” versions were alternate varieties of the same film that differed in the amount of censorable material, especially nudity, that each contained. Distributors used “hot” versions in states and locales without censorship laws; they often depicted graphic scenes of childbirth and the effects of venereal disease on the body through the use of partial or complete nudity. Marketers exhibited “cold” prints, self-censored versions of the same film, in markets known for their strict censorship boards. Then, at individual “cold” showings, the roadshowman could illegally exhibit a “hot” reel of the film at the movie’s end if he wished.\textsuperscript{38}

\textsuperscript{36} Schaefer, 5-6. These exploitation films were markedly different than their Hollywood counterparts, especially in terms of their varied, haphazard distribution records and their recycled material. Distributors of these films often only released the movie a few copies at a time, so they never saturated the country like major Hollywood productions did. Also, these films could be in release for ten to twenty years, especially since they were frequently re-titled, probably to both draw more viewers and to get different copies past the same censorship boards. Wild Oats, Some Wild Oats, and Know Thy Husband, for example, were all the same movie—the film arrived in Virginia under the title Some Wild Oats. To lend legitimacy to the “educational” function of these films, typical sights at the screening of sex hygiene “exploitation” films included women dressed as nurses to supposedly tend to fainting audience members, lecturers of hyped (and generally fabricated) renown, and sales of accompanying books and pamphlets. The actual content of the same film varied widely; large differences often existed between “uncensored,” “unedited,” and “director’s” cuts of these films. Producers often recycled plots; the 1948 film Street Corner closely paralleled the storyline of Kroger Babb’s 1944 Mom and Dad, which was an uncredited remake of the 1934 flick High School Girl. Schaefer, 581, 8, 11, 58.

\textsuperscript{37} Schaefer, 73-74.

\textsuperscript{38} Schaefer, 73-74. Schaefer also notes the importance of analyzing these films along a continuum. At one end were the purely spectacle offerings—burlesque and nudist films. At the other end were films that functioned largely as conventional documentaries. Even the spaces where these films were shown differed from Hollywood-produced films; they typically played in grindhouses, independent theaters not affiliated with Hollywood studios, or in neighborhood theaters between showings of Hollywood movies. Schaefer, 79.
A persistent problem confronted by the censors involved their efforts to regulate not only a film’s sexual content but the sexual content in its advertisements as well.\(^{39}\)

Like the pictures themselves, advertising focused on the dangerous after-effects of heterosexual, physical relationships. Images of women in scanty outfits and nude silhouettes of women frequented exploitation sex hygiene films’ advertisements. Presuming that many more people would be exposed to film advertisements than would actually see the film, censors wanted to be sure that certain advertisements did not emphasize the explicit sexual content of the films to lure in more audience members. For the 1930 film *Unguarded Girls*, for instance, the censors insisted that the film’s distributors “must not advertise in any way the scene which shows Mary Foster lying on a couch in a state of semi-nudity.”\(^{40}\) The censors offered detailed instructions on what must not be shown in the film’s advertisements, which can be summarized by their mandate that advertisements “must abstain from any suggestion that it will satisfy those looking for salacious entertainment.”\(^{41}\)

When the censors approved *Unguarded Girls*, they made sure its distribution company knew that their “action in this matter does not mean that the picture met our unqualified approval,” but that instead, they could not pinpoint a specific law that the

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\(^{39}\) For sex hygiene films to sell, especially exploitation ones, their advertisers emphasized the sensational and “forbidden” aspects of the films while simultaneously defending those same films as legitimate sexual education offerings. Also, producers of exploitative sex hygiene films paid great attention to detail. Known today as producers of exploitation films, Samuel Cummin called his production outfits Social Hygienic Films and Public Welfare Pictures, and Kroger Babb used the name Hygienic Films, all in an attempt to lend credibility to their claims that their films were foremost educational ventures. Schaefer, 104, 107, 116.

\(^{40}\) VBMP. *Unguarded Girls* (1930) folder.

\(^{41}\) VBMP. *Unguarded Girls* (1930) folder. The board, in reviewing this film, defined salacious entertainment as “any emphasis whatsoever on the sexual side of the film.” It also should be noted that this film, like many others in this chapter and the study as whole, no longer exists. As a result, very little evidence exists on the plot of such films. For the most part, the scant plot material included in the film’s analysis comes from very sparse comments provided by the censors (if not in Virginia, then another board’s papers) or a very brief review in either *Variety* or a film trade magazine. Each of these films will be marked by a footnote to alert readers to them.
picture violated and were forced to approve it. The board spent two full days deliberating the fate of this movie before they ultimately accepted it. However, when they found a different version of the film being shown than the one they approved, most likely an unapproved “hot” version, they ordered a round of additional cuts. They ordered filmmakers to cut a “close-up scene as [a] girl crosses her legs making an indecent exposure of her person,” “both scenes in the house of ill fame in which [the] couple are shown in passionate embrace,” and “the entire series of scenes in [a] house of ill fame in which [the] couple are shown on [the] couch.” When advertisements began appearing for the film, several individuals wrote to the board and included the clipped advertisements they found offensive with their letters. In response to a scathing letter written to the board by Reverend W. B. Jett of Petersburg condemning the board’s approval of the film, the censors attempted to “convince [the Reverend] that we are trying hard to keep the motion pictures within decent bounds.” Even at this early stage in its existence, the censors attempted to satisfy their detractors by explaining to them the precarious position of board members. This letter, like many the board sent, noted that while the censors themselves might not personally approve of lewd material in the movies, they could not always translate their personal distaste for such situations on film into legal grounds for censoring a movie. They instead argued that their job was to mediate between public interest and legal restraint regardless of their own personal

42 VBMP. Unguarded Girls (1930) folder.
43 The censors found this version of the film because a viewer wrote to the board to complain about the film, and the censors then ordered the film showing at that particular theater to be sent back to them for review. VBMP. Unguarded Girls (1930) folder.
44 VBMP. Unguarded Girls (1930) folder.
45 VBMP. Unguarded Girls (1930) folder. There does not seem to be obvious disparities in board responses to people who wrote to them to complain about their decisions. The censors appeared to respond to each individual who corresponded with them, offering justification for their actions while ultimately placating the letter writers by telling them that they regretted that their decision did not meet with this particular individual’s approval.
opinions. This stance contrasts the much more rigid line censors frequently established in regards to race on film. They interpreted racialized images on screen as nearly always threatening to “public order” and thus censored those images in a much more consistent, heavy-handed manner than some displays of female sexuality. Furthermore, displays of sexuality often were racialized and vice versa so that these boundaries the censors used in their attempts to police race and sexuality often blurred.

In order to “sell” the respectability of their films to censors, distributors of sex hygiene films created separate showings for men and women, suggesting that fathers attend with their sons and mothers with their daughters as an educational outing. Sex segregation was key to “protecting” the audience since same-sex viewings lent the screenings an air of the “respectable.” Sex segregation occurred in Virginia, as evidenced by many advertisements calling for women and girls to attend afternoon shows and men and boys to come to the evening events. Separating audiences by sex was a common approach of sex educators by the 1930s. State officials, including censors, believed sex segregation of audiences made the showing of such films “safe” since the fear of intermixing individuals of different sexes in the audience was removed. Also, this technique supposedly allowed distributors to show reels of childbirth scenes and the effects of venereal disease on women’s bodies only to female audiences, while showing reels chronicling the effects of venereal disease on men’s bodies only to male audiences. In other words, distributors of exploitation films used segregated audiences as a method

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46 VBMP. *Unguarded Girls* (1930) folder.  
47 This method also protected film distributors, since their films often would not have been allowed screenings in co-educational settings.  
48 VBMP. Box 53. Miscellaneous folder. Various advertisement file clippings.  
49 Since the inception of movies, critics had vocalized their concern over both men and women frequenting the same picture so same-sex showings were a way for distributors to try to stymie additional controversy over their films. Schaefer, 125.
to convince censors that viewers of one sex would not have the opportunity to view any partially “salacious” material referring to the opposite sex, although once inside a theater, movie exhibitioners could theoretically show whatever reels they chose. Producers of exploitation films varied their tactics as to how to generate the largest audiences. While distributors often suggested that parents and children attend films addressing venereal disease and out-of-wedlock pregnancy together, some films, especially those dealing with “white slavery” and prostitution, were distributed with “adults only” taglines widely in their advertising, both as an attempt to appease censors by arguing that no children would see the film and as a signal to alert potential audience members that these films contained titillating material. Such strategies could be skillfully blended together by movie distributors to generate customer interest by suggesting that these films contained material too illicit for men and women to view it in the same room and completely unsuitable for children. Thus distributors also used conventional defenses of their films to actually attract larger audiences.

Sex hygiene films in general addressed a range of topics relating to sexuality and reproduction. During the early to mid-1920s, the production and distribution of sex hygiene films, especially those produced by “legitimate” ventures, declined due to public concerns over the appropriateness of the topic and the rise of censorship boards. The films came back into vogue in the late 1920s, especially those of the “exploitation” type, with a string of films—Is Your Daughter Safe, Unguarded Girls, Road to Ruin—issuing warnings about the “new” dangers urban life posed to young, middle-class, white women’s morality. While the medical community had supported sex hygiene films such

50 Annette Kuhn also argues this point, reasoning that the establishment of sex-segregated screenings and age restrictions upon these movies cultivated a certain “allure of the forbidden” for the public. Kuhn, 68.
as *Damaged Goods* in the 1910s, they no longer endorsed such films by the late 1920s. By then, many sex hygiene films were exploitation films made by film producers with carnival backgrounds rather than “reputable” films made in conjunction with medical and public health officials as those in the 1910s had. For the most part, these films positioned an ideal of rural purity against urban corruption, promoted the idea that unchecked desire especially for white women could be deadly, and placed “fallen” women (single, white women engaging in sexual relations outside of marriage) into disease-ridden houses of prostitution while offering no similar repercussions for single white men engaging in sex outside of marriage.\(^5\) Also, while such films portrayed “fallen” white women as decidedly working-class, single men who patronized houses of prostitution were nearly always white, middle-class individuals “slumming” in behavior and in neighborhoods “beneath” what their class status entitled them. According to these scripts, working-class white women tempted white middle-class men, infected them with venereal diseases, and carried a “working-class” disease to the otherwise taintless middle-class. Such scenarios emphasized that the sexuality of working-class, white women threatened hierarchies of class and race maintained by white, middle-class families.

**Constructing Sexual Deviance in Virginia**

Nearly all of the sex hygiene films seeking entrance into Virginia addressed the question of who was to be blamed for sexual deviance. A brief look at the titles of these films—*Wages of Sin, Girls of the Underworld, Because of Eve, Desperate Women,* and *Wasted Lives*—suggests that women overwhelmingly bore the blame for venereal disease, promiscuity, and pregnancy outside of marriage, while other titles like *Is Your Daughter Safe* and *Unguarded Girls* connoted women’s vulnerability and their need for male

\(^{51}\) Schaefer, 173, 177.
authority and protection. For example, the mainline Chadwick Pictures produced the film *Is Your Daughter Safe*, a “white slave traffic” film.\(^{52}\) Like many of its counterparts, *Is Your Daughter Safe?* portrayed urban men in the prostitution trade luring “innocent” girls into work at “houses of ill repute.” The film’s last reel showed the effects of venereal disease on children born of diseased parents.\(^{53}\) In response to this film and others of similar ilk, the state health commissioner, himself an opponent of increased sexual education, wrote to inform the censors that such pictures often alleged to be educational but were instead shrewd money-making schemes “capitalizing [on] salaciousness.”\(^{54}\) The board ultimately refused to allow *Is Your Daughter Safe?* to play in the state, concluding that “while purporting to be a health film, and to point a strong moral, [the film] embodies so many features that are obscene and indecent that it is offensive, and in our opinion could do no possible good and might do harm.”\(^{55}\) Thus, in the board’s view, the film’s potential for offensiveness overrode any educational value it may have had.

Exhibitors in Virginia and nationwide showed *Is Your Daughter Safe?* to gender-segregated audiences with women offered daytime showings and men showings at night. In 1927, a writer at *Variety* called the film “possibly the strongest and most daring of the so-called hygiene... pictures ever made.” The author went on to suggest that if any “legitimate” producer, a Hollywood filmmaker in other words, had created this film, he

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\(^{52}\) In white slave traffic films, white, “urban” men lured young white women, typically depicted as “innocent,” “naive” individuals from rural areas who had recently moved to the city, into prostitution work. Filmmakers portrayed these women as “enslaved” in prostitution rings. These films, in addition to their voyeuristic nature, not only played upon the actual fear some rural residents had of “the city,” but also presented a somewhat “acceptable” way in which filmmakers could talk about prostitution and even show some sexually-provocative scenes on-screen. The film, *Is Your Daughter Safe?*, no longer exists. As a result, very little evidence exists on the film’s plot.

\(^{53}\) American Film Institute website. Available from World Wide Web at http://www.afi.org. In San Diego, officials required that this film be retitled due to its sensationalism and seeming indictment of the incompetence of law enforcement officials. There, it became *The Octopus*.


"would be heading for the South Sea Isles if [Hollywood censor] Will H. Hays ever got on their trail." According to a *Variety* reporter, the film, set in Chicago, opens with a physician discussing "vice legislation" with the governor of Illinois. It continues by showing how the female "gold digger" and "street walker" "buy their wares." Near the start of the film, a "girl" alone is shown in a stalled car. As she starts to walk home, she accepts a ride from a man who assaults her and then disappears. Thus from the beginning of this movie, cars are constructed as unsafe spaces for women, especially "daughters." In another scenario, a "girl" goes out looking for work. When she stops to rest on a park bench, a man approaches her and takes her to a prostitution house, for which he receives thirty pieces of silver from the house’s madam. The reviewer refers to the women employed at the house of prostitution as "inmates." This film seems to situate the "dangers" faced by women, constructed here as "girls" in need of the protection of their fathers according to the film’s title, in some of the new spaces women were entering at the time—the space of the automobile and employment outside of the household.

According to the movie’s reviewer in *Variety*, "if the censors let [this film] get by in communities where they want to see hot stuff, it is a cinch this will be a wow." Like most sex hygiene exploitation film, the film experience starts with a lecture showing slides of social diseases in various stages. The lecturers who accompanied the film then attempted to sell a fifty-cent book on sex which claimed to solve all social problems and

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56 *Variety*, 15 June 1927.
57 *Variety*, 15 June 1927.
58 *Variety*, 15 June 1927.
warn youth of sexual pitfalls. According to the reporter, "this lecture is the strongest this reporter has heard in connection with so-called white slave pictures." 59

Producers of "legitimate" sex hygiene films argued that their films had the potential to reach large numbers of people in a way no non-film material could. Furthermore, these producers claimed that visual depictions of diseased bodies and engaging plot lines that drew on people's emotions were central to influencing individuals in a way texts could not. "Exploitation" sex hygiene producers used the genre to try to outmaneuver censors and turn a profit by showing material such as partial nudity that moviegoers could not find in any Hollywood production. 60

Censors employed several arguments as to why certain sex hygiene films must be censored. Aware of "exploitation" filmmakers, censors expressed great concern over allowing films to be shown whose filmmakers did not have the "right" motives behind making and distributing the film. 61 Censors were also afraid that the potential "salaciousness" of any of these films might draw in viewers more concerned with seeing some nudity than with getting an education. Along these lines, the censors grappled with

59 Variety, 15 June 1927. Reviews of sex hygiene films in the nationally-circulated entertainment weekly Variety presents a possible additional area to analyze in terms of state censors and their actions. While there is no evidence that Virginia's censors read Variety, they were aware of "exploitation" filmmakers to some degree. They would have had access to Variety had they wanted to read it, and it seems as if a review such as this one would have gone far in sounding an alarm that the film was obviously masquerading as an educational one when in fact it was purely an exploitation venture.

60 "Legitimate" filmmakers tried to maintain a strict boundary between their "educational" fare and the "exploitation" productions of their competitors. However, movies produced by both heavily resembled each other, and there were no clear boundaries marking what made a film "legitimate" or "exploitative" in either the censors' or the public's minds. In nearly any given year, the censors banned as many films made by "legitimate" outfits as they approved "exploitation" films.

61 Censors established the "right" motives in a variety of highly subjective ways. For the most part, they viewed the film and made this assessment on whether they believed the film's educational "message" was clearly obvious throughout. If they felt a moral or message was too obscure, then the filmmakers did not have the "right" motives in distributing the film. Less frequently, they would query distributors either in person or in letter as to the "point" of their film, and if the distributors successfully played up the educational value of the film, it often would be approved. Still at other times, the censors examined the movie's advertisements. If those ads were deemed "sensational," then the censors charged the film's distributors with promoting the film for entertainment rather than educational purposes.
what the movies were "for." For the most part, they agreed that movies were for entertainment purposes—and perhaps more importantly, that moviegoers believed movies to be primarily, if not solely, for entertainment. If audiences did not construe films as educative, then any film dealing with sexually-explicit topics would attract those seeking entertainment rather than education, making the genre inappropriate and virtually useless in the eyes of the censors.

The potential for endangering children also appeared prominently in the titles and advertisements for many of these films, and film producers again blamed the behavior of women for imperiling their children. Since these films often linked sex education to questions of sexual morality, blame—specifically, who was to blame for sexual deviance—was always a consideration. Overwhelmingly, these films presented women as one of two opposing extremes—either good or bad, the classic "virgin/whore" dichotomy framing female sexuality. Both filmmakers and Virginia's censors sought to codify and promote the idea of these poles of possible behavior in women. Thus both cultural entertainment and state actors mutually reinforced the construction of women as either sexually pure or sexually corrupt and, therefore, "deviant." It did not seem to particularly matter to the censors whether women were corrupted by their own actions or from the lack of protection by a man or other socially-imposed authority. In terms of race, it simply was not possible for a woman of color to be "protected" by a man of any color and most often, her corruption was portrayed as being derived solely from her non-white blood. These films, however, sometimes offered "redemption" for corrupt or

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62 Again, as with their evaluation of the "motives" of a film, censors judged the purposes of movies using the same subjective, erratic method. They spoke of the space of the theater itself—specifically its darkness, its public accessibility and the availability of some form of concessions—and certain elements of films themselves (especially the use of music and humor) to conclude that movies functioned primarily to entertain rather than to educate.
deviant women who showed regret for their actions and righted their wrongs through the course of the film. The Production Code, which began to be enforced in the early 1930s, would supposedly assure “redemption” by requiring any “immoral” behavior to be properly punished on-screen. Such “redemption” often meant infants born out of wedlock died, women died during the birth of children born out of wedlock, or sexually-active women descended into a virtually enslaved status in houses of prostitution and barely escaped death as a result of venereal disease. Thus having been properly “punished” with disease through years of abuse working as a prostitute, the death of their child, or their own death, these women could find “redemption” in the end.

As white, middle to upper class, politically-connected elites working in a state-funded government agency, Virginia’s censors sought to entrench their own power by using the rubric of “protection” to regulate sexuality on-screen. In terms of protecting women, their actions followed two strains of logic. They argued that by censoring the depiction of women’s sexual actions on-screen, they were protecting both women’s physical and moral well-being. First, they suggested that films portraying women as sexually promiscuous and desirous of sex presented women in a negative light that might result in physical violence directed by men toward women. Censors asserted that presumably male audience members might equate women portrayed as sexually available on-screen to mean all women were sexually available and thus turn these men into sexual predators.63 Second, censors argued that they protected women’s morality by not allowing images that could “sully” women’s collective reputation. For example, as

63 In her study of University of Chicago students responding to a motion picture survey in 1929, historian Kathryn Fuller recounts how many male respondents spoke of the “frustrating” sexual tease they viewed on-screen. One survey respondent wrote: “I...often leave a show with the desire to find a girl and engage in sexual intercourse.” Kathryn Fuller, At the Picture Show: Small-Town Audiences and the Creation of Movie Fan Culture (Washington, DC: Smithsonian Institution Press, 1996).
discussed earlier, the film _Unguarded Girls_ applied for a viewing license in Virginia in 1930. In the film, Mary, the daughter of a wealthy “underworld” attorney gets caught in the vice of one of her father’s roadhouses. In one scene, Mary is shown unconscious in the roadhouse, having been drugged by the manager. He is then shown alongside the partially disrobed woman lying in bed. Her chauffeur, who is in love with her, rescues her in the nick of time—just before it seems she would have been raped.

In their assessment of _Unguarded Girls_, Virginia’s censors required the deletion of a variety of scenes they declared “indecent” because they hinted at sexual relations taking place in a brothel, thus undertaking their mission to “protect” women’s collective reputation as purveyors of morality by cutting out scenes of “deviant” sexual relations—and violence—in houses of prostitution. Yet they allowed the portrayal of Mary’s potential violator and her “chivalric” rescue. The board further instructed the movie’s distributor that advertisements must “be free from any emphasis whatsoever on the sexual side of the film” and “must abstain from any suggestion that it will satisfy those looking for salacious entertainment.” This policing of cultural boundaries undertaken by the censorship board coincided, throughout its history, with state elites’ efforts to control who could wield power within the state and regulate behavior in a variety of forms. Whether through film censorship, strict definitions of who could claim “whiteness,” racial segregation, or the concentration of superior educational and social services in a few concentrated areas of the state to the vast detriment of the western and largely rural

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64 _Film Daily_, 8 September 1929, p. 8. Little is known of the outfit that produced and distributed this film. Public Welfare Pictures distributed the film, and they only distributed one other, _Sex Madness_, which was also marketed in 1929. Circle Films produced the film—the only film I can find that they produced. Its director, William Curran, produced two other pictures that do not appear to have dealt with issues of vice and sexuality. AFI website.

65 VBMP. _Unguarded Girls_ (1930) folder.
portions of the state, to name a few, Virginia’s white elites constructed classed and raced boundaries to maintain their own political, economic, and cultural authority.\textsuperscript{66}

Censors also weighed the depiction of class in certain films in relation to who they, as censors, would be policing. For example, one of the censors’ reasons for censoring the 1929 sex hygiene film, \textit{Unwelcome Children}, was that “it might incite some classes to crime.”\textsuperscript{67} The plot of this German film, alternately titled \textit{The Wife’s Crusade} in English, has been lost, thus we are left to ascertain from the censors’ description of its censorable material that it depicted issues of abortion, birth control, and eugenics in some manner. The board ultimately condemned the film because it “treated of things forbidden in the medical practice and represented the youth of today in such a way that the showing….might do incalculable harm.”\textsuperscript{68} The board described the film as “a photoplay with a clearly defined well-acted plot” but they were concerned with it addressing “such delicate questions as eugenics, birth control and abortion, contraceptives and the like. It is the unanimous opinion of the members of this division that these questions, whatever their merit, are not fit material for exploration on the motion picture screen.”\textsuperscript{69} The board was also concerned with “a most repulsive scene, the rape of a young woman social worker by an imbecile whom she has befriended.” The scene was made worse, according to the censors, because “on this hideous crime the plot hinges; to eliminate it would destroy the continuity of the story and make it senseless.”\textsuperscript{70}

\textsuperscript{66} The VBMP archives shows that the censors reviewed approximately thirty sex hygiene films prior to World War II. However, since research in other areas of these records has shown that some material is missing, it would be most accurate to say that the censorship board screened at least thirty sex hygiene films, in order to leave open the possibility that the board reviewed some films whose records have since been lost.

\textsuperscript{67} VBMP. \textit{Unwelcome Children} (1929) folder.

\textsuperscript{68} VBMP. \textit{Unwelcome Children} (1929) folder.

\textsuperscript{69} VBMP. \textit{Unwelcome Children} (1929) folder.

\textsuperscript{70} VBMP. \textit{Unwelcome Children} (1929) folder.

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Still, they refused to leave the rape scene in the film. According to Sabine Sielke, representations of rape found in literature and popular culture often function as rhetorical devices to address other social, political, or economic concerns. Sielke argues that “narratives of sexual violence ponder...the power dynamics of a particular culture.”

The censors probably found the rape aesthetically repulsive, but I would argue their reason for censoring it, and the entire film, was politically-motivated. They did not want to acknowledge the existence of sexual violence in their culture and in their state, and they worked to keep it out of the public mind as much as possible, thus contributing to the continued culture of silence surrounding the sexual assault of women and the lack of state services available to victims of such crimes. Furthermore, this rape scene would have been especially troublesome to the censors for what if the assaulted woman had become pregnant with a child fathered by an individual the censors defined as an “imbecile.” Such a circumstance would have proved a potent situation indeed in a state that refused abortion services to women but simultaneously sought to systematically use sterilization to prevent mentally-ill or poor children from being born.

VIRGINIA ELITES REGULATE MORALITY/SEXUALITY

The regulation of sexuality came to the forefront of Virginia’s legislative agenda repeatedly in the 1920s. Between 1922 and 1924, the General Assembly of Virginia

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71 Class probably functioned as the key element in this film, since it nearly always did in films addressing eugenics, birth control, abortion, or reproductive issues in general. Since the censors do not mention race, it can be assumed that the social worker and the “imbecile” are both white—or “without” race (which is how the censors understood white bodies). However, since neither the film nor reviews of its plot exist, specific analysis of its classed nature cannot be made.

72 Sabine Sielke, Reading Rape: The Rhetoric of Sexual Violence in American Literature and Culture, 1790-1990 (Princeton: Princeton University Press, 2002), 2. For example, the myth of the Southern black male rapist worked not only to keep African American men in the post-Reconstruction South from accumulating economic and political power, but it also presented a successful argument to further confine middle-class white women to their domestic spaces at the same time that these women were beginning to push for political suffrage. Sielke, 3.
passed three laws that expanded public intrusion into private, sexual matters. First, the
Assembly passed the Motion Picture Censorship Act, whose significance to sexuality this
chapter explores. Second, commonwealth leaders passed the Racial Integrity Act of
1924, which narrowed the definition of who could be “white” in the Virginia. Finally, in
that same year, legislators passed the Virginia Sterilization Statute, which allowed the
sterilization of any resident of the commonwealth’s four mental institutions or the
Lynchburg State Colony. Not only did the government begin to expand its intrusion into
citizens’ sexual behaviors, but, according to Phillipa Holloway, it also solidified white
elites’ belief that “certain kinds of sexual behavior presented dangers to the state and that
government should undertake serious efforts to prevent these threats.”73 For the first
time, Virginia’s elites began to see segments of the Commonwealth’s citizenry as enough
of a threat to their “progressive” vision to allocate state funds to censor the movies,
regulate whiteness, and sterilize some of its poorest and least economically and
politically powerful citizens.

Eugenics and Film

The censors’ treatment of eugenics on film again reflected the classed and
racialized aspects of sexual discourses.74 Eugenicists, motivated to “better” society by
regulating whom could reproduce, promoted the sterilization of poor citizens and citizens
of color by the state as part of the state’s modernization efforts to “clean” and “purify”
the state—and to deplete its welfare rolls. Just as eugenics movements sought to confine
human reproduction to “acceptable” people—those not dependent on the state for

73 Holloway, 30.
74 Martin Pernick, The Black Stork: Eugenics and the Death of “Defective” Babies in American Medicine
financial assistance—eugenic representations on screen mimicked these circumstances as well.

Film scholar Martin Pernick reasons that movies about eugenics and sex hygiene filled the need for communication between medical professionals and the public. He argues that the public's faith in the scientific expert largely rested on an image they were fed by the mass media. Eugenicists promoted the “science” of eugenics as a method to “better” society by eliminating social “degenerates,” especially potential “criminals” which were consistently portrayed as working-class and/or racial or ethnic minorities. Yet I would argue that since medical and public health professionals were not responsible for making many of the sex hygiene films and most “experts” refused to even endorse the films as worthwhile by the late 1920s, any sort of communication the movies provided between the professional healthcare community and movie audiences were tenuous and informal at best.75

In public debates over issues such as the “advancement” of science and medicine, professional groups and individuals, along with lay people, struggled to gain the authority to try to control the construction of concepts like eugenics.76 Films acknowledging the “worth” of eugenics and presenting this early form of scientific engineering as the “morally right” approach to take provided eugenicists and their supporters with a widely pervasive space in which to “win over” public support for their endeavors.77

75 Pernick, 109.
76 Pernick, 14.
77 In 1935, the censors rejected in toto the film Tomorrow’s Children twice. Produced by Bryan Foy at a time when 27 of the 48 states carried sterilization laws on the books, Tomorrow’s Children told the story of working-class Alice Mason. Alice works to support her alcoholic parents and cannot marry Jim because of her parents’ economic dependency upon her. When Alice’s mom delivers a stillborn child, state social workers decide the entire family should be sterilized. In the film, only Alice lacks some sort of “impairment.” As Alice is prepped for the operation, her mother drunkenly admits that Alice is not her biological daughter, so Alice is saved from sterilization in the nick of time. The New York censorship

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Films promoting eugenics carried the message, sometimes tacitly, that certain individuals were "unfit" to reproduce and should be sterilized to "protect" the rest of society—and to keep money spent on state assistance for such individuals as low as possible. Eugenics films were not alone in tackling the question of parental fitness—films taking on issues of birth control methods and abortion did as well. On June 14, 1924, the African American Richmond newspaper, the *Planet*, ran an advertisement for the film *Where are My Children?* showing at the Rayo Theater. The ad announced that exhibitors would show the film only in sex-segregated showings, characterizing the content of the film as "a powerful plea for the unborn," and guaranteeing potential customers that "THIS is the picture endorsed by leading physicians and clergymen that set New York [and] Chicago...talking." Thus the film’s distributors assured individuals that the film offered suggestive material while also functioning as a respectable, "safe" motion picture because it was sanctioned by professional medical experts and ministers.

*Where are My Children?*, originally produced in 1916, expressed support for contraceptives while condemning abortion, although the film does not have a clearly defined stance on eugenics. Made by the mainstream Universal Pictures, the film first offered the audience a "square-up" which reasoned that since birth control was being discussed in print, then it must be suitable for cinematic representations as well. Producers marketed the film as most appropriate for family groups, suggesting that

board banned the film not for indecency but for its political and ideological content. Schaefer, 183-184. According to film scholar Dawn Sova, the film exposed legal abuses accompanying mandated sterilization. Surely Virginia’s censors were concerned with a public seeing an indicting critique of forced sterilization at a time when the state practiced eugenics and potentially tainting the public image of "expert" scientists. Dawn Sova, Forbidden Films: Censorship Histories of 125 Motion Pictures (New York: Facts on File, 2001).

78 14 June 1924, Richmond *Planet*.
79 While eugenics is discussed extensively in the film, the final interpretation can be seen as either pro- or anti-eugenics.
children should only attend with adults while reminding adults that "if you bring [your children] it will do them an immeasurable amount of good." In the film, attorney Richard Walton promotes eugenics. As he stands by the courtroom door, a working-class couple walks out, and he postulates that such people are "ill-born" and that if birth were adequately understood, then crime could be wiped out. Walton obviously equates the "working class" with a "criminal class," a familiar trope in films of the era that defined disorder and "disease," including crime, as originating outside of the white, middle- and upper-classes. The audience then sees Walton's wife taking numerous women to a doctor one scholar has described as a "villainous looking foreigner," a racialized Other, to secure abortions. In one visit, the doctor bungles the abortion, and the white, middle-class woman dies. Walton prosecutes the doctor (who is named none other than Dr. Malfit), and the doctor defends himself by arguing that he was simply trying to prevent degenerates from being born into society. In the end, Walton finds out his wife has also been getting abortions from Dr. Malfit. Walton says that he should bring his wife and her friends to trial for manslaughter. He calls his wife a murderess and asks repeatedly: "Where are my children?"

The film explicitly suggests that some children, those from working-class families for example, are undesirable. For working-class citizens to utilize birth control methods—potentially even abortions they secure themselves or state-enforced sterilization (the film is ambiguous as to which forms of birth control and whose attempts

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81 The film identifies the couple as working-class by the nature of their work, their manners, their speech, and their style of dress. Compared to the middle-class attorney, the class hierarchy is stark and rigidly established.
82 Brownlow, 51-52.
83 Brownlow, 52.
to regulate them are acceptable)—is suitable. For middle-class, white women to get abortions, however, is morally and criminally objectionable, for it robs such patriarchs as Walton of what would be “upstanding” white, middle-class children and future citizens. Women like Walton’s wife could be accused of promoting “race suicide” at the time, the hysterical belief popularized by birth control’s detractors that declining birth rates among middle-class white women would lead to the end of the white race—or at least the end of its social, political, and economic dominance of the country’s resources. The film’s ambivalence on eugenics arises from the fact that Dr. Malfit uses a eugenics-based argument to defend himself. He argues that he simply wanted to prevent defective children from invading society (although his look as a villainous doctor of non-Anglo background suggests he himself could be such a “degenerate”). The audience is left to wonder if the abortionist is a criminal because he performed abortions on white, middle-class women or because he performed them at all. No censorship information on the film exists in Virginia’s archives. Perhaps this information was lost over time or perhaps the movie played illegally without applying to the board. If the film’s distributors did show the film without submitting it to the censorship board for approval, then this explanation could clarify why advertisements for the film were found only in the local African American newspaper. Perhaps its distributors ran the ads under the assumption that white censors and individuals with whom they most interacted would not closely read movie advertisements in the local African American press.84

84 Brownlow, 54. Regardless, the film did reach Pennsylvania’s state censorship board, and one of its regulators, censor Ellis Oberholtzer, condemned the movie as “unspeakably vile. I would have permitted it to pass the board...only over my dead body.” Margaret Herrick Library. Motion Picture Academy of Arts and Sciences, Los Angeles, California. File: Where Are My Children? (1916).
Sex hygiene films addressing venereal disease also functioned as mechanisms to influence individuals' sexual behavior. One of the best examples of the growing tentacles of the state government can be found in the extension of venereal disease campaigns. While Virginia offered only minimal governmental health services to its citizens in the 1920s, the arrival of the New Deal and World War II steadily increased these services—and controls—so that by the 1940s, Holloway argues that modern, far-reaching bureaucracies were entrenched in Virginia. In 1940, Virginia's General Assembly mandated syphilis testing for couples getting married. While it did not prohibit the marriage of infected individuals, it did mandate state-monitored treatment, further ingraining the authority of the state in the lives of private citizens under the rubric of promoting "public health." VD programs as a whole expanded during World War II, and public policy toward sexual regulation took a decided, significant shift. According to Holloway, in Richmond, health officials shifted away from merely testing and treating venereal disease to actually regulating sexual behaviors that would spread venereal disease.85 State officials were aware that if they did not effectively curb VD in cities such as Richmond, the military might prevent its soldiers from frequenting the city during leave time, thus draining substantial dollars away from businesses.86 With this idea in mind, officials in the city of Richmond moved from targeting prostitutes to regulating female sexual activity more generally in 1942. For the first time, the city targeted and arrested large numbers of women and confined them through the duration of the treatment process, as local and city officials did throughout the country around military

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85 Holloway, 103.
86 Holloway, 109.
posts. It was into this wartime atmosphere of increased, though guarded, interest in sexual education and public health that controversy over the film *Birth of a Baby* began.

**Pregnancy and Control of Sexual Knowledge in Birth of a Baby**

Like films addressing the prevention of venereal disease, motion pictures depicting live birth scenes and maternity education also promoted themselves as endeavors aimed at creating a healthier populace through education, specifically through the practice of proper pre-natal care for infants. Also like venereal disease films, these movies faced censorship because of how they disseminated sexual knowledge. In the case of early films exhibiting birth scenes, censors used paternalistic rhetoric to justify their deletion of such material. They further attempted to control Virginians' access to sexual knowledge under the idea that they were “protecting” the image of women. According to censors, childbirth scenes and even dialogue concerning pregnancy threatened the “purity” of women. In the end, censors used such protectionist ideology to buttress their positions as arbiters of how sexual knowledge would be—or would not be—distributed to the public. Until the Richmond court system entered the debates over *Birth of a Baby*, the censors retained authority over whether such educational efforts would be dispersed to the public in Virginia.

In 1939, a letter writer known only by his signature “Progressive” wrote to the board of censors and posed one of the crucial quandaries censors and citizens sought to answer about sex hygiene films. “Is *Birth of a Baby* vile or is the vileness to be found only in the minds of certain observers?” This particular film, *Birth of a Baby*, showed

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87 Holloway, 112. Holloway notes importantly that government regulation in Virginia did expand during the war, but only in publicly “acceptable” directions—public health, education, and corrections.
88 VBMP. Box 53.
89 VBMP. Box 53.
the live birth of a child, and it faced an initial ban in Virginia because of that birth scene. By the late 1930s, the American Medical Association had relented from its anti-birth control stance in terms of contraception, and as a consequence, states began incorporating information on contraceptives into public health programs. Birth control had always been a major subject of sex hygiene films, but now that much of the controversy was seemingly over, producers began to focus on actual births and prenatal care to promote "better," healthier children.

The first film to come out of this period was *Birth of a Baby*. A. E. Christie, its director, began production of the film as an educational obstetric film at Astoria Studios on Long Island, and the film was presented under sponsorship of the American Committee on Maternal Welfare. Produced by Jack Skirball, a former rabbi and sales manager for Educational Pictures, actual production funds for the film came from Mead Johnson and Company, a manufacturer of baby products. While this and other birth films emphasized modern techniques of medicine and technology, they reinforced traditional views of and roles for women.

While it did not ultimately reverse the policies of the censorship board, the film *Birth of a Baby* represented the first time the Circuit Court of Richmond required the board to approve a film it had initially banned. The film *Birth of a Baby* was made in association with five preeminent obstetricians and the Cornell Medical School and was

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90 Schaefer, 188. This committee consisted of 21 representatives from organizations such as the American College of Surgeons, American Gynecological Society, the US Public Health Service, and the American Nurses Association.

91 Schaefer, 189.

92 At the same time, venereal disease also returned to center stage with FDR’s 1936 appointment of Thomas Parran as the country’s surgeon-general. Parran intensely focused on eradicating VD, although the Hays Office still would not allow such portrayals on film and independents that did address the topic still constructed it as a moral problem (resulting from a moral failing such as premarital sex) rather than a medical condition. Schaefer, 189.

93 VBMP. *Birth of a Baby* (1939) folder.
produced with funds from the American Committee on Maternal Welfare. The film follows the pregnancy of Mary Burgess as she receives blood tests for venereal disease, learns about the development of her fetus, and gets advice about wearing special bras and corsets. It builds to Mary delivering her child in her home with the help of a doctor. The movie could not get a seal from the Hays office because it featured scenes of childbirth, which were expressly forbidden under the Production code. When Life magazine published stills from the movie, cities nationwide banned the weekly from its newsstands, including Richmond.

The film, endorsed by the American Medical Association, the U.S. Public Health Service, and Eleanor Roosevelt, focused on the necessity of pre-natal infant care by physicians and while it was produced as an educational product, its promoters sought to show it in commercial theater venues in order to reach as broad an audience as possible. As with most films involved in a controversial censorship decision, both supporters and detractors flooded the censorship office with correspondence. The YWCA (Young Women's Christian Association) and the Medical Society of Virginia wrote to endorse the film. The YWCA called the ban “incomprehensible,” “ridiculous,” and “archaic.” Several obstetricians and doctors also wrote to declare their support for the film. One group of doctors who screened the film characterized the board’s and the mayor’s actions

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94 VBMP. Birth of a Baby (1939) folder.
95 Eberwein, 59.
96 Dana Sova, Forbidden Films: Censorship Histories of 125 Motion Pictures. (New York: Facts on File, 2001), 155. Chicago, Philadelphia, and Boston were among the other cities to ban that issue of Life. Still, Robert Eberwein argues that with a subscription rate of 650,000 individuals plus its circulation in cities where it was not banned, many more people had the potential to view stills from the film published in Life than the actual movie. It was not banned through the federal postal service. Eberwein, 55.
97 VBMP. Birth of a Baby (1939) folder, Sova, 155.
98 VBMP. Birth of a Baby (1939) folder.
to censor the film as “short sightedness, narrow-mindedness and backwardness.” They argued such officials were content to bury their heads in the sand and let money flow to the abortionists. Such commentary suggested that these individuals believed any immorality exhibited in the movie was overshadowed by the need to prevent much greater acts of “immorality,” which in their eyes included abortions.

In 1926, the board had rejected the film *Miracle of Life*, which followed a woman through her pregnancy and the obstacles she confronted during it, because its “extremely objectionable” scenes showcased “the unwholesome theme of malpractice and abortion.” Virginia’s General Assembly had outlawed abortion decades earlier in 1873, and in an amended 1876 statute, the law established the imprisonment for “any person who shall administer to, or cause to be taken by a woman, any drug or other thing, or use any means with intent to destroy her unborn child, or to produce abortion or miscarriage, and shall thereby destroy such child, or produce such abortion or miscarriage” at three to five years. The statute also established that “any person who shall, by publication, lecture, advertisement, or by the sale or circulation of any publication, or in any other manner, encourage or prompt the procuring of abortion or miscarriage” would be guilty of a misdemeanor. As several commentators made clear, films addressing abortion in any way, by merely publicizing the act, could possibly have been in violation of this statute.

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99 VBMP. *Birth of a Baby* (1939) folder. Richmond’s mayor, Mayor Bright, came out in support of the censors’ decision to ban the film and received much of the public ridicule from the film’s supporters.
100 Medical physicians had a second agenda in denouncing doctors who provided abortions. As members of the same profession, doctors thought those practicing abortions “sullied” the morality of the medical community as a whole since abortion was an illegal practice at the time.
101 VBMP. *Miracle of Life* (1926) folder.
Historian Leslie Reagan argues that while every state had criminalized abortion by 1880, the practice itself remained in wide acceptance and was practiced in homes and medical offices throughout the country until 1930. Reagan speaks of “...the existence of an unarticulated, alternative, popular morality, which supported women who had abortions” yet there is no evidence of this view in the government attitude in 1920s Virginia. Both the board of censors and cultural critics such as local newspaper editors spoke of abortion and its cinematic portrayal in strictly moralizing terms that condemned both the practice and its depiction on film while also reiterating the refrain that since abortion was illegal, popular culture mediums such as film should not allude to or address it in any way.

Citizens who opposed the showing of Birth of a Baby wrote to the board to critique the censors’ “failure” to appropriately police a film that contained scenes of a live birth. Although she had not actually seen the film, a nurse wrote a letter to the editor of her local Richmond, Virginia newspaper to praise the board for censoring a film she argued unnerved hardened adults. Edgar Brook commended Mayor Bright and the censors’ “gallant defense of Southern womanhood and [for striking a] blow for decency.” Thus it was not just the censors who interpreted scenes such as childbirth as “obscene” and promoted “innocence”—and thereby ignorance—over knowledge and prevention. Other state residents did as well, further embroiling them in a broader cultural war tied to people’s competing notions of “proper” gender norms and gender-

104 Nor is this view reflected in many locales. The “popular morality” to which Reagan refers was not visually reflected in the higher reaches of state governments.
105 Ironically, while the board consistently argued that films could not even allude to abortion since it was illegal, it never attempted to censor cinematic portrayals of murder.
106 VBMP. Birth of a Baby (1939) folder.
107 VBMP. Birth of a Baby (1939) folder.
based stereotypes. Such stereotypes included sexually-passive women, sexually-aggressive men, and "corruptible" women.\textsuperscript{108} To individuals like Brook, showing a woman in childbirth (or pregnant at all) defied his view of "proper"—and one can theorize, asexual—womanhood, and that it was shown on the still relatively new technology of film to potentially mixed-gender audiences across a wide age range only added to the controversy.

Cultural theorist Iris Young postulates that society has historically separated sexuality and pregnancy. Discourses of pregnancy have not addressed women's sexual subjectivity, instead using language such as "expecting" or "a time of waiting" to suggest the entire period of pregnancy as a time of stasis. With the increasing professionalization of medicine in the early twentieth century, overwhelmingly male medical "authorities" characterized women's pregnancy as a disorder or a disease, using the standard of the unchanging, adult male body to define a "healthy," "standard" body.\textsuperscript{109} Eric Schaefer argues that pregnant women have been historically othered, which partially explains why childbirth movies were considered "forbidden" in Hollywood for decades and why pregnancy was a staple topic of classic exploitation films.\textsuperscript{110} In fact, regardless of its focus on modern medical techniques and scientific technology, Schaefer asserts that the well-regarded \textit{Birth of a Baby} still treated pregnancy as a pathology.\textsuperscript{111}

\textsuperscript{108} "Corruptible" women were women who participated in "deviant" behavior, such as sexual relations outside of marriage or prostitution, often because a man had corrupted them. Placing the blame for female "corruptibility" upon men highlighted two important points. First, women (based on the ideal of white, middle-class, "Southern" womanhood) could not desire sex in their own right outside of marriage and second, women were easily influenced by and readily submitted to the authority of men.


\textsuperscript{110} Schaefer, 39.

\textsuperscript{111} Schaefer, 189.
How, then, did Virginians respond to the individual’s question: “Is Birth of a Baby vile or is the vileness to be found only in the mind of certain observers?”\footnote{112 VBMP. Birth of a Baby (1939) folder. The letter was signed merely by the pseudonym “Progressive.”}

Officials constructed those most susceptible to be those individuals outside of the white, male, middle-class, and in the end, most proponents of sex hygiene films believed that “corrupt minds” would seek out the obscene in such films. The censors and state judges characterized sexually-suggestive dialogue, bawdy language, “bump and grind” dancing, and “scantily-clad” women as obscene elements in film that “corrupt” individuals might seek out. In Birth of a Baby, the censors found the potential for corruption in the direct, frank discussions of reproduction within the film and the graphic childbirth scenes. In the end, however, the judges of Richmond’s Circuit court declared that the obscenity of some individuals in seeking out salacious portions of a film should not negate the film from distribution. If the film functioned as educative to some, then it should be shown. The Circuit Court of Richmond struck down the censors’ ban on Birth of a Baby by stating that “if [the viewer’s] mind tends toward obscenity or indecency, he may see [the obscene], but if his mind is not so bent he will see something that is educational and wonderful.”\footnote{113 Sova, 155.}

The Court declared, then, that the potential for voyeurism should not be used to condemn the film for the positive effects it could have on conscientious viewers.

On another note, the Circuit Court’s licensing of the film Birth of a Baby sparked another debate. Individual cities in Virginia began to try to ban the movie from their jurisdiction. The officials of the city of Lynchburg went to court to try to secure their authority to ban the film in the city. The Virginia Supreme Court of Appeals ultimately affirmed a lower court’s decision preventing any Virginia municipality from preventing

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the exhibition of a film that the state board had licensed. Judge Herbert B. Gregory wrote, “The State by its statute having occupied the entire field of moving picture censorship, municipalities are thereby excluded the reform as to matters comprehended by the statute.” 114 Thus the state reaffirmed its power over localities as the sole arbiter of cultural control on the movies.

SEXUALITY ON FILM FOLLOWING WORLD WAR II

After World War II, “exploitation” sex hygiene films waned as mainstream Hollywood productions slowly began to include sexual topics and material that the industry had previously prohibited and foreign films, which did not present sexual topics under the guise of education, increased their distribution stateside. At the same time, sex education campaigns had firmly entered many of the nation’s schools. These changes—the increased visibility of sexual issues and nudity in Hollywood films, solid sexual education efforts in public schools, and a Supreme Court committed to extending the First Amendment’s free speech protections to the movies—increasingly hampered censors’ efforts in the postwar era. And with sex education campaigns in the hands of public health officials and professional educators, the censors’ role in controlling the dissemination of sexual knowledge waned. Hollywood producers and the industry’s censors also lost some of their ability to attack exploitation films because of the increasingly open production of films showcasing “deviant” behavior by “mainstream” Hollywood studios. Exploitation films submitted to the Production Code Administration would still be denied a seal, but the stakes simply seemed smaller in the more permissive atmosphere of postwar American culture.115

114 See Sova, 45; City of Lynchburg v. Dominion Theaters (1940).
115 Schaefer, 163.
By the postwar period, censors and cultural critics no longer spent their time analyzing what the movies were "for" and whether the fare they presented was solely entertainment, education, or something in between. Instead, they strove to keep what they considered the most offensive material off movie screens—and the most offensive material was increasingly defined solely as nudity. Most any topic was increasingly acceptable for discussion on the movie screen, as long it did not involve unacceptable levels of nudity, which varied according to the person making the decision. For example, debates over the independent film *I Married a Savage* (1949) did not revolve around what the mission of movies should be or what the nature of entertainment was, although such questions about the intention of movies would have been central to censorship debates over a film in the 1920s and 1930s.¹¹⁶ Instead, these debates revolved around whether the shadows created by the movie's actresses were amply camouflaging the views of their nipples. As movie profits declined and "mainstream" acceptance of visual nudity and portrayals of sexual situations in other outlets of American postwar culture grew, film producers began to see the use of depictions of sexuality and nudity on-screen as a way to bolster a film's profits. Hugh Hefner's *Playboy*, for example, met with near-instant success in the early 1950s. Movie producers and censors concentrated increasingly only on the superficial regulation of sexual images on-screen and no longer discussed whether a topic was "suitable" for inclusion in film.¹¹⁷

¹¹⁶ "I Married A Savage." [www.imdb.com](http://www.imdb.com). 4/15/05. Little information exists on *I Married a Savage*, other than it starred a woman known as Zorita. Discovered in a beauty pageant, "Zorita" became a popular burlesque dancer in 1935 and starred in a series of films, although she continued to pursue dancing. Her "specialties" were billed as a twenty-minute dance with boa constrictors and the "Dance of the Wandering Hands." The tagline from advertisements for *I Married a Savage* read: "See Zorita do the sacred love dance!"

¹¹⁷ The censors' policing of racialized depictions on-screen increasingly operated in a similar way. Initially following WWII, the board worked diligently to keep images that might threaten the state's "racial harmony" off-screen. However, this tactic was only used to censor images of white violence against
World War II marked a watershed in the production and distribution of venereal disease sex hygiene films. The first venereal disease film soldiers viewed—indeed, often the first training film of any kind they saw—was *Sex Hygiene*, directed by the famous, mainstream John Ford and produced by the well-known Darryl Zanuck for Twentieth Century Fox. The film itself did not try to dissuade soldiers from pursuing sexual relations. Instead, it attempted to fully show the horrors of the effects of venereal disease and to arm soldiers with the knowledge about how to obtain and use every available technological device to prevent disease transmission. Scholar Robert Eberwein remarks that *Sex Hygiene* was probably the first film to show its viewers how to use a condom. In short, these World War II-era films were unique in their explicitness. They worked to make venereal disease names like gonorrhea and syphilis household terms, and they would soon make their way out of the military and into mainstream theaters throughout the country. For the first time, a large number of people outside of the military began to view these venereal disease “health” films made by Hollywood filmmakers (as opposed to the “exploitation” films that operated outside of Hollywood and its theaters), and the films began to speak more explicitly to broader social issues such as religious and medical authority. However, it is essential to note that Virginia’s censors never focused on censoring Hollywood productions. With their nudity and frank discussions of sexual issues, the censors were much more concerned with regulating independent and

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Eberwein, 65. Filmmaker Babb specifically lifted material straight from WWII military educational films into his independent films, which surfaced a few years later. Eberwein, 93.

Eberwein, 62.
foreign films rather than Hollywood productions, even though Hollywood films increasingly addressed a range of potentially controversial topics in more explicit ways during the 1950s and 1960s.\textsuperscript{120}

**Post-World War II Exploitation Films**

During the post World War II era, sex hygiene films increasingly became less significant as the dominant sexually-explicit films. With the loosening of censorship regulations and the falling profits of the film industry and as television became a household standard, Hollywood productions, with their big budgets, famous celebrities, and national ad campaigns, became more sexually explicit as well.\textsuperscript{121} In the immediate postwar period before the Supreme Court ruling in 1952 that seriously curtailed censorship, however, sex hygiene films still offered the most sexually-explicit content and censors were still concerned with the “lesson” these films taught (or should be teaching). In 1948, the Virginia censors refused to allow the film *Mom and Dad* to be shown, arguing that the film contained no moral lesson. Critics wrote to attack the film because it did not teach that illicit sex was morally wrong; it only offered how to safely “protect” oneself from unwanted pregnancies and venereal disease. After the enforcement of the PCA code in 1934, Hollywood’s censors required that films depicting someone committing an “immoral” or “criminal” act show the individual being

\textsuperscript{120} Hollywood films no doubt seemed mild in comparison to the explicitness of foreign films. Furthermore, the censors had never been in the business of censoring Hollywood productions. They would occasionally censor a Hollywood movie, but they were much more likely to concentrate heavily on non-Hollywood productions such as independent “exploitation” productions or, by the 1950s, foreign films. Given the sheer volume of Hollywood movies, it is especially noticeable that the censors spent much less time censoring them. However, by the early 1930s, industrial regulations via the PCA were in place to regulate Hollywood films, but there were no such regulatory mechanisms for independently-produced or foreign films.

\textsuperscript{121} The 1952 Supreme Court ruling in *Burstyn v. Wilson* extended first amendment protections to motion pictures. The case revolved around the Italian film, *The Miracle*. Foreign films pushed not only conventional cinematic boundaries established by Hollywood but also legal boundaries as well.
appropriately punished for the action. In large part due to its lack of moralizing, producers' characterization of this film as educative came under instant attack.

In the late 1940s, Virginia's censors still used the test of whether a sex hygiene film was "educational" to determine whether to allow its exhibition in Virginia. Virginia's State Department of Education (DOE) declared that *Mom and Dad* possessed no real educational value and played upon excessive "emotional buildup." Department officials contended that the potential for emotional distress presented more of a concern than any lesson learned from frightening youths into compliance since no "learning" could come from a film they described as overwrought with fear, horror, and emotional sentiment. Thus, censors banned *Mom and Dad* because they did not believe it was educative and due to its potential to unreasonably frighten young people. Yet in 1951, a mere three years later, the censors approved *Because of Eve*, produced and distributed by the same "exploitation" outlet. They noted that this film presented a valuable lesson, and they encouraged parents to take their children to see it in the hope that youths would recognize the dangers of sexual mistakes and ignorance.

The history of *Mom and Dad* and its producer, Howard "Kroger" Babb, embodies the censors' worst nightmare. Babb deliberately transgressed the boundaries of censorship for sensationalism while masking his efforts in an educational framework, a situation ripe for the promotion of juvenile delinquency in the censors' eyes. While Robert Eberwein calls *Mom and Dad* the most famous US exploitation film, drawing

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123 VBMP. *Mom and Dad* (1948) folder.
124 See later discussion of *Because of Eve* for further analysis.
125 VBMP. *Because of Eve* (1951) folder. The film's title alone deserves commentary since it clearly places blame for "deviant" sexuality upon women. Also, the U.S. Supreme Court never ruled that motion pictures could not be regulated. It simply issued opinions that limited censorship to certain specific topics and visual displays such as vaguely-defined "obscenity."
huge crowds as it traveled the grindhouse circuit, he also notes how closely it simultaneously resembled World War II era venereal disease films made by or in conjunction with "respectable" individuals, such as medical or military boards. Advertisements for *Mom and Dad* proclaimed "Everything shown! Everything explained!" therein embodying its purposeful, contradictory tone—a movie that was both sensational (and possibly offering "prurient" voyeurism) and educational at once. The movie generated its share of controversy; it was involved in no less than four hundred separate court proceedings. 

As the theater lights dimmed, the opening of the movie scrolled type across the screen. This foreword explained the pretext of the film—the temptations the protagonist "Joan" faced and the fallacy of her mother promoting sexual ignorance as a virtue. The message sharply proclaimed: "Ignorance is Sin—Knowledge is Power." Because of ignorance, the note continued, many youths fell prey daily to sexual delinquency and venereal disease—and that presented "mom and dad" with a problem. Thus, within the first minute or two, the film attempted to pacify the censors by establishing its purpose as educative.

The first hour of the film shows how "sweet, pretty" Joan, as the film's narrator described her, could have her life ruined by pregnancy because her mother refuses to allow her to possess "hygiene books." According to one source, it would be at this point that the film would stop, the house lights would come up, and Elliot Forbes, billed as an "eminent sexual hygiene commentator" would give a twenty minute lecture on the need for sexual education.

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126 Eberwein, 93. The "grindhouse" circuit referred to the path traveled by most "exploitation films" from the 1920s until at least the late 1950s. These films typically played in non-Hollywood integrated theaters, often in "red light" districts or working-class and minority neighborhoods, and traveled as roadshows playing in any venue they could book.

127 Schaefer, 143.
for sexual education and how the community could protect its youth from sexual degradation. Had anyone cared to research Mr. Forbes, they would have found that there were dozens of “experts” masquerading under this name, one for each road show accompanying the film. Most were hired from the ranks of retired vaudeville comedians, men who knew how to work a crowd. For it was Forbes’s job to sell. After his lecture, he would hold up a book, either *Man and Boy* or *Woman and Girl*, depending upon which sex-segregated audience was screening the film. Two women in nursing uniforms then canvassed the audience handing out books and collecting money. The books, written by Babb’s wife, Mildred Horn, usually accounted for 1/3 to 1/2 of the profit made from the entire venture.

When the film resumed, Joan clutched her stomach and complained of illness; no one in the film uttered the word “pregnancy.” At one point, Joan reads in the newspaper that the child’s father, a pilot, has died in a plane crash. Joan later attempts suicide. The audience then quickly sees the mother as the film’s villain. Joan must eventually confide in a benevolent science teacher who had previously taught sex education at the local high school but had recently been fired. Joan’s mother, whom she cannot talk to, is a member of a woman’s club that crusades against public lewdness and drinking; the same club was responsible for getting the sex education teacher fired. When Joan’s mother threatens to have the impregnating man arrested, the teacher tells her that she only has herself to blame—if children are looking elsewhere for answers about sex and life’s problems in general, then she as a mother is not doing her “job.” Thus while the father is conspicuously absent from the teacher’s lecture, the mother bears the full blame for her

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128 Schaefer, 133.
129 At a four week showing in Baltimore in 1957, the box office for the film grossed $82,000—and with 45,000 copies of books sold, those profits alone netted $31,000 profit. Schaefer, 128.
daughter’s pregnancy. The entire plot and “dilemma” of the film revolves around the girl’s lack of sexual knowledge—and her mother is blamed in full for this deficiency.

After ninety minutes, the audience then sees a series of films-within-a-film. The first short film shows charts depicting women’s menstrual cycle, drawings of female genitalia, and ends with a live birth. The second film shows a cesarean section being performed. In the third film, the audience sees a series of syphilis victims struggling to walk, blinded, with rotting teeth and weeping, open sores. Then comes the title: “Doctors and Health Officials Agree: These shocking pictures of infected genital organs will awaken you!” The picture then shows fully-naked, disease-ravished bodies. The clip concludes with images of healthy, young athletes and the US Army on the march.130

A curious aspect of Americanism occurs in this film. According to various accounts, the movie begins by encouraging the audience to stand and sing “The Star-Spangled Banner.” Then, as an example of fit, young Americans, it showcased a marching Army unit. Released soon after World War II, it was important to portray the upkeep of one’s body and vigilance against “immoralities” such as premarital sex and venereal disease as specifically “American,” patriotic activities. In other words, it was important for film producers like Babb, in a time of the persecution of “Communist” infiltration in Hollywood, to portray his films as decidedly American, patriotic ventures. Eric Schaefer has noted that as early as 1919, venereal disease films marketed themselves as purveyors of “100% Americanism” and the trend began again in the late 1930s with war in Europe and the Legion of Decency’s lumping of sex hygiene films in with its opposition to “filthy” foreign films.131

130 Schaefer, 160.
131 Schaefer, 160.
There are reportedly several endings to the film. In one, the doctor announces to Joan’s parents that Joan will probably be alright and that the baby has barely survived, allowing its female audience members to literally fear for their lives for having “deviant” sexual relations outside of marriage. In some versions of the film, the baby is portrayed as near death but likely to recover. Still other versions suggest that the infant is stillborn. Some versions of the film did not include the three films-within-a-film; presumably, these versions were shown in stricter censorship districts. The very end of the film shows Babb himself asking the audience to applaud if they agree “that these pictures have been bold and shocking enough, that you’ve learned a worthwhile lesson”—directly coupling titillation with education in the most direct, explicit manner possible.132

Babb knew how to sell his product to audiences and censorship boards, which was crucial both for him to make a profit and for censors to define his films as educational and allow them to be exhibited. First, he purposely used bland titles like *Mom and Dad* to market his movies, and he named his production company the potentially misleading Hygiene Productions. Second, he often wrote fake letters to the editors of local newspapers under various pseudonyms to try to generate controversy—and more importantly, publicity—just before the film’s arrival in town. Third, he employed an all-black crew to tackle black theaters where a film of imperiled white youth typically did not play well. At one point, he enlisted Jesse Owens, the African American Olympic athlete who refused to shake hands with Hitler at the 1936 Berlin Olympics, on his film circuit.133

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132 A good marketing man to the very end, Babb went to his grave never having admitted that the movies he produced and distributed from this time period were anything other than great crusades to save the world from sin and corruption.  
133 Schaefer, 133.
By 1950, so many hygiene “roadshows” descended upon cities that they began to cut into each other’s exhibition space—and profits. As a result, the producers of four films—*Mom and Dad*, *Because of Eve*, *The Story of Bob and Sally*, and *Street Corner*—banded together to form the Modern Film Distributors company. They then marketed their films to different cities at different times to maximize profits. All four of these films applied for showings in Virginia. Of the four films, the censors allowed two to be shown. The distributors first offered *Mom and Dad* in 1948, which the censors ultimately rejected due to its lack of “real educational value” and an “excessive emotional buildup.” After an initial rejection for *Street Corner*, Modern Film Distributors took the censorship board to court in June 1951. The board had ruled that it would only pass the film with “the deletion in its entirety of the natural and caesarean birth scenes” since they were judged to be “indecent and unfit for theater audiences.” The judges of the Richmond Circuit Court sided with the censorship board. Despite appeals throughout the 1950s to get the film approved, the board returned fourteen dollars to the company in 1965, saying that since the movie had never been approved for viewing, the money necessary for licensing it was not required.

The next two films fared better, although there appears to be little discernable difference between the content of all four films. In 1951, Modern Film Distributors sent a letter to the board touting its movie *Because of Eve* as “a story that shows on the screen for the first time the full, frank facts of life” and recommended that every parent should

134 Schaefer, 201.
135 VBMP. *The Story of Bob and Sally* (1957) folder; *Because of Eve* (1951) folder.
136 VBMP. *Mom and Dad* (1948) folder.
137 VBMP. *Street Corner* (1951) folder.
138 VBMP. *Street Corner* (1951) folder.
take their child to see the motion picture. A writer for Variety could hardly conceal his disgust towards the film. The author concludes that the film’s subject “can only appeal to the uneducated—and even for them, the theater seems a poor place to have the subject of illegitimate children, venereal disease, some phases of married life and child birth paraded in front of them... The theater, generally conceded to be a place of entertainment, seems an odd place for such a ‘clinical’ picture.” The reviewer notes that the film is shown under the Women’s Research Guild “as part of its program to use every available media to combat juvenile delinquency”—a guild, unbeknownst to the writer, that had been fabricated to lend legitimacy to the film’s “educational” value. The writer notes that rather than stymie juvenile delinquency, “the reaction probably will be to whet the appetites, especially among the people it would attract—those ignorant of social hygiene.” The film is a “sordid story” in which an engaged couple discuss their previous sexual health with a doctor. The doctor unwittingly reveals the sexual “secrets” of the other—the woman previously had an illegitimate child and the man had venereal disease. The story then builds with charts, poses, operating room scenes, and animated diagrams. According to the Variety writer, “some of the still shots of VD examples are particularly unsuited for the theater. Nor are the detailed close-ups of two infants born in a hospital.”

Despite letters from religious institutions like the First Evangelical United Brethren Church in Harrisonburg arguing that the movie would corrupt their town’s youthful population, the board approved the film. Although they required the distributors

139 VBMP. Because of Eve (1951) folder.
140 Variety. 15 December 1948.
141 Variety. 15 December 1948.
142 Variety. 15 December 1948.
to cut a silhouette of a kissing couple and the word "sex" from all their advertising, they passed the film as "educational and constructive" and one which could help youth to "see dangers of low morals and to avoid pitfalls of sexual mistakes brought on through ignorance." Obviously, the version of Because of Eve given to Virginia's censors must not have been "hot," for that version of the film included completely nude models in the clinical reels. Then in 1957, the board passed The Story of Bob and Sally after ordering the elimination of "dialogue regarding disease" and "clinical scenes" which most likely showed the "results" of disease through the display of partially-nude bodies on-screen.

Thus by the late 1940s, depictions of sexual deviance on screen had significantly shifted. It became conventional for sex hygiene films to interrupt the narrative flow on-screen in order for the characters, and more importantly the audience, to watch films-within-the-film demonstrating the effects of venereal disease or childbirth documentaries. In the postwar era, after millions of servicemen had been exposed to explicit venereal disease films, sex hygiene products still equated sex with danger, but they increasingly emphasized "expert" opinions offered by scientific and medical professionals. In these films, the blame for sexual "deviance," usually defined as pre- or extramarital sexual activity, fell heavily upon women. Before World War II, sex hygiene films in general suggested that the greatest dangers lay within the diseased bodies of...
working-class, sexually-active single white women and with their potential for corrupting (chiefly through “diseasing” the middle-class husband and father) the middle-class family. After the war, the greatest depicted danger shifted to single pregnancy. It could ruin a woman’s reputation, lead to an early marriage (or worse, no marriage at all), a morally-reprehensible abortion, or a complicated, and potentially deadly, childbirth. According to historian Rickie Solinger, members of the dominant culture of the 1950s condemned pregnant, single women of any color as deviants with no “right” to be mothers, although such constructions of deviance were decidedly raced. Black women’s children were deemed unworthy of adoption, and they overwhelmingly kept their children while a large percentage of white, middle-class women were pressured to give up their children for adoption in order to reclaim their privileged, normative status as white, middle-class women in society. The men in these films were most often shown as the victims of venereal disease and of “loose” women. The films still overwhelmingly placed the blame for disease firmly on the bodies of women, and the “expert” opinion, always white and male, in the film quickly pointed out, with little to no moralizing, the cures and treatments available to men in the postwar era for such circumstances.

CONCLUSION

The changing cultural conventions and legal status of motion pictures during the 1950s sounded the death knell for classic exploitation pictures. Nudist films reemerged, as did more explicit foreign films, popular publications like Playboy, and risqué movies

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147 Nearly all “sex hygiene” films shown in Virginia depicted only white individuals, and with assumed whiteness firmly established, focused on class issues.
148 Rickie Solinger, Wake Up Little Susie: Single Pregnancy and Race before Roe v. Wade (New York: Routledge, 1992), 3, 6. Solinger notes that white babies became “market commodities” as childless white couples sought out these babies for adoption to create “normative” American families. Black babies, however, were never constructed as such adoptable commodities. Solinger, 154.
149 Schaefer, 205.
produced by Hollywood. Many lay and professional medical “experts” accepted contraceptive birth control, health officials could treat and often cure venereal disease carriers, and educators brought sex education into schools in a large-scale manner. Burlesque films, which were basically strip shows filmed on a low budget, also began to appear in the postwar era, offering nudity without the necessity of presenting the material under the ruse of education. Perhaps most importantly, the traditional topics and modes of depictions found in exploitation films—sexual promiscuity, sexual relations and pregnancy outside of wedlock, female nudity—became integrated into mainstream Hollywood movies.150

In the end, these movies speak directly to the idea of “protection.” As legally-empowered actors of the State, Virginia’s censors sought to “protect” certain standards of morality. Their decisions served as barriers against “pollution”—in this case, pollution from the “taint” of working-class white women and women of color expressing their sexuality and in race films, against the “pollution” of interracial mixing or African American advancement in a society hierarchically positioning white elites at the top. Simultaneously, censors reasoned that they suppressed certain films or scenes from films in order to protect the vulnerable in society—African Americans, women, and youths. In other words, they “protected” everyone but the most powerful—white elites—through the

150 For decades, there had been two staples for showing the nude, female body. The earliest method was through the vehicle of the nudist film, a staple exploitation picture in the early 1930s that resurfaced in the mid-1950s. Second, there was the burlesque (strip show) that emerged after World War II. Both of these genres existed on the outer limits of the exploitation continuum. Nudists argued that nudity actually drained sexual arousal when everyone practiced nudity all the time, but nudist exploitation films nevertheless sought to sexually arouse—or at the very least, titillate—their audience. Also, in terms of burlesque, the distinguishing feature it offered was the striptease dance, and it was only after World War II that the burlesque show transitioned from peep shows to movie screens. At a time when the containment of female sexuality in general was the typical portrayal of on-screen women—passive, malleable, available—burlesque dancers provided a sharply contrasting “uncontained, undomesticated female body.” By 1960, classic exploitation films had reached the end of their runs. Their original producers were gone, censorship waned, teenpics and foreign films siphoned off their traditional audiences, and sex education had entered schools in mass force. Schaefer, 291, 306, 312.
regulatory practice of film censorship. Censors constructed on-screen depictions of
two sexuality as one of the most central issues in need of control, which in turn led to
the control of other groups. However, in 1965, the Supreme Court of the United States
ruled that “a priori” film censorship was illegal; censorship boards like Virginia’s could
no longer require film distributors to submit their films for censorial approval before the
movies were allowed exhibition in the state. With submission—and the accompanying
fees—now voluntary, arguments of citizen “protection” and control of sexual knowledge
were no longer enough to keep Virginia’s film censorship board afloat. State agents
censored their last films in 1965; then, censorship shifted back to local and municipal
authorities. As the epilogue will show, while citizens continued to heavily protest
displays of sexuality, particularly depictions of sexual relationships between interracial
couples into the late 1950s and the early 1960s, the censors increasingly had no legal
ability to keep such imagery off of Virginia’s movie screens.
EPILOGUE

With a variety of cultural critics voicing concerns over the perceived links they saw between media viewership, sexuality, and juvenile delinquency in the 1950s, the proliferation of public discussions of sexuality continued to rise. In 1948, Indiana University researcher Alfred Kinsey published *Sexual Behavior in the Human Male*, and five years later, issued *Sexual Behavior in the Human Female*.¹ Hugh Hefner's *Playboy* magazine, begun in 1953, promoted fantasies of bachelor independence outside the "family breadwinner" ideal while also suggesting happiness could be found in materiality.² The U.S. Supreme Court continued handing down decisions with far-reaching cultural significance. In *Jacobellis v. Ohio* (1964), the justices ruled that prosecutors of pornographic materials must show that such material is "utterly without redeeming social importance" to make legitimate convictions.³ The following year, in *Griswold v. Connecticut* (1965), the Court ruled in favor of access to contraception for both married and unmarried women. By 1960, 87.3% of households could tune into visual entertainment on their televisions without leaving their homes.⁴ It was into this climate of the 1950s and early 1960s that the movies competed for a place in U.S. culture. However benignly, Hollywood productions, which were the films consumed by

³ Patterson, 566.
⁴ U.S. Census Bureau. 1960 census.
the vast majority of moviegoers, began addressing themes previously untouched by the industry. *From Here to Eternity* (1953) explored adultery, *Compulsion* (1958) addressed issues of homosexuality, and *Blue Denim* (1959) dealt with abortion. In 1957, *Island in the Sun* took up the issue of miscegenation in a film produced by a major Hollywood studio for the first time since the enforcement of the Production Code in 1934.

**ISLAND IN THE SUN**

*Island in the Sun* (1957) provides a particularly insightful case study to examine the contested arenas of race relations and sexuality in the late 1950s. Specifically, the film speaks to ways in which hierarchies of race, gender, and sexuality were related—often inextricably so—in not only Virginia but in America as a whole. The film explored relationships between an African American man and a white woman and a white man and an African American woman on-screen ten years before the U.S. Supreme Court declared anti-miscegenation laws illegal in a case originating from Virginia. While many white citizens voiced their concerns over a film depicting miscegenation, the censors were unable to legally ban the film.

The film generated controversy not simply because it implied interracial sexual and marital relationships. The most provocative aspect of the film revolved around a white woman’s sexual relationship with a man of color. Of the four main performers, it was only the white actress Joan Fontaine who received so much hate mail for her role as

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5 Patterson, 358.
7 *Loving v. Virginia* (1967).
8 While debates over *Island in the Sun* appeared in the white daily Richmond newspapers, the city’s black newspaper, a weekly that concentrated on more overtly political issues, did not address it. While many writers who penned a letter to the censorship board identified themselves in some way as white, none pointedly identified themselves as African American (which should not preclude the possibility that African Americans did write to the board).
a white woman sexually attracted to a black man that police escorted her to the movie’s premiere at Grauman’s Hollywood’s Chinese Theater. Thus it was not only about hierarchies of race but those of gender as well. While it might be somewhat acceptable for a white man to have a sexual relationship with a black woman, it was not tolerable for a white woman to choose a black man. After all, white men had forced African American women into sexual relationships with them for centuries. Furthermore, the movie was set in the Caribbean and “exotic” women of color had long been coerced into serving as sexual objects for colonizing white men. White women, still often supposed to be under the “protection” of white men and actively buttressing white supremacy with their production of white children, were never to prefer black men as sexual or marital partners. Such practices spoke to the white men’s loss of power over all African Americans and white women. Masculinity, informed heavily by racial hierarchies, also underpins these scenarios. Under the tenets of white supremacy and the racialized norms of masculinity and manhood, African American men were not to have access (especially sexual access) to white women, nor could they protect their own women and children from predation by white men. And those African American men who attempted to break these norms often paid with their lives at the hands of white lynchers.

Portrayals of sexuality were decidedly “raced,” and race and gender constructions

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10 Darlene Clark Hine and Earnestine Jenkins, eds., *A Question of Manhood: A Reader in U.S. Black Men’s History and Masculinity* (Bloomington: Indiana University Press, 1999), 10. Prominent African Americans such as Ida B. Wells and John Mitchell, editor of the Richmond Planet, devoted much of their life’s work to protesting the thousands of lynchings of African Americans by whites from the late 1800s to the mid-twentieth century. According to historian Steven Hahn, white violence against blacks was often motivated by white desire to re-establish social, economic, and political boundaries that had been traversed to some degree by blacks. Charges of black men raping white women represented, in the white mind, the violation of the most intimate boundary. Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003), 427.
mattered in sexual relations. At a time when white, male officials and their supporters in states across the South employed "massive resistance" to defy the Supreme Court mandate to desegregate their racially-segregated schools, a film disregarding the racial and gendered hierarchies that constituted white supremacy was not going to be exhibited without protest. Writers at *Variety* called the final product only "enough to offend the South and disappoint . . . [the] North."\(^{11}\) Regardless, the interactions between the white Joan Fontaine and the African American Harry Belafonte were enough to generate controversy nationwide. While some Southern locations boycotted the film, northern phone campaigns also ensued against the film, and a chain letter out of Minneapolis warned that the film would produce a new teenage fad of "Negro-white dating and petting parties."\(^{12}\) At a time when the rise of youth culture generated concerns over juvenile delinquency, such a popular culture medium as the movies came under constant attack as a potential "perverter" of youth's collective morality. According to Thomas Cripps, for every letter received praising *Island in the Sun*, a dozen "spat against it as 'propaganda' on behalf of an eventual 'mongrel' nation."\(^{13}\) White theater owners nationwide threatened to boycott the film. In direct response to this film, South Carolina's legislature tried to pass a bill fining any movie house caught showing it $5,000.\(^{14}\)

Many critics argued that the film became simply a visually fascinating document without a real sense of purpose. According to historian Andrew Dowdy, the picture

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\(^{11}\) *Variety*, 1957.


\(^{13}\) Cripps, 264.

\(^{14}\) Cripps, 264.
"engendered more controversy than the torpidly melodramatic film deserved." The movie, set in the Caribbean and based on a novel by Alec Waugh, was intended as a metaphor for indirectly addressing US race relations in the 20th century, and the production studio bought the movie rights with this intention in mind. Film scholar Thomas Cripps, however, notes how producers “softened” the textures, lines, and scenes in the screenplay so that “all that remained was a movie bathed in color and filled with stars.” Despite its waning power, the Production Code Administration was said to have made the movie’s producers so skittish that they ultimately de-emphasized the purpose of what was originally intended to be a political film about the second-class status of people of color in American society.

But if the film was as watered down as many critics suggested, why did it generate such public controversy? Emerging in a period characterized by increasingly visible civil rights demands, the film appeared to critique white supremacy. A film in which a male island native played by an African American actor becomes sexually interested in a white woman — and conversely, a white woman desirous of a Black man (although on screen, the couple did not progress beyond longing glances and simplistic dialogue) caused outrage among many of its viewers. And, while controversy also surrounded the other interracial couple in the film—a white man and a “native” woman played by African American actress Dorothy Dandridge—it did not approach the scathing critique of the African American man and white woman, even though a black woman was shown on screen both embracing and marrying a white man. According to a 1959 assessment by film scholar Albert Johnson, “although ‘color’ is the most important

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15 Dowdy, 161.
16 Cripps, 264.
17 Cripps, 264.
problem on the island, it seems that a white man may marry a Negro girl ... and live happily, but that a Negro man and a white woman dare not think of touching.”18

In Virginia, state organizations formally petitioned to keep Island in the Sun out of the commonwealth. The Norfolk chapter of the white organization Defenders of State Sovereignty and Individual Liberties circulated one of many petitions to ban the film. The chapter’s president, George Abbott, claimed to be horrified by a film that he felt instilled the idea of interracial marriage into all of its viewers. The organization argued that the film violated Virginia’s miscegenation laws and thus promoted both a legally-forbidden act, miscegenation, and one of white society’s worst fears, a racially integrated society.19 Some labeled the film “absolutely a race mixing picture” while still others invoked the most politically-charged labels of their day to attack the film. Randolph McPherson of Norfolk wrote that to maintain white supremacy, such movies must be kept out of Virginia. In a common refrain of religious and racial prejudice, he argued that the film “was sent out by Hollywood Jews, who are members of the NAACP and doing everything in their power to break down racial barriers in the South.”20 He argued that the film must not be shown in order to maintain people’s morals and to defuse a highly explosive racial situation. In the segregated spaces of Virginia, McPherson and others feared the influence a film depicting interracial relationships on screen could have on potential audience members. That the film’s opponents acknowledged its potential to undermine white supremacy spoke to the cultural power many accorded to film at the time.

In response to these many calls to suppress the film, censor Lollie Whitehead

18 Dowdy, 160.
19 VBMP. Box 53. Island in the Sun (1957) folder.
20 VBMP. Box 53. Island in the Sun (1957) folder.
remarked: "After screening the picture, we found that we had no law to protect any rejections due to the fact that the laws passed by the Legislature have been limited by the US Supreme Court. We have our own ideas here, but we have to follow the rulings of the Supreme Court. I have no remarks whatsoever to make on Island in the Sun." Thus the censorship board did what it did best in the 1950s and 1960s when surrounded by controversy. Members hinted that while their personal opinion may have been different—indeed, their wording often suggested they either agreed with advocates of stricter censorship or wanted the pro-censorship contingent to believe they agreed with them—they ultimately had no legal grounds to act on those opinions. Thus censors such as Whitehead argued that because of U.S. Supreme Court decisions, Virginia censors could not ban pictures simply because they personally felt the film was immoral. Yet she made it clear that Virginia's board itself would never, of its own will, "decide that immorality is not grounds for banning a film."22

In an effort to lend more authority to the board's decision, Attorney General J. Lindsay Almond, Jr. repeatedly reported to the press that there was no legal basis to reject the film despite the fact that "the persons viewing the film felt that it illustrated great social problems which are created by integrated society and further strengthened the official position of the Commonwealth of Virginia disapproving the creation or existence of such a society in the State"—in other words, a racially integrated society.23 Thus, the attorney general, while acknowledging the film's legal right to exhibition, joined its many detractors in fearing its social implications and affirming both his and Virginia state officials' commitment to preserving a segregated society privileging its white citizens.

21 VBMP. Box 53. Island in the Sun (1957) folder.
22 VBMP. Box 53. Island in the Sun (1957) folder.
23 VBMP. Box 53. Island in the Sun (1957) folder.
Yet many residents of Virginia contested white supremacy in the late 1950s, and the racial hierarchy of the commonwealth had begun to permanently crack following World War II, although African American citizens would have to campaign for another six years to desegregate the commonwealth's movie theaters. Since their existence, movies that addressed issues of race, gender, and sexuality had always faced controversy in Virginia because they had the potential to threaten the maintenance of raced and gendered cultural hierarchies that subordinated men of color and all women. The censorship of film had long provided a method, albeit a contested one, to establish and maintain these boundaries of race, gender, and sexuality in the realm of cultural entertainment to complement legal and social restrictions. Yet by the late 1950s, those boundaries were more permeable as white supremacy was attacked in increasingly vocal and effective ways. In terms of films such as *Island in the Sun*, we see popular culture breaking a barrier of white supremacy before the law did. Virginians could see interracial couples together on-screen 10 years before they could legally establish these same relationships for themselves in the commonwealth.24

Thus film began to renegotiate and even contest the boundaries of white supremacy. We see in the responses to the exhibition of a film such as *Island in the Sun* a raced and gendered hierarchy of white supremacy that was under widespread attack by 1957. For over thirty years, Virginia’s officials had used film censorship as one of many means to culturally reinforce the unequal legal, political, and economic status of African Americans and women through the ideology of “protection.” By 1965, the ideology of

24 Of course, significant issues of state versus federal power were also at play here. Virginians could see relationships between white and black couples on-screen a decade before they could claim those same relationships without fear of legal prosecution only because the federal Supreme Court had issued rulings in the early 1950s that had curtailed much of what censors could legally regulate in film.
“protection” would be in shreds. The idea that white officials “protected” African Americans by deciding what was supposedly in their best interest without their actual input, that the “protection” of white women justified theater segregation based on race, and that film censorship “protected” everyone by “sanitizing” depictions of African Americans and women on-screen would no longer be tenable.25

* * *

Chapter one examined the rhetoric of individuals and groups in Virginia arguing for and protesting against the censorship bill. Many of censorship’s proponents believed the “harm” movies presented – to children watching inappropriate material, to women (especially white, middle-class women) whose status might collectively be sullied if sexually promiscuous white women were shown on-screen, and to African Americans who might become the target of white violence if Blacks were shown on-screen protesting discrimination – was great enough to place censorship laws on the books. Legal censorship “won” in part because its proponents presented it as a “modern” device to “clean up” the movies and to make the state and its popular culture more palatable for new businesses and industries to enter the state. Evidence also suggests that white officials viewed the censorship board as a cultural method to maintain a white supremacy that they increasingly felt slipping away. With the Klan on the wane, science providing

25 However, it should be noted that, in most cases, racism, sexism, and even film censorship simply took on more subtle forms that were no less oppressive but were often less overt and therefore less easy to detect and attack. In terms of film censorship, by the late 1960s, the film industry decided to establish an age-based ratings system. By threatening a film with a highly restrictive rating, the industry could force the filmmaker to lessen the violence or sex in the film in order to get a rating that would be restrict less viewers, especially the all-important teenage audience since it was the largest in terms of viewership. Furthermore, filmmakers of color and images of race on-screen still generate controversy in ways similar to how Virginia’s censors constructed them. For example, critics attacked African American filmmaker Spike Lee for his 1989 movie *Do the Right Thing* for its portrayal of racial and ethnic divisions in a diverse Brooklyn neighborhood. Critics warned that such depictions would fuel urban riots and violence. As Robert Sklar notes, it did not.
new ways to think about race, vocal protests from Black communities, and woman suffrage, to name a few, white Virginia officials had increasing difficulty maintaining control over the state’s African American citizens, those deemed working class, and women.

Chapters two and three focused on how elites sought to regulate African Americans and racial interactions on-screen as part of a broader effort to confine them in all aspects of society. Racial passing, social “mixing,” and fears of miscegenation (even if used primarily as a rhetorical device to unite whites in favor of censorship) were at the center of these attempts at regulation. While chapter two focuses on pre-World War II actions in which the censorship board had great success in keeping all but the most caricatured depictions of African Americans off-screen, chapter three shows how this success crumbled in the postwar era. As African Americans protested segregation and demanded voting rights, and some whites increasingly chose not to support the state project of white supremacy, censorship came under attack and the principle of “harm” – at least as it related to African Americans – was increasingly exposed as a façade.

These same elites, specifically the movie censors, also sought to control how female sexuality was depicted on-screen, as addressed in Chapter 4. Chapter four shows how censors mediated images of women on-screen by re-inscribing stereotypes based on class and race through depictions of women. Again, the censors hoped to “protect” and to prevent “harm” to children and women by regulating movie audiences’ access to sexual knowledge at the movies. Depictions of gender were raced and classed, and depictions of race were gendered in that hypersexual depictions of women were acceptable to the censors if these depictions were confined to working-class white women.
or African American women of any class status. The only “acceptable” depictions for African American women were as servant “Mammies” or hypersexual “Jezebels.” To the censors (and, they hoped, movie-going audiences), the behavior of these women marked them as Black as much as their skin color did. No portrayals of white, middle-class women could be tainted in any way, lest their racial identification and class status be questioned.

Hierarchies of race, gender, and sexuality thus worked together to establish systems of authority and privilege that reinforced and strengthened one another—in this case, white, male, and heterosexual elites. The medium of film especially confounded those intent on maintaining these hierarchies because it provided at least the potential of a national (or even international) audience catering to all genders, races, and classes, although race was “taken care of” in Virginia in part through segregated theaters until 1963. “Raced” bodies on screen could throw strict black and white dichotomies into question and emotional elements of film could evoke sympathy for the “wrong” side, thus challenging “acceptable” gender and sexual norms.

Ultimately, the politics of performance and the exhibition of movies in Virginia formed a complex web navigated by censors to license or to prohibit films and by the state’s citizenry to protest or support the decisions imposed upon them by a state agency. Unraveling this web involves not only deconstructing the on-screen depiction of bodies, but it also entails analyzing the censors’ motivations for censoring specific films and individuals’ reactions to those censorship decisions. Some Virginians argued for approved films to be censored, invoking the commonwealth’s role as protector and moral

\[26\] The norm of heterosexuality was simply assumed, rather than discussed, which is an important assumption to note since it operated at the base of these arguments of privilege.
guardian. Others argued for censored films to be shown, insisting upon the right of individuals to choose what they want to watch without the impediment of government regulation. Yet regardless of the rationale, competing constructions of race, sexuality, and gender both on and off the screen formed the crux of these controversies.

* * *

The death knell for movie censorship in Virginia came in 1965 when the U.S. Supreme Court forbid prior censorship of the movies in a case involving Maryland’s state motion picture censorship board. One year earlier, Victoria Films, the movie distributor for the movie Traveling Light, had sued Virginia’s censorship board for a license to exhibit its film in Virginia.27 The distribution company argued that Virginia’s system of censorship violated “prior restraint” laws at both the state and federal level, that its standards were “so intrinsically vague” as to be constitutionally unsupportable, and that this system, which required licensing fees to be paid before movies were reviewed, imposed an illegal burden and restraint upon interstate commerce.28 When the Circuit Court of Richmond heard the case in April 1965, Judge John Knowles announced that the censors could not ban the film, basing his ruling on the U.S. Supreme Court decision of the previous month. While Knowles explained that the censors could still review films and issue or withhold a seal according to their dictates, such decisions would now serve only as a voluntary guide for theater owners rather than be legally binding.29 The question of whom this new “freedom” most affected did not bring an immediate answer. Writers at the Richmond Times-Dispatch interviewed theater owners in the Richmond

27 Richmond News-Leader. 28 February 1964. Traveling Light, an English film, depicted life in a nudist colony. Its critics argued the film used this pretense to show excessive amounts of nudity while its proponents maintained that such a setting actually desexualized the portrayal of nudity.
28 Richmond News-Leader. 28 February 1964.
29 Richmond Times-Dispatch. 21 April 1965.
area about their now-legal ability to show films depicting a substantial amount of nudity such as \emph{Traveling Light}. Their responses were generally similar to that of local Loew’s manager George Peters: “We don’t play that kind of attraction and we never will.”

Thus while films such as \emph{Traveling Light} could now be shown with no fear of legal repercussion, many theater owners chose not to show films they thought might alienate their patrons.

Some local commentators contrived to cite the importance of movie censorship after the Court’s ruling by noting that neither the Richmond Circuit Court nor the U.S. Supreme Court’s recent rulings outlawed movie censorship in full.\footnote{30 \emph{Richmond Times-Dispatch}. 21 April 1965.} The editors of the Richmond \emph{Times-Dispatch}, for instance, suggested that the Virginia censorship board could be made legal by legislators tweaking the law to provide for speedier court action if distributors protested censored films.\footnote{31 Maryland officials, for example, reworked their movie censorship board within acceptable boundaries and continued to censor. Under the \emph{Freedman} ruling, the burden to prove a film “obscene” rested with the censoring board. If a censor believed a film to be obscene, it would be his or her responsibility to go to court to get an injunction against the exhibition of a film.} In a curious turn, in 1965, the editors of the \emph{Times-Dispatch} searched for ways to uphold the movie censorship statute that their predecessors forty years earlier had denounced as an infringement upon freedom of speech rights. Citing the corruption of the morality of the young by “pornography peddlers,” the editors now announced that while trying to censor movies “may be like trying to stop the flow of the Mississippi with a spoon,” some gesture must be made so the producers of such films “know that somebody is concerned about what they are doing.

\footnote{32 In the Supreme Court case \emph{Freedman v. Maryland} (1965), the justices declared Maryland’s censorship system unconstitutional because censors could refuse to allow a film to be shown and the would-be exhibitor could not be assured a speedy trial. By the time the case made it to the courts, it would be impractical for the exhibitor to show the film, even if the court ruled in the favor of the exhibitor. Virginia’s board operated in the same manner. Thus this newspaper editor suggested the General Assembly assure a speedy trial to movie distributors as part of a revised framework to assure the constitutionality of the censorship board.}
to the minds and morals of Americans—and especially to young people." Despite such
efforts, the censorship board did not survive the U.S. Supreme Court’s decision. It
became a voluntary board in April 1965 by which filmmakers could choose to submit
their products to the board, but such action was no longer required for legal exhibition.

On February 1, 1966, the General Assembly voted to permanently dissolve the
censorship board. As the board closed it doors after over four decades of work, the
censors had examined 51,969 films, eliminated specific material from 2,364 different
films, and rejected 151 in full. Of those 151 rejected films, 38 were later approved after
making required deletions; Virginia’s censors succeeded in keeping slightly more than a
hundred films in full legally off the state’s movie screens.

By the late 1960s, then, film censorship followed two different trajectories. In
terms of state authority, the role of censoring films fell to local municipalities, usually
through the jurisdiction of the police chief. Richmond officials, for example, went on to
ban Angelique in Black Leather, a film about a lesbian relationship and considered
"pornographic" by some critics, from the city’s movie screens in 1969. City police
purchased admission tickets to the film, viewed it, and then returned with a search
warrant to seize the film. In the ensuing case, Tyrone Inc. v. Wilkinson (1969), both a
federal district court and Court of Appeals found in favor of the return of the film to the

33 Richmond Times-Dispatch. 21 April 1965.
34 A total of 4,932 scenes and 3,123 pieces of dialogue/subtitling were cut from these 2,364 films.
35 Annual Report. This final annual report appears to be missing from the archival collection of the
Censorship Board housed at the Library of Virginia, State Records Division. Instead, I found the
publication in the Special Collections at the Performance Arts Theater Library, part of the New York Public
Library system. Since its inception, the censorship board had turned a steady profit. While it only made
$1,374.66 profit during its first year, by the early 1930s, profits exceeded $10,000 per year. By the 1941-
1942 fiscal year, profits totaled over $20,000. While profits in 1955 totaled over $22,000, they dropped to
less than $2,000 the following year and it was the last year the board saw a profit. In its last few years,
board members saw their salaries cut as their expenses routinely outstripped their budget by $2,000 to
$3,000 annually. By the last year of the board’s operation, it was in the red by more than $6,000 annually.
exhibitor. In 1970, the Rosewood Drive-In, located in the greater Richmond area, showed *I am Curious Yellow* twice a night for fifteen weeks, and was the only theater in the area that would show it. A 1967 Swedish production, *I am Curious Yellow* was rated X, and custom officials had initially seized the film upon its entrance into the country due to scenes of nudity, explicit sex, and controversial socialist politics. A U.S. Court of Appeals, however, judged the film not to be obscene and ordered custom officials to release it.

Virginia’s officials wasted no time in codifying obscenity restrictions that applied to film soon after the demise of the censorship board. In 1970, the General Assembly passed a law banning “any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person ... which depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to juveniles.”

Yet due to more flexible federal laws that did not necessarily allow for the outright censorship of hardcore pornography, Virginia’s moviegoers, like audiences nationwide, experienced a brief interlude in which they could see hardcore pornography in some theaters.

In the early 1960s, the Lee Art Theater on Grace Street in Richmond reopened, spending the next 15 years as an X-rated theater, and in 1968, a legal suit surrounding the Lee Art Theater reached the nation’s Supreme Court (*Lee Art Theater v. Virginia*, 1968). Local Richmond police had entered the theater and seized several films and outside billboards that they, upon personal observation, deemed obscene. The Supreme Court reversed lower court judgments sustaining police action and concluded that such a seizure...

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*This law also applied to books, pamphlets, and printed materials. In 1999, Assembly members amended the statute to include “electronic files and messages” containing similarly defined words or images. In 2000, however, this addition was overturned. *Acts of Assembly, Virginia, 1970.*
“fell short of constitutional requirements demanding necessary sensitivity to freedom of expression.” It would be here at the Lee Art Theater that lines to see *Deep Throat* in 1972 snaked around two blocks. *Deep Throat*, written and directed by Gerard Damiano and starring Linda Lovelace, was a sixty-one minute movie that follows the adventures of a sexually-frustrated woman (Lovelace). A doctor discovers that the woman’s clitoris resides in her throat, and she then begins working for this doctor and performing a particular type of oral sex known as “deep throat” on men until she eventually marries. *Deep Throat* set the main conventions for modern, hardcore pornography by showing several different segments of graphic sex attached to a minimal plot. Costing $25,000 to produce and reportedly grossing over $3 million alone in limited release after a mere six months, *Deep Throat*, along with *Behind the Green Door* (1972) and *The Devil in Miss Jones*, launched the “porn chic” movement of the early 1970s when it became trendy to see pornography at somewhat mainstream theaters in the company of friends of both gender.

This brief interlude did not last long. In the 1973 U.S. Supreme Court case *Miller v. California*, justices affirmed that the free speech provisions of the First Amendment did not protect obscenity and that the definition of the obscene as material “utterly without redeeming social value” was not a constitutional standard. *Miller* also called for a “contemporary community test” to judge whether a work is obscene, creating a local,

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37 *Lee Art Theater v. Virginia* (1968)
39 Lewis, 210. It is nearly impossible to establish accurate profit figures for *Deep Throat*. Estimates have gone as high as $600 million but popular film critics and scholars alike warn that since many theaters showing pornography were owned by the mob, they purposely inflated box office receipts and it is difficult if not impossible to determine an accurate figure. *Behind the Green Door* (1972), the first wide-release pornographic film whose plot follows Gloria Saunders (actress Marilyn Chambers) abduction to a sex theater where she is forced to perform sexual acts for a viewing audience, cost $60,000 to make and grossed about $25 million.
community standard to replace a national standard, meaning that a film’s legality, for example, could change from community to community.\textsuperscript{40} Thus the Court returned jurisdiction to localities. As a result of this ruling, film scholar Jon Lewis notes that legal injunctions against \textit{Deep Throat} were upheld in communities nationwide, including Baltimore, Boston, and Beverly Hills.\textsuperscript{41} While the formats and exhibition spaces of films have changed with DVDs watched privately at home, local jurisdictions still retain the ability to regulate obscenity as a result of the \textit{Miller} decision. Three years ago in Purcellville, Virginia, 50 miles west of Washington, DC, community members used Purcellville’s local laws, which ban the distribution of materials “deemed shameful or [showcasing] morbid sexual interest with no artistic or literary value” to close the “adult films” section of the local \textit{Movie Gallery} video store, the only renter of adult films in the town.\textsuperscript{42} Thus censorship of film once again rests with local officials as it did in Virginia prior to the creation of the 1922 state censorship board.

In terms of Hollywood’s own regulation of its products, the reign of the PCA officially ended in 1968, and industry officials began categorizing and marketing movies according to age-specific ratings, continuing to subscribe to the ideology that children and young people represent the most “vulnerable” in society and were in the greatest need of policing. In order to maximize their products by playing to the greatest number of audience members in the largest number of theaters possible, contemporary filmmakers must carefully consider this rating system. Filmmakers whose movies

\textsuperscript{40} William Brigman, “Politics and the Pornography Wars” \textit{Wide Angle} 19:3 (1997): 150.
\textsuperscript{41} Lewis, 263.
\textsuperscript{42} “Home School Alum Scores Big Win Against Porn” \textit{American Family Association Journal} Online. http://www.afajournal.org/2004/february/204coed.asp (5 August 2005); \textit{Citizen} (February 2004). However, access to films have expanded with direct-mail services that deliver DVDs directly to one’s home.
receive an NC-17 rating typically re-cut and re-edit their films in order to receive a less
viewer-restricted R rating. A recent trend in home movie watching, however, has seen
the rise in movies being released in a greater variety of DVD formats in “uncut” or
“unrated” versions, although as the Purcellville example shows, local obscenity laws
often still restrict access to certain films. With new technologies and marketing
strategies, the meanings and implementation of “censorship” continue to take different
forms, although the contestation over whom should view what—and who will make those
regulatory decisions—is never far from the surface.
Appendix A
Bibliographic Note

The Virginia State Censorship Board archival collection, which forms the major archival base for this study, consists of 57 boxes including License Applications (26 boxes), Indexes to Licenses (9), Employee Attendance Reports (4), Theater Listings (2), Film Title Listings (2), Financial Records (6), Annual Reports and Elimination Records (1), Theater Correspondence (1), General Correspondence and Controversial Films (3), and Miscellaneous (3). While the holdings are extensive, much of the material is administrative in nature. For example, twenty-six boxes contain license applications, which merely list each movie's title that applied for a license and whether the movie was "approved," "condemned," or "restructured." Although the censorship law called for censors to specifically record what cuts were made from censored films, many films are listed as "reworked," but there is no additional information as to how the censors actually "reworked" the film. Films with such information, including correspondence or newspaper clippings, are found in the three General Correspondence and Controversial Films boxes. The Annual Reports are helpful for quantifiable information on the number of films censored in any given year and for budgetary concerns. The richest material in the collection comes from 1920s-era films. The first chair of the board, Evan Chesterman, was a former journalist who delighted in writing long, detailed reports outlining why a particular film was "indecent," "inhuman," or might "incite to crime."
His musings on a single controversial film often filled at least one full page, and he
frequently commented upon "what movies were for," in that he often listed what sorts of
topics he believed were or were not appropriate topics for films to address. While future
board members often lamented their long days and wrote only very brief explanations, if
any, as to why a particular film was censored, Chesterman spent time musing about not
only the particular film in question, but the broader idea of the "movies" in general.
Since much of the collection after Chesterman's death in 1931 contains little explanation
for censorial decisions, local newspapers often provided more detailed and rich
information concerning controversial censorship decisions than the board's archives.
However, the board's archives do provide an interesting source for how individuals and
groups contested censorship decisions. The board kept letters and correspondence that
people sent, which included film advertisements, various other newspaper clippings (both
local and national in scope), and various miscellaneous items that included poems, books,
and posters.
Appendix B

Board of Motion Picture Censorship Members
(In Order of Appointment Date)

Original Members (1922 Appointments):

Evan R. Chesterman (1922-1931) Served until death.

R. C. L. Moncure (1922-1937) Served until death.

Emma Speed Sampson (1922-1934) Resigned and replaced with Elizabeth Chalkley.

Later Appointments:

James Wingate (1931) Interim between Chesterman and Reid.

Edwin Reid (1931-1937) Appointed upon Chesterman’s death. Resigned upon appointment to Unemployment Compensation Commission.


Elizabeth C. Chalkley (1934-1950) Appointed after Sampson’s resignation. (Also spelled Chaulkley).

Peter Saunders (1938-1941) Appointed upon Reid’s resignation.

E. F. McCaughin (1942-1943) Appointed on January 1, 1942 upon Saunders’s resignation the previous year. Served until death.

Levin Davis (1943-1947) Appointed upon McCaughin’s death. Resigned to become Secretary of State Board of Elections.


Lollie C. Whitehead (1950-1965) Served until board’s disbandment. Previous Director Of Virginia Arts Projects Committee and Vice-Chairman of the Democratic State Central Committee.
Margaret Gregory (1954-1965) Served until board’s disbandment.
## Appendix C

### Virginia Board of Motion Pictures Elimination Records

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<tr>
<th>Year</th>
<th># Films/Examined</th>
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*Stands for: Year; Number of Total Films Examined; Films approved with some scenes/dialogue censored; Films Rejected in Full; Films initially rejected in full that were approved after Reconstruction; Films ultimately rejected in full

Appendix D

Filmography

Angelique in Black Leather (1968) Director: Angelique Bouchet

Band of Angels (1957) Director: Raoul Walsh

Because of Eve (1948) Director: Howard Bretherton

Bella Donna (1923) Director: George Fitzmaurice

Birth of a Baby (1938) Director: Al Christie; Producer: Jack Skirball

Birth of a Nation (1915) Director: D. W. Griffith; Producers: D.W. Griffith and David Shepard

Birthright (1924) Director and Producer: Oscar Micheaux

Black Like Me (1964) Director: Carl Lerner; Producer: Julius Tannenbaum

The Burning Cross (1947) Director: Walter Colmes; Producer: Walter Colmes and Selwyn Levinson

Confessions of a Nazi Spy (1939) Director: Anatole Litvak; Producers: Robert Lord, Hal Wallis, and Jack Warner

Cracked Wedding Bells (1923) Director: Charles Reisner

Damaged Goods (1914) Director: Tom Ricketts and Richard Bennett

Deep Throat (1972) Director: Gerard Damiano; Producer: William J. Links, Lou Peraino and Phil Peraino

He Who Must Die (1957) [Celui Qui Doit Mourir] Director: Jules Dassin; Producer: Henri Berard

House Behind the Cedars (1927) Director and Producer: Oscar Micheaux

I am Curious Yellow (1967) [Swedish] Director: Vilgot Sjoman; Producers: Lena Malmsojo and Goran Lindgren
I Married a Savage (1949) Writer: John E. Gordon

Is Your Daughter Safe? (1927) Director: Louis King and Leon Lee; Producer: S. S. Millard

Island in the Sun (1957) Director: Robert Rossen; Producer: Darryl F. Zanuck

Love Mart (1927) Director: George Fitzmaurice

Mom and Dad (1945) Director: William Beaudine; Producer: Kroger Babb

The Pilgrim (1923) Director: Charles Chaplin

Sex Hygiene (1942) Director: Otto Brower and John Ford; Producer: Darryl Zanuck

A Son of Satan (1924) Director and Producer: Oscar Micheaux

Story of Bob and Sally (1948) Director: Erle Kenton; Producer: Joseph Gershenson

Street Corner (1948) Director: Albert Kelley

Traveling Light

Unguarded Girls (1929) Director: William Hughes Curran; Producer: Samuel Cummins

Unwelcome Children (1926) [German film Kreuzzug des Weibes] Director: Martin Berger; Producer: Arthur Ziehm

Veiled Aristocrats (1932) Director and Producer: Oscar Micheaux


White Cargo (1930) Director: George Fitzmaurice; Producer: Arthur Barnes and J.B. Williams
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Melissa Dawn Ooten was born in Greeneville, Tennessee on December 16, 1977. She graduated from West Greene High School in May 1996. Melissa Ooten received her B.A. at Carson-Newman College in 1999 with a degree in History. She received her M.A. degree at the College of William and Mary in 2001, with a concentration in American History. In August 2000, the author entered the Ph.D. program at the College of William and Mary in the Department of History. Melissa Dawn Ooten defended her dissertation in November of 2005. She is currently working as the assistant director for the WILL (Women Involved in Living and Learning) at the University of Richmond where she is a faculty member in the department of Women, Gender, and Sexuality Studies.