**MANAGING WHITE SUPREMACY:
POLITICS AND CULTURE IN VIRGINIA, 1919-1939**

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Abstract

Throughout the 1920s, white elites in Virginia found it increasingly difficult to manage white supremacy. For decades, state-level political leaders, business executives, and newspaper editors had advocated a paternalistic vision of race relations. They supported segregation and disfranchisement laws in the name of order and stability, but also pledged to protect the commonwealth's black citizens from the excesses of the white masses. During the twenties, however, faced with internal contradictions inherent in the commonwealth's social and political system and challenged from without by blacks emboldened by their experience in World War I, elite notions of paternalism had begun a process of slow erosion. Although blacks lacked the leverage to overturn Jim Crow for several decades, they made clear their resistance to managed race relations and revealed the inherent limitations of such arrangements.

The maintenance of Jim Crow and white supremacy entailed overt power struggles on a daily basis. Cultural and ideological inertia did not ensure the perpetuation of segregation; instead a panoply of issues from the distribution of municipal resources to the application of criminal justice demanded constant negotiation and involved continual contestation. The activities of whites and blacks in Virginia in the 1920s and 1930s argue against popular and historiographical notions of a static period in race relations. The situation, contrary to the conclusion of historian George Tindall, was far from "settled." Instead, the 1920s and 1930s suggest a time of quiet but intense struggle.

Elite whites in Virginia had long enjoyed a reputation for friendly race relations. They denounced the Ku Klux Klan and pledged to ensure the fair treatment of the commonwealth's black citizens. In return, black elites agreed to work for change through channels acceptable to white elites. In the 1920s, however, paternalistic elites in the Old Dominion failed to prevent the rise of ideological extremism and the passage of legislation

aimed at further isolating black Virginians. In addition, elites found traditional methods of managing white supremacy irrelevant in meeting the growing concerns of non-elite whites.

By the end of the 1920s, blacks in Virginia recognized that the achievement of their goals and desires could no longer depend on the unreliable whims of even their best-intentioned white neighbors. In response, they developed new strategies which entailed a rejection of Virginia's tradition of elite paternalism. Emboldened by a series of court victories between 1929 and 1931, blacks in Virginia began to demand more vociferously that whites take seriously their own ideology of separate but equal. By the end of the 1930s, even the most progressive whites in Virginia announced that black demands had become "too radical for us."

Events in Virginia in the 1920s and 1930s did not fundamentally alter the basic boundaries of white supremacy. Whites retained total control of the electoral and law-making functions of the state and local governments. Blacks continued to live in poorer neighborhoods, had little access to recreational facilities, and attended far inferior schools.

Nevertheless, the management of white supremacy became increasingly difficult and required new laws and strategies. Leading whites found themselves on the defensive, confronted with challenges to their authority on all fronts. Unable to maintain control over every aspect of race relations in Virginia, dominant whites made choices on a daily basis that perpetuated the power and privilege to which they had grown accustomed and which they thought they required.

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The War has made our group restless all through the South, much to his benefit, and perhaps, as the southern white man sees more clearly 'the hand-writing on the wall,' he will awake to a sense of justice and fair play towards the Negro.

--The Rev. C. M. Long, 1922

With deliberation, with what I believe to be a fairly comprehensive understanding of the old and new South, I say what I have often said in private: We of Virginia, we of the South in general, know less about the modern Negro than do the people of any other section of the entire United States. We have closed our eyes; we have closed our ears; we have even closed our minds.

--Douglas Gordon, 1928

It makes a difference to us . . . who is mayor and what his record is toward the Negro. It makes a difference to us as to the type and quality of the men who compose the common council, the board of education, the judges of our courts of law, and the man who is chief of police. These are officials whose acts, utterances and decrees affect for good or ill our daily lives.

--Theodore Jones, 1932

Introduction

Throughout the 1920s, white elites in Virginia found it increasingly difficult to manage white supremacy. Since at least the turn of the century, state-level political leaders, business executives, and opinion-shapers in the press had devoted themselves to establishing and maintaining a paternalistic vision of race relations. These elites supported segregation and disfranchisement laws in the name of order and stability, often rationalizing such legislation as necessary to control middle- and lower-class whites who were more likely to compete with blacks for jobs and housing. In turn, elites pledged to protect the commonwealth's black citizens from the excesses of the white masses, denounced racial violence, and promised blacks a modicum of services. Such an arrangement allowed white leaders to proclaim that good will existed between the races in the Old Dominion.

After World War I, however, white Virginians confronted vast structural changes, ranging from demographic shifts to technological developments to growing black access to education. As a result, they lost some of the "racial self-confidence" they had constructed in the years before the war with segregation and disfranchisement. By the end of the twenties, faced with growing unrest from middle- and lower-class whites and challenged from without by blacks emboldened by their experience in World War I, elite notions of paternalism had begun a process of slow erosion. Although blacks lacked the leverage to overturn Jim Crow for several decades, they made clear, throughout the 1930s, their resistance to managed race relations and revealed the limitations of such arrangements.¹

The maintenance of Jim Crow and white supremacy entailed overt power struggles on a daily basis. Cultural and ideological inertia did not ensure the perpetuation of

¹ Dan T. Carter, "From Segregation to Integration," in *Interpreting Southern History*, ed. John B. Boles and Evelyn Thomas Nolen (Baton Rouge: Louisiana State University Press, 1987), 409. Carter argues that the wave of segregation laws in Virginia and Georgia after 1900 reflected "the racial self-confidence of white southerners." While that might have been true prior to World War I, white Virginians after the war increasingly lacked such confidence and struggled to define the contours of their power in the face of obvious contradictions.

segregation; instead a panoply of issues from the distribution of municipal resources to the application of criminal justice demanded constant negotiation and involved continual contestation. The activities of whites and blacks in Virginia in the 1920s and 1930s argue against popular and historiographical notions of a static period in race relations. The situation, contrary to the conclusion of historian George Tindall, was far from "settled." Instead, the 1920s and 1930s suggest a time of quiet but intense struggle, an evolutionary movement away from rigid racial oppression.²

An oligarchic elite dominated Virginia's political, social, economic, and cultural affairs. As few as a thousand state and local officials controlled the Old Dominion's political machinery. Wealthy industrialists, lawyers, and railroad executives offered their support in exchange for favorable tax and labor laws. A handful of newspaper editors, especially in Virginia's largest cities, used their columns to boost the state's economic fortunes, ratify the leadership of those in power, and encourage continued social order. A corps of theologians and clergymen added spiritual sanction.³ For years, these elites had managed to manipulate racial issues and ideology to maintain a small electorate firmly controlled by the Democratic Party. Disfranchisement laws and segregation ordinances ensured the compliance of non-elite whites. Facing no substantial political threat, white elites cultivated a reputation, both contrived and deserved, for having friendly and harmonious race relations.⁴

The implications of this paternalistic arrangement began to break down in the 1920s, challenged not only by blacks returning from the war to "save the world for democracy," but also by larger structural developments. White elites responded in a variety

² George B. Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge: Louisiana State University Press, 1967), 160.

³ J. Harvie Wilkinson, III, *Harry Byrd and the Changing Face of Virginia Politics, 1945-1966* (Charlottesville: University Press of Virginia, 1968). Wilkinson provides a solid analysis of Virginia's small political elite.

⁴ V. O. Key, Jr., *Southern Politics in State and Nation*, a new ed. (Knoxville: University of Tennessee Press, 1984), 19-35.

of ways. Some attempted to lead and shape new directions in public policy and race relations, others resisted change at all costs, while still others hoped that no response would prove sufficient. Virtually all of Virginia's elites denounced the Ku Klux Klan and extra-legal mob violence; in fact, an absence of such violence formed the basis of Virginia's reputation for friendly race relations. As the 1920s clearly revealed, however, white elites differed in other fundamental areas that defined their efforts to manage white supremacy. In particular, they disagreed on the appropriate response to acts of violence that did erupt from time to time, on the provisions of state and local funds for black education and basic services, and on the very meaning of good will and harmony that delineated their paternalistic relationship with the commonwealth's black citizens.

In the wake of World War I, a number of white elites in Virginia lent their support to the Commission on Interracial Cooperation. The organization, active throughout the southeast, encouraged an interracial dialogue and sought to alleviate the worst injustices, put an end to lynching, and provide a modicum of basic public services to blacks in the Old Dominion. On the surface, none of these goals appeared at odds with paternalistic notions of good will. The very existence of the CIC, however, made difficult the management of white supremacy, especially as members disagreed over the appropriate pace and breadth of change. Consequently, many white elites proved willing only to lend limited support, ultimately disappointing blacks who had sought meaningful change.

Individual elites responded to interracial cooperation in a variety of ways. An introduction to some of these persons underscores the range of meaning that they assigned to paternalism and managed race relations. Robert Kerlin, a theologian and professor at the Virginia Military Institute, stood at one extreme as he emphasized the obligations of whites. His commitment to challenging racial violence and injustice set him apart from the vast majority of whites in Virginia. His condemnation of authorities in another southern state ultimately cost him his job and any voice of legitimacy in the Old Dominion.

Throughout the 1920s and 1930s, no white Virginian challenged so thoroughly the state's commitment to white supremacy as did Louis Jaffe. Unlike Kerlin, the editor of the *Norfolk Virginian-Pilot* remained safely within the boundaries of acceptable behavior as he argued on behalf of blacks for better schools, improved housing and sanitation, access to recreational facilities, and an anti-lynching law. Rather than attacking segregation itself, Jaffe gently chided municipal and state authorities as he reminded them of their responsibilities under Jim Crow, a system which he believed would ultimately fade away. Born in the North and educated in North Carolina, Jaffe worked with black leaders yet maintained considerable influence in white-elite circles.

Like Jaffe, Mary-Cooke Branch Munford saw a need to improve the living conditions of Virginia's black citizens. For many years an advocate of educational reform for blacks and women, she had worked toward those ends. But Munford, unlike Jaffe, was representative of those elites who demanded that they control the pace of racial and social change in the Old Dominion. Although a supporter of the CIC, the Richmond native preferred to work on behalf of blacks, rather than with them.

Douglas Freeman, the editor of the *Richmond News Leader*, typified the racial attitudes held by most of Virginia's elites. The editor believed in the rightness of segregation, but advocated a more gentle form. He consistently supported many of the issues favored by Jaffe and Munford, and sought to limit the number of restrictive laws aimed at blacks. Freeman preferred what he called "separation by consent," an arrangement by which blacks would agree to lead separate lives as long as whites provided more equitable treatment and services. Consistent with his philosophy, Freeman denounced the racial extremists who appeared in the 1920s and threatened to undermine his notion of gentle white supremacy.⁵

⁵ "Separation By Consent," *Richmond News Leader*, May 20, 1930, p. 8.

Harry Byrd, governor during the 1920s and later a United States senator, followed the contours established by persons such as Freeman but proved less willing to denounce the racial extremism that arose in the 1920s. Byrd ascribed to elite notions of good will and harmony between the races, condemned mob violence and the Ku Klux Klan, and lent his support to the Commission on Interracial Cooperation. But as an elected official, he considered it more expedient to refrain from taking a position on controversial racial issues; both as a state senator and as governor, Byrd remained neutral on legislation aimed at further isolating and oppressing the state's black citizenry. Unlike Freeman, Byrd chose not to denounce those who favored such measures. Although Byrd did ultimately author Virginia's anti-lynching law in 1928, he moved hesitantly, acting only after Jaffe and others had convinced him that such a measure would enhance the state's reputation.

While white elites in Virginia did consistently denounce the Ku Klux Klan, the most rabid racial ideologues in Virginia also descended from elite ranks. John Powell, a native of Richmond and a staple in elite social circles, emerged in the 1920s as the fiercest proponent of legislation that redefined the races according to a "one-drop rule" and segregated blacks and whites in all places of public assemblage. Powell's organization, the Anglo-Saxon Club, derived its membership and support from male and female elites. Although some white elites, including Jaffe and Freeman, did denounce the agenda of this group, most elites remained silent or offered only token resistance. The commonwealth's political leadership stood by silently, a clear abdication of responsibility that revealed the limits of managed race relations.

In addition to failing to prevent the rise of ideological extremism in Virginia in the 1920s, Freeman's construction of "separation by consent" proved irrelevant in meeting the growing concerns of non-elite whites. Throughout the decade, demographic and economic factors pushed blacks into ever-closer contact and competition with working-class whites, especially in the growing cities and small towns. Long dependent on the hierarchy of racial

deference to define their own self-worth, middle- and lower-class whites objected to the increased encroachment. In response, they advocated new and more pervasive local segregation ordinances and consistently fought to deny to blacks basic improvements in municipal services and facilities.

By the end of the 1920s, members of the dominant class found their own self-interest at odds with their fellow whites. Municipal officials in Richmond, representing those whites into whose neighborhoods blacks had begun to move, adopted a residential segregation ordinance, threatening the racial balance cultivated by Freeman and others. In order to maintain the perception of good will and amity, white elites raised money to help Richmond's blacks fight the ordinance in court. They offered the money with one request: that the city's blacks not enlist the aid of the National Association for the Advancement of Colored People. Richmond's blacks welcomed the financial aid for their cause, but rejected the terms on which it was offered. They had waited too long for the so-called "best whites" to institute meaningful change.

Not only did Virginia's ruling elites evade any meaningful racial reform and fail to kill legislation that further degraded black people in the Old Dominion, but when pressed by electoral necessity in 1928 and 1929, Virginia's elites proved eager and willing to manipulate race as an issue to ensure success. Municipal leaders throughout the state took their cues from state officials and resorted to race-baiting to delay projects aimed at improving the lives of blacks. Consequently, tired of enduring what Jaffe's newspaper referred to as the "little tyrannies and petty skullduggeries" associated with daily life under Jim Crow, blacks in Virginia recognized that the achievement of their goals and desires could not depend on the unreliable whims of even their best-intentioned white neighbors. In response, blacks developed new strategies which entailed a rejection of Virginia's tradition of elite paternalism.⁶

⁶ "Richmond's Humiliation," editorial from the *Norfolk Virginian-Pilot*, reprinted in *Norfolk Journal and Guide*, July 30, 1927, p. 12.

Emboldened by a series of court victories between 1929 and 1931, blacks in Virginia began to demand more vociferously that whites take seriously their own ideology of separate but equal. Long denied the ballot and access to many jobs, blacks recognized education as a key component in their collective advancement. Beginning in the early 1930s, Virginia's blacks focused their attention on forcing the state and the localities to equalize public funds spent on black and white education. Given Virginia's pitiful record in support of education as a whole, black efforts were not received with much enthusiasm. Furthermore, black demands ultimately revealed the thin veneer of support provided by many of the state's whites who had supported interracial efforts; several of these whites proved incapable of relinquishing control over the pace of accommodation made to black demands and ultimately failed to address the most significant of black grievances. In 1939, a handful of white elites did lend their support to a landmark salary equalization case filed by the NAACP on behalf of a Norfolk school teacher. Almost immediately, however, blacks hinted that they would not be satisfied with equal salaries and intended to attack the broader manifestations of Jim Crow. Consequently, even *Richmond Times-Dispatch* editor Virginius Dabney, among the most progressive supporters of the equalization case, announced that black demands had become "too radical for us."⁷

Events in Virginia in the 1920s and 1930s did not fundamentally alter the basic boundaries of white supremacy. Although increasing numbers of blacks gained access to the franchise, whites retained total control of the electoral and law-making functions of the state and local governments. Whites dominated the purse strings and decided how public funds would be spent. Blacks continued to live in poorer neighborhoods, had little access to recreational facilities, and attended far inferior schools.

Nevertheless, the management of white supremacy became increasingly difficult and required new laws and strategies. Leading whites found themselves on the defensive,

⁷ "Too Radical For Us," *Richmond Times-Dispatch*, July 17, 1939, p. 10.

confronted with challenges to their authority on all fronts. Ideological extremists rejected the path chosen by genteel whites and attempted to define a new course for race relations in the Old Dominion. Middle- and lower-class whites, supported by municipal officials, chafed at the encroachment of blacks into their neighborhoods and places of employment. Blacks, emboldened by federal court decisions and their own determination to share in the fruits of a democratic government, shifted away from a strategy that relied on the generosity of paternalistic white elites. Unable to maintain control over every aspect of race relations in Virginia, dominant whites made choices on a daily basis that perpetuated the power and privilege to which they had grown accustomed and which they thought they required.

* * * * *

Origins of Virginia's Democratic Machine

The Democratic Party's rigid monopoly on political power that existed in 1920 grew out of fierce debates in the 1870s and 1880s over the funding of the commonwealth's debt. Out of that controversy emerged an active electorate small enough to mock notions of democracy; an incestuous relationship between the urban and small-town politicians and business elites, especially the railroad barons and bankers who financed party activities; and an uncompromising commitment by Party leaders to white supremacy which scared the rest of the white populace, especially the farmers whose self-interest did not always coincide with that of the railroads and creditors, into the Democratic fold.

Virginia became the only state of the ex-Confederacy to avoid military rule by agreeing to a new constitution in 1869 which granted the suffrage to black men. Consequently, the 180 new members of the Virginia General Assembly in 1869 included twenty-seven blacks, not an overwhelming number given that blacks outnumbered whites in forty of the commonwealth's ninety-nine counties. In the words of one historian, "an appearance of moderation and amiability" developed among the black and white legislators.

Nevertheless, the ruling Conservative Party passed a series of laws aimed at reducing black political strength and increasingly made race an issue in subsequent campaigns.⁸

While the Conservative Party warned of the danger of black domination and chipped away at black voting strength, it also consistently ignored its obligation to the greater body politic and instead pursued an agenda supported by the railroad and large business interests which controlled most of the wealth in the state at the time. The leaders of this party, therefore, did not reside on farms, but in the cities and small towns. Bankers, lawyers, and railroad executives from Richmond, all of whom served on one another's boards, dominated the party. Consequently, instead of earmarking scarce funds for the public school system provided for by the new constitution, the legislature directed monies to pay off the state's debt. At the same time, corporations paid minimal taxes.⁹

In 1870 and 1871, the legislature passed a series of laws which committed the state to paying in full a \$46,000,000 debt incurred prior to the Civil War. Proponents, many of them representative of interests most likely to benefit from full payment, argued on behalf of maintaining the state's honor and credit rating. Opponents considered the measures excessive and asked why the state's corporations should not assume a share of the commonwealth's financial burdens. Historian Allen Moger notes that enormous sums of money were spent in procuring this legislation which resulted from "an unholy combination of the forces of the bankers, brokers, speculators, and railroads."¹⁰

The two sides continued to differ on a fair settlement of the debt issue throughout the 1870s. When the Conservative governor vetoed a bill passed in 1877 to provide for a mild readjustment of the debt, the most significant political revolt in Virginia's post-bellum

⁸ Andrew Buni, *The Negro in Virginia Politics, 1902-1965* (Charlottesville: The University Press of Virginia, 1967), 1-3.

⁹ Allen W. Moger, "Virginia's Conservative Political Heritage," *South Atlantic Quarterly* 50 (July 1951): 319-320; Moger, "The Origin of the Democratic Machine in Virginia," *Journal of Southern History* 8 (May 1942).

¹⁰ Moger, "Virginia's Conservative Political Heritage": 320-321 (quote, 320); Moger, "Origin of the Democratic Machine in Virginia": 184; Buni, *Negro in Virginia Politics*, 3-4.

history erupted. The Readjusters, led by General William Mahone, took control of the legislature in 1879 and elected the state's governor two years later. Mahone himself went to the United States Senate. The Readjusters funneled money into the nascent public school system, eliminated the poll tax, raised taxes on corporations, lowered taxes on real estate which aided farmers, and readjusted the state debt to coincide, in the words of one student of the movement, with their belief that "'the state's creditors should be compelled to share in the general loss occasioned by war and reconstruction.'"¹¹

Although black voters had remained in the background during the initial Readjuster victory in 1879, many of them later lent support to Mahone, and in turn were rewarded with minor political offices. Two blacks served on the Richmond School Board, while in Danville blacks sat on the city council, were hired as policemen, and held other public positions. A special charter from the Mahone-controlled legislature benefited blacks in Danville in certain respects, but white incumbency in the offices of mayor, commonwealth's attorney, judge, city sergeant, commissioner of the revenue, and chief of police made it unlikely that blacks ever dominated that city's government.¹²

In 1883, however, Mahone's Readjusters lost decisively at the polls. Amidst charges of corruption, bossism, and catering to blacks, scores of supporters deserted the insurgent politician. The Conservative Party reconstituted itself as the Democratic Party, adopted many of the changes instituted by the Readjusters, including debt readjustment and support for the public schools, and organized efficiently in every precinct in the state. Focusing on Mahone's corrupt practices and on his perceived support of black political participation, the Democrats received a boost to their efforts when a race riot, precipitated by white perceptions that blacks increasingly failed to show proper deference, erupted in Danville just days before the November election. Word of the riot spread throughout the

¹¹ Moger, "Origin of Democratic Machine": 184-185 (quote on p. 185 taken by Moger from an earlier study of the Readjusters); Moger, "Virginia's Conservative Political Heritage": 321-322.

¹² Moger, "Origin of Democratic Machine": 190; Buni, *Negro in Virginia Politics*, 4-5.

state, blacks were intimidated and forced from the polls, and the Democrats swept two-thirds of the seats in the legislature.¹³

Virginia's big city and small town newspapers eagerly supported the determination of the Democratic Party to "redeem" the state from the "vice, venality, corruption, and unscrupulous rapacity" of Mahoneism. The new legislature passed laws which weakened the powers of the Readjuster governor and placed the state's election machinery firmly in the hands of the Democratic Party. For the rest of the decade, however, elections remained hotly contested and both sides openly sought the support of black voters. Rampant fraud ensued and led to no less than twenty contested congressional elections in Virginia between 1874 and 1900.¹⁴

The most difficult of these contested elections for Democrats to stomach occurred in 1888 in the Fourth District, the heart of Virginia's heavily black Southside. John Mercer Langston, the son of a white planter and a freed slave, educated at Oberlin College and Howard Law School, a former United States Minister to Haiti and President of Virginia State College, rejected Mahone's treatment of blacks and ran as an independent in a three-way race. Mahone condemned Langston as an enemy of the Readjusters and of blacks. Democrats warned of the danger of black rule and left no stone unturned in an effort to win the seat. In an election rife with fraud and vote buying, Langston came in second to the Democratic nominee, but demanded a recount. In 1890, the Republican-controlled House of Representatives declared him the winner by the smallest of margins, and Langston served out the rest of the term, becoming the Old Dominion's first black member of Congress, and the last for nearly a century.¹⁵

¹³ Moger, "Origin of Democratic Machine": 185-191; Buni, *Negro in Virginia Politics*, 5-6. For a fascinating look at the role of manners and the debate over public and private space as contributing factors to the Danville Riot, see Jane Dailey, "Deference and Violence in the Postbellum Urban South: Manners and Massacres in Danville, Virginia," *Journal of Southern History* 63 (August 1997): 553-590.

¹⁴ Moger, "Origins of Democratic Machine": 191-203 (quote, 191); Buni, *Negro in Virginia Politics*, 6-8; Charles E. Wynes, *Race Relations in Virginia, 1870-1902* (Charlottesville: University Press of Virginia, 1961), 55.

¹⁵ Buni, *Negro in Virginia Politics*, 8-9; Moger, "Origin of Democratic Machine": 199, note 61.

In that fall's contests, the Democrats and their allies in the press announced that party politics no longer mattered, "but rather whether intelligence or ignorance should rule, whether civilization should be preserved, in short, whether the white man or the negro should rule the Commonwealth of Virginia." The *Richmond Dispatch* acknowledged that Langston "is one of the best educated men of his race," but that "he is still a negro, with all of a negro's conceit, pomposity, credulity, and stupidity." Langston lost decisively and one year later, in 1891, all remaining black candidates for the Virginia General Assembly lost for the first time since 1869.¹⁶

Events of the 1870s and 1880s convinced supporters of the Democratic Party that blacks had to be eliminated from politics in the Old Dominion. Although white elites most feared another insurgent movement like the one led by Mahone, they chose to make blacks the scapegoats. For so long as blacks remained voters, many whites denied responsibility for their own worst instincts and predilections, for demeaning the electoral process. Nearly twenty years after he was first elected to the United States Senate in 1893, Thomas Staples Martin, the recognized head of the Democratic Party until his death in 1919, defended his corrupt use of railroad money as the necessary price of restoring white supremacy and ending fear of black domination.¹⁷

Ironically, the Democratic Party in the early 1890s perfected its manipulation of fears of black domination just at the time that blacks had ceased to participate in state politics. Cultivating memories of Civil War heroes and contributing to the erection of courthouse memorials and monuments, the Democratic Party gained complete control of the election machinery in most parts of the state. Supported financially by the state's corporate elites, the Democratic Party effectively used race to maintain the allegiance of the commonwealth's white farmers, even while opposing railroad reforms favored by a

¹⁶ Buni, *Negro in Virginia Politics*, 8-9 (9, first quote); Wynes, *Race Relations in Virginia*, 85-87 (86, second quote).

¹⁷ Buni, *Negro in Virginia Politics*, 12; Raymond H. Pulley, *Old Virginia Restored: An Interpretation of the Progressive Impulse, 1870-1930* (Charlottesville: University Press of Virginia, 1968), 164-168.

majority of that constituency. This most effective strategy, combined with the Democrats' decision in 1883 to adopt many of the reforms instituted by the Readjusters, also blunted the threats of Populists, who failed to make serious inroads in Virginia.¹⁸

Martin and his cronies proceeded to build a machine with almost total control over political affairs in each of Virginia's counties. Using election laws and appointive powers, the Democratic Party worked through county chairmen who tapped election boards that were confirmed by the legislature. Election boards then appointed election judges and clerks, but only after consulting with the county chairman. Such control over the machinery ensured the election of favored candidates to all the major offices: treasurer, sheriff, clerk of court, commissioner of revenue, county supervisors, and members of the General Assembly. These officials, known as "courthouse cliques," dominated Virginia for the next seventy-five years.¹⁹

Although firmly in control, Martin and the Democratic Party set out to restore Virginia's ante-bellum tradition of responsible political and social leadership exercised by a small elite on behalf of the majority. Throughout the 1890s, in the words of one historian, the Democrats came to recognize "complete white supremacy" as the most effective means of achieving their ends. Efforts soon centered on the adoption of a new constitution and were greatly aided by the United States Supreme Court's decision in *Williams v. Mississippi*, a ruling which sanctioned Mississippi's use of the poll tax and literacy tests to restrict its electorate.²⁰

During the 1900 legislative session, the Virginia General Assembly called for a referendum on the holding of a Constitutional Convention. A handful of partisan newspapers came out strongly in favor of the convention which they perceived would

¹⁸ Moger, "Origin of Democratic Machine": 204-209; Moger, "Virginia's Conservative Political Heritage": 323-326; Wynes, *Race Relations in Virginia*, 145-146.

¹⁹ Moger, "Origin of Democratic Machine": 207.

²⁰ Pulley, *Old Virginia Restored*, 57-65 (57, quote); Wynes, *Race Relations in Virginia*, 56; Buni, *Negro in Virginia Politics*, 14.

destroy the flawed constitution forced upon Virginia during Reconstruction. During a party meeting held several weeks before the referendum, some critics worried that new suffrage restrictions would disfranchise illiterate whites as quickly as blacks. To allay such fears, the Democratic Party convention pledged that no whites would be disfranchised. Just as significantly, the Democratic convention instructed that the Constitutional Convention submit its work to the voters of the whole state for ratification.²¹

A small percentage of Virginia voters turned out for the May referendum, barely half the number who would vote in that November's presidential election. One historian cites the low turnout as evidence that the Old Dominion's white populace never demanded a new constitution or new suffrage laws, but that a handful of politicians and newspapers pushed the cause. Of those who did vote, large numbers of whites from the mountains and valleys of the west and from the Northern Neck along the Chesapeake Bay voted against the referendum. Both constituencies, long supporters of the Readjusters, distrusted the effect of new suffrage laws on the high numbers of poor and illiterate whites in their populations. Nevertheless, sufficient support existed in the cities and the Southside, home to the heaviest concentrations of blacks, to carry the day for those in favor.²²

Despite earlier reassurances, delegates to the Constitutional Convention adopted suffrage restrictions which not only decimated the black vote but substantially reduced the white vote as well. Using a number of literacy and understanding clauses, however, the convention left open the possibility that generous registrars might allow illiterate whites to register while denying the privilege to black aspirants. While in private many delegates fully desired a smaller electorate that would be easier to control, they publicly emphasized the new constitution as the answer to threats of black domination.²³

²¹ Pulley, *Old Virginia Restored*, 66-72.

²² Pulley, *Old Virginia Restored*, 72-75; Wynes, *Race Relations in Virginia*, 57-61, 146-47.

²³ Pulley, *Old Virginia Restored*, 76-77.

No individual in Virginia matched the determination or commitment of Lynchburg's Carter Glass in achieving these goals. A newspaper editor and state senator at the time of the 1901-02 convention, Glass later served in the United States Senate for more than a quarter-century before his death in 1946. In bringing to a vote the debate on the state's new suffrage law, Glass proclaimed that "'there stands out the uncontroverted fact that the article of suffrage which the Convention will to-day adopt does not necessarily deprive a single white man of the ballot, but will inevitably cut from the existing electorate four-fifths of the negro voters.'" Pausing only to acknowledge applause, the delegate declared without equivocation, "That was the purpose of this Convention; that will be the achievement." When asked by another member of the assembled body if the new law resorted to fraud and discrimination to achieve the desired ends, Glass perfectly articulated the position of Virginia's dominant white elites when he thundered:

By fraud, no; by discrimination, yes. But it will be discrimination within the letter of the law, and not in violation of the law. Discrimination! Why, that is precisely what we propose; that, exactly is what this Convention was elected for--to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate. As has been said, we have accomplished our purpose strictly within the limitations of the Federal Constitution by legislating against the characteristics of the black race, not against the 'race, color or previous condition' of the people themselves. It is a fine discrimination, indeed, that we have practiced in the fabrication of this plan; and now, Mr. President, we ask the Convention to confirm our work and emancipate Virginia.²⁴

Forever distrustful of the support of Virginia's body politic, delegates to the Constitutional Convention ignored the pledge made earlier by the Democratic Party and refused to submit their work for ratification. Glass and his contemporaries succeeded spectacularly in their mission. While 264,095 Virginians voted in the presidential election of 1900, only half that number, almost all of them white, bothered four years later. By the end of 1902, determined registrars and literacy tests had eliminated all but 21,000 of an

²⁴ Statement of Carter Glass, *Debates of the Constitutional Convention of Virginia*, 3076-77, reprinted in Armistead L. Boothe, "Civil Rights in Virginia", *Virginia Law Review* 35 (November 1949): 25-26, note 127.

estimated 147,000 blacks of voting age from the registration lists; three years later, the new poll tax cut that number in half, and blacks ceased to be a factor in the electoral process for nearly two decades.²⁵

Just as a handful of politicians and newspapers manipulated the rhetoric of white supremacy to regain absolute control of the political process and the machinery of government, the same persons pushed for the extension of racial exclusion into areas of social interaction. In 1900, as the General Assembly provided for a constitutional convention, legislators passed Virginia's first Jim Crow law which required separate cars for whites and blacks on railroads. The leading student of the event denies that any widespread demand for such legislation ever existed. He acknowledges that a series of minor racial incidents which occurred on Virginia's trains in 1899 and 1900 had been exaggerated by the press, but denies any ground swell of support.²⁶

At the turn of the twentieth century, Virginia's political and business elites had reclaimed control over state politics in large part by blaming blacks for the worst instincts and excesses of the white population. At the same time that they excluded blacks from the democratic process, they began to remove blacks physically into separate spaces. Armed with the sanction of the United States Supreme Court's decision in *Plessy v. Ferguson*, whites in Virginia extended Jim Crow from railroads to street cars and other public spaces. Although blacks protested some of these exclusions, they lacked the political power to change the laws.²⁷

In 1905, the Democratic Party adopted a primary method of nominating candidates, thereby insuring that any disagreements would be settled behind closed doors and not

²⁵ Buni, *Negro in Virginia Politics*, 21-27; Pulley, *Old Virginia Restored*, 77-91.

²⁶ Wynes, *Race Relations in Virginia*, 73-76, 148.

²⁷ Wynes, *Race Relations in Virginia*, 74-78; Jane Purcell Guild, *Black Laws of Virginia* (1936; reprint, New York: Negro Universities Press, 1969), 144-48; Buni, *Negro in Virginia Politics*, 33-48. In 1904-05, blacks in Richmond protested new Jim Crow laws by boycotting the streetcars for a period of time. August Meier and Elliot Rudwick, "The Boycott Movement against Jim Crow Streetcars in the South, 1900-1906," in *Along the Color Line: Explorations in the Black Experience*, ed. August Meier and Elliot Rudwick (Urbana: University of Illinois Press, 1976), 267-89.

within public view. The primary, therefore, enhanced the already significant power of local and state officeholders, and further distanced the majority of Virginians from the political process. Consequently, for the first time in decades, the 1905 gubernatorial race took place without significant pandering to white racial fears. Claude Swanson, the winner in that election and later a United States senator, declared that, "'We have no Negro problem here. . . . The suffrage question has been determined with justice and fairness and has ceased to be a subject of discussion or agitation. . . . With firmness and fairness Virginia has for the present settled the matter, and is now in an era of unexampled prosperity.'" Swanson embodied the deftness with which Virginia's political leaders found it easy to "legislate away" the political and civil rights of blacks and then simply deny that any problem existed.²⁸

Following the 1901-02 Constitutional Convention, blacks in Virginia began two decades of political powerlessness. Political and social exclusion, however, did not entail willful accommodation or acceptance of the status quo. Black leaders, especially in the city's urban areas, emphasized business development and self-help. Individuals such as John Mitchell and Maggie Walker in Richmond and P. B. Young, Jr., in Norfolk devoted their energies to the development of insurance companies, fraternal organizations, banks, and newspapers. While often in disagreement with one another over tactics, these black leaders prepared for the day when new opportunities might arise.²⁹

No longer concerned with challenges to the political status quo, Virginia's white leaders in the early twentieth century turned their attention to the economic development of

²⁸ Pulley, *Old Virginia Restored*, 111-13, 131, 152-54; Buni, *Negro in Virginia Politics*, 33 (first quote); Wynes, *Race Relations in Virginia*, 110 (second quote).

²⁹ Raymond Gavins, "Urbanization and Segregation: Black Leadership Patterns in Richmond, Virginia, 1900-1920," *The South Atlantic Quarterly* 79 (Summer 1980): 257-273; H. Lewis Suggs, "Black Strategy and Ideology in the Segregation Era: P. B. Young and the *Norfolk Journal and Guide*, 1910-1954," *Virginia Magazine of History and Biography* 91 (April 1983): 161-190; Henry Lewis Suggs, *P. B. Young, Newspaperman: Race, Politics, and Journalism in the New South, 1910-1962* (Charlottesville: University Press of Virginia, 1989); Elsa Barkley Brown, "Womanist Consciousness: Maggie Lena Walker and the Independent Order of St. Luke," *Signs* 14 (1989): 610-633; Earl Lewis, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia* (Berkeley: University of California Press, 1991).

the Old Dominion. Governors Claude Swanson and William Hodges Mann fully supported legislative programs which protected private property and promoted the interests of those with capital. In this respect, the General Assembly prepared the way for "business progressivism," a form of governance championed by Westmoreland Davis, elected governor in 1918, and embodied in the values of Harry Byrd, elected eight years later. Byrd perfectly represented those committed to tax and labor laws beneficial to monied interests and opposed to spending public funds on critical state services such as highways and education. Whatever resources were begrudgingly allocated to the larger body politic went almost exclusively to whites.³⁰

* * * * *

Virginia's Economy and People

Swanson was not alone in claiming that Virginia had no race problem. Many observers, black and white, repeatedly praised Virginia's treatment of black citizens, especially when compared to other southern states. In 1880, at the height of the Readjuster movement, Henry Adams and five hundred other black men toured the South at their own expense and told a U. S. Senate committee that the Old Dominion, followed by Kentucky and Tennessee, ranked highest in their assessment. Other observers noted that political hostilities did not necessarily enter the realm of interpersonal relations. Blacks continued to rely on white patronage for employment, while whites understood that their self-interest necessitated a willing labor force that could, if unhappy, migrate north.³¹

³⁰ Pulley, *Old Virginia Restored*; Allen W. Moger, *Virginia: Bourbonism to Byrd, 1870-1925* (Charlottesville: University Press of Virginia, 1968); Henry C. Ferrell, Jr., *Claude A. Swanson of Virginia: A Political Biography* (Lexington, KY: The University Press of Kentucky, 1985); Jack Kirby, *Westmoreland Davis: Virginia Planter-Politician, 1859-1942* (Charlottesville: University Press of Virginia, 1968); Leo Stanley Willis, "E. Lee Trinkle and the Virginia Democracy, 1876-1939," (Ph.D. diss., University of Virginia, 1968); Robert Thomas Hawkes, Jr., "The Career of Harry Flood Byrd, Sr., To 1933," (Ph.D. diss., University of Virginia, 1975); Ronald L. Heinemann, *Harry Byrd of Virginia* (Charlottesville: University Press of Virginia, 1996); George B. Tindall, "Business Progressivism: Southern Politics in the Twenties," *South Atlantic Quarterly* 62 (Winter 1963): 92-106.

³¹ Wynes, *Race Relations in Virginia*, 95-96.

Historian Charles Wynes has argued that white treatment of blacks in Virginia depended on several critical historical and economic factors. First, Virginia had far more free blacks during the ante-bellum period than did states to the south. In 1860, half of all the 260,000 free blacks in the slave states resided in Virginia and Maryland. As a result of this experience, white Virginians were better able to cope with the social adjustments necessitated by emancipation. Second, Virginia lacked the huge plantations and high prevalence of absentee land ownership that dominated the cotton states. As a result, blacks and whites developed less physically oppressive relationships. Third, Virginia had a more diversified economy and one whose cash crop, tobacco, did not dominate the economy as did cotton in the deep South. Furthermore, tobacco and other crops in Virginia required a higher-skilled labor force than did cotton. Many less-skilled slaves in Virginia were sold south. Consequently, after emancipation, Virginia had both a more-skilled labor force and better labor relations relative to states farther south.³²

More recently, historian Fitzhugh Brundage has cited Virginia's diversified economy and resulting labor needs as a critical factor in Virginia's lower rate of lynching between 1880 and 1930. In particular, he notes that white farmers, especially those involved in truck and livestock husbandry, could afford to grant laborers a greater degree of independence. The absence of a dominant cash crop requiring high intensity, low-skilled, often coercive labor allowed white farmers to develop a "system of labor that was exploitative, stable, and lucrative and yet did not rest upon the steady application of coercive methods."³³

On the eve of World War I, Virginia enjoyed tremendous diversity in its geography, climate, and natural resources--all critical factors in the state's economic development. From the coastal plains, rivers, and natural harbors of the Tidewater in the east, across the

³² Ibid., 96-97.

³³ W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana: University of Illinois Press, 1993), 144-160 (quote, 157).

extensive Piedmont, to the foothills of the Blue Ridge, into the soil-rich Shenandoah Valley, down through the mountains and valleys of Southwest Virginia, the Old Dominion possessed advantages not seen farther South. In addition, the commonwealth's farmers and manufacturers could rely upon an extensive railroad network to ferry their products quickly to the urban centers of Baltimore, Philadelphia, and New York. Eighty-five of Virginia's one hundred counties had access to rail transportation; ten of the fifteen that did not were located in the Tidewater and had access to navigable waterways. Nearly half the population of the United States lived within five hundred miles of Richmond.³⁴

The Northern Necks of the Tidewater, between the Potomac and York rivers, had once been home to large plantations, but over time the sandy soils came to support more modest agriculture. The area's plethora of rivers, streams, and access to the Chesapeake Bay, however, continued to sustain a steady fishing industry. Just across the Chesapeake Bay, the two counties of Virginia's Eastern Shore supported extensive crop farming and ready access to the Bay's wealth of oysters, crabs, and fish. The half-dozen counties bounded by the York and James rivers, known as the James Peninsula, shared the modest attributes of the two northern peninsulas. Given the area's strategic location between Richmond and Newport News, however, a highly developed transportation network emerged which supported an abundance of manufacturing and commercial enterprises. South of the James River, but east of the Piedmont, soil more suitable for peanut farming stretched through parts of the Southside Coastal Plain. Although much of the plain remained covered by the Great Dismal Swamp, pulp mills provided substantial employment. Most significant of all, Virginia's Tidewater possessed the great port at Hampton Roads, where the cities of Norfolk, Portsmouth, Hampton, and Newport News developed as centers of shipbuilding, food processing, transportation, and exporting. This

³⁴ S. Walker Blanton, Jr., "Virginia in the 1920s: An Economic and Social Profile," (Ph.D. diss., University of Virginia, 1969), 19-23.

area, in particular, grew dramatically during World War I due to the presence of military installations in the region and related consumer demands.³⁵

Virginia's Piedmont spread from the Tidewater in the east to the Blue Ridge Mountains in the west, from the Maryland border in the north to the North Carolina line in the south. The northern section of the Piedmont, extending roughly from Washington, D.C., to Culpeper, possessed rich soils suitable for the production of hay, cereal crops, and the raising of prime livestock. The middle Piedmont, ranging from Culpeper to Lynchburg, lacked the uniformity of conditions found north and south. Parts of several counties resembled the prime conditions of the northern Piedmont, while farmers in Louisa and Fluvanna counties in the very center of the state struggled to eke out a marginal existence due to poor soil. Albemarle, at the foot of the mountains, proved suitable for extensive orchards. Buckingham and Cumberland counties paved the way to the southern Piedmont, also known as the Southside, the heart of Virginia's tobacco region. Farmers and sharecroppers carefully tended the soil that produced Virginia's bright leaf tobacco. Merchants and middlemen in Petersburg, Lynchburg, Danville, and Martinsville organized their working lives around tobacco auctions. The Old Dominion's leading cash crop, tobacco benefited from reserves of inexpensive labor.³⁶

The Blue Ridge Mountains, running the length of Virginia, provided ample timber reserves for the people living along its ridges. To the west of the mountains lay Virginia's Great Valley. The northern part of the valley, the Shenandoah, hosted some of the richest soils in the United States. Its people enjoyed the highest per-capita income in Virginia in the 1920s and 1930s. Abundant apple orchards dotted the very northern part of the valley, while medium-sized farms emphasizing livestock and complimentary crops dominated the

³⁵ Ibid., 15-16.

³⁶ Ibid., 16-17.

heart of the valley. Farther south, the valley sustained less bountiful crops, and small farms predominated.³⁷

The sparsely populated regions of the Alleghany Mountains along the West Virginia border supported little agriculture, but did serve as a vacation spot for eastern Virginians drawn to the resorts at Hot Springs and Warm Springs. The economies of several counties in the very southwestern part of Virginia revolved around the extensive bituminous coal mines of the Cumberland plateau. The development of these mines in the years preceding World War I led to the growth of small towns and villages. In addition to mining, significant sections of Southwest Virginia supported irregular, but nevertheless substantial, agriculture. Burley tobacco, livestock, corn, and hay were among the leading crops.³⁸

Although still overwhelmingly agricultural and rural on the eve of World War I, the Old Dominion's economy had already begun to rely less on agriculture. Between 1910 and 1920, Virginians earning a living in agriculture dropped from 45 to 36 percent of the working population. By 1930, that number had fallen another 6 percent. Those engaged in manufacturing, on the other hand, rose from 20 to nearly 24 percent between 1910 and 1920. While decisions made in Virginia, particularly the refusal to float a bond issue to build roads, ensured that the increase in manufacturing would not match the rate of growth in North Carolina, the Old Dominion's overall economy remained much less dependent on agriculture than its neighbor to the south.³⁹

³⁷ Blanton, "Virginia in the 1920s," 17; J. S. Peters and W. F. Stinespring, *An Economic and Social Survey of Rockingham County*, University of Virginia Record Extension Series, vol. 9, no. 1a (Charlottesville: September 1924), 80-97.

³⁸ Blanton, "Virginia in the 1920s," 18; Ben Bane Dulaney, *An Economic and Social Survey of Washington County*, University of Virginia Record Extension Series, vol. 17, no. 6 (Charlottesville: December 1932), 55-65; Leland Burdine Tate, *An Economic and Social Survey of Russell County*, University of Virginia Record Extension Series, vol. 16, no. 1 (Charlottesville: July 1931), 73-86.

³⁹ Bureau of the Census, *Fourteenth Decennial Census of the United States, 1920: Volume IV, Population, Occupations*, (Washington, D. C., 1922), tables 9 & 11; *Fifteenth Decennial Census of the United States, 1930: Population, Volume VI, Occupation Statistics* (Washington, D. C., 1933), tables 8 & 10. In 1920, by contrast, more than half of North Carolina's population remained tied to the farm economy.

The growth of manufacturing in Virginia was not centered in the state's few large urban areas, but rather in scattered small towns throughout the state. Access to water, railroads, and labor proved sufficient as rayon, chemical, and machine tool plants sprung up in places as diverse as Hopewell, Waynesboro, and Abingdon. Small villages arose in the neighborhood of the coal mines in the southwest. Because Virginia's soil and climate proved unfavorable to cotton production, the Old Dominion was home to few of the textile mills that drove the economic development of North Carolina and other southern states; the great Dan River Mills in Danville, situated on the North Carolina border, proved the exception. Consequently, few Virginians lived in the mill villages which so dominated the experiences of many southerners of the time.⁴⁰

World War I accelerated economic trends already underway in Virginia. In particular, shipbuilding, the only heavy industry in the state, swelled dramatically. Although a predictable recession followed the war's end, the industry soon recovered and remained vibrant. The Tidewater region received another boost when Norfolk was selected as one of two embarkation points for the European front; that city's population rose 72 percent from 1910 to 1920. Less directly affected by the war, but more generally influenced by broader war-related needs, Richmond saw its number of manufacturing plants increase, its banking assets double, and its population grow by 22 percent from 1910 to 1920. Coal production in Virginia's Southwest also rose to meet war-generated demand.⁴¹

Despite a movement away from the farm in the 1910s, the war offered Virginia's farmers a significant increase in their standard of living; demand and prices rose at a higher

⁴⁰ Blanton, "Virginia in the 1920s," 37-68. For the significance of mill villages, see Jacquelyn Hall et al., *Like a Family: The Making of a Southern Cotton Mill World*, (Chapel Hill: University of North Carolina Press, 1987); Allen Tullos, *Habits of Industry: White Culture and the Transformation of the Carolina Piedmont* (Chapel Hill: University of North Carolina Press, 1989); Douglas Flamming, *Creating the Modern South: Millhands and Managers in Dalton, Georgia, 1884-1984* (Chapel Hill: University of North Carolina Press, 1992).

⁴¹ Blanton, "Virginia in the 1920s," 1-10.

rate than the retail prices paid by farmers for other goods. In at least one traditional tobacco county, farmers turned their attentions to meet the need for wheat and corn. The war effort stimulated an emphasis on improving efficiency and production levels. Between 1914 and 1919, the value of farm crops in Virginia more than tripled to nearly 350 million dollars.⁴²

The agricultural boom of World War I, however, did not last. A post-war recession wiped out most gains. Wheat and tobacco farmers especially suffered. While tobacco manufacturers in Richmond and Petersburg enjoyed steady demand for their products throughout the 1920s, farmers suffered as the price of Virginia bright leaf tobacco fell relative to the national average. The staple of Southside Virginia in particular lost ground to the higher quality crops in Georgia and Florida. Other crops such as barley and peanuts, however, continued to do better in the 1920s. The peanut industry, in particular, saw its fortunes rise; not only did more Americans begin to eat peanuts as a snack, but Virginia hog farmers turned to the legume as the feed which subsequently gave Smithfield hams their unique flavor. Overall, however, Virginia agriculture declined in the decade after the Great War. By the end of the 1920s, the value of all products manufactured in Virginia exceeded the value of all farm goods nearly four-fold.⁴³

The uneven but steady rise in the fortunes of Virginia's industrial development, combined with the overall decline in agricultural fortunes, spurred tremendous demographic movement in the Old Dominion, especially among the state's black citizens. Virginia's modest population growth of 4.8 percent between 1920 and 1930 hides a more significant development: the number of blacks in Virginia actually declined from 690,017 to 650,165, a drop of nearly 6 percent. One study on out-migration estimated that 118,000 blacks left Virginia, while 106,000 whites chose the same course. Consequently, while

⁴² Ibid., 3-4.

⁴³ Ibid., 37-39, 69-108.

blacks in Virginia had made up over 35 percent of the population as recently as 1900, that number had dropped below 30 percent by 1920 and fell to 27 percent by 1930.⁴⁴

Virginia's black population since ante-bellum times had been centered in the Tidewater and Southside regions, those counties in the eastern and southeastern parts of the state closest to the Chesapeake Bay and those counties between Richmond and Lynchburg in the north, North Carolina to the south, and Martinsville to the west. Tobacco and smaller vegetable farms, those most in need of cheap labor, dominated this portion of the state. In 1920, nearly three quarters of Virginia's black population still lived in this region. Significant numbers of blacks, however, did live throughout the central and northern Piedmont. As recently as 1900, Culpeper had a majority black population, and several counties in the northern Piedmont had black populations that exceeded one quarter. In 1900, thirty-six counties in the state had majority-black populations; by 1920, that number had fallen to twenty-three, all of them in the Tidewater and Southside, but forty-five counties and cities had black populations that exceeded 40 percent and sixty-two counties and cities had black populations of greater than 30 percent.⁴⁵

Although Virginia had a readily ascertainable black belt dependent on cheap labor, the commonwealth's diverse economy contributed to a rate of tenant farming in Virginia lower than that of its southern neighbors. A Commerce Department study in conjunction with the 1920 census concluded that two-thirds of cotton farmers in the United States toiled as tenants while less than half of tobacco farmers did the same. Those raising vegetables and food crops were even less likely to find themselves as tenants. Consequently, in Virginia in 1920, 26 percent of farmers were listed as tenants; 35 percent of those were black. In North Carolina, by contrast, 44 percent of farmers were tenants and 46 percent

⁴⁴ Blanton, "Virginia in the 1920s," 118-19; Bureau of the Census, *Sixteenth Census of the United States, 1940: Volume II, Population, Part 7, table 4, "Race, By Nativity and Sex, For the State: 1850-1940,"* p. 134.

⁴⁵ James H. Hershman, "A Shrinking Black Belt and Virginia's Massive Resistance: A Note," *Virginia Social Science Journal* 20 (Winter, 1985): 93-97; *Fourteenth Census of the United States, 1920: Volume III, Population* (Washington, D. C., 1922), table 9.

of tenant farmers were black. Farther south, the rates of tenancy exceeded one-half and even approached two-thirds in Georgia and Mississippi. The vast majority of tenant farmers in South Carolina, Georgia, Alabama, Mississippi, and Louisiana were black.⁴⁶

During the 1920s, Virginia's farm population declined by 111,167, more than 10 percent. Although more whites than blacks left Virginia's farms in absolute numbers during the twenties, blacks deserted at a much higher rate: 9 percent of white farmers moved away, while nearly 16 percent of blacks did so. Many of these blacks left the farms of the Southside as tobacco prices declined and the poor-quality farms of the Northern Neck which no longer produced cash crops. Consequently, the total number of black tenant farmers declined in the 1920s, while the number of white tenant farmers grew slightly. Black tenants, whose farms were only half the size of their white counterparts and often of inferior-soil quality, chose to pursue other economic options, while larger numbers of whites remained rooted to an agricultural way of life.⁴⁷

Virginia's urban areas grew by roughly the same number of persons that left the farms; most of this growth, however, was among the white population. Just as significant, the Old Dominion's rural non-farm population, those persons settled in the small villages and towns that dominated the state's politics, grew by over 112,000. Almost all of this growth was attributable also to whites who moved the short distance to the small towns and villages of their home counties. The rural black non-farm population, on the other hand, barely changed. A few blacks moved to the larger urban areas, but most left the state entirely.⁴⁸

⁴⁶ Department of Commerce, *Farm Tenancy in the United States, 1920*, Census Monographs IV (Washington, D. C.), 33; *Fourteenth Decennial Census of the United States, 1920*: Volume VI, *Agriculture*, part 2 (Washington, D. C., 1922), table 1.

⁴⁷ Blanton, "Virginia in the 1920s," 109-136.

⁴⁸ Blanton, "Virginia in the 1920s," 109-136; *Fourteenth Census of the United States, 1920*: Volume III, *Population*, table 9; *Sixteenth Census of the United States, 1940*: Vol. II, *Population*, Part 7, table 5, "Urban, Rural-Nonfarm, and Rural-Farm Population, By Race, Nativity, and Sex, For The State: 1910-1940," p. 135.

The majority of whites who did leave their farms stayed in Virginia, moving into towns and cities all over the Old Dominion, swelling the urban population by more than 16 percent. Very few blacks, however, moved into Virginia's cities in the 1920s, a trend that supports the findings of one study which concluded that 73 percent of blacks who left their farms left the state entirely and moved to Philadelphia, New York, Baltimore, and other environs. Significant numbers of black migrants, however, had settled in Virginia's cities during World War I; between 1910 and 1920, the number of blacks living in Virginia's cities grew by 32 percent, most of the increase occurring during the war. Available housing, municipal services, space for recreation, and funding for education failed to keep pace with demand. By the early 1920s, blacks began to request more equitable treatment, just as increasing numbers of marginalized whites sought access to the same insufficient resources.⁴⁹

World War I, therefore, accelerated population shifts already under way. By the end of the war, larger numbers of whites and blacks found themselves living in tighter quarters, competing for jobs and municipal resources. Although Virginia's population became increasingly white in the 1920s as many blacks chose to leave the state, the decline of agricultural fortunes led larger numbers of marginalized whites into the cities and towns of the Old Dominion. Local leaders, unaccustomed to providing much of anything in the way of public services, proved unprepared to handle the influx of new residents.

Although rates of tenancy, demographic statistics, and migration patterns for the 1910s and 1920s suggest that conditions faced by blacks in Virginia may have been better than in other southern states, Virginia's white populace continued to share assumptions

⁴⁹ *Sixteenth Census of the United States, 1940: Vol. II, Population, Part 7, table 5, "Urban, Rural-Nonfarm, and Rural-Farm Population, By Race, Nativity, and Sex, For The State: 1910-1940,"* p. 135; Blanton, "Virginia in the 1920s," 109-123. Blanton provides a synopsis of Wilson Gee and John J. Corson, III, *Rural Depopulation in Certain Tidewater and Piedmont Areas of Virginia* (Charlottesville: Institute For Research in the Social Sciences, 1929). For the enormous urban growth that occurred in Newport News, Petersburg, Portsmouth, and Roanoke, see *Fourteenth Census of the United States, 1920: Vol. II, Population, table 17, "Color Or Race, Nativity, and Parentage For Cities Having in 1920, From 25,000 to 100,000 Inhabitants: 1920, 1910, and 1900,"* p. 73. Norfolk and Richmond had more than 100,000 inhabitants at this time.

about their black neighbors which prevented them from ever treating blacks on honestly fair and equitable terms. Virginius Dabney, later a progressive Richmond newspaper editor but a teenager during World War I, once wrote that Virginians grew up inundated with "the thesis that the white race not only is superior to the black race, but that every individual white is superior to every individual black." This lesson was taught, learned, and reinforced in homes, schools, and even churches throughout Virginia. White children absorbed the lessons of this hierarchical relationship and expected deference from those blacks with whom they came in contact. In turn, whites pledged themselves to treat fairly blacks in their midst. The line between paternalism and antipathy, however, too often blurred and even vanished.⁵⁰

The Rev. M. Ashby Jones, a Baptist minister from Atlanta and a founding member of the Commission on Interracial Cooperation in 1919, elaborated upon Dabney's conclusion when he wrote that "the teaching, that one racial group is inherently superior to another, quickly yields the illogical inference, that any member of the 'superior group' is superior to every member of the inferior group." The clergyman believed that as a consequence the average white had a "false appraisal of his own value."⁵¹

Jones argued that "the white man views the negro as something less than normally human." The Georgia cleric acknowledged that a small, and decreasing, number of whites in the South would admit to this, but that, in fact, it formed the "essence of that instinctive sense of difference" which dominated white racial thinking. Just as importantly, Jones insisted that whites were capable of maintaining a friendly attitude toward blacks. After all, he said, "most of us love our dogs and our horses, and are benevolently inclined to all of the domesticated animals. However, there is an impassable gulf in the consciousness between the human and the purely animal."⁵²

⁵⁰ Virginius Dabney, "Negroes and the Franchise: Their Participation In The Primaries," *Richmond Times-Dispatch*, reprinted in *Norfolk Journal and Guide*, Sept. 12, 1931, p. 7.

⁵¹ M. Ashby Jones, "The Negro and the South," *The Virginia Quarterly Review* 3 (Jan. 1927): 3.

⁵² *Ibid.*, 5.

Jones explained that the root of white racial ideology was a belief that blacks constituted a slave race "with fixed and predetermined limitations of physical and spiritual accomplishments." Consequently, the most lasting impact of slavery was not social or economic, but in the skewing of "this definition of personality," by which whites had robbed blacks of "some of the rights of manhood."⁵³

While not denying the wrongs suffered by blacks as a result of white racial ideology, the Atlanta minister argued that whites actually suffered the greater hurt. "It is a deadly danger to any group of men," wrote Jones, "to believe that they can inherit rights superior to another group. It is the evil which is at the heart of any doctrine of aristocracy." Jones cited voter registration in the South as an example of laws which denied even the most-educated blacks the right to vote, but which allowed many whites to vote without the benefit of education. Such a dichotomy, according to Jones, "gives to nearly all of our white people a false sense of values, and contributes at the same time to a false racial pride in the superior privileges, which they have done nothing to earn."⁵⁴

Soon after World War I, J. A. Brinkley of Smithfield, Virginia, wrote to the editor of the *Norfolk Journal and Guide*, the largest black newspaper in the South. He related the story of "a bright-eyed, sunny faced, poorly clad, white lad of ten summers" who greeted a passing black motorist with a cheerful "Hello Nigger!" As Brinkley pointed out, it made no difference to the white child that the black man in question held a college degree, had graduated from seminary with honors, and had become a nationally recognized priest. The white youth considered his greeting to be friendly, for this man was just a "plain nigger." Brinkley proceeded to emphasize that "instinct teaches a child to fear, to cry and to take nourishment. But instinct knows nothing about germs and 'niggers.' At millions of American firesides, determined teachers with a dogged ideal are indoctrinating white

⁵³ Ibid., 5-6.

⁵⁴ Ibid., 10.

faced, white hearted babes with the thought of Negro inferiority and inoculating their young souls with the virus of race antipathy."⁵⁵

W. O. Saunders, a journalist and native of North Carolina, explained in *Collier's Weekly* his own education with regards to blacks. "When I was a child I loved my 'ole black mammy' and played with Negro children without prejudice," he wrote. "But I grew up to dislike Negroes generally, just as almost everybody in the South does, for no particular reason at all except that a 'nigger is a nigger.' I came to manhood with a Southerner's dislike and contempt for black folks. Once or twice I searched my heart and mind for some basis of this dislike. At such times I satisfied myself by contemplating only the vicious, indolent, shiftless, improvident, dirty, ragged, ignorant, offensive type of Negro. I did not give much thought to any other kind."⁵⁶

Many whites among the well-to-do, on the other hand, asserted their own fondness for and fair treatment of blacks in general, but in fact described feelings reserved for particular mammies or servants. Mary Burnley Gwathmey sought to publish a manuscript about "Aunt" Sylvia Hill, born a slave to Gwathmey's grandparents in eastern Virginia. Gwathmey assigned to Aunt Sylvia certain characteristics to separate her from the mass of blacks. She emphasized that Sylvia was the granddaughter of an African princess and that such bloodlines proved significant in the advancement of civilization. In fact, she concluded that blacks of less royal ancestry "are the ones who will drag our people down." Furthermore, Gwathmey related the story of climbing onto Sylvia's lap as a child and having Sylvia say to her, "'you better not touch me I'm so black.'" After Sylvia stroked Mary's cheek, the young girl replied, "'Aunt Sylvia you are not black, you are white.'" As the older narrator of her manuscript, Gwathmey added, "And she was. With a soul so

⁵⁵ J. A. Brinkley to the editor, "A Dogged Ideal," *Norfolk Journal and Guide*, August 27, 1921, p. 4.

⁵⁶ W. O. Saunders, *Collier's National Weekly*, reprinted as "W. O. Saunders Writes Interestingly on Phase of Negro Life in South," *Norfolk Journal and Guide*, January 5, 1924, p. 9.

pure, a heart so kind and a mind tuned to the finest and best, what has color to do with it?"

Whatever color had to do with it, Sylvia's perceived whiteness set her apart.⁵⁷

In addition to lessons learned around the hearth and kitchen table, the educational curriculum of white children in Virginia shaped their images of blacks. In the fifth grade, all boys and girls in the Old Dominion took their first official course in state history. Throughout the 1920s, they read *A History of Virginia for Boys and Girls* by John Walter Wayland, a professor at the State Teachers College in Harrisonburg. Young boys and girls learned a great deal about the exploits and heroics of Virginia's sons from John Smith, Nathaniel Bacon, and William Byrd to George Washington, Thomas Jefferson, James Madison, Patrick Henry, and George Mason, to Robert E. Lee and J. E. B. Stuart. Only in his 1930 edition did Wayland pay significant attention to the contributions of a few women in Virginia's history. At almost no time, however, did Virginia's fifth-graders learn about blacks in any capacity other than as slaves.⁵⁸

White schoolchildren in Virginia learned first that in August 1619 Dutch traders brought twenty slaves to Virginia's shores. "Thus began a traffic," they were told, "that was unfortunate in many ways," although how so remained unclear. Almost in passing, with little explanation, Wayland informed his audience that "many good men and women in Virginia and in other states tried to stop slavery . . . but the practice was hard to get rid of and it was not stopped altogether until the end of the Civil War, of which you have often heard your mothers and fathers speak." No other mention of opposition to slavery appeared.⁵⁹

⁵⁷ Mary Burnley Gwathmey, manuscript of "Royal Purple Preferred," dated 1949, box 52, folder "Sylvia Hill 1943-1959," Gwathmey Family Papers, Virginia Historical Society. Reference to royal ancestry, p. 2; quote "the ones who will . . .", pp. 25-26; story from childhood climbing onto Sylvia's lap, p. 15 (emphasis in original).

⁵⁸ John W. Wayland, *A History of Virginia for Boys and Girls* (New York: The MacMillan Company, 1925). Wayland's book was originally published in 1920, but reprinted repeatedly over the next few years. In 1931 he finally published a slightly revised edition. All page references are to the May 1925 edition, unless otherwise noted.

⁵⁹ Wayland, *A History of Virginia*, 43.

Fifth-graders read that the prosperity of Virginia's early years developed as a result of the success of tobacco as a staple crop. "It was in the tobacco fields," noted Wayland, "that negro slavery first came to be regarded as a necessity." Young boys and girls, however, learned little about what sort of work slaves actually did, or under what conditions they toiled. They did learn that tobacco continued to turn "green to gold" into the 1920s and that the state housed enormous tobacco factories in cities such as Richmond. Blacks, according to Wayland's narrative, continued to work in tobacco-related industries "and often a considerable number of them work near together in the same room. With many of them it is a habit to sing from day to day, keeping a sort of happy time in their tunes to the motions of their hands and bodies. Often the music is weird and beautiful. To hear it is worth a journey of miles."⁶⁰

Fifth-graders learned about the Civil War in terms that would be reemphasized and amplified throughout their formal and informal education. Virginia, like the North, wanted desperately to preserve the Union, but "tried to withdraw from it only because she saw no other honorable course." Wayland surmised that "as we go on in our study and as we grow older we shall see these things more clearly."⁶¹

Virginia's ten year-olds learned a great deal about the battles of the Civil War, but absolutely nothing about emancipation or Reconstruction, and next to nothing about the status of the freed slaves. In addition, at no time in their history course did white schoolchildren learn of the existence of free blacks before the war. The entire post-Civil War treatment mentioned blacks only three times, twice with regard to education. Wayland made one reference to the establishment of Hampton Institute and a second reference to the existence of public education for all citizens. Students learned that "at first some of our people did not favor schools for the negroes, but soon it was seen that all who are required to support the government ought to be trained in both knowledge and work." Students

⁶⁰ Ibid., 46, 53-54.

⁶¹ Ibid., 259-60.

would not have a difficult time distinguishing between the power and control of "our people" and the second-class status of the "negroes."⁶²

Five years after studying the history of their state, Virginia schoolchildren took a survey in United States history and learned no more about the lives of blacks after the Civil War.⁶³ They did, however, learn a great deal more about slavery and secession. In conjunction with a text in United States history, Virginia's tenth-graders read Beverley Bland Munford's *Virginia's Attitude Toward Slavery and Secession*. First published in 1909, Munford's text remained required reading throughout the 1920s.

Munford's message to Virginia's tenth-graders allowed them to maintain a vision of Virginia as a moral high ground. Not only did Munford emphasize that the federal government "coerced" a reluctant Virginia to secede, and hence that slavery was not the issue, but he argued that Virginia had actually opposed slavery and wanted to end it long before the advent of the Civil War. He did concede that slavery had created conditions which ultimately led to war, but that Virginia would never have seceded had not Lincoln and the federal government forced the issue.

Virginia's high-school history students learned from Munford's book that "the institution of slavery was regarded with disfavor by a majority of her people; that they tolerated its existence as a *modus vivendi* to meet the dangers and difficulties of the hour," but hoped to "render feasible its abolition, with a maximum of benefit to the slaves and their owners, and a minimum of danger to society and the state." Consequently, Virginia's delegates to the Constitutional Convention vociferously opposed the continued importation of slaves until 1808.⁶⁴

⁶² Ibid., 337-38.

⁶³ Bulletin, State Board of Education, *State Course of Study, High Schools of Virginia: History and Social Science, Supplement No. 2*, vol. 8, no. 1 (July 1925), 71-93.

⁶⁴ Beverley B. Munford, *Virginia's Attitude Toward Slavery and Secession* (Richmond: L. H. Jenkins, Inc., 1909), 10-11, 30-32.

Unable to extend Virginia's ban on the importation of slaves to the entire country, Virginia, according to Munford, sought to devise "some practicable plan for gradually emancipating the slaves in her midst, and meanwhile to continue day by day the work of teaching these children of the Dark Continent an intelligible language, the use of tools, the necessity for labor and the rudiments of morality and religion." For twenty years, Virginia adopted a series of laws which allowed masters to manumit their slaves. As more and more persons did just that, the Old Dominion became concerned about the increasing number of free blacks who lacked the "privileges of the whites" but were "not amenable to the restrictions imposed upon the great mass of the blacks." Consequently, in 1806, the General Assembly passed a statute requiring all freed slaves to leave the state. Thirteen years later, the same body amended the law to allow certain "'sober, peaceful, orderly and industrious" persons to remain.⁶⁵

Munford's pupils learned that most Virginians preferred such means of gradual emancipation and that such would have occurred if not for two factors: first, the Nat Turner rebellion in Southampton County in August 1831, and second, the increasing hostility of northern abolitionists. Turner's insurrection forced lawmakers to adopt "repressive legislation to nullify the dangers of slave insurrection." At the same time, abolitionists "not only attacked the institution of slavery but the morality of slaveholders." Thus, concluded Munford, "thousands sincerely desiring the abolition of slavery were driven to silence or into the ranks of its apologists in the widespread and indignant determination of Virginians to resent these libels upon their character and defeat these attempts to excite servile insurrections."⁶⁶

Munford emphasized that, despite such affronts, Virginia still voted against secession. Only in April 1861, after Lincoln ordered the states of the Union to take up arms against those who had seceded, did Virginia vote to join the confederacy. Munford's

⁶⁵ Ibid., 32, 41-43.

⁶⁶ Ibid., 43-48.

emphasis on federal coercion, as opposed to slavery, as the cause of secession and the Civil War represented a fundamental component in the education of several generations of Virginia children. This distinction allowed boys and girls, as well as men and women, to celebrate the Lost Cause decades after slavery became insupportable on moral grounds.⁶⁷

Historian Fred Arthur Bailey has concluded that "Munford's work perfectly articulated Virginia's patrician definition of the past," and that the author himself, a devoted member of the Sons of Confederate Veterans, "typified that organization's commitment to a suitable past." Critical voices outside of Virginia blasted Munford's omission of fact and his one-sided defense of secession. But Virginia's establishment, according to Bailey, fully supported the message in his work, and the "state senate thanked Munford for 'fairly representing Virginia in the light of history.'"⁶⁸

Although Virginia's elites, including the state legislature and members of such organizations as the United Daughters of the Confederacy and the Sons of Confederate Veterans, devoted significant time and resources to teaching children an acceptable version of the past, some students remained unconvinced. C. M. Abbot, a history teacher at E. C. Glass High School in Lynchburg, discussed the difficulties of teaching early American history, particularly with regards to the development of sectionalism. When Abbot asked a class, "'What was the cause of the war between the States?'," the class "invariably and with wild enthusiasm" responded "'Slavery.'" Abbot was astounded and insisted that "the idea that the war of Lee and Jackson and Davis, not to mention innumerable other heroes, patriots and statesmen, was a war for the perpetuity of slavery is a notion so shockingly untrue that it should not be allowed to dwell in the mind for a moment."⁶⁹

⁶⁷ Ibid., 181, 208-213, 255-56, 263-283.

⁶⁸ Fred Arthur Bailey, "Free Speech and the Lost Cause in the Old Dominion," *The Virginia Magazine of History and Biography* 103 (April 1995): 250, 260-61.

⁶⁹ C. M. Abbot, "Relative Emphasis in the Teaching of American History," *Virginia Journal of Education* 23 (February 1930): 242.

That white students, despite the best efforts of adults, recognized the causal role of slavery in the Civil War reveals more about the need of adults to justify and explain their moral and ideological compass than it does about their children's lack of ability in the classroom. The response of the students, however, did not obviate their absorption of a one-sided version of the past in which blacks proved suitable only as slaves or servants and one in which blacks by definition were excluded from political and social participation. White children in Virginia learned nothing of the contributions of black leaders such as Booker T. Washington. Although a book entitled *Boys' Life of Booker Washington* did appear on optional reading lists, it was intended only for use in black schools.⁷⁰

The inability of most white Virginians to see blacks as anything other than servile or puerile provided Richard Bowling, a black minister and occasional newspaper columnist, an opportunity to parody the position of blacks. Most persons, he figured, "must commit a crime, hazard an air flight across an ocean, roll a wheelbarrow across a continent, be photographed in an aboriginal costume, or jump from a twenty-story window, that is, if they desire the thrill that comes from being studied and psycho-analyzed as a being separate and apart from the average. . . . But being a Negro, one gets a thrill almost every day." Whites looked upon poor, tenement-dwelling blacks as "raw, little better than heathen, untouched by American love of cleanliness and ease." But, Bowling pointed out, "let that same Negro continue to save his money, educate his children, improve his tastes, until finally he leaves the old shack and goes to live in a decent home. Do you think he will thereby become an average American and drop out of notice? I tell you, he will be eyed all the more." Furthermore, the Norfolk minister marveled at whites who spoke "in easily

⁷⁰ W. S. Gooch to E. Lee Trinkle, Aug. 2, 1922, box 7, folder "N (3)", Executive Papers, E. Lee Trinkle, 1922-1926, Library of Virginia; Bulletin, State Board of Education, *Supplement No. 1, High and Elementary Textbook List, 1925-1927*, vol. 7, no. 4 (April 1925), 8. In 1921, the State Department of Education in North Carolina, on the other hand, placed Washington's autobiography *Up From Slavery* on the recommended reading list for students of both races. The *Norfolk Journal and Guide* reported that a white class at one high school had read the book and felt they had gained a greater appreciation and a more sympathetic view of black life. See "Race Literature in Race Schools," *Norfolk Journal and Guide*, March 12, 1921, p. 7.

overheard whispers" about blacks who dared to "ask the clerk for a worthwhile book, return to town as a graduate of a famous college, drive an expensive car without being livered as a servant."⁷¹

White Virginians in the era of Jim Crow expected complete deference from their black neighbors. In the state's more rural areas, blacks had little choice but to comply. But in the Old Dominion's growing cities and towns, deference and place became harder to define and manage. In some instances, violence erupted. More often, however, whites relied on exclusionary legislation to define not only place and deference, but the very meaning of whiteness itself. Stripped of the ballot, blacks lacked the political means to challenge the racial status quo. Emerging in a louder and more articulate voice in the years after World War I, however, blacks insisted that whites take seriously their stated ideology and treat them in more equitable terms. Over time, of course, whites in Virginia, as elsewhere, proved incapable of maintaining that fiction known as separate but equal.

⁷¹ Richard H. Bowling, "The Fun of Being a Negro," *Norfolk Journal and Guide*, Oct. 9, 1927, p. 16.

Chapter One

The Boundaries of Interracial Cooperation: Progress and Retrenchment After World War I

The decision of the United States to answer Woodrow Wilson's call to "save the world for democracy" and enter World War I gave pause to many black Americans who questioned the very meaning of democracy in the United States. Significant numbers of blacks in Virginia and throughout the United States, however, seized upon the war as a "golden opportunity" to prove once again their patriotism and dedication to the American body politic. Black Virginians returned from war expecting more equal treatment, while a growing number of white elites recognized that the contributions of blacks necessitated a reevaluation of their position as second-class citizens. Organizations such as the Commission on Interracial Cooperation grew out of the war and pushed, along with more progressive newspaper editors, to eliminate the worst forms of discrimination and degradation. Over time, these same organizations and the elites who controlled their membership served to control the pace of change and guide it in their own image.¹

The growing determination of many blacks to loosen the shackles of segregation and Jim Crow occurred as increasing numbers of black and white Virginians left the state's farms and moved into the cities and towns. Tensions mounted as blacks and whites came into ever greater contact and competed for limited municipal resources. Schooled in the rhetoric and practice of white supremacy, local authorities across the state implemented new segregation statutes. Other whites took matters into their own hands and attempted to establish more effective control by supporting the Ku Klux Klan. Ironically, few whites understood that most blacks had no interest in integrating neighborhoods, playgrounds, and other public facilities. Instead, most blacks asked that whites take seriously their own

¹ The phrase "golden opportunity" appears in "Young Officers Win Applause," *Norfolk Journal and Guide*, Aug. 4, 1917, p. 1.

avowed devotion to separate but equal and provide facilities for blacks equal to those enjoyed by the state's whites.

Unlike those in many other states in the South, Virginia's political elites did not support the Ku Klux Klan. The state's press, especially the *Norfolk Virginian-Pilot*, condemned its activities from the start. The Klan's secretive nature violated Virginia's cherished devotion to law and order. Its very presence threatened paternalistic notions of Virginia as a state that enjoyed friendly race relations. In short, elites considered the Klan crass and embarrassing. These same elites, however, had long used race to maintain the loyalty of marginalized whites now threatened with black encroachment. White elites found themselves in a difficult position trying to maintain that allegiance while at the same time eliminating the worst vestiges of racial discrimination.

* * * * *

The effect of the First World War on race relations in Virginia and throughout the United States actually preceded Congress's declaration of war in April 1917. Beginning in 1916, massive labor shortages in northern factories spurred the decision of hundreds of thousands of black southerners to migrate north. Within three years, nearly 500,000 blacks participated in what has become known as The Great Migration. Most of these persons left the deep South states of Mississippi, Alabama, Louisiana, and Georgia. Some blacks in Virginia took advantage of the Old Dominion's geographic proximity and made the trip to northern industrial areas in a matter of hours. But unlike its neighbors to the South, parts of Virginia also became destinations and attracted migrants to the war-related industries that drove the growth of Norfolk and Hampton Roads.²

² "The Labor Problem South," *Norfolk Journal and Guide*, Nov. 18, 1916, p. 7. On Wilson's decision to ask Congress for a declaration of war, see David M. Kennedy, *Over Here: The First World War and American Society* (Oxford: Oxford University Press, 1980), 3-44. On the Great Migration, see James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago Press, 1989); Emmett J. Scott, "Letters of Negro Migrants of 1916-1918," *The Journal of Negro History* 4 (October 1919): 290-340.

Black leaders in Virginia were split on the wisdom of the migration. John Mitchell, editor of the *Richmond Planet*, joined northern black leaders who urged blacks to take advantage of the opportunity to flee the low wages, segregation, disfranchisement, and mob violence endemic to the South. P. B. Young, the editor of the more conservative and accommodationist *Norfolk Journal and Guide*, urged blacks to remain in the South and warned that they would not be welcomed in the North once the war ended and the flood of European immigrants resumed. Week after week, Young editorialized about new industrial and agricultural opportunities in Virginia. In particular, he cited the increase in war-related manufacturing jobs in Norfolk and the Tidewater and the demand for labor for the harvesting and marketing of truck crops in neighboring counties. The Norfolk editor stressed that wages for blacks in the Old Dominion were on the rise and that such money would support a growth in black business enterprises.³

Despite strong differences of opinion on the relative merits of the Great Migration, Virginia's black leaders offered near unanimous support for the war once Wilson asked for a declaration. Black leaders in Richmond, Norfolk, and throughout the state provided assurances of their loyalty and denied repeated reports that a pro-German movement had developed among blacks. Norfolk's black paper exaggerated the extent of enthusiasm when it opined that blacks would forget the multiple injustices of segregation and disfranchisement, but no doubt underscored the feeling of many when it stressed the repeated instances of black patriotism dating back to the American Revolution. Just weeks after the United States officially joined the European conflict, however, a race riot tore through East St. Louis, Illinois, killing and injuring scores of people, most of them black. The incident reminded many blacks, as well as some whites, that the definition of

³ Henry Lewis Suggs, *P. B. Young, Newspaperman: Race, Politics, and Journalism in the New South, 1910-1962* (Charlottesville: University Press of Virginia, 1989), 36; "Should Negroes Leave The South?" *Norfolk Journal and Guide*, Oct. 21, 1916, p. 4; "Labor Should Stand Firm," *ibid.*, March 24, 1917, p. 1. In almost every weekly issue from October 1916 to May 1917, Young stressed the migration and his preference for its end. The Great Migration only left the front page when preparations for war assumed center stage.

democracy as practiced at home remained tenuous. Uzziah Miner, a reader of the *Richmond Planet*, declared himself "completely disgusted with America's hypocrisy and insincerity. . . . I fail to see how I can conscientiously volunteer to fight for a 'World Democracy' while I am denied the fruits and blessings of a Democracy at home."⁴

While blacks did not forget such injustices at home, most rallied to the call of W. E. B. DuBois, the editor of the *Crisis*, who implored blacks to "forget our special grievances and close our ranks shoulder to shoulder with our white fellow citizens and the allied nations that are fighting for democracy." Few blacks at the time realized that DuBois had authored the editorial as part of a bargain he had struck in which he agreed to be more supportive of the war effort in exchange for a commission in military intelligence. Whatever the circumstances, DuBois's call to "close ranks" struck a chord with and became a rallying cry for blacks throughout the United States.⁵

Whites in cities, towns, and counties throughout Virginia commented upon the support blacks gave to the war effort. Whites in the Southside county of Mecklenburg praised the "loyal and patriotic attitude of the negroes." Blacks contributed to Liberty Loan drives and War Savings Stamp campaigns. Although segregated, black women formed Red Cross auxiliaries which made clothing for the troops and sent Christmas cards to the boys in France. Black families joined whites in limiting their consumption of meat, sugar, and flour, all needed for the soldiers. Whites noted the involvement of black schools and churches in emphasizing patriotic themes. The thorough involvement of blacks in the war effort afforded whites from the governor on down the opportunity to praise the Old Dominion's race relations as the best in the nation.⁶

⁴ "Richmond Negroes Pledge Loyalty," *Norfolk Journal and Guide*, April 7, 1917, p.1; "War Has Been Declared," *ibid.*, April 7, 1917, p. 4; "Echoes of East St. Louis," *ibid.*, July 14, 1917, pp. 1 & 4; "The Right of Free Speech," *ibid.*, Aug. 18, 1917, p. 4.

⁵ "Close Ranks," *The Crisis*, July 1918; David Levering Lewis, *W. E. B. DuBois: Biography of a Race, 1868-1919* (New York: Henry Holt, 1993), 555-56.

⁶ Details of black participation in the war effort and white reaction to that participation can be found in virtually every county and city report submitted to the Virginia War History Commission. Arthur Kyle Davis, ed., *Virginia Communities in War Time: First Series*, Source Volume VI, Publications of the Virginia War History Commission (Richmond, 1926), (quote from Mecklenburg County, 266); Davis, ed.,

The shift to a wartime economy and the conscription of thousands of men in the Old Dominion afforded blacks the chance to enter new occupations and work for higher wages. Black women replaced conscripted men in Greensville County's lumber mills and in factories throughout the state. The high demand for labor even put blacks in Northumberland County on the Northern Neck in a position to refuse to work for a farmer known to have participated in a lynching. Enough work at high wages existed elsewhere.⁷

Black Virginians exhibited most passionately their desire to support the war effort by registering for the draft and entering the army. The very notion of arming and training young black men, however, frightened many whites. Mississippi Senator James Vardaman drew the wrath of blacks when he warned that arming blacks was more dangerous than a German victory. Joel Springarn of the NAACP explained the Mississippi demagogue's reaction as the embodiment of a general southern feeling that considered nothing worse than "the thought of black millions disciplined, organized, and dangerously effective."⁸

Whites in Virginia did not react so strongly to the notion of armed blacks. One resident of Fluvanna County in the Central Piedmont admitted that "it came somewhat as a shock to know that the colored men were to be included in the draft." Nevertheless, many whites in Virginia, especially in the area around Petersburg, focused more on the economic benefits to the region of the army's decision to establish a training facility for black and white conscripts at Camp Lee. The threat of 10,000 armed black men paled in comparison to their impact on the local economy.⁹

Virginia Communities in War Time: Second Series, Source Volume VII, Publications of the Virginia War History Commission (Richmond, 1927).

⁷ Mrs. W. B. Goodwyn, "Greensville County in War Time," in *Virginia Communities in War Time: First Series*, ed. Arthur Kyle Davis, 206; "A Mob Leader Is Boycotted," *Norfolk Journal and Guide*, Oct. 6, 1917, p. 1.

⁸ "Springarn on War Training," *Norfolk Journal and Guide*, March 17, 1917, p. 1; "Senator Vardaman's Queer Notion," *ibid.*, Sept. 22, 1917, p. 4.

⁹ "Fluvanna County in War Time," in *Virginia Communities in War Time: First Series*, ed. Arthur Kyle Davis, 149; J. Douglas Smith, "Black Troops, White Business: Petersburg and Camp Lee During World War I," unpublished seminar paper, in possession of the author.

Once black men in Virginia began to register for the draft by the thousands, the state's black press turned its attention to lauding the capabilities of black servicemen. Segregated from white draftees, black conscripts received far inferior training which led to poor performance evaluations and the denial of promotion. The *Norfolk Journal and Guide* devoted many columns to refuting the "prejudiced and skeptical attitudes" of most southern whites who considered blacks insufficiently courageous to lead in battle. While entire regiments of blacks soldiers assigned to French commanders were cited for their bravery during World War I, most blacks remained under American commanders who rarely acknowledged their abilities. Assigned primarily to labor battalions and other non-combat positions, the experience disillusioned and frustrated scores of black soldiers.¹⁰

Service in France during World War I, on the other hand, forced many whites to see blacks in a new light. Soon after arriving in France, Dr. James D. Fife of Charlottesville wrote his sister, Ella, that he "saw a couple of American coons today," but lamented that he had not yet encountered "any of our good old Virginia niggers." Ella, also serving in France as a nurse, reported to their mother, "we see soldiers of every nation--French, British, American, and even a few black niggers." Several months later, toward the end of her posting, Ella revealed a new, albeit tempered, admiration for the abilities of certain blacks. She wrote her sister Madgie:

I've often wondered what you folks would think if you could see the motley procession Well, you'd fall off your seat to see some things and you'd hardly believe it unless you saw it. We are very democratic. Yours truly would like to have a dollar for every time I'd sat at the next table to the blackest shines you ever saw--We do everything but eat at the same table with them--At first, we used to laugh and wonder what you'd think but we've gotten used to it now and would feel lonesome without them: The boys sit right next to them and sing with them all the time, even many of the Southern boys, but I'm afraid there are going to be some spoiled darkies coming back home--They have made excellent soldiers, tho, and certainly

¹⁰ "Norfolk Offers Colored Regiment," *Norfolk Journal and Guide*, April 14, 1917, p. 1; "Thousands Enrolled on Registration Day," *ibid.*, June 9, 1917, p. 1; "Fine Record of Negro Regiment," *ibid.*, June 23, 1917, p. 1 (quote); "Asks Broader Army Service," *ibid.*, June 16, 1917, p. 1; Neil A. Wynn, *From Progressivism to Prosperity: World War I and American Society* (New York: Holmes & Meier, 1986), 170-195.

have done their part. They seem very happy and well satisfied all the time.¹¹

Immediately after returning from the war, many black Virginians articulated a clear sense of frustration that no one could have mistaken for happiness or satisfaction. Willis Brown Godwin, twenty three at the end of the war, a former student at Hampton Institute, and a combat veteran, returned from the war and wondered, "why can't all the men be treated equally. What did we fight for? Democracy. Are we having it?" Experiences in the war taught William Franklin Bates, also a former student at Hampton, "the value of a man as a man in time of war regardless of color and makes me feel it should be the same in time of peace." Judge Goodwin, a twenty-one year old farmer from Dinwiddie County, stated, "I was faithful to my duty and was ready to give all for Democracy. As a Negro, I feel that at least I might have full rights of citizenship." Finally, James Waverly Crawley, a railroad employee from Petersburg, remarked that he was "patriotic as any man but as a black man I have felt as if my country did not appreciate my service as a true American."¹²

Blacks throughout Virginia and the South echoed both the expectation and disappointment felt by returning veterans. After touring the South, the Reverend C. M. Long observed that "the war has made our group restless all through the South . . . and perhaps, as the southern white man sees more clearly 'the hand-writing' on the wall,' he will awake to a sense of justice and fair play towards the negro." S. H. Williamson of the Tidewater Council on Sunday Schools wrote that "during the war promises of better things were made our boys, white and colored. The Negro soldier accepted these promises for their face value. . . . Upon return to his home he found that conditions had not changed;

¹¹ James D. Fife to Ella K. Fife, Feb. 2, 1918, Ella K. Fife to Mrs. S.A.G.S. Fife, Aug. 7, 1918, Ella K. Fife to M. W. Fife, Nov. [28], 1918, box 1, Ella K. F. Freudenberg Papers (#5943c), Special Collections Department, University of Virginia Library.

¹² Responses of Willis Brown Godwin and William Franklin Gates, folder "Elizabeth City County (Colored)," response of Judge Goodwin, folder "Dinwiddie County (Colored)," response of James Waverly Crawley, folder "Petersburg (Colored)," *Virginia War History Commission Questionnaires*, Library of Virginia.

consequently his heart was filled with disappointment, as race riots and lynchings broke out and fear of race conflict gripped the country."¹³

The wave of violence that greeted returning veterans in the summer of 1919 led to the formation of the Commission on Interracial Cooperation, an organization based in Atlanta and devoted to ameliorating the worst injustices of segregation and racial discrimination. Drawing its membership primarily from the ranks of the South's clergy, university professors, progressive newspaper editors, and their wives, the CIC sought to lessen prejudice by bringing together whites of "good will" and black leaders.¹⁴

In Virginia, the CIC especially attracted members from institutions of higher learning that had a connection with religious denominations--Randolph Macon, Lynchburg College, and the University of Richmond. In addition, a number of supporters, including Mary-Cooke Branch Munford of Richmond, had been engaged for many years in various reform efforts. Although clearly ahead of many of their peers in their social and racial outlook, virtually all of the white supporters of the CIC led comfortable lives among the Old Dominion's elites. They understood that much work remained to be done in racial matters, yet they remained unprepared to challenge the social and political segregation of the races. They worked safely within accepted racial boundaries which assured the support of the state's press and the non-interference of political leaders.¹⁵

Early interracialists sought and depended upon the support of persons like Homer Ferguson, the president of the Newport News Shipbuilding and Drydock Company, who

¹³ C. M. Long, "Observation on My Southern Trip," *Norfolk Journal and Guide*, Jan. 6, 1923, p. 6; S. H. Williamson to the editor, "Race Relations Sunday," *ibid.*, Feb. 17, 1923, p. 4.

¹⁴ Ann Wells Ellis, "The Commission on Interracial Cooperation, 1919-1944: Its Activities and Results," (Ph.D. diss., Georgia State University, 1975); Julia Anne McDonough, "Men and Women of Good Will: A History of the Commission on Interracial Cooperation and the Southern Regional Council, 1919-1954," (Ph.D. diss., University of Virginia, 1993); Morton Sosna, *In Search of the Silent South: Southern Liberals and the Race Issue* (New York: Columbia University Press, 1977). During the summer of 1919, lynch mobs killed 80 blacks in the South, a number of the victims in uniform, and race riots erupted in 25 cities across the nation. See William M. Tuttle, *Race Riot: Chicago in the Red Summer of 1919* (New York: Atheneum Press, 1970).

¹⁵ Walter Russell Bowie, *Sunrise in the South: The Life of Mary-Cooke Branch Munford* (Richmond: The William Byrd Press, Inc., 1942).

employed 4,000 black laborers, more than anyone else in the Old Dominion. Ferguson, like other members of Virginia's small ruling class, combined a sense of self-interest with paternalistic pronouncements that stressed the "friendly" relations that existed between blacks and whites in Virginia. In particular, Ferguson urged other business leaders to recognize black labor as a "great asset." He stressed the need for better schools and municipal facilities to encourage blacks to remain in the South at a time when hundreds of thousands migrated North.¹⁶

The necessity of such support required that all efforts and rhetoric remained intentionally non-threatening. Norfolk's black newspaper repeatedly emphasized the theme epitomized in a cartoon that showed a watering can labeled "Mutual Interest Frank Discussion of Conditions" watering a plant tagged "Friendly Race Relations." The Tidewater city's white paper remarked with approval that "the clear-sighted leaders of the colored people know that the white people of the South are their true friends."¹⁷

Early interracial efforts were framed within appeals to Christian righteousness and with improving the morals of the state's blacks. The Reverend Walter Russell Bowie, rector of St. Paul's Episcopal Church in Richmond, told his congregation in 1921 that "race integrity must be assured, not for one race, but for both; but equally necessary is a determination to secure for the Negro justice, sympathy, and co-operation in the attainment of his legitimate desires for betterment." The Reverend Doctor Peter Ainslie, another white clergyman, told an audience that the amelioration of racial trouble depended upon a "reconsecration" of the principles of Christianity.¹⁸

¹⁶ Virginia Education Commission, *Virginia Public Schools Education Commission's Report to the Assembly of Virginia: Survey Staff's Report to the Education Commission* (Richmond: Everett Waddey Company, 1919), 198.

¹⁷ Cartoon labeled "Interracial Commission," *Norfolk Journal and Guide*, July 2, 1921, p. 4; "Real and Unreal Race Adjustment," *Norfolk Virginian-Pilot*, reprinted in *Norfolk Journal and Guide*, Feb. 4, 1922, p. 4.

¹⁸ Address of the Rev. Russell Bowie in "Robert E. Lee vs. The Ku Klux Klan," *Norfolk Journal and Guide*, Feb. 5, 1921, p. 3; "Says New Appreciation of Each Other's Worth By Races Is Necessary," *ibid.*, July 19, 1924, p. 1.

Interracial committees in Suffolk, Norfolk, Danville, Richmond, and outlying rural areas sponsored "Health Weeks" and "Clean-Up Weeks." In Caroline County, the local interracial committee met regularly and focused on health and educational issues. In Charlottesville, whites and blacks created separate committees which considered the abolition of the chain gang and the establishment of a playground for black children.¹⁹

Women, both black and white, played a critical role in Virginia's early interracial movement. The Virginia State Federation of Colored Women's Clubs worked through churches and clubs to promote interracial cooperation. Mrs. Lee Britt, the president of the white Women's Missionary Society of the Virginia Methodist Conference, admitted that many of her organization's members "are yet afraid of this question and are shy of having anything to do with it, but as the matter is made clear" most of them came to support the aims of the Commission on Interracial Cooperation.²⁰

Women's committees worked to secure library facilities for blacks and to stimulate among black women an appreciation for better housing conditions. Mrs. G. Harvey Clarke, chair of the CIC Women's Committee, emphasized the opportunity afforded to white women in their relations with black domestic servants. In the home, wrote Clarke in an article intended for the religious press, "is the most frequent contact between the races, and here the largest chance for helping the colored woman by upright living, intelligent interest and kindness of heart." She urged white women with black domestics to ask themselves:

1. Do we realize that the negro who lives in our home receives there an influence which is not only personal, but which reaches into the lives of other colored people, and makes for harmony and friendliness, or for discord and, perhaps, hatred?

¹⁹ R. W. Miles, "Recent Instances of Inter-racial Cooperation," reel 55, Series VII, file 230, Papers of the Commission on Interracial Cooperation (microfilm--hereafter CIC Papers); "Races Work For Cooperation," *Norfolk Journal and Guide*, Nov. 12, 1921, p. 1.

²⁰ "For Harmony Between Races," *Norfolk Journal and Guide*, Oct. 8, 1921, p. 1; Mrs. Lee Britt to Dr. J. T. Martin, quoted in letter from R. W. Miles to Will W. Alexander, May 15, 1922, reel 55, Series VII, file 230, CIC Papers.

2. Do we as Christian women realize our obligation to be a friend to the maid in our home, and to make the Golden Rule our guide in dealing with her?
3. How much personal interest do we show the colored girl who serves us--as to her associates, her church connections, and her amusements during the hours she is off duty?
4. Do we set an example of moral and Christian conduct before the maid who looks on with observing eyes--an example of truthfulness, temperance, and gentleness of manner?
5. Do we regard the comfort and welfare of those who serve us, requiring of them in this respect no more than we are willing to render to them?
6. In other words--do we the white women of the home feel a responsibility to bring about more friendly relations, and better understanding between the white and colored races, and thus make for greater harmony in our domestic life as well as in our community life?²¹

Clarke, however, did not stress only the obligations of white women toward their black maids. She emphasized that black women had a corresponding "duty to be honest, to be truthful, to be polite, to be cleanly, to be on time in performing her tasks."

Furthermore, Clarke wrote that black girls and women should not expect a full day's wages if late for work and they must understand "that truthfulness, honesty, politeness, kindness and efficiency are the best demands" one could make for better wages.²²

While the very presence of state and local interracial committees signaled a positive development in the Old Dominion's race relations, no amount of "clean-up weeks" or "health weeks" could possibly have addressed the pervasive and persistent neglect of black standards of living perpetuated and reinforced by Jim Crow. Gordon B. Hancock, a black member of Richmond's interracial group and a professor at Virginia Union University, once described segregation as "a form of elimination" and cited disease, infant mortality, low life expectancy, and soaring crime rates as examples of eliminative influences which affected the standard of living of blacks. Black residential areas, almost without exception, lacked paved streets, lighting, and sewage, a discrepancy noted by white children. Black children had minimal access to recreational facilities enjoyed by whites. And even in a

²¹ Minutes of the Virginia CIC, Nov. 7, 1924, reel 55, series VII, file 229, CIC Papers; Mrs. G. Harvey Clarke, "The Negro In The Home," reel 55, series VII, file 230, *ibid*.

²² Mrs. G. Harvey Clarke, "The Negro In The Home," reel 55, series VII, file 230, CIC Papers.

seaside community like Norfolk, black families lacked access to the miles of beaches that provided relief from the heat of summer. In the years just after World War I, whites consistently failed to address such needs.²³

Evidence of neglect permeated the state. Just before World War I, Gustavus A. Weber found black housing in Richmond "poorly lighted, unventilated, damp, imperfectly drained, exposed to undue fire peril, in bad repair, vermin infested, with unclean surroundings, with insufficient water supply, without toilet accommodations adequate for comfort, cleanliness or privacy, with defective plumbing, with over-crowded rooms, and with cellar tenements." Apparently little was done in the wake of Weber's findings, for fourteen years later, in 1927, University of Virginia researcher Charles L. Knight found essentially the same conditions.²⁴

Throughout Virginia, black leaders denounced the failure of municipal administrations to provide basic services. Not one street in the black residential areas was paved in Roanoke in 1921. In Portsmouth, the Rev. Dr. O. C. Jones preached about such inequalities and pointed out that streets in white sections of town had been oiled to keep down the dust, but that in black households, residents found it impossible to keep dust out of their homes every time an automobile passed by. In March 1922, some black sections of Norfolk had roads reported as impassable because of rain. By the end of the decade, blacks in Richmond still suffered "the plague of dust in summer and the bane of mud in winter." Black and white children who grew up on Charlottesville's Ridge Street remembered that the road was only half-paved, and that "'of course the blacks lived . . . where the road narrowed and was no longer paved.'" Consequently, some black children

²³ Interview with Gordon B. Hancock, Richmond, VA, Oct. 18, 1939, box 85, folder 6 "Field Notes: Southern Trip, Bk. 1," Ralph J. Bunche Papers (#2051), Department of Special Collections, University Research Library, University of California at Los Angeles.

²⁴ "Negroes Living in Intolerable Conditions Here," *Richmond News Leader*, Sept. 19, 1931, pp. 1 & 18. In 1931, John J. Corson, III, studied living conditions in black sections of Richmond and found essentially the same conditions discussed by Weber and Knight. The references to the earlier studies mentioned here are taken from Corson's synopsis of them.

would leave their homes bound for church in their worn-out shoes, and only change into their dress shoes when they reached the paved portion of the street.²⁵

Throughout the 1920s, blacks and some whites became increasingly vocal in their call for recreational facilities for black children. In April 1921, the Norfolk Kiwanis Club unanimously endorsed the recommendation of Mr. Robert Coates, described as a prominent white citizen of Norfolk, to urge the city council to provide recreational facilities for black children. Coates claimed to have been moved by watching black children "'gazing with longing eyes and envious hearts upon the scenes of gaiety participated in by white children.'" Nearly a year later, the Norfolk City Council voted three to two to purchase land for such a park.²⁶

When yet another year passed and no new facilities for blacks had been built, John P. Pitt, described as a "substantial white citizen," wrote the *Norfolk Virginian-Pilot* and echoed the sentiments of Robert Coates. Pitt wrote at a time when Norfolk had recently constructed a golf course and tennis courts and had discussed a camp ground to add to the facilities available to whites, yet maintained only four schoolyard playgrounds for the use of the city's blacks. Pitt underscored the injustice of such an arrangement and condemned "the oversensitive views of those who mistake every step toward fair treatment and a square deal as an advance towards social equality." In conclusion, he suggested that anyone capable of clear thought and reason would recognize his position.²⁷

²⁵ "Are Rebuked for Showing Bad Housing," *Norfolk Journal and Guide*, May 14, 1921, p. 1; "Streets in White Sections Oiled; Negroes Forgotten," *ibid.*, June 11, 1932, p. 8; "Many Streets Now Impassable in Colored Sections of the City," *ibid.*, March 18, 1922, p. 1; "The Negroes Want This More Than Parks Or Playgrounds," *Richmond News Leader*, April 9, 1928, p. 8; interview with Frank C. Hartman, May 25, 1995, in Department of Community Planning, *Ridge Street Oral History Project: A Supplement to the Survey of the Ridge Street Historic District and Proposal for Local Designation* (Charlottesville, Va.: Preservation Piedmont for the City of Charlottesville, 1995), 30-38; interview with Margie Linton Ix and Lucy Bell Linton Watson, Feb. 16, 1995, *ibid.*, 61-66; interview with Pocahontas Sellers, Mary Sellers Carter, and Virginia Carter, Aug. 13, 1994, *ibid.*, 111-13.

²⁶ "Playgrounds For Colored Children," *Norfolk Journal and Guide*, April 9, 1921, p. 4; "City Will Purchase Land For Park," *ibid.*, March 18, 1922, p. 1.

²⁷ Letter of John P. Pitt to the editor, *Norfolk Virginian-Pilot*, July 25, 1923, reprinted as "Asks For Park Facilities For All The People," *Norfolk Journal and Guide*, August 4, 1923, p. 1; "A Plea For Fair Play," *ibid.*, Aug. 4, 1923, p. 10.

Pitt perfectly articulated the frustration felt by many of Virginia's blacks.

Responding to Pitt's article and the ongoing discussion of building a park for Norfolk's blacks, the city's black newspaper wrote that "what puzzles and humiliates colored people most is the facility with which the objectors can bob up whenever and wherever a suggestion is made that something be done for the betterment of the condition of the Negroes. It doesn't matter where it is, or what is suggested, whether it be a park, hospital, bathing beach, school, church, residence or what not the objectors are ever there if they see color in it." Most often, reported the paper, whites objected that proposed facilities for blacks were too close to white areas or that public funds would be better spent on projects to benefit white taxpayers. Five years later, the park still remained unbuilt while whites enjoyed at least twenty different public facilities, including golf courses, tennis courts, swimming pools, and camp grounds.²⁸

The constant objections of whites to spending money to build facilities for blacks ignored the contention of some whites and blacks that a more equitable expenditure of public resources would actually ensure more complete segregation. George F. Bragg, Jr., a black clergyman, wrote to the *Southern Churchmen* and expressed his belief that blacks would choose to associate with other blacks if whites did not force segregation upon them. The Episcopal Church periodical replied that Bragg's letter confirmed their opinion that "the more intelligent and cultivated colored people do not desire to intrude themselves upon the white people when they recognize that their presence is not acceptable. We believe that the motive for colored people moving into white sections is not so much the wish to occupy houses next to white people, as it is to get comfortable quarters, with paved sidewalks." Blacks would voluntarily segregate themselves, the publication concluded, if municipal governments took better care of black sections in cities.²⁹

²⁸ "The Suggested Park Site," *Norfolk Journal and Guide*, Aug. 11, 1923, p. 10; "When Do We Get the Park?," *ibid.*, Feb. 18, 1928, p. 16.

²⁹ Letter from George F. Bragg, Jr., to editor, and reply, *Southern Churchmen*, Oct. 1923, reprinted as "A Helpful Contribution to Better Race Relations," *Norfolk Journal and Guide*, Nov. 17, 1923, p. 10.

The editorial page of the *Norfolk Journal and Guide* agreed with most of Bragg's statement, confirming that "when left free to do it we flock by ourselves, as other race groups do, preferring our own to others in our social and church life." The Norfolk newspaper, however, did take issue with the *Southern Churchmen's* assertion that some black leaders sought to achieve "social equality." The Tidewater paper denied this and condemned any attempts by white church leaders to draw a color line.³⁰

In addition to municipal services, local and state governments most clearly failed their black constituents in providing viable educational opportunities. In keeping with the Democratic Party's commitment to keeping taxes low at the cost of funding public services, the Old Dominion woefully neglected its schools as a whole; black students paid an especially steep price. A 1919 report on the status of education in Virginia detailed the inequality in spending on white and black education. The state paid an amount to each county based on the total number of black and white students. Almost all of the counties, however, redirected a disproportionate amount of these funds to white schools. In addition, localities consistently refused to use local taxes to pay for black education. Whites often justified this practice by declaring that blacks paid a smaller percentage of taxes. One study of Brunswick County, however, concluded that blacks paid one-third of the county's tax assessment, but received only one-sixteenth of the school funds. The prevalence of this practice throughout the state led the authors of the 1919 report to conclude that "such conditions are thoroughly unjust and should not be tolerated."³¹

³⁰ "Voluntary Segregation," *Norfolk Journal and Guide*, Dec. 1, 1923, p. 10.

³¹ Virginia Education Commission, *Virginia Public Schools Education Commission's Report to the Assembly of Virginia: Survey Staff's Report to the Education Commission*, 208-09; "Inequalities of Educational Opportunity in Brunswick County," *Norfolk Journal and Guide*, March 12, 1927, p. 12. Virginia's poor support of its public school system reflected an unwillingness, not an inability, to provide adequate facilities. A follow-up report on education in 1928 concluded that in 1922 Virginia ranked 19th among all of the states and first among the southern states in tangible wealth, but ranked only 45 out of 48 states in the percentage of wealth spent on education. Among the southern states, Virginia ranked 10 out of 11 in this respect. M. V. O'Shea, director, *Public Education in Virginia: Report to the Educational Commission of Virginia of a Survey of the Public Educational System of the State* (Richmond: Davis Bottom, Superintendent of Public Printing, 1928), 332-33.

In practical terms, the inequality in spending meant that black children attended school in old, cramped, unlit, and unventilated one- or two-room school houses. Overcrowding in some black schools was so bad that black children went to school in shifts, essentially receiving no more than a part-time education. Salaries for black teachers remained so low that black women could find better work as laborers, and thus many of those who taught lacked proper training. School terms were usually much shorter than those for white students, often no more than five months a year. In 1919, only three fully accredited high schools for blacks existed in the entire state, one each in Norfolk, Richmond, and Portsmouth. Facilities in the rural parts of the state were non-existent.³²

Robert Kerlin, an early supporter of the Commission on Interracial Cooperation, understood that fundamental improvement in the relations between whites and blacks required a great deal more than encouraging the moral uplift of the Old Dominion's blacks. If most members of Virginia's state and local interracial committees defined the boundaries of acceptable interracial behavior, Kerlin overstepped those boundaries. A professor of English at the Virginia Military Institute and a former Methodist clergyman, Kerlin took seriously his perceived Christian duty to ensure fairer justice and an improvement in living conditions for Virginia's, and the nation's, black citizens. The board of visitors at V.M.I., however, understood Kerlin's duty in different terms, and fired him for one particular act of protest against a grave injustice that took place in Phillips County, Arkansas.

In October 1919, at the end of a year that witnessed eighty lynchings and at least twenty-five race riots throughout the United States, shooting erupted in Phillips County. When the carnage ended, official reports listed five whites and twenty-five blacks as dead. Other sources suggested that whites had killed as many as one hundred blacks. Whites claimed that they acted to break up a black tenant union that had been "'established for the purpose of banding Negroes together for the killing of white people.'" In fact, the union

³² *Virginia Public Schools Education Commission's Report*, 41-42, 199-207.

had formed, according to historian George Tindall, "to seek itemized statements and quicker settlements from landlords" and had considered the possibility of "charging landlords with peonage." The white version, however, provided the official explanation, and before long, twelve blacks had been sentenced to death and more than fifty to prison.³³

In June 1921, soon after a date of execution had been set for six of the condemned tenant farmers, Kerlin wrote "An Open Letter to the Governor of Arkansas" that appeared in *The Nation*. The V. M. I. professor told Governor Thomas C. McRae that the impending execution constituted "a deed to be contemplated with extreme horror" and urged him "to take the matter into your private chamber and give it an hour's earnest consideration, as before the Eternal Judge." Kerlin addressed the gross "iniquities of the peonage system," and reminded the governor that appeals court proceedings proved that the tenant farmers had not taken up arms "until they were threatened and molested." Furthermore, the trials of ninety-two men had occurred "without legal counsel, without witnesses, without knowledge of court procedures" and that a number of the defendants "were whipped, tortured in electric chairs, and terrorized into pleading guilty to murder in the second degree."³⁴

Drawing upon Christian imagery, Kerlin urged McRae not to submit to "the voice of the tempter of all men to pursue the policy of compromise and submission to the ill-guided multitude," but rather to "stand for the eternal right against all consequence, stand as a champion of human nature, a vindicator of human dignity." The professor informed the governor that "Heaven itself has appointed you for this redemptive act. To thrust it aside were to dent God--the refusal of an atheist." Kerlin, a native of Missouri, a child of two Kentuckians, assured McRae that he descended from the "same stock and traditions" as the

³³ George B. Tindall, *The Emergence of the New South*, 152-54.

³⁴ Robert T. Kerlin, "An Open Letter to the Governor of Arkansas," *The Nation* 112 (June 15, 1921): 847-48, located in Part 3, Series A, "Legal Department Records, 1919-1940," reel 18, frames 0933-34, Papers of the NAACP (microfilm--hereafter NAACP Papers).

people of Arkansas, and wanted only that "they with you may rise in moral courage to meet this test and stand not in disgrace but in honor before the world."³⁵

Less than a week after the letter's publication, the Board of Visitors at V. M. I. hauled Kerlin before them to explain his actions. The Board told him they felt "inclined to consider your action in criticizing the conduct of the courts in a sister-State . . . as not only indiscreet but most improper and injurious to this Institution." Kerlin responded that he saw "nothing indiscreet or improper" in his actions and considered it a duty to speak up in the face of obvious injustice. Furthermore, he disagreed that he had harmed the Institute in any way, and wondered exactly what was meant by such a charge. Perhaps most threatening to the school's governing body, Kerlin said, "nor can I think that in a military institution, particularly, where the fundamental virtues of manhood, of courage in action, and justice in thought and action are inculcated and developed by all the discipline, such action on the part of a professor can be regarded otherwise than exemplary." Kerlin even suggested that his efforts would benefit V. M. I. "inasmuch as it will attract to its instruction and discipline parents who desire their sons to be taught by men who stand for right and justice at whatever cost."³⁶

The board postponed making any decisions until later in the summer. The Institute's superintendent, however, told Kerlin that he expected the board to ask for his resignation. After delivering a speech in Detroit, Kerlin returned to Lexington and received a letter from a V. M. I. alumnus denouncing his speech as "'radical and unpatriotic.'" When the call finally came to reappear before the school's trustees on August 20, Kerlin prepared to lose his job. At the June meeting, board members had refused Kerlin's request to discuss his letter in the broader context of his "general activities in regard to inter-racial relations in the South." Just before the second meeting, he sent Herbert Seligmann,

³⁵ Ibid.

³⁶ "Some Corrections From The Record," Part 3, Series A, "Legal Department Records, 1919-1940," reel 18, frames 0967-69, NAACP Papers.

director of publicity of the NAACP, a copy of the defense which he hoped to put before the board, and asked that Seligmann make it public in the event he lost his job. Although clearly expecting to be fired, Kerlin added, almost as an afterthought, "I have no independent income and no capital--I am entirely dependent on my salary and have wife and three young children to support. Dismissal would be materially calamitous."³⁷

Three days before the August meeting, Kerlin wrote Seligmann in an attempt to clarify his previous correspondence. The English professor asked that the NAACP not be the first organization to release news of his dismissal, if and when it occurred. His intention, rather, was that Seligmann get the news and Kerlin's defense out through white press organizations. Kerlin explained that "I expect to continue living in the South to the bitter or the triumphant end. I do not wish to lose what advantage there belongs to being a Southerner in birth, rearing, and residence. And I do not wish to seem to alienate myself from the forward-moving enlightened portion of the Southern people."³⁸

Kerlin fully prepared to deliver to the board the defense that he had hoped to present in June. In a seven-page letter, he attempted to place his plea to the governor of Arkansas in the broader context of his own interracial activities, as well as the growing interracial movement in Virginia and the South. Kerlin asserted at the outset, "I have never given utterances to a single idea on the question of the Negro and his status and treatment in our civil society which is not in accord with the soundest traditions of the South. . . . Never, for one moment, before any audience, have I been unmindful of my Southern birth and rearing." Kerlin insisted that his goal "has been solely to promote such inter-racial adjustment as would secure to both races the fullest measure of prosperity and happiness,

³⁷ Robert T. Kerlin to Herbert J. Seligmann, August 12, 1921, frames 0936-37; "Some Corrections From The Record," frame 0968, *ibid*.

³⁸ Robert T. Kerlin to Herbert J. Seligmann, Aug. 17, 1921, frames 0939-0940, *ibid*.

with mutual good-will and co-operation instead of perpetual friction and frequent outbursts of mob violence that disgrace and imperil our civilization."³⁹

Kerlin detailed his decade-long involvement with the University Commission on Southern Race Questions, a group of college professors and students dedicated to bringing thoughtful leadership to questions of racial adjustment. During the year immediately preceding his dismissal, Kerlin devoted himself to the mission of the Commission on Interracial Cooperation. He explained the CIC's mission toward blacks as attaining "1. Justice in the courts and security against lynching. 2. Improvement of living conditions, housing, sanitation, etc. 3. The securing of better travel accommodations and more courteous treatment in travel. 4. A more equitable distribution of public school funds and the improvement of educational facilities." Kerlin personally organized biracial committees in counties throughout Virginia to carry out the organization's mission at the local level.⁴⁰

Kerlin attempted to legitimize his own actions by repeatedly emphasizing the involvement of southern governors, university presidents, and church officials in all of these activities. He laid before the board of visitors positive press reports of his various speeches and activities. He cited personal commendations from well-known and well-respected white leaders in black education, individuals such as George Foster Peabody, James E. Gregg, Principal of Hampton Institute, and James H. Dillard, head of the Slater and Jeannes Funds. Kerlin referred to the positive reviews and clear sociological value of *The Voice of the Negro*, a compilation of thought from black newspapers that he had edited. Ever mindful of the reason the board sought to dismiss him, Kerlin quoted *The Arkansas Democrat* which had said of his book: "In this compilation made with sympathy and knowledge from the colored press of America . . . we have a true cross-section of the

³⁹ Robert T. Kerlin to Board of Visitors, Virginia Military Institute, [handwritten date Aug. 19], frame 0941, *ibid.*

⁴⁰ *Ibid.*, frames 0941-42.

Negro mind, which will be admitted of primary importance in the vital and necessary work of getting to know the Negro and of giving him justice and the rights of a citizen."⁴¹

Next, Kerlin emphasized the rightness, and even more importantly, the non-threatening nature, of his interracial activities by quoting Henry Grady who said, "Not in passion, my countrymen, but in reason--not in narrowness but in breadth--that we may solve this problem in calmness and in truth, and lifting its shadows let perpetual sunshine pour down on two races." Kerlin presented as logical the connection between Grady and his own contemporaries who labored to address racial questions with reason and foresight. Not to appear a lone voice in a hostile South, the embattled professor assured his board that colleges and universities throughout the region employed men who represented "a general quickening and enlightenment of conscience and a general increase of intelligence upon the question, with a prospective general change of attitude."⁴²

In conclusion, Kerlin insisted that "without agitation or appeal to passion, but only by addressing the sense of justice and of Christian duty, these men, with whom I rank myself, are seeking to bring about a juster, safer, and more Christian order of society as regards the Negroes, to secure for them such fairness and humanity of treatment as will reduce the problem to its lowest possible terms and guarantee ourselves against the reproaches which otherwise we can not escape." Kerlin reminded his judges that his work would not end if fired when he asserted, "I can safely challenge anyone to adduce a single utterance of mine which goes beyond what I have here cited as representing the growing and prevailing sentiment of the South."⁴³

Not swayed by Kerlin's announcement, the Board of Visitors of the Virginia Military Institute fired him for actions they considered "harmful and detrimental," and therefore "embarrassing" to the school. In the days following, Kerlin expressed

⁴¹ Ibid., frames 0942-45.

⁴² Ibid., frames 0946-47.

⁴³ Ibid., frame 0947.

confidence that the governor of Virginia might not approve the board's action, and indicated that he had received numerous professions of support from V. M. I. alumni. He told one supporter that he remained certain that "a double cause--academic freedom and justice to the Negro--will result." The governor, however, refused to overturn the board's decision.⁴⁴

Editorial opinion throughout Virginia and the nation defended Kerlin and blasted the board's decision. The *Norfolk Virginian-Pilot* wrote that the professor "approached the race problem without bias" and was not "by nature one of that pestiferous tribe that sees the Negro always in the role of an innocent victim of white prejudice." Consequently, Kerlin's temperament and training qualified him to "discuss our major social problems without prejudice." The *Richmond Times-Dispatch* derided Kerlin's dismissal not only as an attack on academic freedom and free speech, but as a threat to Virginia's sound leadership in matters of interracial relations. The Richmond newspaper argued that the rest of the country looked "to Virginia for guidance in the handling of the delicate race problem, for here, more than in any other State, it has ceased to be a problem." The editors feared that Kerlin's firing would "undo much that has been done in the promotion of interracial harmony and good understanding."⁴⁵

Kerlin's dismissal illuminated not only the boundaries of acceptable behavior as perceived by many Virginians, but also the inherent dilemma faced by interracialists determined not to cross those boundaries. Kerlin understood that a commitment to basic notions of justice and fairness demanded that he challenge the inequities of a criminal justice system stacked completely against southern blacks. In the same vein, the very

⁴⁴ Statement of the Board of Visitors signed by Lewis E. Steele, frame 0954, Robert T. Kerlin to Herbert Seligmann, August 24, 1921, frame 0959, Kerlin to Seligmann, August 25, 1921, frame 0964, *ibid.* Over the course of the next several years, on the other hand, state and federal courts did stay the executions and then overturn the convictions of the tenant farmers in Arkansas. Tindall, *The Emergence of the New South*, 154.

⁴⁵ "Strafing the Protester," *Norfolk Virginian-Pilot*, and "The Discharge of Colonel Kerlin," *Richmond Times-Dispatch*, both reprinted in *Norfolk Journal and Guide*, Sept. 3, 1921, p. 4.

issues discussed by interracial groups--housing, education, recreational facilities, and transportation--required attention because white supremacy and Jim Crow allowed whites complete control of the mechanisms of power. In essence, white supporters of interracial cooperation were left trying to improve conditions without challenging the very forces that ensured the perpetuation of the conditions themselves. While "clean-up weeks" and "health days" may have served a useful purpose, black Virginians remained second-class citizens who lacked access to political and economic power.

Kerlin's firing may have harmed recent gains in interracial cooperation, as one Richmond newspaper suggested, but the reintroduction of blacks as political scapegoats caused far more damage. As Kerlin contemplated his letter of protest to the governor of Arkansas, antisuffragists reintroduced racial fears into the political lexicon in an attempt to discourage support for women's suffrage. Suffragists saw the inclusion of black female voters as posing no threat to white supremacy; they reasoned that the state's election laws had effectively eliminated black men from the polls, and would do the same with women. Despite this common-sense logic, antisuffragists warned of impending danger. Leading newspapers such as the *Newport News Daily Press* and the *Winchester Evening Star* argued that black women would prove more qualified than their male counterparts and register in greater numbers. Historian Suzanne Lebsock has concluded that "the antis as a group were willing to say anything that might strengthen their cause; there were no minimal standards of either decency or truthfulness to which they held themselves or anyone else." Consequently, the more moderate suffragists found themselves boxed into a corner, unable to respond for fear of being charged with endangering white supremacy. White supremacists understood fully the power to be gained from employing the race card and consistently did so during the course of the next several decades.⁴⁶

⁴⁶ Andrew Buni, *The Negro in Virginia Politics*, 24; Suzanne Lebsock, "Woman Suffrage and White Supremacy: A Virginia Case Study," in *Visible Women: New Essays on American Activism*, ed. Nancy A. Hewitt and Suzanne Lebsock (Urbana: University of Illinois Press, 1993), 62-100 (quotation on 75).

The debate concerning women's suffrage in Virginia shifted in August 1920 when the Nineteenth Amendment was adopted by the requisite number of states. Ratification occurred in time for women to register for the November presidential elections. Throughout September, newspapers carried daily counts of the numbers of white and black women who registered. Although final tallies revealed that 2,410 black women and 10,645 white women registered in Richmond, the same newspapers that boasted of Virginia's friendly race relations warned that "Negro Women Continue To Outnumber White In Attempting To Qualify." The *Richmond News Leader* informed its readers, in a clear inference to the violation of racial etiquette, that on one occasion black women filled the offices of the registrar while white women waited in the hall. The Richmond dailies reported with evident concern the activities of Maggie Walker, who organized black women to qualify.⁴⁷

The Democratic Party attacked women's suffrage in the same manner favored by the newspapers. Appeals to the maintenance of white supremacy informed the efforts of Democrats to qualify white women. John M. Purcell, the chairman of the Richmond Democratic Committee, issued an appeal which read, "To the Democratic Women Voters of RICHMOND: Developments today indicate an approaching crisis in the matter of feminine registration. In view of the situation confronting us, it is the duty of every woman who regards the domination of the white race as essential to the welfare of the Southland to qualify for the ballot by paying her poll tax and registering before Oct. 2." Similar appeals went out from state headquarters.⁴⁸

⁴⁷ Lebsack, "Women Suffrage and White Supremacy," 82-85; "Negro Women Continue To Outnumber White In Attempting To Qualify," *Richmond News Leader*, Sept. 18, 1920, p. 1; "Registration Office Gets Assistance; Women Swamp Place; Race Segregation," *Richmond News Leader*, Sept. 17, 1920, p. 1; "Richmond Women Register At Rate Of 578 In One Day: . . . Maggie Walker Protests," *Richmond Times-Dispatch*, Sept. 21, 1920, p. 1.

⁴⁸ Lebsack, "Women Suffrage and White Supremacy," 85; "Negro Women Continue To Outnumber White In Attempting To Qualify," *Richmond News Leader*, Sept. 18, 1920, p. 1.

In a matter of weeks, the ratification of the Nineteenth Amendment had forced Democratic party leaders and pro-Democratic newspapers to reverse their position and strategies relating to the registration of women. Politicians and newspapers had almost unanimously opposed women's suffrage and, in the words of Suzanne Lebsock, "had made free use of white supremacist arguments to try fending it off." But once forced to confront the reality of women's suffrage, the same people used further appeals to white supremacy "to scare white women into behaving like good Democrats."⁴⁹

That white Virginians could have worried honestly that black women would register in greater numbers than white woman seems unlikely, given that whites thoroughly controlled every aspect of election machinery, from registration and payment of poll taxes, to the appointment of election judges. The situation in Hampton, where a disproportionately large number of professional blacks lived in connection with Hampton Institute, revealed fully the difficulties placed in the way of black, male and female, registration. Having honed their skills over the course of several decades, local officials placed numerous obstacles in the way of black women determined to exercise the suffrage.

A. W. Hunton visited Hampton in October 1920 on behalf of the NAACP and interviewed more than twenty black women who had attempted to register. He reported that not more than fifty of more than one thousand eligible black women succeeded in registering. Many aspirants, according to Hunton, "noting the humiliation or anger of their sisters as they returned from the registration bureau, would not go at all." Many of those who did attempt to enroll had to return two or three times, the humiliation increasing with each visit.⁵⁰

Black women watched as their white counterparts, many of them also affiliated with Hampton Institute, registered in two or three minutes, while they waited for hours.

⁴⁹ Lebsock, "Women Suffrage and White Supremacy," 85.

⁵⁰ A. W. Hunton, "General Statements," Part 4, "The Voting Rights Campaign, 1916-50," reel 2, frames 0481-83, NAACP Papers.

Hunton explained that all registrants received a number upon arrival, but white numbers started at one, while black numbers began at forty. Consequently, a number of white women arrived after black women, but received lower numbers. More than a few black women waited until the office closed for the day; they were told to return in the morning.⁵¹

Among those black women lucky enough to have their number called, most were handed a blank application and told to write down all necessary information. White applicants, on the other hand, received a form listing exactly what was required. Many black women had anticipated such obstacles, a common practice faced by many of their husbands, and memorized the necessary information. They then faced a litany of questions aimed at disqualifying them, most of them irrelevant except that they were successfully used to prevent many blacks from voting.⁵²

The experience of Mrs. Charles Isham, the wife of Hampton Institute's electrician, epitomized the obstacles confronted by black women in Hampton. She attempted to register the first possible day, received a blank application form and was asked a number of questions, including "How many people does it take to make a county?" Mrs. Isham, according to Hunton, "questioned very boldly the right to ask her so many questions and keep her when the white teachers were being registered in about a half minute while she waited." The registrar sent her home with instructions not to return until summoned.⁵³

Despite the instructions of the registrar, Mrs. Isham returned the following day with Mrs. Allen Washington. The two women were greeted by the clerk of court. According to Hunton's reports, the clerk initially "was courteous to Mrs. Washington, thinking she was white." Upon learning the name of her husband, however, the clerk's demeanor changed, "he whispered to the registrar," and "boldly told Mrs. Washington that he did not intend to

⁵¹ Ibid.

⁵² Ibid.

⁵³ Statement of Mrs. Allen Washington, Part 4, "The Voting Rights Campaign, 1916-50," reel 2, frame 0479, NAACP Papers.

be bothered with a lot of colored women." Instead, he "intended to just let a few register."⁵⁴

The shabby treatment faced by black aspirants continued until G. W. Fields acted in response to his wife's failed attempt to register. Mrs. Fields had expected difficulty, and studied thoroughly the requirements of a successful application. The registrar, she later recounted, actually complimented her "on its perfection." The official, nevertheless, told Mrs. Fields that she had failed to provide correct responses to the questions he had put forward, such as, "1. How is Supt. of public instruction elected? 2. How are vacancies filled and what is his term of office? 3. What is the maximum and minimum number of section districts in the State of Virginia?" Needless to say, no white applicants were asked such questions.⁵⁵

Mr. Fields, an attorney, consulted with a white Republican lawyer and threatened to file a lawsuit. Apparently registration officials feared that the whole county would be disqualified if the threatened suit succeeded. Soon after Mr. Fields appealed the situation, a number of black women received letters from officials stating that they could now register. Many others, however, chose not to endure further humiliation, while still others stayed away after being threatened with a loss of employment. Mrs. Fields remarked that when first turned away, the registrar assumed she would not return after suffering "humiliation in the presence of white men and women." Although successful in registering, Mrs. Washington and Mrs. Isham expressed extreme bitterness and anger at their treatment. The experience of the black women in Hampton prompted A. W. Hunton to comment that he had found the majority of these people to be among the "most patient and conservative" persons that he knew. "One of the strongest proofs of the enormity of the humiliation and injustice to which the women were subjected," he continued, "is the vehement freedom

⁵⁴ Statement of Mrs. Allen Washington, *ibid.*

⁵⁵ Statement of Mrs. G. W. Fields, frame 0480; A.W. Hunton, "General Statements," frames 0481-83, *ibid.*

with which they recite their grievances and the desire not only for redress but in many cases vengeance."⁵⁶

The humiliation and anger suffered by black women attempting to register in 1920 was exacerbated by the decision of the Republican Party in June 1921 to sever all ties to the state's black voters. Driven by the personal ambition of a few key individuals and buoyed by stronger than expected results in the 1920 presidential elections, Virginia's moribund Republican Party showed signs of new life in 1921. Insofar as a rigidly restricted electorate had insured the dominance of the Democratic Party, any Republican renaissance in the Old Dominion depended upon an expansion of the voting pool. Female voters offered one possibility, but Republican ties to the few qualified black voters in the state, not to mention memories of Reconstruction, continued to discredit the party in the eyes of the white majority.⁵⁷

Both parties stressed the need to register women voters during the 1921 gubernatorial campaign. Democratic party organizers like state senator Harry F. Byrd of Winchester urged fellow Democrats to undertake a "reorganization of the county in a quiet way. It is most necessary that all women who are favorable to our side be registered and that their poll taxes be paid." Byrd's emphasis on a quiet campaign reflected the experience of William F. Keyser, an attorney and friend of Byrd's in Page County, who found that "our farmers are so bitterly opposed to their women registering that they will not let our canvassers approach them as a rule." According to Byrd, "the intense partisanship and the excessive activity of Miss Elizabeth Earn on the part of the Republican Party" damaged

⁵⁶ A.W. Hunton, "General Statements," frames 0481-83, statement of Mrs. G. W. Fields, frame 0480, statement of Mrs. Allen Washington, frame 0479, *ibid*.

⁵⁷ Henry W. Anderson, "Freedom in Virginia: An Address . . . Delivered Before the Republican State Convention at Norfolk, July 14, 1921": 5-6, 9, copy located in box 354, folder "A," Harry Flood Byrd, Sr., Papers (#9700), Special Collections Department, University of Virginia Library.

their cause and underscored the need to handle the issue of female suffrage in a delicate manner.⁵⁸

At the same time, the *Norfolk Ledger-Dispatch*, a pro-Democratic paper, noted that "the Republican party will have to rid itself of the incubus it has borne ever since the war between the States before it can attain any statewide strength in Virginia." The editorial prompted the *Norfolk Journal and Guide*, a black newspaper, to comment that since the implementation of the new constitution in 1902 Republicans in Virginia had proved little more tolerant of black voters than had the Democrats; only an all-white primary separated the two. Furthermore, the black press lamented that the parties raised the race issue "in an odious sense every time the Republican organization in the State shows signs of activity."⁵⁹

On July 14, 1921, the Virginia Republican Party barred black delegates from their convention. On the same day, they nominated for governor Henry Watkins Anderson, a fifty-year old lawyer from Richmond who grew up in Dinwiddie County, not far from Petersburg. In his acceptance speech, the nominee attacked the structure of political rule in Virginia, particularly as it derived from an illegal and anti-democratic constitution. In appealing for greater political participation on the part of Virginia's citizenry, Anderson redefined the relationship between Virginia's black voters and the Republican Party. Despite a clearly stated intention to disassociate the two, Democrats would continue to insist for the rest of the decade that Anderson and the Republicans could not expand the electorate without threatening the primacy of white supremacy.

Anderson argued that the slower rate of economic progress in Virginia as compared to North Carolina, the sorry state of schools and highways, and the disproportionate number of public officials in relation to voters resulted from "that long and uninterrupted

⁵⁸ Harry F. Byrd to John Harper, March 23, 1921, box 72, folder "1921 Correspondence H-I," William F. Keyser to Byrd, Oct. 11, 1921, box 72, folder "1921 Correspondence William F. Keyser," Byrd to Mrs. R. T. Barton, box 71, folder "1921 Correspondence B," Byrd Papers.

⁵⁹ "Slurring A Race For Political Party Gain," *Norfolk Journal and Guide*, April 2, 1921, p. 4.

control of any government by one party or group of men" that "leads inevitably to stagnation and inefficiency, the decline of intellectual, political and economic life, and ultimately, unless changed, to the destruction of all freedom." In particular, Anderson cited the adoption of the 1902 Constitution which was called only after the General Assembly specifically "provided in its preamble for 'submitting the revised and amended Constitution to the people of the State of Virginia for ratification or rejection.'" Despite this pledge, emphasized the Republican nominee, the convention voted 47 to 38 to proclaim the new constitution as legitimate rather than submitting it to the people for ratification. Furthermore, every state official was required to swear an oath of loyalty to the new constitution or face an elimination of his office.⁶⁰

Before launching into a list of remedies, Anderson sought to address directly "a question, the existence of which is the chief excuse urged for the present Constitution--the Race Question." Like so many white Virginians, no matter the party affiliation, Anderson proclaimed, "I feel that I know the negroes of Virginia. I was born and reared on a plantation in one of the counties of this State, where the negro population outnumbered the white. I know the weakness of the negro, and his many admirable and very human qualities." Acknowledging that the experiments of Reconstruction constituted a grave mistake, Anderson reminded his audience that no black had held office in Virginia since the mid-1880s, and that no black sought to do so in 1921. The Republican nominee concluded "that the solution of this question lies in the spirit of mutual sympathy and understanding, not in political agitation; that their future happiness and prosperity is to be attained not through politics, but by hard work, and the development of personal character."⁶¹

Anderson suggested that the facts be allowed to speak for themselves. Whites in Virginia comprised more than two-thirds of the population, owned 95 percent of the

⁶⁰ Henry W. Anderson, "Freedom in Virginia: An Address . . . Delivered Before the Republican State Convention at Norfolk, July 14, 1921": 5-6, 9, copy located in box 354, folder "A," Byrd Papers.

⁶¹ Anderson, "Freedom in Virginia": 19-21.

property, and were more educated than most blacks. Given "that it is an essential of free and efficient government that persons chosen for, or appointed to, public office, should be those who are best qualified by character, education and experience to discharge the duties of such offices, and are truly representative of the communities which they serve," Anderson concluded that "the white people of Virginia . . . are charged with the solemn duty to all the people of this State to see that the State and local governments of this Commonwealth are conducted and administered in accordance with these self evident principles." The nominee asked in summation that the race question "be removed from the realm of political agitation which blinds people to justice."⁶²

Black Virginians, especially that small number among the professional and middle classes who had continued to vote after the 1902 convention, reacted with disgust, although not necessarily surprise. Their anger stemmed not only from feelings of betrayal, but from the fact that the convention barred from participation black Republicans who had been selected delegates through regular channels. Dr. Edward T. Morton of Alexandria County left the convention hall with a white colleague after officials refused to seat him. John Robinson of Hampton, a former member of the state legislature during Reconstruction, had been elected a convention delegate by a local gathering dominated by white Republicans; he, too, was barred from participation.⁶³

The *Norfolk Journal and Guide* pointed the finger directly at the recently elected Harding Administration. No previous administration, explained the black Tidewater press, had sanctioned such treatment, which in effect allowed Virginia's Republican leadership "to give unqualified endorsement to a condition of affairs that already exists in the state of Virginia, a condition for which the Democrats are entitled to the major responsibility by

⁶² Ibid., 23-25.

⁶³ "Republican Convention Barred Afro-Americans," *Norfolk Journal and Guide*, July 16, 1921, p. 1; "Two GOP Tickets In Field Certain," *ibid.*, Sept. 3, 1921, p. 1. An article in August 1931 refers to Dr. Edward T. Morton as a resident of Arlington County. It is possible that he moved between 1921 and 1931, but it is also possible that the 1921 article cited here is in error as to his residence. "Candidacy of Va. Physician Causes Furor," *Norfolk Journal and Guide*, Aug. 8, 1931, p. 1.

reason of having promulgated it and the Republicans are entitled to the minor responsibility by reason of having tacitly agreed to what the Democrats did." The *Journal and Guide* emphasized the small role that blacks had played in the Republican Party the previous twenty years, noted the inconsequential number of minor offices held by blacks, and concluded that the Republican attack on blacks constituted a desire "to manufacture the sort of propaganda that it requires to seduce a Democrat."⁶⁴

Prominent blacks did not agree, however, on the most appropriate response. The *Norfolk Journal and Guide* opined, albeit suspiciously, that if blacks could be removed from politics "as an issue," and the parties would turn their attention to "more efficiency in government, less burdens of taxation, improved living conditions, more amicable racial relations," they would support "with reservations" the contention of white Republicans that blacks ought to vote as individuals, not as a block. More activist black Republicans, on the other hand, refused such a course, held a "lily-black" Republican convention in Richmond in September and elected a full slate of candidates for the November elections: John Mitchell of Richmond for Governor, Theodore Nash of Portsmouth for Lieutenant Governor, and Thomas Newsome of Newport News for Attorney General.⁶⁵

In the weeks following the lily-black Republican convention, the cleavage among blacks widened. The *Norfolk Journal and Guide*, led by its owner and editor, P. B. Young, Sr., claimed "that the small group that is the inspiration of the lily black ticket are seekers after glory, honor, publicity and self-aggrandizement, rather than the good of the whole people, whom they presume to represent." Thomas Newsome challenged Young's conclusion and asked what was so wrong with blacks seeking office, especially once they had been thrown out of the Republican Party. Young responded that the time had arrived

⁶⁴ "Sentiment In Favor of Nationwide Protest," *Norfolk Journal and Guide*, July 23, 1921, p. 1; "The Republican State Convention," *ibid.*, July 23, 1921, p. 4.

⁶⁵ "The Republican State Convention," *Norfolk Journal and Guide*, July 23, 1921, p. 4; "Colored Republicans Will Name Full State Ticket," *ibid.*, July 23, 1921, p. 1; "Full Colored Ticket Named In Richmond," *ibid.*, Sept. 10, 1921, p. 1.

for blacks to become independent politically and to claim no singular party affiliation. He asked, "Shall the race in future vote as a unit; holding its vote in reserve to be thrown in the balance to defeat the candidates of this or that party, thus continuing the prostitution of our suffrage that brought about our restricted political privileges; or shall we vote our intelligent convictions, establishing an independence in politics that will offset the scandal that has followed us for fifty years?" Lily-blacks rejected Young's position, argued that blacks could not be independent politically, and that any self-respecting black would support their ticket. Without naming names, supporters of the lily-black ticket hurled invectives at their black opponents and labeled them as "'white folks' Negroes.'"⁶⁶

While black Republicans divided over the wisdom of running an all-black slate, white pundits considered the impact of the white Republican strategy. Mark Sullivan of Washington, D. C., wrote Louis Jaffe, editor of the *Norfolk Virginian-Pilot*, and expressed his belief that "the action of the Republican Party, as a national party, in divorcing the negro in Virginia and elsewhere, has been of more importance than the public commonly realizes." Sullivan asked the Norfolk editor if the Republican efforts in Virginia would win over many white Democratic votes. Jaffe responded that although Virginia's Republicans officially divorced themselves from their black supporters, "the odor of the past alliance clings to it still." The presence of the lily-black ticket, reasoned Jaffe, had proved quite embarrassing, and ensured that Anderson would receive fewer votes than did Harding the preceding year. Jaffe concluded, in reference to the white Republicans, that "the strategy of the latter seems to be in time to absorb the Black vote without paying for it with Colored patronage," a prediction that eventually proved correct. Nevertheless, the editor considered it unlikely that many Democrats would switch parties in Virginia.⁶⁷

⁶⁶ "Candidate Newsome's Smoke Screen," *Norfolk Journal and Guide*, Oct. 8, 1921, p. 4; Thomas Newsome, letter to the editor, "The Republican Split In Virginia," *ibid.*, Oct. 8, 1921, p. 4; "The Issue Clearly Defined," *ibid.*, Oct. 15, 1921, p. 4; "Pollard, Newsome and Williams, Colored Republicans' Heavy Artillery, Arouse Class Hatred In Race In Bitter Speeches," *ibid.*, Oct. 22, 1921, p. 1.

⁶⁷ Mark Sullivan to Louis I. Jaffe, Sept. 13, 1921, Jaffe to Sullivan, Sept. 27, 1921, box 2, folder "1921 Sullivan, Mark," Louis Jaffe Papers (#9924-i), Special Collections Department, University of

The decision of Virginia's white Republicans to cast aside their black supporters did not deter the Democrats from making race an issue throughout the fall. Before the official start of the campaign in early October, Democrats accused Anderson and the Republicans of cutting their ties to blacks in an effort to appeal to newly enfranchised white women. One release from the Democratic publicity bureau asked, "Who introduced the Black man into politics in the South? Who enfranchised him? Who sat him in the legislatures of the Southern States, including Virginia, during the days of the Carpet-Bagger and of Reconstruction? Who is it now who would introduce the negro woman as a political factor in Virginia? Which party is responsible for negro heads of Federal Departments in Washington, which employ white women?" Furthermore, Democrats charged that Anderson's proposals would allow for the "promiscuous participation" of every black man and woman in the Old Dominion. Most reprehensible of all, according to the Democrats, Anderson appealed to "the white women of Virginia for assistance. Such an invitation is an insult to his own intelligence, to Southern womanhood, and to the State at large."⁶⁸

In his opening campaign speech several weeks later, E. Lee Trinkle, the Democratic nominee, accused the Republicans of pure political expediency "in avowing their purpose to rip the colored man from the body of Virginia Republicanism, and this they did by a scheme of impudent political lawlessness." Trinkle did not make clear, however, why he deemed guilty of "lawlessness" the new Republican policy when Democrats had long barred blacks from their primaries. He did point out, on the other hand, that Democrats had never enticed blacks with promises of false hopes.⁶⁹

Virginia Library. Leading Republicans, in the wake of their victory in the 1928 Presidential elections, confirmed the validity of Jaffe's comment that white Republicans intended to absorb the black vote without paying for it. Jennings Cropper Wise wrote Henry Anderson that "We are particularly fortunate in owing no political debts to the Negroes so that we are free to stress our moral obligation to them." Jennings Cropper Wise to Henry W. Anderson, Nov. 8, 1928, section 5 letterbook, hand numbered pages 37-39, Jennings Cropper Wise Papers, Virginia Historical Society.

⁶⁸ Press release from Democratic Campaign Headquarters, Sept. 16, 1921, folder 3, section 13, Carter C. Wormeley Papers (#MSS1W 8745b), Virginia Historical Society.

⁶⁹ "Promises Fair Deal To Race As Governor," *Norfolk Journal and Guide*, Oct. 8, 1921, p. 1.

Anderson's campaign literature announced to voters that he had made the Republican party "a party of white citizens," and that he championed a revision of the 1902 Constitution "which was conceived in distrust of the people and born of a breach of faith." Democrats responded that no Virginian was fooled by the Republican nominee's rhetoric, and that, in fact, the very Constitution which Anderson attacked was "the bulwark erected to save Virginia from negro participation in politics." This constitution, according to the Democrats, "made Virginia a white man's commonwealth."⁷⁰

In the ensuing weeks, Anderson continued to press for a revision of the election laws, while maintaining that an expanded electorate did not necessitate a reintroduction of blacks into politics. Furthermore, the Republican nominee challenged his opponent to a debate on the "race question." In denying the offer to meet face-to-face, Trinkle and Congressman Hal D. Flood, the State Democratic Party Chairman, claimed that racial matters had not been an issue in Virginia for twenty years until Anderson revived them in his platform and speeches. Trinkle and Flood attacked Anderson's proposals to revise the poll tax and registration requirements. "The Democratic party," the two men stated, "has erected reasonable barriers to the elective franchise. You would take them down. The Democratic party has succeeded in eliminating from the electorate the bulk of the negro vote in the Commonwealth. You would invite them all back into the electorate, including the women. . . . The only conclusion to be drawn from your platform is that you want every negro to vote." Reminding voters of Reconstruction, when black Republicans served in the Virginia General Assembly and in the United States Congress, Trinkle and Flood emphasized that "the negroes constitute a majority of the population in more than one-fourth of the counties of the State, including your native Dinwiddie. Should these negroes be invested with franchise rights, they would control the local government. . . . The white people of Virginia need no discussion of the race question They have long ago made

⁷⁰ Press Release from Democratic Campaign Headquarters, dated Oct. 17, 1921, byline Oct. 18, 1921, folder 2, section 13, Wormeley Papers.

up their minds that this State or no county in it shall be dominated and controlled by the colored race."⁷¹

The entanglement of race and politics reached such preposterous heights in the 1921 campaign that Anderson found himself calling on the Democrats to remove four black election judges who had served in Charlottesville for twenty-five years without previous objection. When Republicans first raised the issue, Harry F. Byrd, then a Democratic party functionary and the nephew of Hal Flood, wrote to George Walker, a lawyer and Democratic leader in Charlottesville, and asked that the blacks in question not be reappointed. Walker replied that "these are now old colored men, highly respected in the community, and . . . have been acting as judges of election from time immemorial." Trinkle and Flood, ignoring the fact that Democratic-controlled election boards appointed all election judges, blamed the Republicans for the long tenure of these men. They informed Anderson that the father of one of the men in question had represented the Republicans at the 1869 Constitutional Convention, and that all of them had been appointed with the assent of Republican officials. "Your party," concluded the two men, "is responsible for the original appointment of these judges, and have acquiesced in their subsequent appointments, and the protest now comes with poor grace from you." Furthermore, they claimed that throughout Virginia blacks had been appointed election judges only in precincts where "no white republican could be found."⁷²

As the campaign moved into its final week, United States Senator and former governor Claude A. Swanson joined the fray and summarized all the arguments in favor of white supremacy. "If the republican candidates should be elected at this time," began the Senator, "it means the injection of the negro into politics in Virginia again, it would mean

⁷¹ E. Lee Trinkle and H. D. Flood to Henry W. Anderson, Oct. 27, 1921, issued as press release from Democratic Campaign Headquarters, Oct. 28, 1921, folder 1, section 13, Wormeley Papers.

⁷² Harry F. Byrd to George E. Walker, Oct. 20, 1921, Walker to Byrd, Oct. 25, 1921, box 73, folder "Correspondence W," Byrd Papers; E. Lee Trinkle and H. D. Flood to Henry W. Anderson, Oct. 27, 1921, folder 1, section 13, Wormeley Papers.

the elimination of all restrictions upon suffrage which have had the effect of disbaring the negro and preventing him from being potential as a voter in politics in Virginia. The return of the negro as a political factor would be a detriment to the State." Swanson reminded his audience that "the democratic party stands for white supremacy, political and otherwise. The republican party favors . . . political equality between the races, which means if accomplished negro governors, negro representatives and varied negro officials. The democracy is opposed to this and stands for white supremacy."⁷³

Results at the polls left no doubt that the Democratic party remained firmly in control in Virginia. Despite every effort to disassociate his party from its historical relationship with the state's blacks, Anderson finished a distant second, receiving only 65,933 votes to Trinkle's 139,416. Lily-black candidate John Mitchell received 5,036. Several days after the election, Carter Glass, the architect of Virginia's disfranchisement of its black citizens, concluded that Anderson had attempted to revive an issue decided long ago and "'now is buried in the same grave with unrestricted Negro suffrage.'"⁷⁴

Having soundly defeated his opponent, Governor E. Lee Trinkle affirmed his friendship for Virginia's black citizenry. Throughout his term, the chief executive spoke to groups such as the Negro Organization Society and received thanks from black leaders for his words of encouragement. On another occasion, the governor addressed over 7000 people who attended what the *Norfolk Journal and Guide* termed a "monster inter-racial mass meeting." The *Richmond Times-Dispatch* also covered the meeting and reported that Governor Trinkle "advocated and lauded the efforts of negro leaders who are striving for a better understanding between the colored and white people."⁷⁵

⁷³ Claude A. Swanson to H. D. Flood, Oct. 29, 1921, released by Democratic Campaign Headquarters, Nov. 1, 1921, folder 2, section 13, Wormeley Papers.

⁷⁴ Leo Stanley Willis, "E. Lee Trinkle and the Virginia Democracy, 1876-1939" (Ph.D. diss., University of Virginia, 1968), 90.

⁷⁵ William Anthony Avery, Publications Secretary, Hampton Institute, to E. Lee Trinkle, November 1922, box 1, folder "Msc Corr A (3-1)," Executive Papers, E. Lee Trinkle, 1922-26, Library of Virginia; "Inter-racial Meeting Held in State Capitol," *Norfolk Journal and Guide*, March 31, 1923, p. 3; "Governor Addresses Inter-racial Meeting," *Richmond Times-Dispatch*, March 26, 1923, p. 12.

The facility with which Trinkle jumped back and forth between campaigning on behalf of white supremacy and affirming friendship for black Virginians epitomized the essence of Virginia's paternalistic race relations. White and black elites frequently praised the level of cooperation and mutual good will that existed between the races. Norfolk's black newspaper seconded the comments of Judge William H. Sargeant, who proclaimed that "one of the valuable assets of Norfolk is the kindly cooperative feeling existing between the white and colored races in this city. Colloquially speaking, they get on well together. There are no riots or lynchings, and there is no enmity or spirit of bitterness." The *Richmond Times-Dispatch* echoed the same sentiments in Richmond, noted that both races derided the Ku Klux Klan, and supported better housing and sanitation for blacks "in order that they may remain a happy, contented, and a healthy people." Trinkle told an out-of-state correspondent that "there is no State in the Union that has better colored people than we have and the white and colored people here live in harmony." John Mitchell, a black newspaper editor, banker, and civic leader in Richmond reminded Trinkle in 1923 that for forty years he had told the state's blacks that "their best friends are here and that the future prosperity of the colored people is to be worked out among these white people with whom we are acquainted and who understand our foibles and our follies as well as appreciate our fundamental virtues."⁷⁶

Such pronouncements, however, guaranteed blacks nothing and required little action from whites. Furthermore, as blacks made clear that they were neither happy nor contented, paternalistic offerings provided blacks insufficient protection from non-elite whites who had the most to gain on a daily basis from an adherence to white supremacy. While elites affirmed their commitment to white supremacy, especially during the campaign season, non-elite whites more often came into contact with blacks in ways that necessitated

⁷⁶ "Well Said," *Norfolk Journal and Guide*, Jan. 10, 1925, p. 12; "Richmond's Colored Citizens," *Richmond Times-Dispatch*, reprinted in *Norfolk Journal and Guide*, Feb. 12, 1921, p. 4; E. Lee Trinkle to A. N. Johnson, March 6, 1923, box 6, folder "J (2)", Trinkle Executive Papers; John Mitchell, Jr., to E. Lee Trinkle, Nov. 10, 1923, box 7, folder "M (4)", *ibid*.

the enforcement of rigid Jim Crow laws. After all, non-elite whites rode on buses with blacks; elites drove to work and to the store. Furthermore, when blacks could no longer physically fit into traditionally black neighborhoods, they moved into areas occupied by marginalized whites.

Street cars and buses provided the most frequent point of contact between black and white strangers in Virginia. The commonwealth's initial segregation statutes, concerning transportation on common carriers, reflected this arrangement. As buses began to supplant street cars in the years after World War I, provisions on Jim Crow cars continued to define and redefine the rules of behavior, as well as the sometimes surprisingly and seemingly contradictory nature of enforcement. Statute and custom combined with individual choice to create a hodgepodge of actions and responses, some rigid and intended to punish, others more flexible and kind.⁷⁷

The Virginia General Assembly never insisted that blacks should occupy the rear of street cars and buses, while whites sat forward. All segregation legislation pertaining to common carriers mandated separate accommodations for black and white passengers, but did not specify how that should be worked out. Section 3980 of the Code of 1919 provided "that there shall be a complete separation of white and colored passengers upon all urban, interurban and suburban electric railways, and that the conductor or other person in charge of an electric street car shall have the right to require any passenger to change his or her seat as often as it may be necessary or proper." The 1930 legislative act which formally extended segregation to buses also failed to specify the assignation of certain seats to blacks or whites, but did direct the driver "to change the designation so as to increase or decrease the amount of space or seats set apart for either race" and mandated that "no contiguous

⁷⁷ Charles Wynes, *Race Relations in Virginia*, 74-78, 148; Jane Purcell Guild, *Black Laws of Virginia*, 144-48; Buni, *The Negro in Virginia Politics*, 33-48. In 1904-05, blacks in Richmond protested new Jim Crow laws by boycotting the streetcars for a period of time. August Meier and Elliot Rudwick, "The Boycott Movement against Jim Crow Streetcars in the South, 1900-1906," in *Along the Color Line: Explorations in the Black Experience*, 267-89.

seats on the same bench shall be occupied by white and colored passengers at the same time." In addition, the act authorized bus drivers to act as "the judge of the race of each passenger whenever such passenger has failed to disclose his or her race."⁷⁸

Custom and company policy, however, made sure that blacks occupied the rear. Throughout the 1920s and early 1930s, common carriers in Richmond had signs which read, "White patrons will sit from the front backward; colored patrons will sit from the rear forward. Join the Y.M.C.A." Traveling through the Old Dominion in 1939, black sociologist Ralph Bunche commented that the signs, which the YMCA had later claimed were a mistake, were no longer used "as everyone knows what to do." Furthermore, the force of custom and the assumptions of white supremacy confused even the justices of the Virginia Supreme Court of Appeals. In a 1927 opinion that cited the Code of 1919, the court referred to "the rear of said street car, where, by the statute of Virginia, all negroes are required to be seated."⁷⁹

Violations of Virginia's Jim Crow laws on common carriers rarely occurred, a likely indication that few persons, especially blacks, challenged the terms of the laws. In July 1921, however, P. E. Abinoness, a Syrian by birth, a white man according to Virginia law, was fined twenty dollars plus court costs for refusing the directions of a driver in Norfolk. Apparently, according to evidence presented at trial, a number of black passengers stood on a street car while seats toward the front remained unoccupied. The conductor of the car asked Abinoness to take a seat farther forward in order to open up a seat for a black passenger, but he refused and was arrested. Although vehemently opposed

⁷⁸ Guild, *Black Laws of Virginia*, 144-45, 150; Charles Wynes, "The Evolution of Jim Crow Laws in Twentieth Century Virginia," *Phylon* 28 (Winter 1967): 421; *Virginia Railway and Power Company v. Sarah A. Deaton*, 147 Va. 576, 577; Commonwealth of Virginia, *Acts of Assembly, 1930*, 343-44.

⁷⁹ Ralph Bunche interview with Roscoe Lewis, Hampton, VA, Oct. 2, 1939, box 85, folder 6 "Field Notes: Southern Trip, Bk. 1," Bunche Papers; *Virginia Railway v. Deaton*, 578.

to the law, Norfolk's black newspaper praised the fairness of the conductor in applying the law to a white man.⁸⁰

The temperament of individual bus drivers and street car conductors had much to do with the enforcement of segregation. Elizabeth Snyder Carter, born in 1912, grew up in Charlottesville, the daughter of a grocer. As a child, she spent most of each day with her sister and the family's black cook, Agnes Winn. Elizabeth and her sister often rode on the streetcar with Agnes, and thanks to the "'broad-broad-minded'" attitude of the driver, sat on the back seat with her. Richard Bowling, a Norfolk minister and frequent newspaper columnist, often wrote about the vagaries of Jim Crow. In one account, he recalled boarding a city bus and heading to the rear, "precisely what any colored person is supposed to do in these parts." At the same time, however, a white sailor and his family were in the process of taking over the section normally reserved for blacks. The driver saw Bowling's predicament, walked back to him, and suggested that he take a seat toward the front. Bowling praised the driver's sensibility and especially appreciated that he had made a suggestion and not given an order.⁸¹

Potential conflicts and friction were not usually so easily resolved. In July 1924, Sarah Deaton, seventy-two years of age and a resident of Norfolk for half of them, boarded a bus and sat in the third seat from the front. A white lady sitting closer to the front complained to the driver who walked back to Mrs. Deaton and told her, according to court testimony, "to move back with the rest of the negroes." The conductor, acting on the complaint of another passenger, failed to realize that Deaton was, in fact, white. She later sued the street car company for damages, but the appeals court ruled that the conductor had

⁸⁰ "Violates Jim Crow Law and Gets A Fine," *Norfolk Journal and Guide*, July 30, 1921, p. 1. Historian Robin Kelley has written eloquently about the multiple ways in which blacks protested against and resisted the injustices of Jim Crow without overtly violating the law. *Race Rebels: Culture, Politics, and the Black Working Class* (New York: The Free Press, 1996), chapters 2 & 3.

⁸¹ Interview with Elizabeth Snyder Carter, July 19, 1994, *Ridge Street Oral History Project: A Supplement to the Survey of the Ridge Street Historic District and Proposal for Local Designation* (Charlottesville: Preservation Piedmont for the City of Charlottesville Department of Community Planning, December 1995), 23-27; "On A Journey," *Norfolk Journal and Guide*, Aug. 1, 1931, editorial page.

acted in good faith, mistaking her dark complexion for blackness, and found for the defendant.⁸²

Deaton's experience suggested that at least some whites who rode the buses considered it imperative to draw a strict color line. The rantings of the press and a few politicians may have been responsible for the passage of Virginia's initial Jim Crow statutes at the turn of the century, but by the end of World War I, whites throughout the Old Dominion protected their statutory and customary space with resolve. While the buses and street cars provided one obvious source of tension in this regard, residential neighborhoods increasingly became the focus of interracial tension.⁸³

Richmond had actually passed a segregation ordinance in 1912, soon after the state legislature had made it possible for localities to do so, and Clifton Forge followed several years later. Upheld by the Virginia Supreme Court, both statutes were overturned by the Supreme Court's decision in *Buchanan v. Warley*. In the years following World War I, however, the number of black residents in cities began to swell, creating a need for more and better housing. In addition, as some blacks began to earn more income, they sought to move into better homes and neighborhoods with paved streets, electricity, proper sanitation, access to parks, and all the other benefits that whites had always enjoyed. Throughout the Old Dominion, the debate over public services and recreational facilities became irrevocably intertwined with issues of where blacks should and could live.⁸⁴

In Roanoke in the spring of 1921, a meeting between city officials and black leaders ended abruptly when it became clear that the two sides had quite different agendas. City commissioner Angell, acting in response to the increased encroachment of blacks into previously all-white neighborhoods, had prepared a resolution affirming segregation as best for both races, and urging whites not to sell to blacks, and blacks not to buy from

⁸² *Virginia Railway and Power Company v. Sarah A. Deaton*, 147 Va. 576, 578-80.

⁸³ Wynes, *Race Relations in Virginia*, 73-76, 148.

⁸⁴ *Guild*, *Black Laws of Virginia*, 147-48; *Buchanan v. Warley*, 245 U. S. 60 (1917); *Hopkins v. City of Richmond*, 117 Va. 692; *Irvine v. City of Clifton Forge*, 124 Va. 781.

whites. Black participants, however, had arrived at the meeting with a resolution intended to address the inhumane conditions that existed in the city's black residential areas. Not one street was paved, and most sections completely lacked sewers, gas, and electricity. But, according to one report, blacks expressed the greatest displeasure with the condition of their schools; most were hardly fit for use. The black participants suggested that a recognition of their grievances and progress in addressing them would dramatically improve interracial harmony and understanding. Angell, clearly unprepared for the protest, announced that nothing else could be done at the time and ended the meeting.⁸⁵

Civic officials in Norfolk faced a similar problem as the black population increased and blacks sought new neighborhoods with paved roads, streetlights, and sewers. In 1921, a homeowner in the all-white Brambleton section of the city sold a home to a black couple. The harsh objections of other residents led the city to intervene and resolve the matter by purchasing the property. In addition, black and white real estate agents agreed not to sell or rent any property in Brambleton to blacks. Over the course of the next two years, however, numerous white property owners found themselves with vacant homes; whites did not want to move into the area, blacks were forbidden, and real estate agents felt constrained.⁸⁶

When Norfolk annexed significant sections of the surrounding county on January 1, 1923, more than 8000 blacks were added to the city's rolls. The city's black newspaper claimed that most of these persons lived in middle-class developments whose annexation ensured sufficient room for the expansion of black neighborhoods within the city limits. The paper's prognosis, however, proved too optimistic; by the end of the summer more blacks sought to move into Brambleton, only to be forced out the following day.⁸⁷

⁸⁵ "Are Rebuked For Showing Bad Housing," *Norfolk Journal and Guide*, May 14, 1921, p. 1.

⁸⁶ "Brambleton Is In Eruption Again: Near White Family Ordered To Move Out," *Norfolk Journal and Guide*, July 14, 1923, p. 5.

⁸⁷ "55,868 Colored People in the City of Norfolk," *Norfolk Journal and Guide*, Jan. 20, 1923, p. 1; "Brambleton Is In Eruption Again: Near White Family Ordered To Move Out," *ibid.*, July 14, 1923, pp. 1 & 5.

In the spring of 1923, agents managed to sell property to blacks that lay within the district lines of a new high school, but that still fell within the forbidden areas of Brambleton. Tensions flared again, but were resolved when whites made some concessions and agreed to reduce the areas closed to blacks. By the summer, however, they proved determined not to make any more adjustments. One newspaper offered that real estate agents had begun selling white-owned property to blacks in an attempt to force whites out and to create new black neighborhoods. As prices invariably climbed in the process, agents stood to gain a great deal of money out of such transactions.⁸⁸

In July 1923, a gathering of eighty to one hundred white residents of Brambleton, an area inhabited primarily by poorer whites, informed a black family that they had crossed the "'dead line'" and moved into a section of the city reserved for whites only. Reports indicated that although somewhat indignant, the crowd never threatened the family with physical force, but made it clear that they would have to move. Press reports also noted that fifty white children witnessed the confrontation, and that the white visitors were all "well known men of Brambleton." After the visit, the family agreed to move.⁸⁹

Clearly the white residents of Brambleton considered the recent arrivals to be black, but according to acquaintances of the family, some question had always existed as to their color. The family apparently considered themselves white. The mother and children easily passed, but the father did not. His presence, in fact, had tipped off the white residents of Brambleton and led to the confrontation. When a black reporter arrived at the home the following day to speak with the family, one female member said, "'Why don't they send a white man to talk to us, we don't talk to niggers.'" When the reporter persisted, the woman insisted, "'No! No! No news for niggers.'"⁹⁰

⁸⁸ "Brambleton Is In Eruption Again," *ibid.*, p. 5.

⁸⁹ *Ibid.*, p. 1.

⁹⁰ *Ibid.*, pp. 1 & 5.

Whatever motivated the family in question to move into Brambleton, whether driven by a desire to pass completely into the white world, or more than likely a desire simply to have a decent home in a clean neighborhood, white residents of Brambleton could not abide their presence. For two years, whites had watched blacks increasingly encroach on their neighborhood and were determined to put a stop to it. The encroachment continued for at least another two years and ultimately led to the passage of a residential segregation ordinance.⁹¹

The anger and frustration felt by white residents of Brambleton and other neighborhoods throughout the state paralleled the rise of the Ku Klux Klan in Virginia. The Klan attracted members precisely during this time, from the end of World War I through the early 1920s, and precisely in such growing industrial cities as Norfolk, Newport News, Portsmouth, Lynchburg, Danville, Hopewell, and Roanoke. The most authoritative study on the Ku Klux Klan in the 1920s points out that "these cities handled the coal shipped in by railroad from the mines of Virginia and West Virginia, packed and distributed the seafood of the middle south, built ships, manufactured fertilizer, farm machinery, cotton and silk textiles, chemicals, paints, cottonseed oil, and munitions. They marketed the tobacco, made the shoes and hosiery, fired the foundries, treated the lumber, cut out the furniture, and manned the railroad shops and the cellulose factories." The thousands of blacks and whites who had left the farms during and after World War I swelled the populations of these towns, and competed for already marginal resources. White supremacy and Jim Crow ensured that any competition remained one-sided.⁹²

The secretive nature of the Ku Klux Klan makes it impossible to know how much support the organization actually enjoyed, but clearly the hooded order drew adherents from all over the state. Rumors connected the chiefs of police in Richmond and Norfolk,

⁹¹ Ibid., p. 5.

⁹² David M. Chalmers, *Hooded Americanism: The History of the Ku Klux Klan* (Durham, NC: Duke University Press, 1987), 231.

the two largest cities in the state. Some of the white clergy in Danville refused the request of that city's black ministers to prevent the establishment of a local chapter. In Roanoke, on the other hand, a group of white ministers emphasized that good relations existed between whites and blacks and asked the city commission to go on record as opposed to the Klan. The city commission went along in part and objected to mob rule, but specifically stated its support for the Klan's "benevolent work."⁹³

The Klan, in fact, did engage in a variety of pursuits. Hooded members in Charlottesville appeared during funeral services for the local sheriff and presented a cross of red flowers. Klansmen in Farmville donated \$100 to the widow of a slain minister. In Alexandria, fully dressed members delivered fruits, nuts, and cakes to three elderly blacks. In Portsmouth, on the other hand, three robed and hooded Klansmen attempted to kidnap W. B. Trent, a 60 year-old black man, for no other reason than that he owned "several acres of fine truck land and several head of live stock," more than likely a good deal more than that owned by his abductors. Trent's son foiled the kidnapping attempt when his father's screams awakened him and he fired six shots in the direction of the Klansmen. The elder Trent claimed to have known one of the men since he was a child.⁹⁴

Despite at least a modicum of sympathy throughout the Old Dominion, Virginia's political elites and big city press never supported the Klan's activities. No one in the state more consistently opposed the hooded and secret order than did Louis Jaffe. Whereas many of his fellow newspapermen offered lukewarm opposition, the editor of the *Norfolk Virginian-Pilot* denounced the Klan as having "no place in a free country" and suggested that the organization "leave the various American races to adjust their differences in court."

⁹³ Chalmers, *Hooded Americanism*, 230; "The Chief and the Klan," *Norfolk Virginian-Pilot*, Sept. 18, 1921, p. 6; "White Ministers Would Not Help Check Ku Klux," *Norfolk Journal and Guide*, May 7, 1921, p. 1; "Roanoke Bars Ku Klux Klan," *ibid.*, Feb. 12, 1921, p. 1.

⁹⁴ "Ku Klux Klan Attend Funeral," *Norfolk Journal and Guide*, Feb. 25, 1922, p. 1; "\$100 Contribution To Mrs. E. S. Pierce By Ku Klux Klan," *Richmond News Leader*, Aug. 1, 1923, p. 1; "Week's News in Brief," *Norfolk Journal and Guide*, Jan. 5, 1924, p. 1; "Kidnappers Scurry Under Hail of Shot," *ibid.*, Sept. 1, 1923, p. 1.

He did not equivocate when priests and other Klan supporters emphasized the Klan's commitment to true American values. Ku Klux Klan #31 of Franklin, Virginia, attempted to assure Jaffe that they stood "for justice to one and all," but the editor understood what that meant in the context of white supremacy. Jaffe's persistent denunciations led the Klan to issue him both threats and pleas to understand their position. A charter member of the Norfolk Klan claimed that the organization did not engage in violent acts and insisted that the group's membership included "men whose standing in this community, for honesty, obedience and respect for law and order are above reproach." On several other occasions, however, Jaffe received explicit threats reminding him that "We see all and know all: so beware!" The letter was signed "K. K. K."⁹⁵

Although the Klan may have been more active in the Tidewater than in the state capital, nowhere in Virginia did the hooded order have a stranger history than in Richmond. The Klan's Richmond branch disbanded itself and disavowed any ties with the national organization. In its place, Richmond Klan members offered their allegiance to the Anglo-Saxon Clubs, an organization started by native Virginians convinced that the Klan was not sufficiently devoted to white supremacy. The Anglo-Saxons advertised themselves as a much more respectable alternative to the lower-class Klan; their ideology rigidified Jim Crow in Virginia and made it increasingly difficult for those favoring interracial cooperation in the Old Dominion to make meaningful progress.

⁹⁵ "Stick to the Mummery," *Norfolk Virginian-Pilot*, Dec. 26, 1920, reprinted in the *Norfolk Journal and Guide*, Jan. 1, 1921; Ku Klux Klan #31, Franklin, Virginia, to Editor, *Virginian-Pilot*, July 24, 1922, "A Charter Member of the KKK" to Louis Jaffe, Sept. 18, 1921, Threat to Jaffe, July 15, 1921, box 1, folder "1920-1924 Correspondence: Ku Klux Klan," Jaffe Papers (#9924-e).

Chapter Two

Redefining Race: The Campaign for Racial Purity, 1922-1925

In September 1922, John Powell, a Richmonder recognized by many as America's most accomplished pianist and composer, and Ernest Sevier Cox, a self-proclaimed explorer and ethnographer, organized Post No. 1 of the Anglo-Saxon Clubs of America. By the following June, the organization claimed four hundred members in Richmond alone and had added new groups throughout the state, all dedicated to "the preservation and maintenance of Anglo-Saxon ideals and civilization." Most accounts of the Anglo-Saxon Clubs have emphasized with good reason the leading role played by "a small but determined group of racial zealots." Powell, Cox, and Walter Ashby Plecker, the Director of Virginia's Bureau of Vital Statistics, undoubtedly drove the organization's agenda, publicized its platform, and formulated legislation. Powell did not act initially, however, until he felt confident that he had the implicit backing of some of the Old Dominion's wealthiest and most powerful citizens. In January 1921, more than eighteen months before the announcement of the first post's organization, Powell wrote to William Reed, a Richmond tobacco magnate and arguably Virginia's most powerful unelected individual, and relayed news of two recent conversations Powell had had with John Kerr Branch, one of the wealthiest men in the state and a close friend and traveling companion of Reed's. According to Powell, Branch "expressed wholehearted approval of the purposes of the Anglo-Saxon Clubs and I believe he will really be willing to help our program along. I am sure his changed attitude is the result of your influence."¹

¹ "Post No. 1, Anglo-Saxon Clubs, Has 400 Members," *Richmond News Leader*, June 5, 1923, p. 18; Richard B. Sherman, "'The Last Stand': The Fight for Racial Integrity in Virginia in the 1920s," *Journal of Southern History* 54 (February 1988): 69-92 (reference to "racial zealots" on p. 69); John Powell to William Reed, Jan. 24, 1921, section 1, Reed Family Papers, Virginia Historical Society. For more on Reed and his influence, see Joseph A. Fry, "Senior Advisor to the Democratic 'Organization': William Thomas Reed and Virginia Politics, 1925-1935," *The Virginia Magazine of History and Biography* 85 (October 1977): 445-469. Sherman's article is the best piece to date on the Anglo-Saxon Clubs. I have

From the outset, Powell and the Anglo-Saxons defined themselves in opposition to the Ku Klux Klan, which never received the support of Virginia's elites, and asserted their intention to achieve their goals "in the spirit of good sportsmanship and fair play on which rests all decency in personal relationships." Powell's claim earned him both explicit and tacit support from many of the same elites who condemned the Klan as a threat to civilized law and order. Leading newspapers, including the *Richmond Times-Dispatch* and the *Newport News Daily Press*, added critical editorial support. Consequently, Virginia's Anglo-Saxon Clubs made respectable their devotion to ideological extremism and did far more damage to residents of the Old Dominion than did the Klan. The organization's early history, however, suggests a much closer connection to the Ku Klux Klan than Virginia's elites ever cared to admit.²

On October 18, 1922, just weeks after Powell and Cox established the first post of the Anglo-Saxon Clubs, the *Richmond Times-Dispatch* reported that the local chapter of the Klan had seceded from the national organization, based in Atlanta. According to J. T. Bethel, an attorney for the Richmond Klansmen, the capital city's lodge had determined that the Klan was a "rampant anti-Catholic organization instead of an organization to maintain white supremacy." Since "the good people of Richmond do not care for that kind of an organization," the membership, including many of Richmond's best citizens, voted to sever its ties with the Klan and join the local Anglo-Saxon Club. Furthermore, the organization expressed a desire to persuade other Klan lodges to follow suit.³

Bethel explained that in Richmond, as in numerous cities throughout the state and country, scores of persons had rushed to join the Klan in 1920 and 1921. Posing as the American Civic Association, Klan members concealed their identity in order to maintain ties

relied on his work particularly with regard to the legislative efforts of the Anglo-Saxon Clubs, but have attempted to discuss the organization in broader political and social terms.

² "Post No. 1, Anglo-Saxon Clubs, Has 400 Members," *Richmond News Leader*, June 5, 1923, p. 18.

³ "Ku Klux Klan Here Acts To Break Up Order In Nation," *Richmond Times-Dispatch*, Oct. 18, 1922, pp. 1 & 6.

with Richmond's business community. Before long, however, Klansmen in Richmond began to distrust the motives and character of national representatives, several of whom seemed most interested in making money from the sale of memberships, robes, and regalia. Lodge members soon turned to the Anglo-Saxon Club in an effort to "retain the best there is in the Klan and to eliminate the worst."⁴

The decision of the Richmond Klan to leave the national organization led to a series of suits and counter suits as the national organization attempted to take control of local funds and to enjoin the Richmond lodge's officers from acting as official representatives of the Klan. In response, the Richmond members went before a notary public and swore that they were no longer members of the Ku Klux Klan, and that therefore the national organization had no authority over them. In addition, Richmond members claimed not to have known who had broken into their headquarters and stolen all their records. When the national organization pressed its claim, the State Corporation Commission fined it \$1000 for doing business in Virginia without a license. The fine was later reduced and the local chapter settled the issue by returning over five hundred robes to the national organization.⁵

While no evidence exists to suggest that John Powell himself ever belonged to the Ku Klux Klan, his insistence that he and the Anglo-Saxons were in no way connected with the Klan was simply not true. Dr. Lawrence T. Price, W. C. Maddox, and W. I. Stockton, Jr., the chairman, president, and secretary of the Anglo-Saxon Clubs, all appeared in the notarized list of former Richmond Klansmen who had renounced their membership. Richmond Klansmen found the national organization too full of unsavory characters and, if anything, insufficiently devoted to white supremacy. They did not object, however, to the basic ideology upon which the Klan existed. Therefore, Powell's statement to one harsh critic--"the men who originated the Clubs were so strongly opposed

⁴ Ibid.

⁵ Ibid., p. 6; "Ku Klux Klan Fined \$1000," *Richmond News Leader*, Oct. 30, 1922, p. 1; "Ku Klux Klan Is Fined \$50 By Va. Corp. Commission," *ibid.*, April 13, 1923, p. 1; "Klan's Suit Here Is Compromised," *ibid.*, June 7, 1923, p. 1.

to the Klan that they took it into the Courts and stopped its activities in the state for more than a year"--can only be read as a gross distortion intended to legitimize the Anglo-Saxon Clubs in the minds of respectable, elite Virginians. In many ways, Powell succeeded quite well in this endeavor.⁶

The Anglo-Saxons initially expressed a concern over federal immigration policy and the potential threat that new immigrants posed to the sanctity of native bloodlines. At first they described racial issues as "closely allied to problems of immigration."⁷ Within months, however, Powell and Cox ceased to mention immigration and focused all their energies toward "achieving a final solution" to the "negro problem." In July 1923, the *Richmond Times-Dispatch*, an early and enthusiastic supporter of the Anglo-Saxon Clubs, published lengthy articles by Powell and Cox that addressed the question, "Is White America To Become a Negroid Nation?"⁸

Powell argued that the politicization of the "Negro problem" constituted a "national tragedy" because the passage of Jim Crow laws and the disfranchisement of blacks had "diverted the minds of our people from the most serious and fundamental peril, that is, the danger of racial amalgamation." Insisting that such laws addressed only the more superficial aspects of the issue, the pianist and composer declared that "it is not enough to segregate the Negro on railway trains and street cars, in schools and theaters; it is not enough to restrict his exercise of franchise, so long as the possibility remains of the absorption of Negro blood into our white population."⁹

⁶ "Ku Klux Klan Here Acts To Break Up Order In Nation," *Richmond Times-Dispatch*, Oct. 18, 1922, pp. 1 & 6; "Post No. 1, Anglo-Saxon Clubs, Has 400 Members," *Richmond News Leader*, June 5, 1923, p. 18. In a letter to Dr. Stuart McGuire written on Jan. 1, 1925, Powell insisted that "I am not a leader, nor even a member of the Ku Klux Klan. The Anglo-Saxon Clubs are in no way connected with the Klan. In fact the men who originated the Clubs were so strongly opposed to the Klan that they took it into the Courts and stopped its activities in the state for more than a year." John Powell to Dr. Stuart McGuire, Jan. 1, 1925, box 56, folder "Racial Integrity Material 1," John Powell Papers (#7284-a), Special Collections Department, University of Virginia Library.

⁷ "Post No. 1, Anglo-Saxon Clubs, Has 400 Members," *Richmond News Leader*, June 5, 1923, p. 18.

⁸ John Powell and Earnest Sevier Cox, "Is White America To Become a Negroid Nation?" *Richmond Times-Dispatch*, July 22, 1923.

⁹ Powell, "Is White America To Become a Negroid Nation?" *Richmond Times-Dispatch*, July 22, 1923.

Powell acknowledged that Virginia's laws already prevented the intermarriage of blacks and whites, but warned that such laws did not necessarily "prevent intermixture" and that "numerous individuals with Negro blood are legally white and may not marry Negroes." Powell's concern reflected a belief among Anglo-Saxons that a 1910 Virginia statute which defined a black person as having at least one-sixteenth black blood no longer maintained the integrity of the white race. Many Anglo-Saxons pointed to census figures which showed that the number of mulattos in Virginia decreased from 222,910 in 1910 to 164,171 in 1920 and argued, therefore, that an increasing number of people with some black blood passed as white. Consequently, according to Powell, a new, "absolute" color line offered the only "possibility, if not the probability, of achieving a final solution."¹⁰

Anglo-Saxon ideology derived much of its basis from the science of eugenics, and its counterpart, scientific racism. Powell latched on to Mendel's theories of heredity and argued that when two races interbred "the more primitive, the less highly specialized, variety always dominates . . . not merely physically, but mentally and psychologically as well." A widespread belief in the inferiority of blacks allowed the Anglo-Saxons to argue that "every race that has crossed with the Negro has failed to maintain its civilization and culture." Powell warned, therefore, that "one drop of Negro blood makes the Negro." By clothing their ideology in theories of biology and ethnography, the Anglo-Saxons attempted to state these theories as fact and argued that "in this conviction there lies nothing defamatory or even derogatory to the Negro." Powell acknowledged that blacks had been forced to come to the United States against their will and consequently remained "innocent of responsibility for the existence of the Negro problem. . . . These considerations should compel us, in any sentiment of the matter, to treat him not only with meticulous fairness but also with large generosity. Noblesse oblige would permit no less."¹¹

¹⁰ Ibid.; Sherman, "'The Last Stand'": 70-71.

¹¹ Powell, "Is White America To Become a Negroid Nation?" *Richmond Times-Dispatch*, July 22, 1923. For more on eugenics and the Anglo-Saxon movement, see Sherman "'The Last Stand'": 71-74. Powell and other Anglo-Saxons conveniently ignored the work of Franz Boas of Columbia University and

Without offering any concrete evidence, Powell warned white Virginians of the "enormous increase in numbers of slightly Negroid persons." Throughout every one of the Old Dominion's one hundred counties, claimed Powell, blacks and whites lived together in at least one locality. As evidence of the problem in Richmond, Powell offered that he stood for forty-five minutes at the intersection of Broad and Second Streets. "During this time," reasoned Powell, "I counted among the passers-by over 200 Negroes, of whom only five were black. In addition, I counted over thirty individuals of whom I could not with any degree of certainty state whether they were white or colored."¹²

Having identified the severity of the problem as he saw it, Powell turned for a moment to certain causes of the breakdown of the color line. In particular, he mentioned that whites who collaborated with blacks on social welfare committees and in training schools used inappropriately familiar forms of address which threatened "social and caste distinctions." Perhaps mindful that many of his friends in Richmond's elite circles participated in such interracial work, Powell noted the noble motives of these whites, but warned of the "advance of social equality under existing conditions." In the ensuing months, Powell would return to this theme, especially as it concerned a younger generation of Virginians.¹³

Without offering specific evidence, Powell expressed horror at the "increase in the number of hybrids born of white women." The vast majority of miscegenation in Virginia, as Powell undoubtedly knew, had been the result of unscrupulous whites taking advantage of black women. Powell's concern might have underscored the increased emancipation of

other social scientists whose research exploded many of the myths of black racial inferiority upon which Anglo-Saxon ideology depended. "The Question of Racial Purity," *Norfolk Journal and Guide*, Nov. 29, 1924, p. 12; "Dr. Plecker and Prof. Reuter Join Issues," *ibid.*, March 21, 1925, p. 12; "Brain Size Not Racially Determined," *ibid.*, Feb. 19, 1927, p. 12.

¹² Powell, "Is White America To Become a Negroid Nation?," *Richmond Times-Dispatch*, July 22, 1923.

¹³ *Ibid.*

women's roles in society, but unfortunately he refused to elaborate, adding only that "this matter is too abhorrent to be discussed in the public press."¹⁴

Powell acknowledged that no such thing as an Anglo-Saxon "race" had ever existed, but concluded that without a doubt the words "Anglo-Saxon Civilization" had a distinct cultural meaning and that the Anglo-Saxon Clubs were determined to maintain and preserve that unique culture. To that end, Powell urged the Virginia General Assembly to adopt a system of statewide registration that would require all people in the state to list their race on a birth certificate; that no marriage license be granted without presentation of registration and birth certificates; to provide that whites may only marry whites; and to change the law so that for the purpose of marriage white persons could have no trace of blood that was not white.¹⁵

In support of Powell's remarks, Ernest Sevier Cox added matter-of-factly that "there are but two solutions to a race problem--amalgamation or separation." He elaborated on Powell's point that absorption of black blood into the white race threatened to destroy white civilization, emphasizing the scientifically established principle that "Negro race traits and predispositions revert in mixbreeds far removed from the pure negro." In language that would become standard in Anglo-Saxon rhetoric, Cox argued that their proposed legislation sought to preserve the purity of the black race as well, and consequently ought to receive the support of many black Virginians. More than likely, Cox opined, those blacks who opposed the legislation would be those light-skinned persons whose "complexion brings them so near the dominant race that a mere change of locality may enable them to cross the color line."¹⁶

Perhaps without realizing it, Cox underscored the degree to which the Anglo-Saxon movement reflected first and foremost an admission among whites that they were becoming

¹⁴ Ibid. Powell did suggest that records of the Board of Corrections and Charities would support his claim.

¹⁵ Ibid.

¹⁶ Cox, "Is White America To Become a Negroid Nation?" *Richmond Times-Dispatch*, July 22, 1923.

powerless to protect themselves from the implications of their own doing. "Those of us who live in the South," Cox explained, "will detect with comparative accuracy the presence of colored blood in the individual, but not always are we sure, and in a large number of cases where the race purity of the individual is suspected there is lacking adequate means by which the white race may be protected." Consequently, legislation was necessary to "remove the 'suspect' from uncertainty and place him on the right side of the color line."¹⁷

The *Richmond Times-Dispatch*, the most widely read paper in the state, enthusiastically embraced the positions taken by the two Anglo-Saxon leaders. In an editorial published the same day as the pieces by Powell and Cox, the Richmond daily restated the major points and concluded that all "thinking men and women in Virginia" had to give the articles "serious consideration." Acknowledging that the Anglo-Saxon platform alone would not "solve the negro problem," the paper did suggest that the platform "will at least express an ideal, and throw every possible safeguard around racial purity."¹⁸

Several weeks after the appearance of the Powell and Cox articles, Walter A. Plecker, the third member of the Anglo-Saxon triumvirate, provided an early glimpse of the zeal with which his department, the Bureau of Vital Statistics, would attempt to define Virginians as white or black. Writing in the *Richmond News Leader*, Plecker championed his bureau as "perhaps the greatest force in the state today combating" the crossing of the color line. In addition, the statistician revealed that he had instructed local registrars in Amherst and Bedford counties, both home to persons of contested racial heritage, "to firmly refuse to admit them as white if they have even a trace of negro blood on either side." Plecker's instruction flew in the face of Virginia law which still did not define blackness according to the one-drop rule, but rather according to the one-sixteenth rule adopted in 1910. In essence, Plecker granted himself legislative authority and sought to

¹⁷ Ibid.

¹⁸ "Racial Integrity," *Richmond Times-Dispatch*, July 22, 1923, p. 4.

define race in terms favored by the Anglo-Saxon clubs before the issue had been considered by the General Assembly.¹⁹

No doubt Plecker's concern was only heightened by the reaction that his instructions prompted from at least one unidentified local registrar, possibly from Bedford County, who expressed a concern with the damage to his own business if he did not register people according to their wishes. The local official told Plecker that parents "are extremely sensitive about their color, where there is said to be any negro blood in them. These people have their own churches, schools, etc., and do not associate with either class, yet they are registered as white on the voting list, and the only thing I could do without being injurious to my business, was to let the birth registers go on as handed in to me by the midwives as white." Several months later, this registrar resigned rather than choose between the health of his business and complying with Plecker's instructions. Plecker's experience with local registrars such as this one further convinced him of the need for a state law that would leave local officials with no discretion in the matter of racial classification.²⁰

With the Virginia legislature not due to convene until the following January, Powell and his supporters set about building support for their organization. In October, the Anglo-Saxon Clubs held their first statewide convention. Representatives from twenty-four posts, including eight colleges, met and declared themselves "for the preservation of racial integrity; for the supremacy of the white race in the United States, without racial prejudice or hatred; and for all principles of liberal Americanism conceived in the spirit of broad patriotism." The convention further decreed the organization open to "all native-born, white, male American citizens, over the age of eighteen years, of temperate habits and good

¹⁹ Sherman, "The Last Stand": 75-76. The quotes that Sherman uses are from the *Richmond News Leader*, Aug. 4, 1923. See also form letters designed by Walter A. Plecker for use by the Commissioner of Revenue, dated July 26, 1923, and by Local Registrar, dated June 22, 1922, box 56, folder "Racial Integrity Material 2," Powell Papers.

²⁰ Letter from a local registrar to Walter A. Plecker, July 28, 1923, and Plecker to Senator M. B. Booker, Feb. 15, 1924, box 56, folder "Racial Integrity Material 2," Powell Papers.

moral character, who are qualified to vote or who will pledge themselves to qualify at the earliest opportunity." To make certain that they were not confused with their robed and hooded cousins, the Anglo-Saxons declared themselves "'in no sense a secret, fraternal organization.'"²¹

John Powell had grand ambitions of turning the Anglo-Saxon Club into a nationwide organization. Starting with one post in Richmond in September 1922, the club apparently reached its peak in 1925 with thirty-one posts in Virginia, plus one each at the University of Pennsylvania and Columbia University and one on Staten Island. In addition, the Women's Racial Integrity Club of Richmond had at least forty members, including representatives of the capital's most socially connected families. Plans to start groups in North Carolina and Mississippi apparently never came to fruition. Powell confided to one supporter in Mississippi that his group currently had no funds available and had to rely on the time and effort of individual volunteers. He did remain optimistic, however, in noting that several leading businessmen had recently joined the Richmond post and were attempting to put together a plan of financial organization.²²

While a number of colleges appeared on early lists, membership proved less than reliable. The Hampden-Sydney post objected to the new constitution as "too complicated." Only a week after the statewide convention, M. O. Williams, the president of Post No. 7 at Virginia Polytechnic Institute in Blacksburg, told John Powell that only ten members remained in his post and deemed it unwise to try to expand to fifty "without having the

²¹ "Constitution of the Anglo-Saxon Club of America: Adopted in Convention at Richmond, Va., October 13, 1923," box 56, folder "Racial Integrity Material 1," Powell Papers; Sherman, "The Last Stand": 76 (the last quote, although originally drawn from the Anglo-Saxon Constitution, is taken from Sherman's article). The number of posts is gleaned from a letter from Lawrence T. Price requesting support for legislation several months later and from a letter from John Powell to Stone Deavours on April 20, 1925. Powell indicates that there were twenty-four posts at the time of the convention; Price's letter lists twenty-five posts just a short time afterwards. The Powell letter is in box 56, folder "Racial Integrity Material 2," and the Price letter is in box 56, folder "Racial Integrity Material 1," Powell Papers.

²² John Powell to Stone Deavours, April 20, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers; "Addresses of W. R. I. Club of Richmond, Virginia, 1926," box 56, folder "Racial Material," Powell Papers. Richard Sherman notes quite accurately that Powell himself evinced little interest in the nuts and bolts of running the organization and left day-to-day operations to Lawrence T. Price, a doctor in Richmond. Sherman, "The Last Stand": 76.

purpose and plan of the organization explained by some competent speaker." Apparently Williams never received a satisfactory response; several months later, just as Powell, Cox, and Plecker prepared to present their legislation to the Virginia General Assembly, Williams resigned as president of his local chapter and withdrew his membership in the Anglo-Saxon club. In a letter to Lawrence Price, the chairman of the organization, the collegian wrote, "I am in accord with the aims of the Clubs; I feel that I realize the seriousness of the racial problem; I am very anxious to study and seek a solution for it; but I feel that the method followed by the Anglo-Saxon Clubs does not lead to a solution as I see it. In accordance with this conviction I am acting."²³

Ironically, activities on campuses such as Virginia Tech had convinced Powell further that the younger generation of whites lacked the necessary commitment and upbringing to maintain racial integrity. The pianist's sister, Mrs. Reid Brockenbrough of Richmond, sent Powell a copy of the January 10, 1924, issue of the student newspaper at Virginia Tech. A front-page story detailed the proceedings of the ninth meeting of the Student Volunteer Movement, attended by seven thousand students from all over the country, including fourteen from Tech. Most of the coverage centered on discussions of race which focused on three questions: "What racial distinctions, if any, should be drawn? What is the meaning of the term 'racial equality'? Can we let the fear of race fusion by marriage stand in the way of race equality?" No doubt the conclusion of at least half of the discussion groups that racial distinctions should not be drawn must have terrified Powell. Students proposed to "eliminate the white superiority complex ingrained in the primary schools. . . . utilize every opportunity to become friends with members of other races. . . . begin tackling the problem by converting our own families! . . . work for the breaking down of racial discrimination in dormitories, class-rooms, societies, athletics, fraternities,

²³ M. H. Bettinger to John Powell, Oct. 13, 1923, box 56, folder "Racial Integrity Material 2," M. O. Williams to Powell, Nov. 1, 1923, Williams to Dr. Lawrence T. Price, Jan. 31, 1924, box 56, folder "Racial Integrity Material 1," Powell Papers.

churches--in college life generally." The last two suggestions in particular drew Powell's attention. Although the article did not specify how Virginia Tech's delegates responded to these questions, the student newspaper reported favorably on the convention as a whole and gave full coverage to the discussions on race. To make matters worse, Brockenbrough informed Powell that M. O. Williams, until recently the president of the campus post of the Anglo-Saxon Club, had attended as a delegate.²⁴

Powell received further evidence of a breakdown of racial decorum on college campuses several months later when W. S. Gooch, a textbook salesman for the Macmillan Company, wrote about alleged activities at Lynchburg College. In one letter, Gooch asserted that black men and women sat at the same table with whites for lunch. "I cannot understand," exclaimed Gooch, "such a meeting being tolerated in Virginia under any circumstances." Several days later, however, the textbook salesman reported to Powell that his earlier account had been wrong and that whites and blacks had not sat at the same table at what he now revealed to be a YMCA-YWCA meeting, "but it was because those from V. P. I. and Farmville advised against it." Not to fully disappoint Powell, however, Gooch assured him that several months earlier blacks and whites did eat together at Randolph-Macon Woman's College in Lynchburg. "I think," concluded Gooch, "this sort of thing ought to be nipped in the bud."²⁵

In February 1924, Powell and other supporters of the Anglo-Saxon Club finally had an opportunity to present their case to the Virginia General Assembly. Sponsors in the house and senate introduced legislation based on Powell's article of the previous summer: rigid, mandatory registration of all Virginians under the auspices of Walter Plecker and the Bureau of Vital Statistics; one year in the penitentiary for willfully lying about one's color;

²⁴ Mrs. Reid Brockenbrough to John Powell, Feb. 2, 1924, *The Virginia Tech*, Jan. 10, 1924, box 56, folder "Racial Integrity Material 1," Powell Papers. The article in question is highlighted, either marked for Powell's attention or by Powell himself. In addition, check marks were placed next to some of the specific suggestions.

²⁵ W. S. Gooch to John Powell, April 14, 1924, and Gooch to Powell, April 18, 1924, box 56, folder "Racial Integrity Material 2," Powell Papers.

mandatory presentation of racial certification to local registrars before a marriage license could be issued; prohibition against whites marrying anyone save another white; the definition of a white person as one "who has no trace whatsoever of any blood other than Caucasian." In addition, supporters created the "Pocahontas Exception" to protect descendants of Pocahontas and John Rolfe: persons "who have less than one sixty-fourth of the blood of an American Indian and have no other non-Caucasic blood shall be deemed to be white persons."²⁶

John Powell headlined the list of supporters who appeared before the legislature on February 12. The Richmond native warned legislators of the threat that faced their civilization if they refused to act. Acknowledging that whites owed blacks a debt for their hard work and sacrifice, Powell insisted that "racial amalgamation is no way of showing our gratitude." In preparations for his testimony, Powell cited at least fourteen cases from around the state which showed the danger of racial mixing; he considered the worst problems to be in Halifax, Albemarle, Bedford, Greene, Tazewell, Amherst, and Rockbridge counties, most of which lay in the mountainous parts of the state. He quoted from leading northern eugenicists Lothrop Stoddard, Madison Grant, and Franklin Giddings, all of whom predicted the downfall of white civilization without proper legislation.²⁷

Powell claimed that the Anglo-Saxons had in mind the best interests of both races. His conception of the relationship between racial cooperation and intermixing, however, meant that even the most subtle shift away from rigid white supremacy would be construed as a threat to white racial integrity. The leading Anglo-Saxon instilled fear in white

²⁶ Sherman, "The Last Stand": 77.

²⁷ "Powell Asks Law Guarding Racial Purity," *Richmond Times-Dispatch*, Feb. 13, 1924, p. 1; "Citation of Cases: Showing Racial Amalgamation and Decadence of Racial Sense," box 56, folder "Material on Race Issues," Powell Papers; Lothrop Stoddard, "To All Whom This Statement May Concern," Feb. 1, 1924, Franklin Giddings to John Powell, Feb. 5, 1924, Madison Grant to Powell, Feb. 1, 1924, box 56, folder "Racial Integrity Material 2," Powell Papers; Sherman, "The Last Stand": 77-78. Stoddard, an author and regular contributor to the *Saturday Evening Post*, Grant, an attorney in New York, and Giddings were all driving forces in the national eugenics movement. Sherman, "The Last Stand": 71-72.

Virginians by arguing that racial integrity posed a far more insidious danger to white civilization than did the maintenance of white supremacy. But Thomas Dabney, a black professor at Virginia Union University, underscored the inherent contradiction in Powell's rhetoric. Dabney noted that in his testimony Powell "'lamented' the degree to which barriers between the races were coming down." Powell cited an article which argued that blacks would have to receive greater rights and opportunities if they remained in the South. In addition, Powell mentioned specifically the threat posed by the Convention of the Volunteer Student Movement whose proposals would likely lead to amalgamation. In what must have been a reference to the article in the Virginia Tech student newspaper, Powell explained that he was worried because of the presence of southern students at this convention. While no credible evidence suggested that miscegenation was actually on the increase, student newspapers and interracial groups proved to Powell that interracial cooperation was on the rise. Any such contact, he believed, would ultimately lead to miscegenation.²⁸

While the *Richmond Times-Dispatch* fully backed Powell's position, not every member of the legislature did. State senators raised objections, especially to the section of the bill which mandated racial registration. Accordingly, they amended the bill to allow for voluntary registration, placed the burden of proof for one's racial heritage on the individual by instructing clerks to withhold marriage licenses in cases of doubt, and raised the allowable amount of Indian blood to one-sixteenth. State law would continue, however, to define whites according to the "no trace" test. After adopting the amendments, both houses of the General Assembly passed the bill and Governor E. Lee Trinkle signed it into law on March 20, 1924.²⁹

²⁸ Thomas L. Dabney, "Race Amalgamation and Law," *Norfolk Journal and Guide*, Feb. 23, 1924, pp. 7 & 9.

²⁹ Sherman, "'The Last Stand'": 78. The issue of registration only applied to persons born before June 14, 1912. All persons born after that date were already registered according to the provisions of the 1912 law which established the Bureau of Vital Statistics. Sherman, "'The Last Stand'": 78.

Although Virginia law had prohibited interracial marriage for centuries, the 1924 act defined white persons for the first time, and did so by applying the "no trace" test. A legislative act of 1910 had not defined whites, but had defined blacks as those with one-sixteenth or more black blood. (Before 1910 blacks had been defined as persons with one-fourth or more black blood.) Hence, according to the law of 1910, a person with less than one-sixteenth black blood was defined as white and prohibited from marrying a black person. The law of 1924, however, prohibited such a person from marrying a white.³⁰

While John Powell appeared as the Anglo-Saxon Club's leading spokesperson, Walter Plecker was without a doubt the group's primary enforcer. From 1924 until his retirement twenty-two years later, Plecker waged a campaign of threats and intimidation aimed at classifying all Virginians by race and committed to identifying even the smallest traces of black blood in the state's citizens. In short, the statistician operated on the belief that a person was guilty of being black until he or she could prove otherwise.

Although the Virginia General Assembly had objected to the mandatory registration section of the racial integrity act, Plecker considered it his mission to encourage as many Virginians as possible to register. Before the governor had even signed the act into law, the director of the bureau of vital statistics appealed to the state's populace to take steps necessary to ensure the integrity of the white race. Plecker noted that between ten and twenty thousand near-white Virginians "possess an intermixture of colored blood, in some cases to a slight extent, it is true, but still enough to prevent them from being white." Such people, declared Plecker, previously had been considered white which allowed them to demand "admittance of their children to white schools" and "in not a few cases" to marry whites. Plecker reminded his audience that although such people were "scarcely distinguished as colored," they "are not white in reality." The director warned that lawyers in parts of the state had already begun assisting parents "of this type to force their children

³⁰ Sherman, "'The Last Stand'": 78-79.

into the white public schools." Registration would enable the Bureau of Vital Statistics to head off such trouble. Several weeks later, the secretary of Post No. 1 of the Anglo-Saxon Clubs thanked Governor Trinkle not only for his support of the bill, but for "the promptness of the registration of yourself and family."³¹

Plecker's concern, however, did not stop at the Virginia border. Soon after his plea to Virginians to register, he prevailed upon the governor to send a copy of Virginia's new statute to the chief executives of all other states. He told a Mississippi lawyer that Virginia must get the other states to pass similar legislation and that a successful effort might hold off amalgamation for five hundred years. Plecker agreed with Ernest S. Cox that Virginia stood to gain from urging Maryland and North Carolina to follow suit. Plecker went so far as to send United States Senator Morris Shepherd of Texas a draft of a bill to preserve racial integrity in Washington, D. C. John Powell praised the efforts of the Ohio House of Representatives, but informed its speaker that a definition of black based on "distinct and visible" features would prove insufficient.³²

Within days of the passage of the racial integrity act, Plecker sent instructions to county and city registrars and all other persons, including doctors, responsible for the administration of the law. He emphasized the necessity of recording accurately the racial composition of both parents and warned authorities not to accept persons as white if any doubt existed. He instructed physicians and registrars in the proper usage of terms such as "mulatto," "quadroon," "octoroon," "mixed," and "issue." That fall, Plecker asked school teachers and officials to assist his office in preventing children with even a trace of black blood from enrolling in white schools, and urged them to report to his office any

³¹ "To Further Aims of Racial Law," *Richmond Times-Dispatch*, March 19, 1924, p. 2; E. H. Anderson to E. Lee Trinkle, April 17, 1924, box 43, folder "Bureau of Vital Statistics," Executive Papers, E. Lee Trinkle, 1922-26, Library of Virginia.

³² Walter A. Plecker to E. Lee Trinkle, April 19, 1924, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; Plecker to Stone Deavours, Mississippi State Bar Association, box 56, folder "Racial Integrity Material," Powell Papers; Plecker to Ernest S. Cox, Plecker to Sen. Morris Shepherd, March 12, 1925, John Powell to the Hon. George H. Roberts, Feb. 28, 1925, box 56, folder "Racial Integrity Material 1," Powell Papers.

uncertainties. The statistician referred to birth and marriage records from 1853 to 1896 in his office's possession which confirmed that some families in the past had been "correctly listed as colored, but have now succeeded in passing as white, and intermarrying with white people who have no knowledge of the facts." Nevertheless, according to Plecker, "under Mendel's law, the children from such marriages are likely, even after many generations, to present clear marks of colored ancestry."³³

The enforcement of Virginia's racial integrity act produced profound and devastating consequences in the lives of Plecker's targets. Those who emphasize that the Anglo-Saxon movement was essentially the work of a small group of racial zealots often overlook the impact that the law wrought on the lives of hundreds of Virginians.³⁴ Within weeks of the law's passage, Plecker established the tone with which he would enforce the letter of the law. On April 30, he wrote Mrs. Robert Cheatham of Lynchburg with regard to the racial classification of her child born the previous July, well before the law was passed. According to a birth certificate signed by Mary Gideon, a midwife, Cheatham and her husband were white. Plecker, however, revealed that the Lynchburg city health department listed her husband as black. The statistician told the Lynchburg resident, "This is to give you warning that this is a mulatto child and you cannot pass it off as white. . . . You will have do to something about this matter and see that this child is not allowed to mix with white children. It cannot go to white schools and can never marry a white person in Virginia. It is an awful thing." In addition, Plecker sent the midwife a note informing her

³³ "Instructions to Local Registrars and Other Agents in Administration of Law," *Virginia Health Bulletin, Department of Health* 16, extra no. 1 (March 1924), copy in box 56, folder "Racial Integrity Material 1," Powell Papers; W. A. Plecker, "Birth Registration and Racial Integrity Law," *Virginia Journal of Education* 18, no. 1 (Sept. 1924): 13. Plecker defined "mulatto" as an offspring of white and colored, "quadroon" as offspring of mulatto and white, and "octoroon" as offspring of quadroon and white. He used "mixed" and "issue" to refer to any person containing a mixture of white and black in which white predominated. "That is the class," he warned, "that should be reported with the greatest care, as many of these are on the borderline, and constitute the real danger of race intermixture."

³⁴ In his article "'The Last Stand'", Richard B. Sherman emphasizes the degree to which Powell, Cox, Plecker and their adherents constituted "a small but determined group of racial zealots." I do not disagree with such an assessment; rather, my intent is to look beyond the political and legislative agenda of the Anglo-Saxon Club and to emphasize the enforcement of the law and the effect it had on the lives of many Virginians.

that "it is a penitentiary offense to willfully state that a child is white when it is colored. You have made yourself liable to very serious trouble by doing this thing. What have you got to say about it?" Although John Powell held no state position, Plecker supplied him with documents including this one at the top of which he scribbled, "This is a specimen of our daily troubles and shows how we are handling them."³⁵

Erroneous reports arose as Plecker and his staff worked during the summer to identify families throughout Virginia that should not be considered white. Reid Williams of Dinwiddie claimed that he had information from Plecker that fifty of the most influential families in Russell County had some black blood, were not actually aware of it themselves, and thus had continued to intermarry with the county's best citizens. Plecker assured the superintendent of the Russell County School Board that Williams had misinterpreted his comments, but did not totally discount the possibility that some leading whites did have traces of black blood. "We are now beginning to get in touch with similar conditions throughout the State and are trying to establish a list of all doubtful families," concluded Plecker. "Of course, I am up against the question of offending and antagonizing individuals which cannot be avoided. We cannot consider the individual but the State."³⁶

In late April, Plecker received from a local registrar in Amherst County a list of families in both Amherst and neighboring Rockbridge County that the registrar knew to be of mixed blood. Several days later, the director of vital statistics urged all clerks in Amherst, Rockbridge, and Augusta counties to use extreme caution in issuing marriage

³⁵ Walter A. Plecker to Mrs. Robert Cheatham, April 30, 1924, Plecker to Mary Gideon, box 56, folder "Racial Integrity Material 1," Powell Papers. It is quite conceivable that a number of state senators and delegates feared opposing the bill, but reasoned that it would have little practical effect. Thirteen of forty senators and nineteen of one hundred delegates actually abstained from voting at all. See Commonwealth of Virginia, *Journal of the Senate*, 1924, February 27, 1924, 476-77; Commonwealth of Virginia, *Journal of the House of Delegates*, 1924, March 8, 1924, 774-75.

³⁶ Walter A. Plecker to R. N. Anderson, July 31, 1924, box 56, folder "Racial Integrity Material 1," Powell Papers.

licenses to members of these families. A handwritten note to John Powell indicated that Plecker had sent the same warning to school authorities and local registrars.³⁷

Several months later, a member of one of the families in question, W. H. Clark, attempted to register himself and his family as white. Plecker informed Clark of the terms of the new law and reminded him that the penitentiary awaited those who attempted to pass as white. Plecker acknowledged that he did not know Clark personally, but that a Carnegie Foundation report of mulattos in Amherst listed the Clarks as a family of mixed descent that had migrated to the Irish Creek section of Rockbridge County. Furthermore, Plecker informed Clark that records in possession of the Bureau of Vital Statistics indicated that his wife's maiden name was on the list of families deemed mulatto. Never for a moment did Plecker consider the possibility that any family with one of the names in question might not actually be part black. He told Clark that he expected the Rockbridge resident to educate other residents of Irish Creek with regard to the law and underscored that clerks had no discretion in the matter of racial registration. In a final note to Clark, Plecker informed him that he had advised "the school authorities that these people of mixed blood should not enter white schools."³⁸

The degree to which Amherst and Rockbridge residents like W. H. Clark would cause trouble for Plecker became readily apparent in the ensuing weeks. Plecker told Ernest S. Cox that "our Amherst County colony is up in arms and are on the verge of a race riot, threatening the life of one of our local registrars for giving out information concerning them." Plecker revealed that forty-seven such people had attempted to register as white, but that he could prove they were not. In a letter to John Powell, Plecker added that the "Amherst crowd are all trying to register as white." In response, the bureau had instructed all local registrars to refund the registration fee rather than accept them as white. As almost

³⁷ H. H. Sorrells to Walter A. Plecker, April 25, 1924, Plecker to Clerks of Rockbridge, Amherst, Augusta counties, April 29, 1924, *ibid.*

³⁸ Walter A. Plecker to W. H. Clark, July 29, 1924, *ibid.*

an afterthought, or perhaps as a reminder that the Bureau of Vital Statistics was busy all over Virginia, Plecker told Powell, "I struck quite an interesting family in Norfolk County yesterday with ten children, seven of whom are registered with us, three as white, three as colored and one doubtful. Think of the benefit of preventing those ten mixed children from going white."³⁹

Plecker's instructions to local registrars led to court challenges in the fall of 1924. A. T. Shields, the clerk of court for Rockbridge County, refused to grant a marriage license to Dorothy Johns and James Connor after he determined that Johns had at least a trace of black blood. Johns took Shields to court where witnesses on her behalf testified that she had no amount of black blood. But Plecker and Silas Coleman, a resident of Amherst County, effectively used birth records that showed she descended from the Johns family of Amherst County, all of whom had "colored" ancestors. Johns's attorney argued that "colored" had been used in the nineteenth century to describe Indians as well as blacks, and provided witnesses who acknowledged her Indian ancestry. Judge Henry Holt sided with the clerk of court, accepted evidence that Johns had at least some black blood, and refused to order that he issue a marriage license to Johns and Connor. At the same time, however, he objected to aspects of the racial integrity law itself. In particular, he found that persons wrongly accused of having some non-white blood would find it nearly impossible to disprove such charges.⁴⁰

Several weeks later, Plecker found himself back in the same court in an almost identical case. This time, the clerk of court had refused a marriage license to Atha Sorrells and Robert Painter, believing that Sorrells had at least some black blood mixed with white and possibly Indian ancestry. Despite his victory in the Johns case, Plecker approached the case with extreme caution. He confided to the clerk of court of Amherst County that he

³⁹ Walter A. Plecker to Ernest S. Cox, August 9, 1924, Plecker to John Powell, July 30, 1924, *ibid.*

⁴⁰ Walter A. Plecker to W. E. Sandidge, October 4, 1924, box 56, folder "Racial Integrity Material 1," Powell Papers; J. David Smith, *The Eugenic Assault on America: Scenes in Red, White, and Black* (Fairfax, Va.: George Mason University Press, 1993), 71; Sherman, "The Last Stand": 80.

feared that his star witness in the Johns case, Silas Coleman, would not testify a second time "as he is afraid that his barn will be burned or other injury done to him or his property." He shared the same concern with Governor Trinkle who stressed the importance of the case to the commonwealth's attorney.⁴¹

The loss of Coleman's testimony proved especially troublesome. Plecker informed A. Willis Robertson, who represented the commonwealth in court, that he could prove that Sorrells's grandparents were "colored," but might have difficulty because her mother, Ida Lee Wood, had been recorded as white upon her birth in 1885 and married as a white person. "This is where the fight will hinge," reasoned Plecker. "It seems to me that we ought to make our fight in the beginning to have them prove their standing and not us." Plecker's concern even prompted him to suggest to A. T. Shields that he do his best to prevent Sorrells's attorney from discovering this in the records. "I would be glad to hear from you," wrote Plecker, "just what use they are making of the old birth and marriage records and what they have found. Of course, we do not want to tell them what we know, if they do not find it. I would warn that you guard these records very carefully and that you do not permit them to be handled by anyone except under your eye. It would be a very easy thing to erase a mark indicating color and substitute the one in the other line."⁴²

This time, lacking any witnesses to support Plecker's testimony, Judge Holt ruled in favor of the plaintiff and ordered that the clerk grant a marriage license to Atha Sorrells and Robert Painter. In his opinion Holt asserted, "I am in cordial sympathy with the general purpose of the statute." Nevertheless, he determined that the statute depended upon

⁴¹ Walter A. Plecker to W. E. Sandidge, October 4, 1924, box 56, folder "Racial Integrity Material 1," Powell Papers; Plecker to E. Lee Trinkle, Nov. 7, 1924, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers. Governor Trinkle, essentially silent up until this point, wrote Willis Robertson, the Commonwealth's Attorney for Rockbridge County and a future United States Senator, that "this law is a new one and I regard it of vital importance. There are a great many of our real substantial white people who fought hard for the Bill and are doing all they can to help out in this situation over the State." E. Lee Trinkle to A. Willis Robertson, Oct. 6, 1924, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers.

⁴² Walter A. Plecker to A. Willis Robertson, Nov. 7, 1924, Plecker to Silas Coleman, Nov. 7, 1924, Plecker to A. T. Shields, Nov. 7, 1924, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers.

a definition of Caucasian "which in the present state of ethnology has no certain meaning." Taken literally, Virginia's racial integrity act would deny a marriage license to a white man and a Hungarian woman. Nobody, argued the jurist, could prove without a doubt that they did not have somewhere, generations back, a drop of black blood. "Half the men who fought at Hastings were my grandfathers," reasoned Holt. "Some of them were probably hanged and some knighted, who can tell?" Holt insisted that the "rule of reason" must be applied to law, and therefore "an appreciable amount of foreign blood" must exist to fall within the bounds of the racial integrity act. Ruling that the evidence showed "no strain present in the applicant of any blood other than white, except Indian, and there is not enough of that to come within the statute," Holt found in favor of Sorrells.⁴³

Holt's decision stunned Powell, Plecker, and other adherents of the racial integrity act. Newspaper accounts reported that Plecker's office would continue to consider Sorrells and any children as "negroid." An editorial in the *Richmond Times-Dispatch* challenged the judge's authority to insist on an "appreciable amount" of black blood. Leon M. Bazile, the assistant attorney general for the state, assured Powell that his office would appeal Holt's ruling if Powell and Plecker so desired, but that he thought the law was working well throughout the state, and that an appeal risked having the statute ruled unconstitutional. Fifty members of Richmond's Post No. 1, including a significant number of women, met to discuss the merits of an appeal.⁴⁴

A. Willis Robertson advised Governor Trinkle that he considered it unwise to prosecute any more racial integrity cases in Rockbridge County unless the Virginia Supreme Court of Appeals first uphold the statute's constitutionality. Judge Holt had

⁴³ "Woman, Listed Negroid, Wins Right To Be Called 'White'," *Richmond News Leader*, Nov. 18, 1924, p. 4; Smith, *Eugenic Assault on America*, 71-73; Sherman, "'The Last Stand'": 80-81.

⁴⁴ "Woman, Listed Negroid, Wins Right To Be Called 'White'," *Richmond News Leader*, Nov. 18, 1924, p. 4; "Testing the Racial Integrity Law," *Richmond Times-Dispatch*, Nov. 20, 1924, p. 6; Leon M. Bazile to John Powell, Nov. 26, 1924, box 56, folder "Racial Integrity Material 2," Powell Papers; "Anglo-Saxon Club May Take Appeal In Sorrells Case," *Richmond Times-Dispatch*, Dec. 10, 1924, pp. 1-2.

assured Robertson that, if the highest state court accepted the case, he would amend his ruling and declare the law unconstitutional in order to make an appeal more straightforward. The *Richmond News Leader* reported that leading lawyers in the state felt it necessary for the Court of Appeals to determine whether Holt was correct in assigning the burden of proof to the state rather than the individual. After assuring Powell that he shared the pianist's concerns about racial integrity, Holt remarked, "I have no pride of opinion and have done what I could to make an appeal in that case easy."⁴⁵

Normally prone to caustic and vituperative attacks on critics of his racial integrity platform, Powell approached Holt's decision in a more delicate manner. One student of the case believes that Powell understood that Holt's decision reflected not a personal opposition to racial integrity or the agenda of the Anglo-Saxon Club, but rather a straightforward response to the legal presentation of the case. In a pamphlet entitled *The Breach in the Dyke: An Analysis of the Sorrells Case Showing the Danger to Racial Integrity from Inter-marriage of Whites with So-Called Indians*, Powell affirmed his support for Plecker's presentation of the evidence against Sorrells, but acknowledged that no other witnesses had appeared to challenge Sorrells's argument that her "colored" ancestors were Indian, not black. In a relatively even-tempered tone, Powell disagreed with the jurist's reasoning that no one could possibly prove their racial purity if they went back far enough. Instead, Powell emphasized that a clerk could not refuse to issue a marriage license without "reasonable doubt" as to the applicant's racial purity. "I cannot but feel," remarked Powell, "that Judge Holt has been too meticulous in his objections to the law."⁴⁶

Although he suppressed personal criticism of Holt, Powell did express an urgent concern with the implications of his ruling. Referring to the birth and marriage records

⁴⁵ A. Willis Robertson to E. Lee Trinkle, Nov. 20, 1924, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; "May Test Law on Racial Integrity," *Richmond News Leader*, Nov. 19, 1924, p. 1; Henry W. Holt to John Powell, April 9, 1925, box 56, folder "Racial Integrity Material 1," Powell Papers.

⁴⁶ Smith, *Eugenic Assault on America*, 73-74.

from 1853 to 1896 kept by the Bureau of Vital Statistics, Powell warned that Holt's decision, if upheld, "will mean the complete nullification of our most precious possession, our race records, 1853-1896, our greatest protection against the infusion of negro blood. If this decision is to stand, any negroid in the state can go before a court and say, 'My ancestors are recorded as colored, but that does not mean negro, they were Indians.' He may then be declared white and may marry a white woman. . . . Indians are springing up all over the state as if by spontaneous generation. . . . The Sorrells case must be appealed."⁴⁷

Although Powell and his supporters ultimately decided that an appeal was too risky, his devotion to the race records underscores one of the most troublesome aspects of the entire history of the racial integrity crusade in Virginia. Birth and marriage records were kept from 1853 until 1896, and then discontinued until 1912. Five years later, the old records were transferred to the Bureau of Vital Statistics. Historian John Kneebone has commented that absolutely no reason exists to suggest that the old record keepers were especially careful. His examination revealed that many of the records were incomplete. "Colored" may well have meant black to one registrar and Indian to another. Furthermore, Walter Plecker took it upon himself to decide the racial composition of entire families, often basing his actions on no concrete evidence. When he sent his final batch of correspondence to John Powell upon his retirement in 1946, a non-repentant Plecker acknowledged that "in some cases, no mixture was found."⁴⁸

Atha Sorrells's victory in court offered a glimmer of hope to numerous Virginians of mixed racial ancestry. If they, like Sorrells, could claim Indian blood rather than black, they might avoid the fate of some individuals who, quite literally, spent nearly half a

⁴⁷ Ibid., 74.

⁴⁸ John Powell to Henry Holt, April 6, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers; John Kneebone, "In Jim Crow's Lifetime: Race in Virginia before the Civil Rights Movement," (talk delivered at the Virginia Historical Society, April 19, 1996); Walter Plecker to John Powell, June 29, 1946, box 56, folder "1942-46 Letters From Bureau of Vital Statistics," Powell Papers; Smith, *Eugenic Assault on America*, 69-70.

century as white, only to find themselves redefined as black after 1924, and thus prohibited from sending their children to white schools or marrying other whites. In a speech delivered before the American Public Health Association in October 1924, Plecker told a chilling story which revealed the full effect of the new law. A man born in 1878 to colored parents was classified, according to laws and definitions of the time, as white, married a white woman, and fathered four white children. After the passage of the 1924 act, the man's situation was referred to the Bureau of Vital Statistics, he was reclassified black, and his children were dismissed from the white schools which they had attended for several years without objection.⁴⁹

In the aftermath of the Sorrells decision, the statistician attempted to define Virginia's Indians out of existence. As individuals and families came under the attack of the Bureau of Vital Statistics, they followed Sorrells's tactic, and claimed that any mixed blood was Indian. Plecker expressed determination to plug this loophole in the 1924 statute and indicated that, despite popular support for the "Pocahontas Exception," the law would have to be amended at the next session of the legislature in 1926. He confided in an out-of-state correspondent that classification of such persons often proved difficult. "One of our local registrars," relayed the statistician, "told us that they have a comb which hangs in their church. If it passes through the hair of an applicant he is an Indian, if not, he is a negro. I cannot vouch for this however. This, however, is about as reliable as some of their other tests." Plecker publicly admitted to no such uncertainty, however, and used his precious birth and marriage records to insist that no Indians existed in Virginia who did not also share black blood.⁵⁰

⁴⁹ Walter Plecker, "Virginia's Attempt to Adjust the Color Problem," speech delivered before the American Public Health Association, Oct. 23, 1924, box 56, folder "Racial Integrity Material 1," Powell Papers.

⁵⁰ Smith, *Eugenic Assault on America*, 71-81; Walter A. Plecker to Samuel Adams, Dec. 11, 1924, Plecker to C. W. Garrison, Jan. 5, 1925, Plecker to Harry E. Davis, Oct. 4, 1924, Plecker to the editor of *Richmond Times-Dispatch*, April 28, 1925, box 56, folder "Racial Integrity Material 1," Powell Papers. Quote about "comb test" in letter to Davis.

While the Johns and Sorrells cases had originated in the western mountain counties of Amherst and Rockbridge, the majority of Virginians claiming Indian status lived in the eastern Virginia counties of Charles City, New Kent, King and Queen, and King William. Plecker devoted himself to interviewing long-time residents of these counties in an effort to determine their racial classification. E. H. Marston and his brother George, both residents of Charles City County, assured Plecker that no one claimed Indian heritage until the passage of Virginia's first Jim Crow laws at the turn of the century. As a result of those laws, a big fish fry was held on the banks of the Chickahominy River at Osborne, and two white men made speeches and organized the gathered as Chickahominy Indians. Their first action was to buy train passes that allowed them to ride on whites-only cars. A local registrar in Charles City county confirmed the essence of Marston's account with the story of Ned Atkins who chose not to join the "tribe" because he could not afford membership fees. According to the registrar, Atkins said, "I am a negro, and stay with the negroes."⁵¹

The development of Virginia's Jim Crow laws apparently led many of the so-called "Chickahominy Indians" to understand that their own self-interest lay in establishing institutions separate from their black friends and relatives. According to E. H. Marston, the Chickahominy Indians, after organizing as a "tribe" in the early part of the twentieth century, remained members of a black church before finally establishing their own Indian church. In addition, their children continued to attend black schools until just a few years before the passage of the racial integrity act when the Charles City County School Board established a school for Indian children. Apparently the comb test to which Plecker referred was used not by registrars but by members of the "tribe" to determine who should and should not be admitted. The Chickahominy Indians eventually gained a measure of

⁵¹ "Stenographic Report of an Interview Regarding the So-Called 'Indians' of Charles City County between Mr. E. H. Marston of Charles City County and Dr. W. A. Plecker, State Registrar, Held in the Bureau of Vital Statistics, February 1925," p. 1, "A Statement of the Origin of the So-Called 'Indians' of Charles City County, as Given by Mr. George H. Marston, brother of Mr. E. H. Marston, both of whom have lived in Charles City County all of their lives (in February 1925)," "Mr. D. F. Rudisill, local registrar at Roxbury, gives us Hill Adkins' Reason for not Joining the 'Tribe', February 1925," box 56, folder "Racial Integrity Material 1," Powell Papers.

recognition from census officials in Washington who listed them as Indians, a fact that Plecker worked hard to overcome.⁵²

The nieces and nephews of William Archer Thaddeus Jones attended the Indian school near Roxbury in January 1925. When Jones attempted to enroll his children in that school, authorities refused on the grounds that he did not appear on the Bureau of Vital Statistics' list of "mixed Indians." Superintendent of schools Clarence Jennings informed Jones's lawyer, however, that the school board would be happy to enroll Jones's children if the Bureau of Vital Statistics would consent to list him as "mixed Indian." In an interview with his legal advisor, Albert O. Boschen, Jones acknowledged that he had not joined the tribe when he had had the chance several years before. During an interview conducted to establish Jones's Indian heritage, Boschen asked, "You understand, Jones, this is simply to get your children into the 'Indian' school, and not to allow you the privilege of riding on the white cars and intermarrying with white people." "Yes sir," responded Jones, "for nothing else."⁵³

No doubt such assurances did little to placate Plecker. Although the record on Jones's case does not make clear the result of his efforts, Plecker more than likely seized upon the incident to bolster his belief that all "mixed Indians" in Virginia had black blood. In anticipation of the 1930 census, Plecker presented his findings to the director of the United States census and pleaded with him not to recognize any Virginians as Indians. He acknowledged he could not change the status of the Pamunkey and Mattaponi who had

⁵² "Stenographic Report of an Interview Regarding the So-Called 'Indians' of Charles City County between Mr. E. H. Marston of Charles City County and Dr. W. A. Plecker, State Registrar, Held in the Bureau of Vital Statistics, February 1925," "The description of the Comb Test of William Archer Jones when he applied for admission into the 'tribe' as told by William Archer Jones to Mr. George H. Marston. Mr. Marston is giving the description to the Bureau of Vital Statistics, February 1925," box 56, folder "Racial Integrity Material 1," Powell Papers; Walter A. Plecker to W. M. Steuart, Director, United States Bureau of the Census, Jan. 14, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; Plecker to Steuart, Nov. 20, 1928, Plecker to Steuart, Aug. 30, 1929, box 24, folder "Health--Bureau of Vital Statistics," Executive Papers, Harry F. Byrd, 1926-30, Library of Virginia.

⁵³ "At An Interview Between William Archer Thaddeus Jones and Hon. Albert O. Boschen Held in the Office of the Bureau of Vital Statistics The Following Questions Were Asked and Answered, January 31st, 1925," Clarence Jennings to Albert O. Boschen, January 27, 1925, box 56, folder "Racial Integrity Material 1," Powell Papers.

lived on reservations in King William County since colonial times. Since they had not been taxed and therefore normal records had not been kept, Plecker lacked evidence to prove they were black, although he did try to use an 1843 petition to convey that they contained strains of black blood. Speaking of the Chickahominy of Charles City and the Rappahannock of King and Queen and Essex counties, Plecker used the evidence he had acquired in interviews with persons such as the Marston brothers to disqualify their claims. Plecker referred to the mulattos of Amherst and Rockbridge counties, among whom he included Johns and Sorrell, as the "lowest socially" and the largest group of blacks trying to gain Indian status. But, he noted, the 1910 census showed no Indians in Amherst, the 1910 census revealed seven, and the 1920 census listed 304. Certainly, reasoned Plecker, these people were not Indian.⁵⁴

Throughout 1925, Plecker became increasingly insistent and strident in his claims that no Virginia Indians were free from black blood. As he told Miss Georgia Fraser of New York, "I have established for our guidance the rule, that there are no native born Virginia Indians unmixed with negro blood." In July, he took an official position that the Pamunkey and Mattaponi were black and could not prove otherwise. Several days later, Plecker received in the mail letters that consisted of abusive language and threats of bodily harm and even death. One letter objected specifically to his plan to give blood tests to all Indians living in the vicinity of Richmond. Another assured him "you will be burnt alive" and "you will be poisoned by our people."⁵⁵

The threats did little to stem Plecker's resolve. He concentrated on tightening loopholes in the 1924 statute and refused speaking engagements in order to prepare

⁵⁴ Walter A. Plecker to W. M. Steuart, Director, United States Bureau of the Census, Jan. 14, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; Plecker to Steuart, Nov. 20, 1928, Plecker to Steuart, Aug. 30, 1929, box 24, folder "Health--Bureau of Vital Statistics," Byrd Executive Papers.

⁵⁵ Walter A. Plecker to Georgia Fraser, March 16, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; "Places Indians in Negroid Class," *Richmond News Leader*, July 2, 1925, pp. 1 & 16; "Indian Warfare Starts Over Race Classification," *Norfolk Journal and Guide*, July 11, 1925, p. 1; "Threats To Lead To Arrests Here," *Richmond News Leader*, July 22, 1925, p. 4.

testimony in a suit brought by several families against the Richmond School Board for dismissing their children from the white schools. When the attorney general advised Plecker that the burden would be on the state to prove either that these people had more than one-sixteenth black blood or more than one-fourth Indian blood, and thus could not qualify as white, he asked the governor about introducing legislation to repeal section 67 of the code of 1910 which had defined blacks and Indians in these terms. Since the racial integrity act of 1924 had only defined whites for the purpose of intermarriage, it had not technically repealed the definitions created by the act of 1910. Plecker became convinced that an amended law, even though it entailed removing the privileges granted under the "Pocahontas Exception," offered the only means of preventing certain blacks from continuing to pass as whites or Indians.⁵⁶

In late November, Edward P. Bradby, chief of the Charles City and New Kent Indians that Plecker considered black, wrote Governor Trinkle concerning Plecker's intentions to introduce new legislation. A disingenuous governor responded to the chief that he knew nothing of Plecker's plans, but that the statistician could introduce whatever legislation he considered desirable. At the same time, Trinkle did assure Bradby that the chief would have an opportunity to present his case to the General Assembly, and that "the Indians have certainly given me no trouble since I have been Governor and I hope they will continue to follow this course." At the same time, Trinkle sent Plecker a rather stern note admonishing him "to be conservative and reasonable and not create any ill feeling if it can be avoided between the Indians and the State government. From reports that come to me I am afraid sentiment is molding itself along the line that you are too hard on these people and pushing matters too fast."⁵⁷

⁵⁶ Walter A. Plecker to E. Lee Trinkle, Oct. 5, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers.

⁵⁷ E. Lee Trinkle to E. P. Bradby, Dec. 1, 1925, Trinkle to Walter A. Plecker, Dec. 1, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers. Trinkle's claim that he knew nothing of Plecker's intentions seems dubious at best. After Plecker first broached the subject in October, Trinkle advised him to consult with the director of legislative services about preparing new bills for the 1926

The governor's warning illuminated the contours of the relationship between Virginia's political leadership and the core of Anglo-Saxon ideologues. In public, Trinkle and the vast majority of state legislators found it politically expedient to support the Anglo-Saxon agenda. After all, they had often employed racial imagery successfully in their own campaigns. They saw no reason to have questioned their own stated devotion to white supremacy. Trinkle and others did consider, however, certain aspects of Anglo-Saxon ideology excessive. Enough senators had objected to the mandatory registration statute that it was defeated. As Plecker sought to ensure mandatory registration on his own terms, Trinkle understood that the statistician threatened to create a backlash. But the nature and power of white supremacy ideology was strong enough that the governor only dared rebuke Plecker in private. Furthermore, the chief executive appeared to have been guided more by perceptions of public opinion than by personal conviction. Trinkle and the rest of Virginia's political elites chose to offer at best minimal resistance to expressions of racial extremism. They proved unable and unwilling to turn off the faucet of race hatred from which they so willingly drank.

Plecker ignored the governor's admonition and assured the chief executive that Bradby and the rest of the Chickahominy group had been classified correctly. "We are not in error," insisted Plecker. To bolster his case, Plecker cited the case of Ray Winn, a member of the group waiting to stand trial in Richmond Hustings Court for intermarrying with a white woman. Apparently Winn's case had come to the attention of authorities when whites complained to the Richmond School Board that non-white children were attending their schools. Plecker assured the governor that he would prove in court that Winn descended from blacks. Less than ten days later, Plecker referred to the same birth and marriage records he had used in the Sorrells and Johns cases. Nevertheless, the court

General Assembly. See Trinkle to Plecker, Oct. 5, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers.

acquitted Winn of violating the racial integrity act, casting further doubt on the validity of Plecker's records if not on his ambitions.⁵⁸

The governor assured Plecker that he in no way intended to interfere with the statistician's enforcement of the racial integrity act. At the same time, Trinkle regretted the negative press which "makes it look as if we are probably working on them pretty hard and continually exposing their misfortune of having colored blood. I know this is humiliating if it is true and I was in hopes that this could be handled in a quiet way so as not to emphasize and embarrass them any more than possible." Plecker, however, considered Trinkle's position an impossibility. He told the governor that he had met with the group the previous year and they had asked "whether my ruling that they would not be permitted to intermarry with white people would apply also to their riding in streetcars and trains with white people using the 'Indian' cards which they had secured." Plecker believed that his job was to prevent any person with any black blood from passing. "I am, therefore, unable," he wrote, "to see how it is working any injustice upon them or humiliation for our office to take a firm stand against their intermarriage with white people, or to the preliminary steps of recognition as Indians with permission to attend white schools and to ride in white coaches."⁵⁹

More than likely, Plecker's exchange with the governor only confirmed his belief that Trinkle's attitude constituted part of the problem that he faced in enforcing the law. A month earlier, Plecker had written to Hiram Smith, a Richmond attorney, and complained about a picture that appeared in the *Richmond Times-Dispatch* that showed the governor posing with Chief George Cooke of the Pamunkey Indians and his daughter, Pocahontas. Plecker appealed to Smith "and other prominent men to protest against this thing" so that

⁵⁸ Walter A. Plecker to E. Lee Trinkle, Dec. 2, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; Smith, *Eugenic Assault on America*, 76; "Real Indians Family Says, Not Negroes," *Richmond Times-Dispatch*, Jan. 29, 1929, p. 3.

⁵⁹ E. Lee Trinkle to Walter A. Plecker, Dec. 4, 1925, Plecker to Trinkle, Dec. 5, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers.

the newspapers would stop running such pictures. Furthermore, Plecker indicted "the hunters and fishermen who go down there, also jolly them along and call them Indians." In the midst of his exchange with Trinkle, Plecker wrote governor-elect Harry Byrd and implicitly criticized the outgoing chief executive. "For our office to succeed in its struggles to keep these people where they belong," wrote Plecker, "it is necessary for us to have the support of other branches of government." Furthermore, warned the statistician, "these people will besiege you to recognize them as pure Indians, and will endeavor to have you pose with them in pictures, which a number of your friends have told me they hope you will not be misled into doing."⁶⁰

Plecker's letter to Smith drew a strong rebuke from Ennion G. Williams, the State Health Commissioner under whom the director and staff of the Bureau of Vital Statistics technically served. "I think it exceedingly undesirable," wrote Williams, "that our department or any of its officials should be accused of criticizing, directly or indirectly, high State officials with whom we must work in harmony, and it is particularly unfortunate when the official criticized is a Governor, who has uniformly and consistently exhibited the greatest interest in our work. This incident is consequently greatly to be regretted." The reprimand appeared particularly ironic in that Trinkle had consistently supported Plecker's positions and methods in correspondence with both private citizens and public officials.⁶¹

Plecker's reprimand was not the first time that his over-zealousness got him into trouble. As director of the state Bureau of Vital Statistics, Plecker's duties included the dissemination of modern health information to new parents. His office provided the latest theories on nutrition, the prevention of hookworm, blindness, and other disease, proper

⁶⁰ Walter A. Plecker to Hiram Smith, Nov. 19, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; *Richmond Times-Dispatch*, Nov. 12, 1925, p. 9; Plecker to Harry F. Byrd, Dec. 2, 1925, box 90, folder "1925 Correspondence Ph-Pl," Harry F. Byrd Papers (#9700), Department of Special Collections, University of Virginia Library.

⁶¹ Ennion G. Williams to Walter A. Plecker, Dec. 10, 1925, E. Lee Trinkle to W. L. Kerr, May 12, 1925, Trinkle to W. McDonald Lee, Commissioner of Fisheries, Dec. 12, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers.

sanitation, and other aspects of health care. Because he held this position, Plecker was also appointed a special agent of the children's bureau of the United States Department of Labor. In this capacity, he aided the federal government in the dissemination of maternity and infancy literature. Although paid only one dollar a year, Plecker's position provided him a title of national repute and authorized him to mail certain state publications using federal franking privileges.⁶²

In addition to the authorized mailings, however, Plecker sent out a pamphlet entitled "Eugenics in Relation to The New Family and the Law on Racial Integrity." He claimed in his introduction that the publication intended to arouse the public to dangers that confronted them. He claimed that educators, health workers, and ministers had snapped up the first edition of thirty-five thousand, necessitating a second run of thirty thousand more. Plecker directed his message at young people, specifically newlyweds and those soon to marry. In a rabid voice, he decreed, "Let the young men who read this realize that the future purity of our race is in their keeping, and that the joining of themselves to females of a lower race and fathering children who shall be a curse and a menace to our State and civilization is a crime against society, and against the purity and integrity of their future homes and the happiness of their future loved ones and themselves."⁶³

Surprisingly quiet at the time of the 1924 act's passage, blacks in Virginia and throughout the United States erupted in protest at the publication of this pamphlet. The *Norfolk Journal and Guide* stated what white newspapers would not, namely that Plecker's views ignored the latest scientific research and should not be "valued beyond personal opinion and propaganda." Unfortunately, as the Tidewater weekly opined, "With the sanction and seal of the great State of Virginia upon his utterances, Dr. Plecker, as a Virginia health officer, paid by the taxpayers of the State, Negroes included, is

⁶² "Give Grounds For Ousting Plecker," *Richmond News Leader*, April 2, 1925, p. 26.

⁶³ State Board of Health, Bureau of Vital Statistics, "Eugenics in Relation to the New Family and the Law on Racial Integrity: Including a Paper Read Before the American Public Health Association," 2nd ed. (Richmond, 1925), copy in box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers.

industriously engaged in sowing the seeds of bitterest racial discord, from one end of the country to another." Few whites, reasoned the paper, could possibly read Plecker's literature and not develop a bad reaction to blacks. Many blacks objected to the pamphlet's assertion that "the mental and moral characteristics of a black man cannot even under the best environments and educational advantages become the same as those of a white man" and that birth control advocates "are failing utterly, and will always fail, to reach the uneducated, the morons, the negroes, criminals, and undesirables." The National Association for the Advancement of Colored People objected to the Labor Department that "anti-negro propaganda" had been sent out using federal franking privileges. The organization added that the pamphlet listed Plecker as a federal official.⁶⁴

Labor department officials agreed that Plecker had exceeded his authority in sending out unauthorized materials under the federal frank and terminated his position. Plecker remained unrepentant and insisted that the pamphlet had contained no "insulting or offensive" material. "If they want to dismiss me," he said. "Let them go ahead." The *Richmond News Leader* argued that Plecker might have "technically" exceeded his authority, but that the action against him merely constituted "federal political censorship."⁶⁵

The loss of his federal position did not slow down the statistician for a moment. While supporters of the Anglo-Saxon Clubs condemned the "censorship" of federal authorities, they proved quite willing to use state censorship laws to further their own agenda. In particular, Walter Plecker, John Powell, and several of their colleagues supported the censorship of motion pictures that portrayed blacks and whites in a manner contrary to their understanding of the purposes of racial integrity. Not only did they seek to remove from the screen images that threatened accepted racial norms, they used the

⁶⁴ "Virginia Health Officer Brands Colored Races As Incapable of Attaining Highest Civilization," *Norfolk Journal and Guide*, Feb. 14, 1925; "The Nordic Craze," *Norfolk Journal and Guide*, Feb. 14, 1925, p. 12; "Give Grounds For Ousting Plecker," *Richmond News Leader*, April 2, 1925, p. 26.

⁶⁵ "Plecker Aroused By Blow Aimed At Racial Law," *Richmond Times-Dispatch*, March 31, 1925, p. 1; "It Is Political Censorship," *Richmond News Leader*, April 2, 1925, p. 8; "Steps Are Taken By Labor Bureau To Oust Dr. Plecker," *Norfolk Journal and Guide*, April 4, 1925, p. 1.

ensorship of such films to judge the fealty of white public officials to their agenda. Those falling short were threatened with public exposure.

In 1922, the Virginia General Assembly had authorized the creation of a three-member Board of Censors charged with reviewing each motion picture submitted for public viewing in the Old Dominion. The legislative act instructed the board to license all films unless "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." Although the act never mentioned racial content, Virginia's censors clearly understood that their mandate demanded the censorship of films which portrayed blacks in ways that did not comport with prevailing standards of acceptance. In this regard, the censors worked hard to make sure that Virginians saw only stereotypical images of blacks on the screen: the faithful servant, the ignorant child, and the loathsome criminal. Alternative images of blacks posed a serious threat to the racial and social status quo at a time when traditional boundaries had become increasingly blurred.⁶⁶

Ironically the National Association for the Advancement of Colored People had spearheaded the first efforts to censor a motion picture. For more than a quarter-century beginning in 1915, the civil rights organization waged a war to remove D. W. Griffith's *The Birth of a Nation* from the screen. Although many white supporters of the NAACP worried at the implications of infringing upon First Amendment rights, the organization argued that the film's graphic images of black degradation threatened civil peace. John Shillady, a white staff member of the NAACP, asked Virginia Governor Westmoreland Davis to follow the lead of Ohio's chief executive, who had successfully prevailed upon the film's producers to remove the movie from screens throughout the state. Writing in 1918,

⁶⁶ "Virginia State Board of Censors: 1923 Censorship Law and Rules and Regulations," (Richmond: Davis Bottom, Superintendent of Public Printing, 1923): 3, copy located in box 44, folder "Motion Picture Censorship," Byrd Executive Papers. In April 1927, the act that reorganized the state government renamed the Board of Censors the Division of Motion Picture Censorship and placed it under the jurisdiction of the Department of Law.

Shillady reminded Davis that "when colored people are performing their full share of patriotic service both in the fighting forces of the nation on the battle fronts of Europe and at home . . . national unity and not race differences and antagonisms should be accentuated." The NAACP staffer added that blacks "emphatically objected" to the film's appeals to racial hatred and prejudice.⁶⁷

Although the NAACP campaign failed in Virginia, the growth of motion pictures began to concern other Virginians for different reasons. Efforts to establish a board of censorship began at least as early as 1918 when a bill came before the legislature. Thomas W. Dixon, the author of *The Clansman*, the novel upon which Griffith's based *The Birth of a Nation*, urged Virginia's governor not to support the legislation. Without mentioning Griffith's film, Dixon argued that "three-fourths of the best citizens of Virginia are patrons of the motion picture theaters. It is a clean and moderately reasonable form of amusement, besides possessing educational and emotional advantages that few other arts can boast." W. J. Horsley of Big Stone Gap offered a far different assessment. The resident of southwestern Virginia blamed a rise in juvenile crime on alcohol consumption and on the movies, particularly those which emphasized nudity and robberies. "Habitual attendance at such shows cause students to lose interest in their studies," reasoned Horsley. "There should be a state censor of such shows . . . It seems that parents have lost the art of controlling their children, and it is hard to punish infant delinquents by sending them to jail and making criminals out of them."⁶⁸

Upon the legislature's concurrence with Horsley's sentiments, Governor E. Lee Trinkle appointed three persons to the Board of Censors: Evan R. Chesterman, a Richmond newspaper man and the group's first chairman, Emma Speed Sampson, and R.

⁶⁷ Thomas Cripps, *Slow Fade To Black: The Negro in American Film, 1900-1942* (Oxford: Oxford University Press, 1993 edition), 41-69. This chapter deals specifically with *The Birth of a Nation*. John Shillady to Westmoreland Davis, Oct. 10, 1918, box 18, folder "Moving Pictures, Board of Censors For," Executive Papers, Westmoreland Davis, 1918-1922, Library of Virginia.

⁶⁸ Thomas W. Dixon to Westmoreland Davis, Feb. 6, 1918, W. J. Horsley to Westmoreland Davis, Jan. 2, 1919, box 18, folder "Moving Pictures, Board of Censors For," Davis Executive Papers.

C. L. Moncure. During the first ten years of the board's existence, the triumvirate screened annually between 1,500 and 2,100 films. On a handful of occasions each year, the board rejected in its entirety a motion picture on account of extensive objectionable material. In such instances, producers had the option of making significant cuts and resubmitting their film for consideration; more than half of the films rejected in this manner were approved upon resubmission. Most of the board's work, however, did not concern the outright rejection of a film, but rather the elimination of specific scenes or pieces of dialogue. In a fairly typical year such as 1926-1927, the board ordered 392 eliminations from 165 films. As soon as these cuts were made, the board granted its seal of approval and allowed the film to be shown in the Old Dominion. Every two weeks, the Virginia censors mailed a bulletin to theater owners throughout the state which detailed the eliminations and rejections.⁶⁹

The majority of films rejected by the board contained nudity, vulgar language, and sexually suggestive behavior. After four years in operation, Virginia's censors applauded the impact that censorship had had on reducing the number of "sex pictures--the most dangerous, perhaps, of all films." That Chesterman, Sampson, and Moncure censored far more films for sexual reasons than for racial reasons does not intimate that they felt more strongly about the former, but rather that a far greater number of films dealt with sexual subjects than with racial ones. In fact, the board stated clearly in an early annual report that it had "scrutinized with peculiar care all films which touch upon the relations existing between whites and blacks. Every scene or subtitle calculated to produce friction between

⁶⁹ "Chesterman's Death Closes Noted Career," *Richmond Times-Dispatch*, Feb. 23, 1931, pp. 1-2; "Report of the Division of Motion Picture Censorship, July 1, 1934, to June 30, 1935": 4, copy in box 33, Department of Law, Virginia Division of Motion Picture Censorship, Record Group 5, Library of Virginia (hereafter cited as RDMPC). From 1922-1929, the board ordered between 314 and 568 eliminations from between 140 and 213 films. In 1929-1930, however, the advent of sound caused the number of eliminations to plummet to 64 in just 27 films. The board lacked for several years the proper technology to screen such films. The records of the Division of Motion Picture Censorship contain thorough files on the films rejected in their entirety. Unfortunately, I have located only one of the hundreds of bi-monthly reports which detailed eliminations in the records. Consequently, this chapter is based on the films rejected in their entirety, as well as one film that underwent minor eliminations.

the races is eliminated." Furthermore, the censors regularly sought the advice of those most committed to racial integrity when evaluating films that addressed racial matters.⁷⁰

In October 1923, the censors screened *Cracked Wedding Bells*, a film described as a farcical comedy about a white reporter who disguises himself as a black man in order to gain entrance into a black home where a wedding is to take place. When the bride learns at the last minute that her fiancée has died, she turns her attentions to the reporter and drags him to the altar. Just prior to the ceremony's conclusion, however, a wagon load of poultry turns over in front of the house and the black guests rush outside to capture what is represented as their favorite food.⁷¹

In their majority report, Chesterman and Sampson concluded that although "burlesque," the film would "prove offensive alike to whites and blacks." Apparently dismissing the ability of an audience in Virginia to take into consideration the case of mistaken identity, they reasoned that "here in Virginia the union of whites and negroes is seldom discussed or even suggested in polite society. . . . To make a laughing matter of miscegenation is to offend most seriously and to transgress the rules of propriety." The two censors added that even the threat of miscegenation "may cause friction between whites and blacks and therefore incite to crime."⁷²

Although they acknowledged that *Cracked Wedding Bells* might appear offensive to blacks, Chesterman and Sampson did not explain what in particular blacks might find objectionable. In a minority report opposing the film's rejection, on the other hand, R. C. L. Moncure emphasized that the entire cast consisted of whites in blackface and that "the only people that could object to this picture would be the colored people." More

⁷⁰ "Films Rejected In Toto Since August 1, 1922," box 31, folder "Rejections Year 1946 and Prior Years," RDMPC; "Report of the Virginia State Board of Censors, July 1, 1925, to June 30, 1926" (Richmond: Davis Bottom, Superintendent of Public Printing, 1926): 2-3, box 33, RDMPC; "Report of the Virginia State Board of Censors, July 1, 1924, to June 30, 1925" (Richmond: Davis Bottom, Superintendent of Public Printing, 1925): 2, copy in box 33, RDMPC.

⁷¹ "Reasons for the Rejection of *Cracked Wedding Bells*," Oct. 5, 1923, p. 1, box 31, folder *Cracked Wedding Bells 1923*, RDMPC.

⁷² Ibid.

specifically, he considered that blacks would find offensive images of a black woman leaving the altar and a black congregation leaving the church in order to eat chicken. He added that blacks might protest the portrayal of a black woman willing to marry any available man. Although Moncure did at least recognize features objectionable to blacks, he saw nothing wrong with such images of blacks and concluded that the film was "just a comedy by white folks blacked up." The film's producers chose not to resubmit *Cracked Wedding Bells*.⁷³

Unlike *Cracked Wedding Bells* which was produced by a white motion picture company, most of the films which dared to address racial issues in meaningful terms and to present blacks in fully human terms were produced by black film entrepreneurs. Historian Thomas Cripps eloquently reveals the degree to which Hollywood productions in the 1910s and 1920s failed to present blacks in terms other than stereotypically subhuman. "At their most well meaning," he concludes, "white movies never really touched the Negro world. That market was supplied by a thin stream of movies created by blacks for black audiences." By the mid-1920s, Oscar Micheaux stood at the forefront of those producing these so-called "race films." While most Hollywood films that included black characters and themes were unlikely to raise the eyebrows of the Virginia censors, motion pictures created by Micheaux caused almost continuous consternation.⁷⁴

One Micheaux biographer writes that the filmmaker intended his films to "depict accurately the social, economic, and political conditions under which the black man lived in the United States." Although his films were seen almost exclusively by other blacks, Micheaux refused to produce pictures which simply placed blacks in a favorable light. Just as Hollywood films that portrayed only the innocent "man-child" or the "bad nigger" failed to develop blacks in human terms, Micheaux understood that films which focused only on

⁷³ Ibid., p. 2; "Films Rejected In Toto Since August 1, 1922," p. 2, box 31, folder "Rejections Year 1946 and Prior Years," RDMPC.

⁷⁴ Cripps, *Slow Fade To Black*, 170-202 (quote, p. 170).

the growing black middle and professional class ignored the daily reality of the lives of most blacks. In an article Micheaux wrote in 1924 for the *Pittsburgh Courier*, a black publication, the filmmaker attempted to answer critics who had quarreled with his motion picture *Birthright*. "I have always tried to make my photoplays present the truth," he explained, "to lay before the race a cross section of its own life, to view the colored heart from close range. . . . It is only by presenting those portions of the race portrayed in my pictures, in the light and background of their true taste, that we can raise our people to greater heights."⁷⁵

Whatever the objections in some quarters, the *Norfolk Journal and Guide* praised Micheaux as the only successful producer of black films. The Tidewater weekly credited the filmmaker's ability to depict "the true nature of the race" as responsible for his success. In announcing the opening of *Birthright* in Norfolk, the *Journal and Guide* reminded its readers that Micheaux's "productions have been true to Negro life because he understands all of the circumstances which have attended the uphill climb of the race since emancipation."⁷⁶

In late February 1924, informants in Norfolk, Petersburg, and Newport News confirmed that black theaters in those cities had shown *Birthright*, even though Micheaux had failed to submit the picture for the censors' approval. Reports of the film's exhibition angered and stunned Chesterman, who demanded an explanation from the theater owners and warned mayors and chiefs of police throughout the Old Dominion to be on the lookout for the film's exhibition. The chairman informed a number of mayors that the censors were under the impression that the film "bears upon the race question and embodies scenes and sub-titles which this Board would find most objectionable." Although the Virginia censors

⁷⁵ Henry T. Sampson, "Micheaux Film Corporation: Oscar Micheaux," in *Blacks in Black and White: A Source Book On Black Films* (Metuchen, N. J.: The Scarecrow Press: 1995), 142-169 (quotes on 142, 169).

⁷⁶ "Malcolm Strauss' Salome Coming to the Attucks: Big Micheaux Production *Birthright* Headliner For Monday and Tuesday," *Norfolk Journal and Guide*, Jan. 26, 1924, p. 4.

had never screened *Birthright*, they did possess a list of extensive eliminations ordered by a similar board in Maryland.⁷⁷

Chesterman initially told his informant in Norfolk, one member of a vast network of unpaid spies used to enforce the law, that he intended "to go after several exhibitors who appear to have violated the law in a most audacious fashion." Chesterman backed off his threats, however, when the managers of all three offending theaters revealed that the print of the film had carried a seal of approval from the censors. Emmanuel Levy, manager of the Attucks Theater in Norfolk, added that Micheaux himself had rented the theater, provided the copy of the film, and paid for all advertising. Chesterman concluded that Micheaux must have removed the seal from a previously approved picture; consequently the board chose not to blame or fine the managers.⁷⁸

Although satisfied by the responses of the theater managers, Chesterman demanded an explanation from Micheaux. The chairman expressed great surprise that the filmmaker would commit such a "deliberate violation of the censorship act," especially given that the Virginia board had treated him in the past "with all courtesy." Chesterman told Micheaux that "before you are done with this business, you will have occasion to regret the seemingly questionable methods to which your concern appears to have resorted." Micheaux, however, chose not to reply for more than seven months.⁷⁹

⁷⁷ C. C. Collums, Jr., Norfolk, to Evan R. Chesterman, Feb. 27, 1924, John L. Branch, Petersburg, to Chesterman, Feb. 27, 1924, Mrs. C. L. Cornelius, Newport News, to Chesterman, March 12, 1924, Chesterman to Manager, Attucks Theater, Norfolk, Feb. 28, 1924, Chesterman to Manager, Idle Hour Theater, Petersburg, Feb. 28, 1924, Chesterman to Manager, Dixie Theater, Newport News, March 14, 1924, Chesterman to Mayors of Danville, Lynchburg, Portsmouth, Newport News, Roanoke, & Norfolk, Feb. 29, 1924, "Maryland Elimination Bulletin: Week Ending January 26, 1924", "Unlawful Exhibition of Negro Picture *Birthright*," March 13, 1924, box 31, folder "*Birthright*--Unlawful Exhibition--1924," RDMPC.

⁷⁸ Evan R. Chesterman to C. C. Collums, Jr., Feb. 28, 1924, Emmanuel Levy to Chesterman, Feb. 29, 1924, M. Barney to Chesterman, Feb. 29, 1924, G. W. Kessler to Board of Censors, March 15, 1924, Chesterman to Emmanuel Levy, March 3, 1924, Chesterman to M. Barney, March 3, 1924, Chesterman to G. W. Kessler, March 18, 1924, Chesterman to John L. Branch, March 14, 1924, "Unlawful Exhibition of Negro Picture *Birthright*," March 13, 1924, box 31, folder "*Birthright*--Unlawful Exhibition--1924," RDMPC.

⁷⁹ Evan R. Chesterman to Oscar Micheaux, Feb. 28, 1924, "Unlawful Exhibition of Negro Picture *Birthright*," March 13, 1924, box 31, folder "*Birthright*--Unlawful Exhibition--1924," RDMPC.

Chesterman's investigation centered on the illegal exhibition of *Birthright*, but undoubtedly the film's content contributed to his sense of urgency. In almost every letter, the chairman referred to the picture's offensive treatment of the relations between the races. Based on the novel by T. S. Stribling, *Birthright* tells the story of Peter Siner, a black graduate of Harvard University, who returns to Tennessee to open a school. A fraternal organization raises money to allow Peter to buy land for a school, but when it turns out that the deed to the land contains a "nigger-stopper" clause, prohibiting blacks from occupying the property, Peter loses stature in the eyes of the black residents of "Niggertown" whom he intended to help. The white residents, including sheriff Dawson Bobbs, consider the episode proof that educating blacks is a waste of time.⁸⁰

Only Cissie Deldine, a young woman considered by Peter's mother a thief and a hussy, comes to Peter's defense. After Peter's mother dies, he becomes engaged to Cissie, but soon discovers that she is carrying the child of the son of her white employer, who had extracted sex as the price for not revealing that Cissie had stolen a brooch. When Cissie breaks off the interracial affair, Sheriff Bobbs jails her for theft. Peter decides that Cissie is not immoral, and that she had only done what was necessary to survive. When her employers drop the charges, Cissie heads north with Peter.⁸¹

The *New York Age* proclaimed *Birthright* the "best colored moving picture that has so far been produced" and specifically applauded the honest depiction of "the ignorance, prejudice and many of the crimes of both races." A *Billboard* reviewer concurred that "its brutal frankness hurts," but that "if one appreciates naked truth, it should make you think--and think constructively." The same reviewer added that Micheaux had "presented an only too true story of conditions that have handicapped the harmony between the Races."⁸²

⁸⁰ T. S. Stribling, *Birthright* (New York: The Century Co., 1922); "The Story," an advertisement for *Birthright*, box 31, folder "Birthright--Unlawful Exhibition--1924," RDMPC; Sampson, *Blacks in Black and White*, 283-85.

⁸¹ Ibid.

⁸² *New York Age*, January 19, 1924, J. A. Jackson, *Billboard*, Jan. 26, 1924, both reviews in Sampson, *Blacks in Black and White*, 284-85.

More than likely, however, the Virginia Board of Censors had little interest in meaningful circumspection when it came to racial interaction. Chesterman, Sampson, and Moncure certainly would have seconded the eliminations of the Maryland censors who objected to any scene which portrayed whites as violent or unfair toward blacks. The censors cut out a subtitle which referred to Dawson Bobbs as "sheriff and legal sewer, whose greatest ambition was to place every negro in jail." They also eliminated one climactic scene which showed bloodhounds chasing Cissie and another of Bobbs "actually shooting negroes." In addition, the Maryland censors disallowed all references to the "nigger-stopper" clause and one black character's comment that whites can get away with anything they desired.⁸³

In addition to scenes of violence and blatantly unfair treatment, the Maryland censors voided all explicit references to miscegenation and illegitimate birth. In particular, they eliminated a conversation between two characters in which they discuss the implications of one marrying a "negress." Presumably in reference to the skin color of the intended bride, one character says, "You can't tear it off. God himself can't tear it off. Your children and your children's children." Later on, the black woman in question, presumably Cissie, says in reference to white men, "They don't care. We are just nigger women. They make you feel--Naked." The censors eliminated that scene as well.⁸⁴

Although the Virginia censors never screened *Birtright* themselves, they did judge another Micheaux picture several months later. In July 1924, the black filmmaker submitted for their consideration *A Son of Satan*, a picture described in an anthology of black films as containing "numerous scenes of blacks drinking, carousing and crap-shooting." A reviewer for the *Chicago Defender*, the nation's largest black newspaper,

⁸³ "Maryland Eliminations Bulletin: Week Ending January 26, 1924," box 31, folder "*Birtright--Unlawful Exhibition--1924*," RDMPC.

⁸⁴ Ibid.

found excessive the foul language and crude behavior, but acknowledged that "it is true to nature, yes, I guess, too true."⁸⁵

The Virginia censors objected to *A Son of Satan*, however, for quite different reasons. They cited a "'fashionable' dance where a white orchestra furnishes music for blacks" as an example of "an intermingling of the two races which would prove offensive to Southern ideas." Without specifying their objections any further, the censors apparently disavowed any suggestion of whites working for blacks, a clear inversion of accepted norms.⁸⁶

While the board found offensive the activities of the central character, a mulatto, they appeared most concerned that "the audience is led to believe that the criminal tendencies of the man are inherited from his white forefathers." They cited specifically a series of race riots incited by the lead character who "uses a white man as his tool." In a draft letter detailing their objections, the censors added that "while it might be argued that these riots, in reality, are attributed to the villainous negro, it should not be forgotten that a venal white man is his partner in crime." Chesterman, Sampson, and Moncure eliminated that sentence from their final report, but emphasized the danger in allowing films to depict riots. They reasoned that the picture presented too many scenes that "smack far too much of realism and race hatred." They presumed that the film would run only in black theaters and concluded that such an "audience will doubtless be illiterate, or so ignorant as to misinterpret even what is good in the film." The triumvirate refused to allow on screen any suggestion that implicated whites for criminal activity and degradation in the Old Dominion.⁸⁷

⁸⁵ Synopsis of *A Son of Satan* and review by D. Ireland Thomas, *Chicago Defender*, Jan. 31, 1925, in Sampson, *Blacks in Black and White*, 336-37.

⁸⁶ "In re Film Entitled *A Son of Satan*: Reasons For Rejection," July 22, 1924, box 31, folder "*Son of Satan*--1924," RDMPC.

⁸⁷ Ibid.

Upon rejection of *A Son of Satan*, Chesterman wrote the managers of all black theaters in Virginia and informed them that the film had not been approved. No doubt mindful of Micheaux's handling of *Birthright*, the censor warned the managers against any exhibition of the film. In early October, Oscar Micheaux wrote Evan Chesterman that he had made substantive cuts to *A Son of Satan*. The filmmaker asked the Virginia board to reconsider its decision of the previous summer. Chesterman responded that normally the board would accede to Micheaux's request, but that he had never "satisfactorily adjusted matters involving the unlawful exhibition" of *Birthright*. Furthermore, Chesterman expressed amazement that Micheaux had never responded to his request in February to explain what had happened.⁸⁸

The filmmaker acknowledged that he had received numerous requests to settle matters regarding *Birthright*, but that he had simply been too busy running his entire operation without any help. Micheaux explained that in addition to writing and directing his scripts, he had to secure financing, arrange bookings and distribution, and collect fees from theater owners. Plagued by dishonest booking agents who often embezzled profits, Micheaux had to travel the country personally to meet with theater owners and rectify the situation.⁸⁹

Micheaux then turned to the specifics of the exhibition of *Birthright*. He claimed to have left the print in Baltimore with Maryland's censors with strict instructions to forward it to Virginia's censors. The Maryland board, however, held on to the print longer than anticipated. In the meantime, Micheaux had booked the film at several theaters in Virginia and paid for advertising. "It was either mis[s]-out and pay a lot of advertising damage, or take a chance," he explained. "We took the chance." The black filmmaker claimed that he

⁸⁸ "To the Managers of all Colored Theaters in Virginia," July 22, 1924, Oscar Micheaux to Virginia Board of Censors, Oct. 6, 1924, Evan Chesterman to Micheaux, Oct. 9, 1924, box 31, folder "*Son of Satan*--1924," RDMPC.

⁸⁹ Oscar Micheaux to Virginia Board of Censors, Oct. 14, 1924, box 31, folder "*Birthright*--Unlawful Exhibition--1924," RDMPC.

had planned to send the print on to the censors after it had played in North Carolina, but that the Virginia board learned of its exhibition before he had an opportunity to do so.⁹⁰

Micheaux allowed that he had intended for some time to issue an apology, but that he had been touring the South, "riding in cinder ridden Jim Crow cars all night and was just so tired and distracted half the time that I never felt like [it]." He then offered a direct apology and asked the board to go easy on him. Reflecting the concerns of a businessman barely able to remain profitable, he asked the censors to "forgive me and not fine me. I am not able to pay any fines. I certainly have enough trouble without being fined; but if you must, make it as light as possible." In the meantime, Micheaux asked that Virginia's censors please give him a license to exhibit *A Son of Satan*. After all, he explained, he needed every penny that he might earn from showing the film in the eight black theaters in the Old Dominion.⁹¹

A week later, Evan Chesterman informed Oscar Micheaux that his letter of explanation and apology had failed "to excite commendation" from the Virginia Board of Censors, who considered him to have "made a serious mistake." Nevertheless, the board voted to impose only a twenty-five dollar fine, the minimum allowed under Virginia statute. Furthermore, Chesterman added that the board would reconsider the licensing of *A Son of Satan* only after he paid the fine. Several days later, the Virginia board received a check from a representative of Micheaux's company, who expressed his hope that the check would resolve the situation concerning *Birthright*.⁹²

The very next day, however, a manager of two black theaters in Norfolk informed one of the censors that he had seen an advertisement for *A Son of Satan* which indicated the film would run October 27-29 at a third black theater in Norfolk. Chesterman thanked the

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Evan R. Chesterman to Oscar Micheaux, Oct. 21, 1924, box 31, folder "*Birthright*--Unlawful Exhibition--1924," RDMPC; Representative of Micheaux to Chesterman, Oct. 23, 1924, box 31, folder "*Son of Satan*--1924," RDMPC.

theater manager for the information and expressed bafflement as to whether Micheaux's "attitude is due to ignorance or to a detrimental purpose to violate the law." The chairman warned the manager of the Attucks Theater in Norfolk as well as that city's police that the film had not been approved. He asked a nephew, Davis Lee, to sneak into the theater and see what movie was shown.⁹³

Chesterman lit into Micheaux and told the black filmmaker that "we were just about to take steps to adjust this matter without going into the courts when to our profound astonishment we received information that your film *Son of Satan*, rejected in toto by this board, was being advertised for exhibition this week." The censor informed Micheaux that his check for twenty-five dollars would not be processed until he provided a sufficient explanation for his conduct. "We wish to know what possible excuse you can offer," challenged Chesterman. "Your offense greatly exaggerates your misdeeds and puts you in a very bad position." He added that Micheaux's most recent actions had led the board to reconsider its earlier decision "to excuse you in part under the belief that you had acted partly through ignorance." Chesterman warned the filmmaker that he would be smart to appear in person before the board if he desired to exhibit his films in Virginia.⁹⁴

Chesterman continued to monitor the situation until he had received positive information that *A Son of Satan* had not been shown at Norfolk's Attucks Theater. On October 30, Micheaux forwarded a reconstructed print of the film to Virginia's board and expressed his hope that it would receive the board's license. Perhaps mindful of Chesterman's warning, the filmmaker claimed not to be able to travel to Richmond because of an operation. A week later, the Virginia Board of Censors licensed *A Son of Satan* for

⁹³ J. D. Hofheimer to Emma Speed Sampson, Oct. 24, 1924, Evan Chesterman to Hofheimer, Oct. 25, 1924, Chesterman to Davis Lee, Oct. 25, 1924, Chesterman to Norfolk Chief of Police, Oct. 25, 1924, Chesterman to Manager, Attucks Theater, Oct. 27, 1924, box 31, folder "*Son of Satan*--1924," RDMPC. The *Norfolk Journal and Guide* on October 25, 1924, p. 4, carried an advertisement for the film's exhibition which listed Oct. 27-29 as the dates it would be shown.

⁹⁴ Evan R. Chesterman to Oscar Micheaux, Oct. 27, 1924, box 31, folder "*Son of Satan*--1924," RDMPC.

exhibition in the Old Dominion. Despite the threatening language in Chesterman's earlier letter to Micheaux, the censors decided that Micheaux "had erred more through ignorance than through willfulness, and so we decided to be lenient." The conclusion of the censors represented an exceedingly ironic byproduct of the proclivity of whites to stereotype blacks; instead of judging Micheaux as a manipulative businessman who pushed the edges of the law in the pursuit of profits, the censors decided he must simply have been ignorant.⁹⁵

Finally satisfied with the disposition of Micheaux's case, Chesterman forwarded the check for twenty-five dollars from Micheaux to Virginia's auditor of public accounts. The chairman of the board of censors highlighted the facts of the case for the auditor and termed Micheaux's letter of apology "a somewhat pathetic story of financial difficulties, mismanagement on the part of his subordinates, and partial ignorance of the law." Chesterman explained that the board felt that it would have had a difficult time prosecuting Micheaux in court, even though he had admitted to a violation of the law. Instead, the board preferred to levy only a small fine since Micheaux's company stood to make only a small amount of money in Virginia's few black theaters. Once the auditor accepted the fine, Chesterman announced to Micheaux that the Virginia censors were ready to resume business with him, but would insist that he adhere to the letter of the law.⁹⁶

While films like *Birthright* and *A Son of Satan* worried Chesterman, Sampson, and Moncure because of images of miscegenation and race riots, the censors also eradicated less-threatening portrayals of interracial contact. In November 1924, the board screened *Circle The Enchantress*, a film distributed by Metro-Goldwyn, a white motion picture company. Although the board did not reject the film in its entirety, it did order the elimination of "all of the several scenes" where a white woman "dances vis-a-vis with

⁹⁵ Davis Lee to Evan Chesterman, Oct. 28, 1924, S. W. Ironmonger to Chesterman, Oct. 29, 1924, Oscar Micheaux to Chesterman, Oct. 30, 1924, Board of Censors to Micheaux, Nov. 7, 1924, Chesterman to Micheaux, Nov. 10, 1924, box 31, folder "Son of Satan--1924," RDMPC.

⁹⁶ Evan R. Chesterman to C. Lee Moore, Nov. 10, 1924, box 31, folder "Birthright--Unlawful Exhibition--1924," RDMPC; Chesterman to Oscar Micheaux, Nov. 13, 1924, box 31, folder "Son of Satan--1924," RDMPC.

negro musician." The scenes apparently occurred at a wedding or some sort of festive occasion in which the white woman and musician were delineated as such; nevertheless, the censors considered such intimate contact unacceptable. While the board's decision to eliminate any form of interracial dancing remained consistent with other objections, a related action revealed the full extent of the obsession of whites in matters of race. In particular, the Virginia censors ordered the film's distributors to cut a scene in which the white woman "picks up negro musician's hat, and puts it on." The board, however, allowed the filmmakers to "leave scene showing her dancing in the hat, provided its ownership is not revealed."⁹⁷

Several months later, the Virginia Board of Censors screened the latest Oscar Micheaux film, *The House Behind The Cedars*. Just as had occurred with the examination of the previous two Micheaux films, the board's consideration of *The House Behind The Cedars* engendered significant controversy. This time, however, Oscar Micheaux offended no one. Instead, the board's deliberations became a litmus test for the proper allegiance of Virginia's officials to the recently enacted racial integrity act. When Arthur James, an assistant commissioner of public welfare, failed to object with sufficient vehemence, John Powell and the Anglo-Saxon Clubs threatened to ruin his career.

The House Behind The Cedars tells the story of a mulatto woman who successfully passes and becomes engaged to a wealthy white North Carolinian. Before they are married, however, the woman decides to return to her black lover. The young white man, apparently deeply in love and now aware of her color, continues to pursue her until she marries the black suitor. The film also addresses grievances held by blacks. Not surprisingly, the Virginia Board of Censors found the movie "so objectionable, in fact, as to necessitate its total rejection." The three members, however, chose to screen the film a

⁹⁷ Eliminations for *Circle The Enchantress* in "Bulletin of Virginia State Board of Censors: Report for two weeks ending Nov. 22, 1924," copy in box 31, folder "*Last Man on Earth*--1924," RDMPC (emphasis in original).

second time in the presence of at least a half-dozen state officials and private citizens. When reviewing particularly controversial films, the board often called in others to help them pass judgment. In this case, the censors were joined by: the State Labor Commissioner; Arthur James of the Department of Public Welfare; Walter Plecker; Ernest Sevier Cox; Louise Burleigh, later the wife of John Powell; a Mrs. Beattie and a Mrs. Staples. Most of these persons had gone on record as strict advocates of Virginia's racial integrity law. The report of the Board of Censors noted, not surprisingly, that all but one person in attendance voted to reject the film in its entirety. The one exception differed only in that he felt the film might be licensed after significant revision.⁹⁸

The board's report concluded that movies were not "the medium" for handling touchy subjects such as black grievances and intermarriage between the races. Members, however, failed to suggest a more appropriate forum. The censors recognized that *The House Behind The Cedars* would screen only in black theaters, but felt that its exhibition would prove especially harmful in those venues since it was "liable to cause friction between the races and might therefore incite to crime." In a nod to the influence of the Anglo-Saxon Clubs, the Virginia Board of Censors noted that "the picture, either purposely or through the maladroitness of the producers, at least indirectly contravenes the spirit of the recently enacted anti-miscegenation law which put Virginia in the forefront as a pioneer in legislation aimed to preserve the integrity of the white race."⁹⁹

As soon as he received word of the board's decision, Oscar Micheaux responded that he had adapted *The House Behind The Cedars* from the novel by Charles Chesnutt, which had been published thirty years earlier and read, without objection, by many more whites than blacks. Furthermore, the filmmaker noted that no other state or local

⁹⁸ "Films Rejected In Toto Since August 1922," p. 4, box 31, folder "Rejections Year 1946 and Prior Years," RDMPC; *The House Behind The Cedars*, box 31, folder "*The House Behind The Cedars*--1925," RDMPC; Sampson, *Blacks in Black and White*, 322; John Powell to Arthur James, July 8, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers.

⁹⁹ Memo on *The House Behind The Cedars*, box 31, folder "*The House Behind The Cedars*--1925," RDMPC.

ensorship board had ordered eliminations, and that the film had run without incident in theaters across the country. Nevertheless, he indicated his willingness to "reconstruct and eliminate so as to destroy that of which you complain." Micheaux concluded by disavowing any personal interest in promoting interracial marriage.¹⁰⁰

Later that same day, Micheaux penned a longer letter in which he reiterated his intent to make the necessary cuts in his nine-reel picture. In particular, he chose to leave out the entire second reel which apparently dealt with the "hardships and social disadvantages suffered by negroes." While complying with the whims of the censors, Micheaux took the opportunity to let the board know that he felt that they overestimated the negative impact his film might have on other blacks. "There has been but one picture that incited the colored people to riot, and that still does," he explained, "that picture is *The Birth of a Nation*."¹⁰¹

While at the same time Micheaux claimed to appreciate the board's attempt to treat him fairly by calling in the group of citizens, he delicately called into question the board's policy of exclusion when he wrote, "I cannot gather from your ruling, however, that you called in any of your representative colored citizens of Richmond to help you sit in judgment. If you regard the colored Tax payers and leaders as being capable of thought, which I am sure you do, I could more fully appreciate your effort." No doubt Micheaux intended his comment as back-handed criticism. He informed the Virginia censors that in several cases in other southern states, "representative Colored people were called in to express their opinion," an arrangement which allayed white fears and reflected growing efforts to achieve interracial cooperation. Virginia's Anglo-Saxons feared precisely such cooperation. Micheaux admitted to the Virginia censors that he had intended initially to ask

¹⁰⁰ Telegram from Oscar Micheaux to Virginia Board of Censors, March 13, 1925, *ibid*.

¹⁰¹ Oscar Micheaux to Virginia Motion Picture Censors, March 13, 1925, Evan Chesterman to Micheaux, Oct. 18, 1925, *ibid*. The quote "hardships and social disadvantages suffered by negroes" comes from a handwritten list of eliminations attached to the letter of Oct. 18, 1925.

them to allow representative black citizens to screen *The House Behind The Cedars*, but decided to "avoid controversy and delay."¹⁰²

Micheaux's decision not to press the Virginia censors reflected his thorough awareness of the need to remain in the good graces not only of the board members, but of critical white bankers who loaned him money on the assumption that his pictures would not be rejected. With that in mind, the black filmmaker assured the Virginia board that he had no interest "in propaganda or of waging any idea that is likely to incite to riot." Furthermore, Micheaux considered that "my own race are sufficiently filled with sinful ways . . . to be worrying about the white side of it. If I had any sermon to preach I would tell my own people to quit lying, petty thieving and try to be more honorable." Despite such assurances, the producer defended his choice of material as reflective of the available literature, written by blacks and whites, that dealt with issues of interest to black audiences.¹⁰³

The Virginia Board of Censors greeted warmly Micheaux's willingness to make whatever cuts they ordered. In fact, the censors allowed the filmmaker to use their facilities to eliminate a few scenes from his reconstructed version. Micheaux cut one subtitle which implied that a black man would marry a white woman, another which read, "'You are going away and will pass as white and marry a fine white man,'" and a third which contained a derogatory remark of a white doctor toward "trifling negroes" and to the "'pretty women along the borderland' of the race." In addition, the board ordered Micheaux to cut remaining references to the wealthy white man's continued pursuit of the mulatto woman who spurned him for a black man. It is difficult to imagine what remained

¹⁰² Oscar Micheaux to Virginia Motion Picture Censors, March 13, 1925, box 31, folder "*The House Behind The Cedars*--1925," RDMPC.

¹⁰³ Ibid.

of the original story, but the board licensed *The House Behind The Cedars*, and Micheaux exhibited it in black theaters in the Old Dominion.¹⁰⁴

Several weeks after the Virginia board licensed Micheaux's film, John Powell returned to Richmond after an absence of several months. Upon his return, close friends and colleagues, including Walter Plecker, Ernest Cox, and Powell's future wife, Louise Burleigh, reported that Arthur James had made inappropriate comments at a meeting of the State Board of Censors. Although the official report of the censors indicated only that one viewer had left open the possibility that the film receive a license after significant cuts, Louise Burleigh reported that James expressed opinions "so opposed to the consensus as to indicate that Mr. James' feeling about the proper position of the races differed fundamentally from that of the other people present and from the accepted standard in Virginia." In particular, James reportedly dismissed the need to make certain cuts in the film because "you can at any time, go up to Atlantic City and see the best people in Richmond dancing in cabarets with negresses." In addition, James offended his accusers when he said that he would like to see the most competent black lawyers, doctors, and ministers in Virginia move to Richmond.¹⁰⁵

According to Powell, Burleigh's report reminded him of a visit he made in January 1925 to James's office where he saw a copy of Plecker's pamphlet entitled "Eugenics in Relation to the New Family and the Law on Racial Integrity." Powell claimed that when he remarked favorably upon the publication, James "criticized it severely, stating that Dr. Plecker had gone too far and . . . was using his official position to conduct a campaign of

¹⁰⁴ "Films Rejected In Toto Since August 1922," p. 4, box 31, folder "Rejections Year 1946 and Prior Years," RDMPC; Evan Chesterman to Oscar Micheaux, Oct. 18, 1925, box 31, folder "*The House Behind The Cedars*--1925," RDMPC.

¹⁰⁵ John Powell to Arthur James, June 6, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers; Statement of Louise Burleigh, box 3, folder "1926 Jan-June," Powell Papers; Smith, *Eugenic Assault on America*, 51-52.

propaganda against the negro." Powell expressed shock and amazement at James's remark, but soon left Richmond for several months and thus took no action.¹⁰⁶

Powell informed the welfare official that "such views and expressions on the part of a State official--especially one connected with the Board of Public Welfare, constituted, in the present delicate and tense situation, a very real menace to the public." While claiming to recognize James's freedom of speech and thought on a personal level, Powell declared, "I shall not hesitate to criticize the actions and expressed views of public servants whenever they may seem to me unsound or dangerous." Consequently, Powell convened a closed meeting of *Anglo-Saxon Post* No. 1, which decided to write James and ask him to explain his utterances. James claimed to Powell that he had not made the statements ascribed to him, but Powell's informants stuck to their account and offered to provide signed statements to that effect. Powell appeared to relish his role as self-appointed judge, and told James that he would happily publicize the results once James resolved his differences with his accusers. "If, however, you desire," Powell continued, "as your letter intimates--to institute against me a suit for slander, I must tell you without any hesitation that I should welcome the opportunity to clear up before the public a matter so deeply affecting the public welfare." Several weeks later, Powell sent James the signed statements of Ernest Cox and Louise Burleigh, and apparently made his point.¹⁰⁷

Although Powell's antics underscored the lengths to which the Anglo-Saxons went to ensure conformity, his threats and intimidation failed to derail James's career. Several years after the incident, the official was promoted to commissioner of the Virginia Department of Public Welfare, and he served with distinction in a number of state and federal posts for several decades to come. Nevertheless, the influence of John Powell,

¹⁰⁶ John Powell to Arthur James, June 6, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers.

¹⁰⁷ John Powell to Arthur James, June 6, 1925, Powell to James, July 8, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers; Statements of Ernest S. Cox and Louise Burleigh, box 3, folder "1926 Jan-June," Powell Papers; Smith, *Eugenic Assault on America*, 52-54.

Walter Plecker, and Ernest Cox in the deliberations of the Virginia Board of Censors assured not only that any films addressing serious racial issues would not be seen in the Old Dominion, but that white opponents of the ideological extremism of the Anglo-Saxons would find it difficult to express themselves.¹⁰⁸

From *Cracked Wedding Bells* to *The House Behind the Cedars*, motion picture censors in Virginia eliminated and rejected visual imagery and dialogue that hinted at or directly addressed racial passing, miscegenation, and interracial marriage. The censors assured that films exhibited in the Old Dominion, whether presented as farcical burlesque or serious drama, did not conflict with the goals and purposes of the state's racial integrity law. Just as supporters of that law claimed disingenuously to be interested in the integrity of blacks and whites alike, the deliberations and rhetoric of the censors represented only the interests of white Virginians. As Oscar Micheaux graciously noted, the board's thorough exclusion of representative black citizens ensured that all deliberations and decisions remained completely one-sided. Virginia's dedication to Jim Crow demanded no less.

The growth of film in the 1920s as a purveyor of popular culture presented white Virginians, especially those devoted to racial integrity, with a new challenge in their determination to maintain rigid separation between the races. New and more humane images of blacks threatened to undermine accepted assumptions central to the Old Dominion's commitment to white supremacy. For the moment, John Powell and Walter Plecker succeeded in limiting the display of such images. Just as soon as they had influenced the deliberations of the Virginia Board of Motion Picture Censors, however, new threats arose at Hampton Institute which demanded their immediate attention and intervention. They turned their attention to events at the school with as much vigor as they did the passage of the racial integrity act and the censorship of films. Once again, the

¹⁰⁸ "Ex-welfare chief, Arthur James, dies," *Richmond Times-Dispatch*, Feb. 14, 1985.

majority of Virginia's elites found it far more expedient to stand aside than to challenge the leaders of Virginia's Anglo-Saxon Clubs.

Chapter Three

Jim Crow to the Rescue: Virginia's Public Assemblages Law, 1925-1926

As Walter Plecker sought to redefine hundreds of Virginians as black, a related matter of interest to the Anglo-Saxons developed in Hampton. On February 21, 1925, Grace B. Copeland of Newport News attended a dance recital at Hampton Institute's Ogden Hall. Whether or not the two thousand-seat auditorium had sold out because, as one trustee later noted, "the dancers were practically naked and therefore everybody went," Mrs. Copeland arrived late and discovered that the only remaining seats were next to a group of blacks. Three weeks later her husband, newspaper editor Walter Scott Copeland, wrote a blistering piece in the *Newport News Daily Press* in which he accused the school of teaching and practicing "social equality between the white and negro races." Without mentioning the specific experience of his wife, Copeland noted the school's wealth, fine library and facilities, and the presence of an auditorium which hosted "the highest class" of costly entertainments. Such events, thundered the editor, "are freely patronized by white men and women who sit side by side with the negro men and women of the institution and other negroes residing in Hampton and vicinity. There is no pretense of separating the races in the auditorium. To the contrary, the whites are informed that if they attend the entertainments they must come on the same terms as the negroes, and no distinctions made. To make such distinctions obviously would be contrary to the policy of an institution which teaches racial equality."¹

¹ Richard B. Sherman, "The Teachings at Hampton Institute: Social Equality, Racial Integrity, and the Virginia Public Assemblage Act of 1926," *Virginia Magazine of History and Biography* 95 (July 1987): 281; Raymond Wolters, "Rites of Passage: Hampton Institute Becomes a College," *The New Negro on Campus: Black College Rebellions of the 1920s* (Princeton, N. J.: Princeton University Press, 1975), 239 (short quote from trustee); "Integrity of the Anglo-Saxon Race," *Newport News Daily Press*, March 15, 1925, p. 4.

Copeland placed the threats posed by the situation at Hampton firmly within the rantings of the Anglo-Saxon Clubs. He acknowledged that blacks had made great strides since Emancipation but that they remained a "disadvantaged race" eager to "lose itself in the Anglo-Saxon race." He commended the "morals, manners, and handicraft" of the Institute's student body, "not one of whom," he reported "has ever been arrested for crime or disorderly conduct." But this very advancement, warned Copeland, created the danger that the next generation of whites and blacks would not properly respect the color line. "The new negro is a very different being from the negro of other generations, and contact between white and negro children will tend more and more to break down racial instinct and obliterate racial lines. And that is what the present generation of whites must guard against, as they would guard against disease and pestilence."²

Dr. James Gregg, the white principal of Hampton Institute, responded that Copeland's "words indicate a misapprehension of the facts which I fear may only too easily become widespread." He denied that policies at the school had changed in recent years and insisted that "there has never been encouragement of the social mingling of the races under circumstances which would lead to embarrassment on either side." Furthermore, Gregg reminded Copeland that blacks objected to "association of a romantic nature" just as fervently as did whites. "The Institute," explained Gregg, "exists to help the Negro race and to serve the whole nation. It has simply tried to be courteous and fair on the one hand to its white friends, both of the North and of the South, and on the other hand to its Negro constituency."³

Gregg's reassurance failed to calm Copeland. Several days later the sixty-nine-year old penned a second editorial in which he charged that Gregg had failed to deny that Hampton Institute taught and practiced social equality. Copeland asked in a mocking tone,

² "Integrity of the Anglo-Saxon Race," *Newport News Daily Press*, March 15, 1925, p. 4.

³ James E. Gregg to Walter S. Copeland, March 17, 1925, box 77, folder "Miscellaneous Correspondence 3-1," Byrd Executive Papers, copy of letter reprinted in "Virginia Editor Sees Menace In Education of Race," *Norfolk Journal and Guide*, March 28, 1925, p. 3.

"Do not the officers and teachers of the institution, white and colored, meet upon terms of social equality? And do not white teachers and colored pupils meet upon such terms? Do they not on occasion sit at the same table and have a sociable meal together without racial distinction? Are not the students of Hampton Institute taught that the Negro race is in all respects the equal of the white race and that no racial distinctions should be made either in law or society?" Copeland accepted the principal's claim not to believe in amalgamation, but responded that "social equality would lead to amalgamation ultimately."⁴

Gregg apparently chose not to respond publicly to Copeland's rhetoric. He did discuss privately, however, the situation with Copeland who, according to Gregg, "expressed his reassurance, and his willingness to drop discussion of the matter." Even if Copeland genuinely intended to let the matter drop, neither an enraged black press nor the adherents of the Anglo-Saxon Clubs appeared likely to follow suit.⁵

The *Norfolk Journal and Guide*, derided the "venomous appeal to race prejudice" that flowed from Copeland's editorials. The Tidewater weekly found itself unable to comprehend how "it is dangerous to train Afro-Americans well in morals, manners and handicraft." White teachers and administrators interacted with black students in institutions throughout the South. "To say that the whites and blacks could sustain the relation of principal to teacher and teacher to pupil and escape the ordinary human contacts which the *Daily Press* calls 'social equality'," reasoned the black paper, "is to deny the truth and cast all reason to the winds." Blacks did not desire amalgamation, continued the *Journal and Guide*, and could certainly not be held responsible for mulattos already born. Furthermore, the black press accepted a willingness to join all whites in "upholding all honest and wholesome traditions, and all laws which have their basis in morality and justice."

⁴ *Newport News Daily Press*, March 20, 1925, reprinted in "Virginia Editor Sees Menace In Education of Race," *Norfolk Journal and Guide*, March 28, 1925, p. 3;

⁵ James E. Gregg to E. Lee Trinkle, July 11, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers. Historian Richard Sherman cites another letter from Gregg which says essentially the same thing. Sherman, "The Teachings at Hampton Institute": 282.

Unfortunately, added the newspaper, "all Virginia's traditions are not just nor wholesome."⁶

The *Journal and Guide* suggested that if Copeland wanted to eliminate interaction between whites and blacks, he ought to start by removing white administrators and teachers from Richmond's public schools, a city which refused to consider blacks for such positions. In conclusion, the Tidewater paper reminded Copeland that "a human being cannot be educated to feel and act inferior. The highest aim of education is to refine, to uplift, to ennoble and to inspire." Therefore, the editor's "demand that the students at Hampton be taught to feel and act inferior to other humans is inconsistent with reason, and impossible."⁷

The *Journal and Guide* expressed special amazement at the remarks in the *Daily Press* because Copeland had "been regarded by colored citizens as a friend of the race." Copeland had stood in the forefront of educational reform in Virginia at the turn of the twentieth century. Although such efforts served primarily to benefit whites, early reformers acknowledged a need for better black schools as well. Copeland's attack on Hampton Institute in particular appeared unexplainable given his own association with the school. He had served for ten years on the Institute's board of overseers for land-grant funds, a position which brought him and his wife into regular contact with the school, its commencement exercises, and entertainment functions, all of which involved mixed black and white audiences. On at least one prior occasion, Copeland himself had sat next to a black patron during a recital at Ogden Hall, but had felt no compunction to editorialize about racial amalgamation.⁸

⁶ "Error Attempts To Dethrone Truth," *Norfolk Journal and Guide*, March 28, 1925, p. 12.

⁷ Ibid.

⁸ "Virginia Editor Sees Menace In Education of Race," *Norfolk Journal and Guide*, March 28, 1925, p. 3; Raymond H. Pulley, *Old Virginia Restored*, 132-51; Wolters, "Rites of Passage: Hampton Institute Becomes a College": 240; Mrs. Grace Copeland to E. Lee Trinkle, July 21, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers. In her letter to Governor Trinkle, Grace Copeland asserts that on a prior occasion, she and her husband attended a concert featuring the Ukrainian Chorus, and that "Colonel Copeland was forced to sit between me and a number of the negro student body."

The Newport News editor seemed somewhat stunned by the response of the *Journal and Guide*. He declared himself not unfriendly to blacks and cited as proof his love and respect for his "Black Mammy." Furthermore, Copeland professed himself in favor of "training the race well in morals, manners and handicraft," and again referred to his mammy as an example of the best teacher in those areas. Although not familiar to the editors of the *Journal and Guide* at the time, three years earlier Copeland had gone one step further and praised not only his mammy and the virtues she taught, but related her example directly to the work of Hampton Institute. In a tribute to Charity Copeland Peele soon after her death, Walter Copeland wrote, "I have rarely met in my life a woman of finer character She was the soul of honesty and truth. She was the best instructor of colored children I ever knew. She taught them obedience, honesty, truthfulness, fidelity, good manners and handiwork. Her fundamentals are the fundamentals of the Hampton Normal and Agricultural Institute."⁹

Stating a preference for friendly white press coverage and acknowledging that Virginia's blacks "need the *Daily Press* and all the friends we can get," Norfolk's black newspaper reprinted Copeland's editorials and asked how such words could be taken as friendly. Furthermore, the *Journal and Guide* challenged Copeland to expand his limited view of the value of black education and suggested that he ought to "form a more intimate acquaintance with Black Mammy's children and grandchildren. Look into their hearts and minds." Referring not only to Copeland, but to the thousands of whites of his generation, Tidewater's black paper concluded that "many injustices to the present generation of Afro-Americans are covered up by ingenious laudation of the 'Black Mammy.' Virginians could

⁹ "What About Black Mammy's Children?" *Norfolk Journal and Guide*, April 4, 1925, p. 12; Walter S. Copeland, letter to the Editor of *The Northampton Progress*, March 14, 1922, copy located in box 4, folder "1908-1954 Newspaper Clippings," Papers of Walter Scott Copeland (#5497), Department of Special Collections, University of Virginia Library.

not revere the memory of those sainted characters with more sincerity and truth than to do justice to 'Black Mammy's' children and grandchildren."¹⁰

Copeland, like so many other whites born in Virginia just before and just after the Civil War, believed that true affection for and friendship with a few individual blacks proved his intentions honorable. In a private letter to James Gregg written in late-March 1925, Copeland insisted, "I am inspired by no evil motive nor hostile spirit in pursuing this subject. I was brought up in a Southern home, where there were slaves, one of whom was my 'mammy,' who very largely 'raised me.' It would be impossible for a man thus reared to have any but feelings of affection for the negro race." As evidence of his veracity, the editor continued, "Only last week, I stopped my work and went to Richmond to be with a negro friend of mine, who had just lost his wife. His wife had been a member of our family, and the attachment between her and Mrs. Copeland and all of us was genuine and very deep. This morning I had an interview of an hour with one of my negro friends in Newport News, a dentist, who always comes to me when he wants friendly advice."¹¹

Although Copeland spoke about his mammy and a few other blacks in terms of affection and respect, he conceived of black education only in terms of teaching manners and morals necessary for training blacks to take on subservient roles. He described his own mammy as the epitome of honesty, truth, obedience, and fidelity. Although such qualities might have once been central to the mission of Hampton Institute, blacks in 1925 no longer accepted the function of their training as purely vocational. The *Norfolk Journal and Guide* understood that "a human being cannot be educated to feel and act inferior"; Walter S. Copeland failed to adapt to the implications of progress made by blacks, progress that he himself had even championed.¹²

¹⁰ "What About Black Mammy's Children?" *Norfolk Journal and Guide*, April 4, 1925, p. 12.

¹¹ Walter S. Copeland to James E. Gregg, no date, box 3, folder "1919-1928 Speeches," Copeland Papers.

¹² Walter S. Copeland, letter to the Editor of *The Northampton Progress*, March 14, 1922, copy located in box 4, folder "1908-1954 Newspaper Clippings," Copeland Papers; "Error Attempts To Dethrone Truth," *Norfolk Journal and Guide*, March 28, 1925, p. 12. Raymond Wolters details the struggles of students to

Other than the initial flurry of editorials in Copeland's *Daily Press* and the black *Journal and Guide*, Virginia's press apparently ignored the situation at Hampton. Consequently, Grace Copeland sent copies of her husband's editorials to Governor Trinkle, termed it a "pity" that no other editors had joined in his denunciations, and appealed to the chief executive for some sort of relief. Acknowledging in far more overt and honest terms than her husband her views of blacks, she declared "this is a white man's land and God made the Negro race an inferior and a disadvantaged race." Repeating a line that would appear in her letters to two governors over the course of three years, Grace Copeland told Trinkle that former Governor Stuart "told me long ago just before he left the mansion that we would reap the whirlwind if we educated the negro beyond a certain point. And it looks now Governor that the Anglo-Saxon Race is doomed."¹³

Grace Copeland asked the chief executive if Hampton had "the right, in our state, to sell tickets to white people and mix them up, in social intercourse in that auditorium?" She went on to complain that Hampton had a larger endowment than the University of Virginia, never once considering that that might reflect a lack of commitment on the part of supporters of the state's university system. She told the governor point blank that she had not fully digested the "seriousness of the negro problem in America" until her friend John Powell educated her to the facts. Despite her grievances, Grace Copeland seemed somewhat resigned to her husband's belief that nothing could be done about the situation. Apparently sensing no contradiction with her earlier declaration about the inferiority of blacks, she asserted that she and her husband "feel no animosity whatever toward the colored race. I was raised with them. I prefer them to whites as servants and as

demand a more academic and less vocational education. Although James Gregg appeared sympathetic, he moved slowly in order not to antagonize white supporters of the school who might have considered the shift offensive. Resistance on the part of the administration ultimately led to a student strike in October 1927. Wolters, "Rites of Passage: Hampton Institute Becomes a College": 230-275.

¹³ Grace B. Copeland to E. Lee Trinkle, April 23, 1925 [date not on letter but gleaned from response], box 2, folder "C (8-7)," Trinkle Executive Papers.

individuals. I, like every Southern woman have a real affection for them, especially those in my home."¹⁴

Several weeks later, Governor Trinkle responded that "it looks as if there is nothing that can be done in this matter at this time." While Trinkle's response might have been the one expected by Grace and Walter Copeland, it proved more than unacceptable to John Powell, who had just returned to Virginia after several months absence. In addition to Powell's determination, an article in *The Crisis* by W. E. B. DuBois contributed significantly to the reescalation of hostilities that soon ensued.¹⁵

DuBois's words no doubt inflamed the Anglo-Saxons and provided them an additional excuse to issue dire warnings. In the May 1925 issue of *The Crisis*, DuBois excerpted Copeland's two editorials as well as Gregg's response to the first one. A month later, DuBois suggested that Gregg issue the following response to Copeland's threatening questions:

Yes, we do practice social equality at Hampton. We always have practiced it and we always shall. How else can teacher and taught meet but as equals? Yes, we eat together at times. To be sure we have some 'Jim Crow' dining halls to appease our Southern friends but we are ashamed of this and try to conceal it. . . . The results of the social equality practiced at Hampton have been fine friendships, real knowledge of human souls, high living and high thinking; and we know of no single racial inter-marriage or mulatto child as a result; while, on the other hand, the result of racial segregation in the state of Virginia was officially reported at 164,171 mulattos in 1920. Hampton endeavors to keep the spirit of the laws of Virginia and for this reason instead of admitting everybody to its course of study it admits only colored people. When white folk, however, come voluntarily as our guests, we welcome them and treat them with every courtesy, although we can expect for our students no reciprocal courtesy from them. But when they demand the right to cross this color line which they themselves have drawn, and then to have a second and internal drawing of race distinctions inside a Negro institution, we say, No. You are not compelled to enter this colored world and it is monstrous when you come as

¹⁴ Ibid.

¹⁵ E. Lee Trinkle to Grace B. Copeland, May 5, 1925, box 2, folder "C (8-7)," Trinkle Executive Papers. Powell's absence from Richmond from January through April is mentioned in a letter to Arthur James, June 6, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers. The most thorough account to date of the events described here is Richard Sherman, "The Teachings at Hampton Institute." See 282-83 for his discussion of the DuBois article. Also, James E. Gregg to E. Lee Trinkle, July 11, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers.

guests to ask us to insult these already twice insulted people within the very bounds you yourselves have set.¹⁶

DuBois's comment about whites crossing the "color line which they themselves have drawn" perfectly articulated the dilemma that Copeland's attack presented to white elites in Virginia. After all, Hampton Institute had represented for decades the embodiment of Virginia's paternalistic approach to race relations. In this respect, Hampton Institute served the needs of white elites as much as its black students. Its presence allowed white elites to assert their support for the educational and economic advancement of blacks. At the same time, rigid control of the Institute by white administrators and trustees made certain that the school's mission and activities would not threaten the Old Dominion's commitment to the social and political segregation of the races. But Copeland's attack on Hampton threatened a crisis of paternalism that demanded a second layer of segregation within the already constructed first. The implications, so eloquently discussed by DuBois, underscored the inherent limitations of an ideology and practice that sought to educate an entire race to remain subordinate.

The editor of *The Crisis* emphasized that "no other civilized group in the world . . . is asked to accept such personal insult in their own homes and schools and in their own social life as you demand of these Hampton Negroes." Furthermore, DuBois warned that whites could not expect blacks to continue to meet them on the terms dictated by Copeland. He added that a failure to recognize the full humanity of blacks threatened to create "an impassable gulf" between the races which "foreshadows 'Ku Klux Klans' and 'Anglo-Saxon Leagues' and the continuance of hatred, lynching and war."¹⁷

Long before DuBois issued this perceptive and biting criticism, John Powell had embarked upon a campaign to discredit Hampton Institute and equate its practices with the worst possible threats to the integrity of Anglo-Saxon bloodlines. During Powell's

¹⁶ "The Anglo-Saxon At Bay," *The Crisis*, 30 (May 1925), pp. 10-11; "Social Equality At Hampton," *The Crisis*, 30 (June 1925), pp. 59-60.

¹⁷ Ibid.

absence from Virginia, at least one correspondent kept him abreast of events and urged him to address the issues immediately upon his return. Within days of his return in late April, Powell helped establish a post of the Anglo-Saxon Clubs in Hampton. In addition, he used the pages of the *Newport News Daily Press* to attack the *Norfolk Journal and Guide* and accused its editors of desiring nothing less than racial amalgamation. The Tidewater black paper, however, did not back down: one editorial credited Powell's friend Ernest Sevier Cox with at least recognizing the hypocrisy of whites who complained about miscegenation. William Pickens, a black correspondent, attacked Powell on this very point and commented that "a law to prevent colored people in Virginia from marrying white people and especially to prevent colored men from marrying white women, is a Great Joke. For it is a law to prevent the thing that does not happen, or which is so rare as to be absolutely negligible."¹⁸

That the initial controversy surrounding Hampton Institute involved Walter Copeland, and in particular his wife Grace, provided John Powell an invaluable source of needed publicity. Powell grew up in Richmond with Grace Copeland, their parents moved in the same social circles, and they even shared a piano teacher as youngsters. According to Grace and Walter Copeland's daughter, her mother remained enamored of her childhood friend throughout her life. As a teenager, Elizabeth Copeland Norfleet remembered Powell frequently visiting her home. The Richmond pianist was an "engaging, commanding person," possessed of good looks and incredible charm, matched only by an effortless ability to persuade. A first-hand witness to the conversations in her home, the Copelands' daughter insisted that John Powell took advantage of his friendship with Grace in order to gain editorial support for his views and crusades. Walter Copeland, a respected journalist

¹⁸ Henley Guy, Hampton, Va., to John Powell, April 9, 1925, box 56, folder "Racial Integrity Material 2," Powell Papers; Sherman, "The Teachings at Hampton Institute": 282; "John Powell To The Rescue," *Norfolk Journal and Guide*, May 9, 1925, p. 12; William Pickens, "The Mulattos and Anglo-Saxon Clubs," *Norfolk Journal and Guide*, May 23, 1925, p. 7.

and in 1926 the president of the Virginia Press Association, worshipped his wife, twenty years his junior, and fell under Powell's spell as well.¹⁹

Over the course of the next year, John Powell and Walter Copeland together kept alive the issue of social equality at Hampton Institute: Powell in frequent speeches and behind-the-scenes maneuvering, Copeland through his editorial pages and in testimony before the Virginia General Assembly. In the immediate aftermath of his return to Virginia, however, Powell clearly initiated attacks and defined strategy, turning his initial attentions against a massive fund-raising effort aimed at boosting the endowments of Hampton and Tuskegee.

As early as April 4, William Pickens suggested in the *Norfolk Journal and Guide* that Walter Copeland's attack on Hampton was motivated by the recent announcement that Northern industrialists John D. Rockefeller, Jr., and George Eastman had donated a combined three million dollars to the Hampton-Tuskegee endowment campaign. Although Copeland never addressed the issue, John Powell had decided by the end of May that widespread publicity of Copeland's charges might scare off potential donors and torpedo the campaign. On May 15, Virginia Governor E. Lee Trinkle agreed to lend his name to the Southern Advisory Committee of the endowment fund, but only after conferring with Homer Ferguson, the President of the Newport News Shipbuilding and Drydock Company and a Hampton trustee. The chief executive expressed his concern "that there are a good many people who tell me that the atmosphere at Hampton along the line of social equality between the races is not satisfactory. . . . Of course, you understand that I do not approve of anything that tends towards social equality between the races, for I believe that would be ruinous both to the white and colored." Trinkle did acknowledge, on the other hand, that he agreed with the advisory committee's statement that a great need existed for "developing Negro leaders who will return to their own communities and preach to the people their

¹⁹ Elizabeth Norfleet, interview by author, Charlottesville, Virginia, December 28, 1996.

gospel of industry, of morality and respect for law and order." Ferguson assured the governor that throughout his tenure as a trustee he had "never seen any evidence of any desire on the part of those operating the school to secure in any way social equality for the negroes. . . . My chief objective in remaining on the Board of Trustees is to prevent the very thing you write about."²⁰

Reassured by the Hampton trustee and leading Virginia industrialist, Trinkle rebuffed initial efforts by John Powell to protest publicly against the endowment campaign. Instead the governor invited Powell to stop by his office and discuss the matter in greater detail. In early July, however, Trinkle's level of discomfort had clearly risen in the wake of the DuBois editorial. In a letter to James E. Gregg, Trinkle reminded the Hampton principal that he had lent his name to the advisory committee and although "I have really played no part in the matter yet it is causing me considerable embarrassment and anxiety due to the fact that it is currently reported and has been reported directly to me that in your institution social equality is taught and practiced." Citing DuBois's response, the governor said, "naturally you must know that I do not approve of social equality between the races for I believe nothing worse could happen to the white and black people in this country for this doctrine to prevail."²¹

Several days later, Gregg replied that he would be frank, but would prefer to discuss the matter with the governor in person rather than through correspondence. Nevertheless, he reiterated his position that "Hampton Institute has always sharply disapproved of any such social intimacies as might conceivably lead to intermarriage or to illicit intercourse." Gregg informed Trinkle that he had no intention of responding to

²⁰ William Pickens, "Yelling Murder and Doing All the Murder," *Norfolk Journal and Guide*, April 4, 1925, p. 12; "The Tuskegee-Hampton \$5,000,000 Endowment," *ibid.*, April 4, 1925, p. 12; E. Lee Trinkle to Homer Ferguson, May 15, 1925 [two separate letters], Ferguson to Trinkle, May 18, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers.

²¹ E. Lee Trinkle to John Powell, May 29, 1925, box 43, folder "Bureau of Vital Statistics," Trinkle to Powell, June 15, 1925, box 21, folder "Hampton Institute," Trinkle to James E. Gregg, July 8, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers.

DuBois, but that he had also heeded the advice of Homer Ferguson and ceased responding to Copeland as well. Despite the attacks in the *Daily Press*, Gregg expressed a belief that "a decided majority of the thoughtful white people of our community have sympathized with the Institute and have regretted the untimely, unwarranted and misleading newspaper utterances which started the reports that have come to you. You need not fear and no one need fear that Hampton Institute either in its teaching or in its practice, will ever do anything to break down the truest and soundest traditions of the South with respect to chivalry, courtesy, self-respect, justice, and Christian peace and good will."²²

Any reassurance that Gregg hoped to provide must have vanished as soon as Trinkle read a four-page letter sent by the Anglo-Saxon Clubs to the press and addressed to members of the Southern Advisory Committee of the Hampton-Tuskegee Endowment Fund. Noting that each recipient had publicly lent support to the fund-raising campaign, the letter reprinted Copeland's charges and Gregg's response to the first editorial. The statement from the Anglo-Saxons referred to Copeland as "famed for the kindliness and generosity of his feelings, as well as for his fairness and impartiality. His attitude toward the negro in general and toward Hampton Institute has always been most cordial." Despite Copeland's good intentions, neither Gregg nor any Hampton trustee had responded to Copeland's second editorial. Therefore, reasoned the Anglo-Saxons, "the unavoidable inference is that the charges are well-founded." Resorting to the same sort of threatening language found elsewhere in the correspondence of Walter Plecker and John Powell, the statement concluded, "We have no wish to be presumptuous or impertinent. Nevertheless, we feel sure that you would be unwilling to countenance such conditions as are alleged to

²² James E. Gregg to E. Lee Trinkle, July 11, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers. Also Sherman, "The Teachings at Hampton Institute": 284-285.

exist at Hampton Institute." Consequently, the Anglo-Saxons encouraged all recipients to withhold continued support until Gregg replied to Copeland's charges.²³

Several members of the advisory committee expressed unease over the situation, one even writing a charged letter to Gregg asking for an explanation. Most members, however, encouraged the committee simply to ignore the charges leveled by the Anglo-Saxon Clubs. The letter led to no resignations and the endowment drive reached its target by the end of the year.²⁴

While members of the advisory committee ignored the threats and challenges of the Anglo-Saxons, the Virginia press did not. On July 14, the *Richmond Times-Dispatch* telegraphed Governor Trinkle, noted that he intended to investigate the situation, and asked if he wanted to make a statement. The next day, the *Richmond News Leader* ran an editorial calling on Gregg to maintain the "good will" between the college and its white supporters in the South. Racial separation in the auditorium, noted the daily, would not hinder the financial support of Northern whites, but would go a long way toward reassuring suspicious whites in the South. "Hampton is designed to achieve two aims," reasoned the *News Leader*. "To make the negro the best citizen possible and to keep unbroken friendship between the races." The daily apparently felt that only a strict denunciation of social equality could ensure the continuation of that friendship.²⁵

The following day, Copeland asked the governor if he could be present when Trinkle investigated the charges leveled against Hampton Institute. The Newport News editor reminded the governor that his paper had raised the issue first, and consequently suggested a line of questioning to be directed at Gregg. In addition, he encouraged the

²³ Lawrence T. Price, Chairman, Anglo-Saxon Clubs of America, to E. Lee Trinkle and others, July 10, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers; "Asks Southerners Quit Endowment Fund Committee," *Norfolk Journal and Guide*, July 18, 1925, p. 1.

²⁴ Sherman, "The Teachings at Hampton Institute": 286-287.

²⁵ Telegram from *Richmond Times-Dispatch* to E. Lee Trinkle, July 14, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers; "South Looks To Dr. Gregg," *Richmond News Leader*, July 15, 1925, p. 8, copy found in box 3, folder "1919-1928 Speeches (folder 1)," Copeland Papers.

governor to ask local residents "if it is not common knowledge in the community that the white and colored teachers are on terms of absolute equality." Copeland insisted that he harbored "no ill will toward the school," but that "the practices in that institution cannot but bring mischief, eventually, if continued."²⁶

Several days later, Grace Copeland, the childhood friend and ardent admirer of John Powell, sent Trinkle her own analysis of the situation. Expressing on the one hand a deep concern that the sequence of events threatened "to bring Col. Copeland into very distasteful and perhaps dangerous notoriety," she pronounced herself "happy" at the possibility that black teachers might soon replace whites at Hampton. Echoing the sentiments of her husband and so many other white elites in Virginia, Grace Copeland reiterated her "real feeling of affection" for certain blacks who had lived and worked in her home, but saw no "good resulting from reasoning with them or mixing with them in any way." After years of experience employing blacks, she pronounced that "the only way to deal with this new generation is to give them such help and training" as necessary "for their rightful position in life and to keep them in their own place."²⁷

The *Norfolk Virginian-Pilot*, normally the most progressive of Virginia's papers in racial matters, ran an editorial which supported Grace Copeland's desire to see the white teachers at Hampton replaced. Such a move, reasoned the daily, might alleviate a "difficult social situation." The *Norfolk Journal and Guide* asked in response why whites should single out this situation at Hampton when public sentiment in Richmond required that black schools in the capital city be staffed by whites, as well as all hospital, sanitariums, and schools for deaf and blind black children. "Is it because at Hampton," asked the weekly, "Negroes are treated as human beings and at the other places they are treated as inferior human beings?"²⁸

²⁶ Walter S. Copeland to E. Lee Trinkle, July 16, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers.

²⁷ Grace B. Copeland to E. Lee Trinkle, July 21, 1925, *ibid.*

²⁸ "Mixed Faculties in Negro Schools," *Norfolk Journal and Guide*, July 25, 1925, p. 12.

Norfolk's black newspaper asked a question which penetrated to the heart of the racial debate in Virginia in the 1920s and 1930s. Hampton Institute represented the highest achievements of blacks in post-Reconstruction Virginia. Originally conceived as an institute emphasizing vocational training, whites in Virginia easily supported its reason for being. But by the 1920s, many blacks at Hampton resented the restrictions that limited their growth and advancement. Many whites chose to sanction and support training that would keep blacks in a subordinate place, but not raise them up to the level of equals. Ironically, in July 1925 Grace Copeland sent the governor a book review which made precisely this point, although it appears more than likely that she ignored this particular part of the review. An article appearing in a recently published book entitled *Population Problems* argued that black poverty, illiteracy, infant mortality, and criminality resulted from social prejudice which forced blacks to live in an "atmosphere of contempt and dislike" which led to their "exclusion from schools, churches, theaters, desirable residence neighborhoods, social contact with cultured people, and all that is elevating in modern life." Despite such impediments, argued the author, "the Negro is making advance and with every advance becomes less tolerant of injustice and abuse and more insistent that he be allowed the rights and opportunities of other members of the society. And every advance that he makes quickens the prejudice of those persons who are convinced of his native inferiority and determined to keep him socially inferior." Grace Copeland unwittingly supplied the governor with a perfectly succinct explanation of the attitudes and beliefs of those in Virginia determined to limit black advancement.²⁹

²⁹ Grace B. Copeland to E. Lee Trinkle, July 18, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers. Along with her letter, Copeland sent a two-page attachment entitled "The Problem of the Negro," excerpted from a book entitled *Population Problems* by Edward Byron Reuter of the University of Iowa (Philadelphia: J. B. Lippincott Company, 1923). The excerpt appears on pages 280-84 in the original. Raymond Wolters argues persuasively that the decision of Hampton administrators and trustees to acquiesce in southern demands and not push Hampton in the direction of a liberal arts curriculum too quickly contributed to the student strike in 1927. See Wolters, "Rites of Passage: Hampton Becomes a College," 230-275.

In response to the wave of letters from both Copelands, as well as press reports in the major papers, Governor Trinkle expressed to James Gregg a desire to meet privately with officials and trustees of Hampton in an effort to resolve the issue away from the press. To Colonel Copeland, on the other hand, the governor replied that he was looking into the situation, but that "the State of Virginia has no jurisdiction whatever over this school and whatever we do must be done largely in a persuasive way rather than otherwise." Furthermore, the chief executive added that "of course, it is contended that social equality is not practiced at this institution." Nevertheless, Trinkle assured Copeland that he was looking carefully into the matter, but emphasized that "we are getting along splendidly with the colored people in Virginia and we want to meet this situation in a way that will tend to solve the problem with as little enmity between the races as possible."³⁰

Trinkle's comment that "of course, it is contended that social equality is not practiced at this institution" drew a stinging rebuke from Copeland who insisted that "Gregg does not make any such contention." Furthermore, Copeland charged that Gregg "has admitted to me practically everything I have charged against the school, and although I have urged him to answer my questions through the public print, he has declined to do so." Reaching a fevered crescendo, the editor of the Newport News paper asked, "If the charges are not true, why does he not deny them? Why do not the trustees deny them? They are true, Governor Trinkle." Apparently annoyed by Copeland's rhetoric, the governor reemphasized the state's lack of jurisdiction in the matter, promised to meet with the appropriate persons when they returned from summer vacation, but admitted that "just what can be done in the promises to meet the situation I am at a loss to say."³¹

³⁰ E. Lee Trinkle to James E. Gregg, Aug. 7, 1925, Gregg to Trinkle, Aug. 18, 1925, Trinkle to Walter S. Copeland, Aug. 7, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers; Sherman, "The Teachings at Hampton Institute": 287.

³¹ Walter S. Copeland to E. Lee Trinkle, Aug. 15, 1925, Trinkle to Copeland, Aug. 17, 1925, box 21, folder "Hampton Institute," Trinkle Executive Papers; Sherman, "The Teachings at Hampton Institute": 287.

After a quiet fall, the issue of social equality at Hampton Institute erupted again in early November when an all-white glee club from the University of North Carolina performed at Hampton's Ogden Hall. Following already-established practices, authorities made no effort to provide segregated seating. Copeland was outraged and said so in his paper. Incited Anglo-Saxons sent a telegram of protest to North Carolina's governor. The rest of Virginia's white press, however, did not follow suit. A week after the incident, the *Norfolk Virginian-Pilot* criticized the Anglo-Saxons for needlessly mixing up their quest for racial integrity with "insignificant externals." "Is there not a very simple way to solve this recurrent question?" asked the *Virginian-Pilot*. "Instead of making no end of unpleasantness to induce a negro college to provide them with special seating accommodations for spectacles they are under no compulsion to attend, why do not these white people who object to mixed seating stay away?"³²

On November 27, three hundred members of the Hampton Anglo-Saxon Club listened to speeches by John Powell and Walter Copeland. Despite the objections of at least one Hampton faculty member who defended the institute's practices, those gathered passed a resolution calling on their delegate, Alvin Massenburg, to introduce legislation at the upcoming session of the General Assembly to make illegal the "mixing of audiences at public assemblages." Though aimed at curtailing the arrangements at Hampton, supporters intended the legislation to cover the entire state. The *Norfolk Journal and Guide* speculated that the true intent of the Anglo-Saxon Clubs was to have Gregg and white faculty members removed.³³

On January 20, 1926, thirty-one-year-old Alvin Massenburg, serving his first term in the House of Delegates, introduced a bill "requiring the separation of white and colored

³² Sherman, "The Teachings at Hampton Institute": 288; "Why Don't They Stay Away?" *Norfolk Virginian-Pilot*, Nov. 16, 1925, p. 4.

³³ Sherman, "The Teachings at Hampton Institute": 288; "Want More Laws To Separate Races," *Norfolk Journal and Guide*, Dec. 5, 1925, p. 1. Sherman notes in note 42, page 288 that faculty member J. B. L. Buck opposed the measure.

persons at public halls, theaters, opera houses, motion picture shows and places of public entertainment and public assemblages." More than a decade later, Massenburg contended that leading business men and editors had forced him to introduce the bill, but that he had not personally supported the measure. Whether genuine or not in this claim, the young legislator undoubtedly felt enormous pressure from some of his most vocal constituents during his first term in office. Whatever his personal predilections, the Massenburg Bill, as the measure became known, was the first measure of its kind in the United States; it defined segregation in Virginia for four decades to come.³⁴

The measure met its first test at a public hearing before the House Committee on General Laws on January 26. John Powell, Ernest S. Cox, and Walter Copeland urged passage of the bill, joined editorially by the *Richmond Times-Dispatch* which had consistently supported the Anglo-Saxon agenda since the club's inception in 1923. In an editorial that appeared several days before the hearing, the *Times-Dispatch* acknowledged that such a bill should not be necessary in Virginia "where are domiciled the best colored people in the world and where there has never been any considerable race trouble."

Although whites had always trusted blacks not to threaten the social order, and doubted they would do so now, the *Times-Dispatch* reasoned that the legislature ought to go ahead and make preparations to guard against the pernicious attempts of those at Hampton that preached and practiced social equality. Admitting that no blacks were likely to force themselves into white sections of movie theaters, the paper warned that the legislature would not meet again for two years and ought to put the necessary laws on the books now. The *Norfolk Journal and Guide* suggested that the *Times-Dispatch* had chosen to take such a position because it was bothered by the large sums of money recently bequeathed to

³⁴ Commonwealth of Virginia, *Acts of Assembly, 1926*, 945-46; E. Griffith Dodson, *The General Assembly of the Commonwealth of Virginia, 1919-1939: Register and Index of Documents, Resolutions, Etc.* (Richmond, 1939), 115; Ralph Bunche interview with Paul N. Williams, President, Elizabeth City County Civic League, Oct. 22, 1939, box 85, folder 6 "Field Notes: Southern Trip, Bk. 1," Bunche Papers.

Hampton. The Richmond paper, opined the Tidewater black paper, resented the numerous benefits that contributed to the advancement of the black race.³⁵

Prominent white spokespersons rejected the logic of the *Times-Dispatch* and denounced the measure in front of the House committee. The group included J. Scott Parrish, the president of the Richmond Chamber of Commerce; Dr. S. C. Mitchell of the University of Richmond; Dr. R. E. Blackwell, president of Randolph-Macon College; the Rev. Beverly Tucker, Jr., rector of St. Paul's Episcopal Church in Richmond; and Richard Carrington, a Richmond lawyer and former member of the House of Delegates. The *Norfolk Journal and Guide* reported that opponents considered the bill unnecessary and likely only to increase tensions in racial relations, now considered healthy. Despite such opposition, the measure sailed through the committee. Several days later, the entire Richmond Chamber of Commerce passed a resolution describing as "unfortunate" the Massenburg bill and urged that city's delegates to oppose it; nevertheless it passed the full House with only three dissenting votes.³⁶

Up until this point, only the *Norfolk Virginian-Pilot* and the *Lynchburg News*, owned by United States Senator Carter Glass, came out in opposition to the measure. The Lynchburg paper considered it an "unjustifiable slap at the Negro race." Furthermore, the *News* argued that Hampton's auditorium constituted a private facility, and that persons not wanting to come into contact with black patrons should stay home. The day after the full House passed the bill, Louis Jaffe, editor of the *Virginian-Pilot*, wrote Junius Fishburne, editor of the *Roanoke World-News*, and asked, "Can't the clear-sighted and liberal *Roanoke World-News* see its way clear to oppose the Massenburg segregation bill? It is,

³⁵ Sherman, "The Teachings at Hampton Institute": 288-89; "Separation of the Races," *Richmond Times-Dispatch*, Jan. 23, 1926, reprinted in "Our Friends Have the Courage of Their Convictions," *Norfolk Journal and Guide*, Feb. 6, 1926, p. 12. The *Times-Dispatch* made essentially the same argument several days after the House hearing. "Race Separation," *Richmond Times-Dispatch*, Jan. 28, 1926, editorial page, copy in box 4, folder "1908-54 Newspaper Clippings," Copeland Papers.

³⁶ Sherman, "The Teachings at Hampton Institute": 288-89; "Oppose Bill To Separate Races in Public Halls," *Norfolk Journal and Guide*, Feb. 6, 1926, p. 1; "Race Separation Advocates Win," *Richmond Times-Dispatch*, Jan. 27, 1926, p. 1; "Chamber Opposes Racial Measure In Legislature," *Richmond News Leader*, Feb. 2, 1926, p. 2.

in my opinion, at least, a sad move, useless and frightened with distress for the future."

Furthermore, Jaffe lamented that only his paper and the Lynchburg paper had spoken out in opposition, while all "other 'liberal' papers are maintaining a dignified silence." Several days later Fishburne replied that he had not really thought too much about the issue, but that he had been impressed with Jaffe's reasoning in a recent editorial. "Colonel Copeland filled my head full of the opposite side of the question last fall," admitted the Roanoke editor, who now professed to believe that Jaffe's position was correct.³⁷

As the Senate prepared to consider the Massenburg bill, opposition grew. The *Richmond News Leader* and the *Norfolk Ledger-Dispatch* joined the *Lynchburg News* and the *Norfolk Virginian-Pilot* and editorialized against the measure. Louis Jaffe pointed out that all of these papers believed in racial integrity but not in "Prussianized segregation" that would affect a privately owned assembly hall in a privately endowed black college. Instead, Jaffe advocated "voluntary segregation" which he believed worked well throughout Virginia, and urged persons who objected to the conditions at Hampton to simply stay away. Aside from the newspaper editors, the most prominent opposition came from several groups of clergy. Members of the Richmond Ministerial Union, the foreign mission board of the Southern Baptist convention, and the Methodist and Baptist ministers' conferences of Richmond argued that white colleges in the state would have to provide separate seating for Chinese and Japanese students who attended white colleges as part of missionary efforts of the Baptist and Presbyterian churches. Dr. J. F. Love, secretary of the foreign mission board of the Southern Baptist convention, explained that the legislation would "offer offense to all non-white people and would in China, at this time, cause much irritation and give all Virginia missionaries serious trouble." In particular, Love cited

³⁷ Editorial from *Lynchburg News* reprinted in "Spirit of the Press," *Norfolk Journal and Guide*, Feb. 6, 1926, p. 12; Louis I. Jaffe to Junius Fishburne, Feb. 6, 1926, Fishburne to Jaffe, Feb. 8, 1926, box 1, folder "Correspondence of LIJ with Junius Fishburne," Jaffe Papers (#9924-d).

"young women stationed in the interior who have no protection other than that offered by the Chinese themselves."³⁸

Love reiterated his position before the Senate Committee on General Laws. In addition, Homer Ferguson joined Love in opposition and asserted that as one of the largest employers of blacks in the commonwealth, he felt himself in a unique position to pass judgment. Although he admitted that blacks and whites at Hampton did occasionally share a meal together, he insisted that the school did not teach or practice social equality. Frank Darling, another Hampton trustee and local industrialist, and the Reverend W. T. Johnson, a black minister in Richmond, added their voices to those who objected to the bill.³⁹

As expected, Powell, Cox, and Copeland appeared in support of the measure. This time, however, perhaps in response to the growth in public opposition to the Massenburg bill, their rhetoric reached new levels of extremism. John Powell asserted that the situation at Hampton was part of a broader conspiracy among blacks to achieve social equality. In particular, he blamed the NAACP and the *Norfolk Journal and Guide* for "making this breaking down of the color line a matter of principle." According to J. A. Rogers, a black journalist from the North who covered the hearings, Walter Copeland testified to the sincerity of his affection for his mammy and then said with reference to Hampton Institute, "The niggers in that institution are being taught that there ought not be any distinction between themselves and white people. If you wipe out the color line we are gone. There will be no power on earth to prevent the nigger from entering our homes and marrying your daughter." Referring specifically to the dance troupe whose performance at Hampton ignited the controversy, Copeland summoned images intended to prevent any legislator from opposing the measure. "There they were," began the editor, "beautiful white women

³⁸ "The Opposition Grows," *Norfolk Virginian-Pilot*, Feb. 15, 1926, p. 4; "The Racial Bills," *Richmond News Leader*, Feb. 8, 1926, p. 8; "Race Segregation Bill Is Opposed," *Richmond News Leader*, Feb. 9, 1926, p. 1; "State Papers Condemn Race Bills," *Norfolk Journal and Guide*, Feb. 20, 1926, pp. 1 & 7; "Anti-Racial Law Would Hurt Work," *Richmond News Leader*, Feb. 20, 1926, p. 4.

³⁹ "Allege Vast Negro Conspiracy In Support of Race Separation Bill," *Norfolk Journal and Guide*, Feb. 20, 1926, pp. 1 & 7; Sherman, "The Teachings At Hampton Institute": 290-91.

in the nude with nigger youths gazing at them and there was the flower of our womanhood seated next to the black. There are a certain amount of our women who cannot resist temptation and it is our duty to protect them by maintaining the barrier that Southern manhood has always stood for."⁴⁰

Rogers, a non-Southerner of mixed racial heritage, concluded after the hearing that blacks in the North could not possibly understand the obstacles faced by blacks in the South. He claimed to have learned more about the psychology of southern whites from three hours of testimony than from years of personal experience. He noted that any similar debate in a northern legislature would have revolved around the desirability of segregation itself. "At that hearing in Richmond," discovered Rogers, "segregation was taken as a prime necessity by both attackers and advocates of the bill." Furthermore, proclamations of white supremacy and Anglo-Saxon racial purity from both sides led the journalist to wonder which side he found the most objectionable. He commented that "if anything, my sympathies were with the advocates for they at least were frank."⁴¹

Rogers particularly objected to the stand taken by the Reverend Love, who expressed such concern over the law's impact on Chinese and Japanese students in Virginia that "one would have thought they were the citizens and the Negro the alien." Love's concern with relegating foreign students to Jim Crow cars prompted Rogers to note the injustice inherent in "making a law against a group of citizens which the state is afraid to apply to aliens. Such a thing could happen nowhere else but in America." Nevertheless, mused Rogers in a moment of prophecy, "later, we might be called upon to be loyal in a struggle with Japan."⁴²

⁴⁰ J. A. Rogers, "'Color' Psychology Amazingly Revealed In State Legislature," *Norfolk Journal and Guide*, Feb. 27, 1926, pp. 1 & 9; Sherman, "The Teachings At Hampton Institute": 290-91; Wolters, "Rites of Passage," 240. It should be noted that Rogers's account is the only one that this author has found in which Copeland reportedly used the word "nigger."

⁴¹ J. A. Rogers, "'Color' Psychology Amazingly Revealed In State Legislature," *Norfolk Journal and Guide*, Feb. 27, 1926, p. 1.

⁴² *Ibid.*, pp. 1 & 9.

In addition to the Massenburg bill, John Powell, Walter Plecker, and the other Anglo-Saxons sought passage of a revised racial integrity law which they believed necessary to tighten the loopholes that had allowed so many persons they considered black to pass as "Indians." The new measure, however, ran into immediate trouble when opponents revealed that its terminology would reclassify as black as many as twenty thousand prominent whites. The *Richmond News Leader* announced that the "Bill Brands 63 'First Families' of VA. 'Colored.'" The language in the proposed law maintained the so-called "Pocahontas Exception," but only with regard to persons descended from Indian-white marriages that occurred before 1620. Apparently supporters of the bill failed to recognize that two marriages between whites and Indians in 1644 and 1684 had produced thousands of prominent Virginians.⁴³

A House committee amended the bill in order to meet the objections of the descendants of the two later marriages. Such changes satisfied many critics, including a cautious *News Leader*. On the other hand, the Reverend R. H. Pitt, a Baptist minister and editor of *The Religious Herald*, wrote Governor Harry F. Byrd that many of his close friends distrusted the intent of the bill's sponsors and asked the recently inaugurated chief executive "to use your influence to discourage the passage of the bill." The extent of the governor's influence remains unknown, but the Senate killed the bill twenty votes to nine. Senator John Henry Johnson of Gate City opposed the bill for its effect on foreign missions. Senator Gray Haddon of Richmond warned against "the far-reaching effects of the bill." Senator Henry Wickham of Ashland expressed deep resentment over "the

⁴³ Walter Plecker to E. Lee Trinkle, Jan. 2, 1926, box 43, folder "Bureau of Vital Statistics," Trinkle Executive Papers; "Integrity Act Affects 20,000, Whites Claim," *Richmond News Leader*, Feb. 8, 1926, p. 1; "Bill Brands 63 'First Families' Of VA. 'Colored,'" *Richmond News Leader*, Feb. 9, 1926, p. 1. The Anglo-Saxons also supported a resolution encouraging the colonization of blacks back to Africa, but it garnered little support or attention. "Negro Colony Bill Supported By Cox," *Richmond News Leader*, Jan. 23, 1926, p. 26. Also Sherman, "The Fight For Racial Integrity": 85-87.

advertising which had been given Virginia as a State that was fast becoming mongrelized."⁴⁴

While the legislature debated both the Massenburg act and the racial integrity bill, John Powell published a thirteen-part series of articles in the *Richmond Times-Dispatch*, his most prominent journalistic supporter. Entitled "The Last Stand," Powell surveyed Virginia's racial history and concluded that efforts to reassert political white supremacy after Reconstruction had failed to consider the necessity of biological integrity. Powell borrowed case files from Walter Plecker's Bureau of Vital Statistics and revealed that miscegenation occurred in each of the commonwealth's ten congressional districts. In particular, Powell expressed alarm that race mixing now involved white women and black men, not just the illicit relations between white men and black women that dominated such relations before the Civil War. Therefore, according to Powell, Virginians had to reassert a rigid color line, one that could be assured only with the passage of both bills before the General Assembly. To this end, the Massenburg bill sought "to legalize and secure the present well-nigh universal custom" of separate seating and accommodations. The more important "ulterior purpose of this bill," explained Powell, "is to re-enforce the weakening psychological bases of the color line and embody the sane thesis that friendly political and economic relations between the races can best be preserved by avoiding the very appearance of social relations."⁴⁵

⁴⁴ "Amend New Racial Integrity Measure," *Richmond News Leader*, Feb. 9, 1926, p. 1; "Racial Integrity Bill Reported Out,," *Richmond Times-Dispatch*, Feb. 12, 1926, p. 5; "Racial Integrity Bill Complicated," *Richmond News Leader*, Feb. 13, 1926, pp. 1 & 23; "Says Racial Bill Modifies The Law," *Richmond News Leader*, March 1, 1926, pp. 1 & 27; "The Bill 'As Is' And 'As Was'," *Richmond News Leader*, March 2, 1926, p. 8; R. H. Pitt to Harry F. Byrd, March 8, 1926, box 22, folder "General Assembly 1926--Bills Before," Byrd Executive Papers; "Killed," *The Religious Herald*, March 18, 1926, p. 11 (quotes from Senators Haddon and Wickham); Dodson, *The General Assembly of the Commonwealth of Virginia, 1919-1939*, 175, 180, 199.

⁴⁵ John Powell, "The Last Stand," *Richmond Times-Dispatch*, Feb. 16, 1926, p. 7; Feb. 17, 1926, p. 7; Feb. 18, 1926, p. 14; Feb. 19, 1926, p. 9; Feb. 20, 1926, p. 5; Feb. 22, 1926, p. 8; Feb. 23, 1926, p. 8; Feb. 24, 1926, p. 7; Feb. 25, 1926, p. 7; Feb. 26, 1927, p. 7; Feb. 27, 1926, p. 5; March 1, 1926, p. 14; March 2, 1926, p. 20 (quote). Also Sherman, "The Fight For Racial Integrity": 85-87.

The Rev. J. F. Love condemned Powell's series in a long letter to the editor of the *Times-Dispatch*. Stating that as much as any other Virginian, he had "seen, lamented and denounced clandestine relations between a small class of whites and blacks," Love objected vociferously to Powell's slanderous accusations hurled at the majority of Virginians, black and white, who perfectly maintained their racial purity. In addition, the Baptist clergyman revealed several interesting ulterior reasons for opposing the bill when he asked, "Why should we in our effort to guard our race against bad negroes and bad white men hurt the feelings of those negroes whose support we need and can easily have to regulate the radical element of that race? And why should we in an effort to regulate the bad of our own race make such advertisement of Virginia as this propaganda is making? . . . Richmond commercial interests are involved in this thing, too, for Japanese and Chinese business men spend millions with tobacco merchants and others on our city." No other opposition to the Powell articles appeared in the *Times-Dispatch*, however, and the Massenburg bill sailed through the Senate committee without a dissenting vote.⁴⁶

Powell's series also drew the attention of J. A. Rogers. The northern journalist, who not accidentally referred to Powell as a "dark-skinned Nordic agitator," highlighted a number of the cases referred to by Powell which supported the contention that a rigidly enforced law would define many of Virginia's whites as black. If published by a black sociologist, decided Rogers, Powell's findings likely would have led to a lynch mob.⁴⁷

Powell's testimony and articles led Rogers to seek several meetings with the Anglo-Saxon. Their discussions enabled Rogers to articulate far better than any contemporary the nature of racial demagoguery in the Old Dominion. Finding the Richmond pianist "earnest, sympathetic, and very kindly," Rogers admitted that he should have liked Powell as much

⁴⁶ J. F. Love to the editor, "The Last Stand," *Richmond Times-Dispatch*, Feb. 21, 1926, p. 7; "Give Approval To Separation of Races Bill," *Richmond News Leader*, Feb. 20, 1926, p. 1.

⁴⁷ J. A. Rogers, "Powell Paints Lurid Picture of Depravity Of White Virginians," *Norfolk Journal and Guide*, March 13, 1926, pp. 1 & 8; J. A. Rogers, "Powell's Revelations Of Race Mixing Further Reviewed," *ibid.*, March 20, 1926, p. 9.

as any of his friends had he not heard his propaganda. The northern journalist considered Powell and Ernest Cox "much moved" as he described the worst injustices suffered by blacks, including the events of the Chicago riots in 1919. "BUT," added Rogers, "it is just here that appearances are most deceptive; it is here where so many colored folk permit themselves to be deceived for it is from just such affable sources [that] flow agitation which culminates in lynchings, race-riot and racial discords. . . . As I listened to them . . . I felt, indeed, as if I were having an interview with the Devil, himself." Later in his analysis, Rogers added, "If there is a Devil, you may depend upon it, he is quite an affable fellow; it is his imps who are the coarse fellows, and in this case it is the rag-tags and bobtails--the lynchers--who are the uncouth ones, and not those at the fountain head of mischief, like Messrs. Cox, Plecker, and Powell."⁴⁸

In the days leading up to the Virginia Senate's final deliberation on the Massenburg bill, opponents and supporters agreed on at least one thing. In a private letter to Dr. R. E. Blackwell, President of Randolph-Macon College, James E. Gregg undoubtedly understood that momentum seemed to indicate the bill would pass despite the opposition of several of the state's largest newspapers. Attempting to grapple with the implications of the measure's passage, Gregg told his counterpart that efforts to keep whites from concerts at Hampton would be made difficult by the fact that large numbers of people "really wish to come and do come, both to concerts and lectures." A concert over the winter had drawn a sold-out audience, "and the white people in the audience were practically segregated without any compulsory regulation to this effect . . . it would of course be impossible to be sure that white people and Negroes were not seated near each other at some points." The harmless nature of the realities at Hampton's auditorium led a frustrated Gregg to wish

⁴⁸ J. A. Rogers, "Virginia 'Nordic Blood Purists' Reveal Their Scheme To J. A. Rogers" *Norfolk Journal and Guide*, March 6, 1926, p. 1. For more on the Chicago race riot of 1919, see William M. Tuttle, Jr., *Race Riot: Chicago in the Red Summer of 1919* (New York: Athenaeum, 1970).

"that Mr. John Powell would visit the institute before speaking so authoritatively about what we do or what we ought not to do."⁴⁹

Writing one last editorial to urge passage of the Massenburg bill, Walter Copeland commented that "it is well enough to say that the situation can be remedied by the whites remaining away from the entertainments. But the enticements are such that some whites go in spite of the mixing, and the objectionable fact is that this institution refuses to conform to the Virginia custom and traditions." Several days later a *Richmond Times-Dispatch* editorial applauded the comments of the Newport News editor and president of the Virginia Press Association, placing special emphasis on his reference to Virginia tradition. The ideological rigor demanded by Copeland, however, trumpeted certain traditions and customs at the expense of others. Certainly Virginia's paternalistic devotion to "friendly" race relations had allowed for a certain amount of interracial contact, especially at concerts and lectures such as those offered at Hampton. The success of Copeland's crusade, on the other hand, offered evidence that Virginia's elites could not manage at all times the use of race in the Old Dominion. In fact, as John Powell and Walter Copeland made abundantly clear in the mid-1920s, elite devotion to paternalism offered no protection against ideological extremism.⁵⁰

As they awaited final action on the Massenburg bill, the trustees at Hampton met to discuss an appropriate response. In late January, that group had considered issuing a statement in opposition to the legislation, but chose to make no public comment at the time. In early March, three Virginians joined the board meeting: R. E. Blackwell, the president of Randolph-Macon; James H. Dillard, an official of both the Slater Fund and the Phelps-

⁴⁹ Louis I. Jaffe to James E. Gregg, Feb. 26, 1926, box 1, folder "1926-29 Correspondence of LIJ with James E. Gregg," Jaffe Papers (#9924-d); Gregg to R. E. Blackwell, March 1, 1926, box 22, folder "General Assembly 1926," Byrd Executive Papers. Emphasis in original.

⁵⁰ Walter S. Copeland to the editor, "Pass the Massenburg Bill," *Richmond Times-Dispatch* March 4, 1926, editorial page; "The Massenburg Bill," *Richmond Times-Dispatch*, copies of both in box 4, folder "1908-1954 Newspaper Clippings," Copeland Papers. Copeland's daughter commented that cultural offerings in Hampton and Newport News, aside from what was offered at the Institute, were "arid." Elizabeth Norfleet, interview by the author, Charlottesville, Va., December 28, 1996.

Stokes Fund, both dedicated to black education; and Mary-Cooke Branch Munford of Richmond. Ironically, Munford and her late husband had worked to promote educational reform with Copeland in the early part of the century in Richmond. A woman who moved easily in Richmond's highest social circles, Munford had gone on to champion the admittance of women to the University of Virginia. In the early 1920s, she helped establish Richmond's Commission on Interracial Cooperation. Chief Justice William Howard Taft, a trustee, urged the group not to make any official statements, while Dillard urged those assembled to "get rid of the idea that Ogden Hall is a *public* theatre or space of entertainment."⁵¹

The day after the trustees met and chose to remain silent, John Powell wrote to Walter Copeland that he had "discovered that Mrs. B. B. Munford is the mainspring of the anti-Massenburg lobby." Furthermore, Powell learned that Munford "is giving a dinner party and trying to entice to it all the Senators whom she believes to be amenable to the seductions of her 'liberal' philosophy." As a result of his dramatic discovery, Powell wrote Munford, "I have learned with grief and dismay of your efforts to defeat the Massenburg bill, and am taking the liberty of bringing to your attention certain grave aspects of the case, which I am sure you have overlooked." The Anglo-Saxon founder claimed that his organization, dedicated to "good sportsmanship and fair play and respect for law and order," had defused a potentially violent situation in Hampton by pledging to its residents to direct their grievances to the General Assembly. Now, asserted Powell, those same residents "can not understand why any Virginian should object to the legalizing of a custom which is unanimously approved and which the whites of Virginia certainly have no intention of abandoning." Powell concluded that "the defeat of this bill may bring tragedy and horror upon the oldest English-speaking community in America." Powell,

⁵¹ Sherman, "The Teachings at Hampton Institute": 290, 292 (Dillard quote). Historian Raymond Pulley writes about the educational reform work of Copeland and the Munfords in *Old Virginia Restored*, 132-151. For more on Mary-Cooke Branch Munford, see Walter Russell Bowie, *Sunrise in the South: The Life of Mary-Cooke Branch Munford* (Richmond: William Byrd Press, Inc., 1942).

however, need not have worried; several days later the Virginia Senate passed the Massenburg bill with only five dissenting votes.⁵²

At this point, only a veto from Governor Harry F. Byrd, inaugurated just six weeks earlier, could have prevented the bill from becoming law. James E. Gregg informed Chief Justice Taft that no efforts would be made to secure a veto, but Mary Munford decided on an alternative course. Munford first procured from Taft a letter which he allowed her to share with Byrd. The Chief Justice stressed that Hampton's leaders had "never sought to impress upon Hampton students the desirability of promoting so-called social equality," but rather "their attitude has been that that is not important, but that their object should be to maintain themselves and secure their rights of life, liberty and property and their prosperity and comfort by developing themselves through hard work, self-restraint, self-sacrifice and saving." Such a conservative course, noted Taft, did not please numerous black leaders, but rather "accords with the spirit of high-minded Virginians in respect of the progress to be developed in the colored race." The Chief Justice warned that punitive legislation such as the Massenburg bill might have the negative effect of harming that long-cultivated spirit acceptable to Virginia's best citizens.⁵³

Although Taft doubted his letter to Munford would make any difference in Byrd's deliberations, she met with the governor and presented her case. Munford was joined by the Reverend R. H. Pitt, a dear friend of the governor's recently deceased father. Pitt apparently left the meeting under the impression that Byrd might consider a veto if Hampton officials pledged to voluntarily segregate audiences. Gregg made no such concession, and after consulting with trustees and other interested parties, chose to meet with Byrd rather than send a statement. The remote possibility that Byrd might consider a

⁵² John Powell to Walter Copeland, March 4, 1926, Powell to Mrs. B. B. Munford, March 5, 1926, box 1, folder "1903, 1921-26 Correspondence of WSC," Copeland Papers; Sherman, "The Teachings at Hampton Institute": 292-93.

⁵³ William Howard Taft to Mary-Cooke Branch Munford, March 15, 1926 (two separate letters, one just a short note), item 249, folder "William Howard Taft, 1857-1930," Munford Family Papers (#Mss1M9235b 242-256), Virginia Historical Society.

veto led at least one supporter of the Massenburg measure to recoil in horror. Dr. J. Wilton Hope of Hampton told the governor that officials at Hampton Institute were more concerned with donations to their endowment than protecting Virginia traditions. "For God sake," he begged, "do not let them betray our whole state for a few pieces of silver. Judas was a high toned Christian gentleman compared with these people."⁵⁴

On March 22, 1926, the Massenburg act became law without the governor's signature. When Gregg and Byrd finally met several days later, the chief executive apparently told Gregg that "he considered the bill extremely regrettable," and that he would not have supported it had he still been in the Senate. Nevertheless, the governor expressed an unwillingness to veto legislation passed by such a large majority. More than likely, however, Harry Byrd would have taken no position on the issue had he remained in the senate, just as he had abstained from the vote on the racial integrity act two years before. A public stand against any racially charged measure might have threatened the political future of the ambitious young governor.⁵⁵

Virginia's black press and citizenry condemned the passage of the Massenburg Law. The *Norfolk Journal and Guide* wondered if its enactment did not foreshadow the introduction of even stiffer Jim Crow legislation at the next session of the General Assembly. The Reverend Richard Bowling of Norfolk proclaimed that many Hampton students did believe in the equality of races, but not because of the teachings of the school, but rather because of their upbringing which emphasized the contributions of blacks to American life. J. H. Baynes, a native of Norfolk living in Connecticut, agreed with

⁵⁴ Ibid.; Sherman, "The Teachings at Hampton Institute": 294-95; Dr. J. Wilton Hope to Harry F. Byrd, March 23, 1926, box 22, folder "General Assembly 1926--Bills Before," Byrd Executive Papers. Pitt's role and position appear somewhat puzzling. In a letter to Byrd just one week before the meeting, Pitt urged Byrd to quietly oppose the other racial integrity bill before the General Assembly in 1926. He even asked Byrd to veto it if necessary, calling it the creation of a band of "partisans" who were "laboring under a kind of obsession." However, he specifically excluded the Massenburg bill from his request, intimating that he and friends for whom he spoke were not as concerned with its outcome. R. H. Pitt to Harry F. Byrd, March 8, 1926, box 22, folder "General Assembly 1926--Bills Before," Byrd Executive Papers.

⁵⁵ Sherman, "The Teachings at Hampton Institute": 295; Commonwealth of Virginia, *Journal of the Senate*, 1924, Feb. 27, 1924, 476-77. The Senate records show that Byrd joined twelve others in not voting on final passage of the racial integrity act. In addition, Byrd never went on record opposing the act.

Bowling and wrote, "When I was illiterate and a student in an industrial school some years ago, I nevertheless had burning in my soul that flame of equality of all men, and I am sure it was born there and was not the teaching of any school." A. Dodson McWilliams of Norfolk declared that "not since the advent of 'Jim Crowism' have the liberty loving and self respecting Negroes of this state been so deliberately humiliated." Furthermore, McWilliams asserted that "the young Negro student of today will not willingly comply with a law of this type."⁵⁶

Members of the national press joined in the condemnation of Virginia's General Assembly. *The Nation* urged Hampton to challenge the law's constitutionality all the way to the Supreme Court. In the event that the law remained on the books, the national weekly suggested that the school move out of the state. In addition, the magazine directly challenged the complicity of white elites in allowing the law to pass. "If this piece of prejudice is really enacted into law," wrote *The Nation*, "the State should lose the school and the entire country be notified that Virginia is insincere when it declares that it wishes the Negro to be trained along industrial lines and to be treated with justice."⁵⁷

Robert R. Moton, the principal of Tuskegee Institute and the only black member of the Hampton board, agreed with *The Nation* that Hampton should challenge the law in court. Citing recent Supreme Court precedent, he saw cause to expect a favorable decision. Even more critical to Moton, Hampton had an obligation to uphold its principles. A failure to fight this "'deliberate attack upon its peaceful policy of conciliation,'" he argued, "'would constitute a repudiation of all its past history as well as its most recently declared principles.'" On the other hand, Moton believed that a test case "'would thus become the champion of a cause much larger than itself'" and would produce "'such a rallying of the

⁵⁶ "Virginia Adopts a New Segregation Of Races Law," *Norfolk Journal and Guide*, March 13, 1926, p. 1; Richard H. Bowling, "Hampton Not To Blame," *ibid.*, March 13, 1926, p. 14; J. H. Baynes letter to the editor, *ibid.*, March 27, 1926, p. 12; A. Dodson McWilliams letter to the editor, *ibid.*, March 20, 1926, p. 14.

⁵⁷ "The Rising Tide of Prejudice," *The Nation* (March 10, 1926): 247.

colored people to Hampton as it has never had before, and of the large majority of the best Southern white people as well."⁵⁸

The rest of the Hampton board, however, disagreed with Moton and chose not to initiate a test case. Insofar as the school's mission could not continue in a truly segregated manner, school officials searched for a workable solution. After vigorous discussion and consultation with school lawyers, the trustees decided that they could comply with the law without compromising essential features of the school's philosophy by ceasing to hold any "public" functions. Henceforward, Hampton held only "private meetings" open to students, faculty, administrators, and invited guests. The compromise apparently satisfied Gregg and other officials as a workable solution.⁵⁹

Several months after Virginia passed the nation's first public assemblages act, William Howard Taft reported to Mary-Cooke Branch Munford that James Gregg "said the situation at Hampton was as good as we could ask and that there really had followed no unpleasant or sinister results from the legislation which we so deprecated." Furthermore, the Chief Justice added that Gregg "rather thinks that a good many people who acquiesced in it or were led to urge it, are a bit ashamed of themselves now. On the other hand, he thinks it has stimulated all in the school to be properly careful of incurring any just criticism."⁶⁰

Unable to prevent passage of the Massenburg law, James Gregg, Homer Ferguson, and Frank Darling effectively killed off the Hampton Anglo-Saxon Club in the wake of the statute's passage. George Mallison, a resident of Hampton and fervid supporter of Powell's activities, wrote Powell that the "Hampton Anglo-Saxon Club was, to the best of

⁵⁸ Sherman, "The Teachings At Hampton Institute": 296; Wolters, "Rites of Passage," 244-45. Sherman and Wolters both quote from the same letter from Robert Moton to James Gregg, March 25, 1926. The first, second, and fourth quotes in this piece come from Sherman's article; the third quote is drawn from Wolters.

⁵⁹ Sherman, "The Teachings At Hampton Institute": 298.

⁶⁰ William Howard Taft to Mary-Cooke Branch Munford, Dec. 28, 1926, item 249, folder "William Howard Taft, 1857-1930," Munford Family Papers.

my belief, killed because the politicians quietly passed the word around that this should be done." In particular, Mallison claimed that Gregg threatened to close down a black primary school which would have forced local authorities to educate the children at public expense, and that school authorities had "threatened to withdraw its money from the banks and cease trading in the town." Mallison even implicated state senator Harry Holt, who had bowed to pressure and supported the Massenburg law, as one of those responsible for killing off the Anglo-Saxon Club.⁶¹

Despite such behind-the-scenes efforts by Gregg and others, the public acquiescence of Hampton officials caused, as some observers had predicted, a loss of confidence among many of the school's students. The principal's emphasis in the wake of the law's enactment on avoiding any criticism prompted one student to remark that "Dr. Gregg and all of his co-workers have spent more time trying to teach the Negroes their places . . . than they have spent trying to give them an education that would make them men and women capable of facing the world and its great problems."⁶²

Students at Hampton did not forget such grievances. Increasingly restricted by the administration in curricular and disciplinary matters, Hampton students went on strike in October 1927. If James Gregg had intended to include Walter or Grace Copeland among those who seemed "a bit ashamed of themselves" in the wake of the Massenburg law's passage, their response to the student strike revealed no such sorrow. Writing in his *Newport News Daily Press*, Walter Copeland expressed clearly that his support of the Massenburg act extended far beyond issues of seating in an assembly hall. Terming the strike an expected result of teaching social equality, he considered it "folly to teach those students that the Negro race is the equal in all respects of the white race, and then tell them that men and women of their own race are not competent to administer the affairs of the

⁶¹ George Mallison to John Powell in J. David Smith, *The Eugenic Assault on America: Scenes in Red, White, and Black*, 45.

⁶² Wolters, "Rites of Passage," 246-47, 248 (quote), 253-58.

institute.'" The editor's position on the strike revealed the limitations in his own support for black education and his professions of love and affection for his mammy and other black friends; he believed that blacks ought to be educated to serve their station in life, but could not understand blacks in terms that made them equals to whites in any way.⁶³

For her part, Grace Copeland responded to the strike by writing Governor Harry Byrd and relating for at least the third time the belief of former Governor Stuart who reportedly said, "I have never seen any good resulting from educating the negro.'" Mrs. Copeland then explained to the governor her history of association with Hampton Institute, but this time she used much stronger language than in her earlier correspondence. She related that after years of attending events at Hampton with her husband "the situation so grated on my sensibilities to such an extent that I finally told Mr. Copeland that I would do any thing I could for him but that I couldn't mix up with the negroes over there and that I didn't feel I could ever go there again." Later, she and her husband attended a concert, but "I was so nauseated I had to leave in less than ten minutes after I entered the hall." Grace Copeland, however, failed to explain to Byrd why she returned to Hampton alone in February 1925, precipitating the chain of events that resulted in the Massenburg law.⁶⁴

Grace Copeland did share with the governor her ideas about blacks as people. Unlike earlier letters to Governor Trinkle in which she proclaimed a good deal of love and affection for her black servants, Copeland concluded that "I know them as individuals and as a race to be shiftless, mean, incapable of any kind of first-class work, and dirty-- physically, mentally and morally. There may be some good ones left, but I don't believe so unless they may be a few of the old generation." Consequently, she considered the recent strike at Hampton "the final outcome of giving the negro a false idea of his place in life." Instead, Grace Copeland told Virginia's chief executive, her father was correct to

⁶³ Ibid., 268. Walter Copeland died July 24, 1928, only nine months after the strike.

⁶⁴ Grace B. Copeland to Harry F. Byrd, Oct. 17, 1927, box 24, folder "Hampton Institute," Byrd Executive Papers.

believe "that it was impossible to reason with a negro--that the only way to keep him in his place was to keep him under fear."⁶⁵

Numerous levels of irony abound from the passage of the Massenburg Law. Aimed at specific conditions which existed at Hampton Institute, the school's administrators and trustees side-stepped any practical application of the law by redefining all functions as "private." In the narrowest sense, the act most affected those white persons unable to obtain a guest pass and therefore prohibited from attending significant cultural and educational events. Such unintended consequences, however, paled in comparison to the humiliation suffered by Virginia's black citizens, especially those who had labored to educate and better themselves within the confines of a white-dominated civil and political society. The law's passage served as one more reminder that they would have to turn elsewhere for genuine advancement. In addition, the passage of the Massenburg law opened the door for the Virginia General Assembly to saddle the state's black citizenry with additional Jim Crow laws over the course of the next two decades.⁶⁶

Unlike the response to the Racial Integrity Act in 1924, significant opposition to the Massenburg Bill did develop. A number of the state's leading newspapers and businessmen articulated their belief that the legislation was unnecessary and that blacks and whites led sufficiently separate lives. In the truest sense of elite paternalism, such opponents argued that they could more efficiently provide for the continued separation of the races by alleviating the worst grievances of their black neighbors, not by saddling them with humiliating laws. The ideological extremism unfurled by the Anglo-Saxons, however, ensured that the state's political leaders offered no meaningful resistance. Furthermore, the overwhelming political powerlessness of Virginia's blacks allowed the

⁶⁵ Ibid. Byrd did respond, but only in a formal note in which he asserted that Taft and the other trustees did know what was going on at Hampton, contrary to an assertion made by Grace Copeland. See Harry F. Byrd to Grace B. Copeland, Nov. 9, 1927, box 24, folder "Hampton Institute," Byrd Executive Papers.

⁶⁶ In 1930, the legislature extended Jim Crow to buses; in 1936, waiting rooms in bus stations; in 1944, waiting rooms in airports. Charles E. Wynes, "The Evolution of Jim Crow Laws In Twentieth Century Virginia," *Phylon* 28 (Winter 1967): 421.

Democratic Party to remain unaccountable to the needs of black Virginians. Certain individuals did try to address some of the most pressing issues at the local level, but more often than not, municipal officials took their cues from the state leadership and managed to forestall and deny significant change.

Chapter Four

"Little Tyrannies and Petty Skullduggeries": The Daily Politics of Jim Crow, 1925-1928

The success of ideological extremism in Virginia in the mid-1920s contributed to and reinforced an absence of accountability toward black Virginians. State and local leaders understood that they owed no political favors to the Old Dominion's black citizens and, therefore, repeatedly denied black appeals and neglected the needs of the black populace. The rigid fiscal conservatism of the white political and business elites kept taxes low and ensured that spending on services for blacks remained negligible. Consequently, when a few well-intentioned whites argued for more equitable treatment of the state's black citizens, objectors at the state and local level resisted forcefully and effectively. Racial demagoguery and tight wallets proved a difficult combination to overcome.

No individual in the twentieth century more perfectly represented Virginia's devotion to fiscal conservatism than did Harry Flood Byrd, elected governor in 1925. Until 1921, Byrd was an unexceptional state senator from Winchester. But soon after the 1921 gubernatorial election, Hal Flood, the chairman of the Democratic State Central Committee and Byrd's uncle, died suddenly. His death opened the door for his nephew to assume leadership of the state committee. Byrd worked tirelessly to build a strong organization, writing thousands of letters to party workers all over the state. In 1923, he led the campaign against a bond issue for highways, championing instead the fiscally conservative pay-as-you-go philosophy which guided Virginia for the next forty years, and ensured that state services would never meet demand. Byrd's assault on the bond issue and his general fiscal conservatism won for him the critical support and admiration of deep-

pocketed business men like William Reed, a Richmond tobacco magnate and stalwart of the Democratic Party.¹

Most histories of Virginia politics and of Harry Byrd have stressed the significance of political organization, Byrd's devotion to rigid fiscal conservatism, and his application of business principles to state government; rarely has race figured as a critical component in his political makeup. Byrd, however, understood fully the impact and ramifications of racial rhetoric and its place in Virginia politics. After easily winning the 1925 Democratic primary, Byrd laid out the essential components of his platform in a speech before the members of the Democratic State Central Committee. Before he talked about making government more efficient and business-like, streamlining the tax system, and building better roads and schools, Byrd defended the one-party system that controlled Virginia and the South as absolutely necessary for the maintenance of white supremacy. "The supremacy of the Democratic party in the South," declared the nominee, "is in a measure due to our peculiar racial conditions, and is the extreme expression of that instinct of self-preservation, which does not desert any people until it is ready to perish." Byrd argued that any "evils in the continued and unchallenged government by a single political party" paled in comparison to "the much greater evils in a political condition . . . where the negro vote either controlled or held the balance of power."²

¹ Ronald L. Heinemann, *Harry Byrd of Virginia* (Charlottesville: University of Virginia Press, 1996), chapters 2-3; Joseph A. Fry, "Senior Advisor to the Democratic 'Organization': William Thomas Reed and Virginia Politics, 1925-1935," *Virginia Magazine of History and Biography* 85 (October 1977): 445-69.

² Harry F. Byrd, speech to Democratic State Central Committee, box 356, folder "Speech--State Democratic Meeting: Gubernatorial Pledges 1925," Byrd Papers. Byrd's two predecessors, Westmoreland Davis and E. Lee Trinkle, spoke about many of the fiscal issues emphasized by Byrd. But it was Byrd who hung his reputation on making government more like business and pledged the rest of his considerable political life to that end. In addition to Heinemann, see Allen W. Moger, *Virginia: Bourbonism to Byrd, 1870-1925* (Charlottesville: University Press of Virginia, 1968); Jack Temple Kirby, *Westmoreland Davis: Virginia Planter-Politician, 1859-1942* (Charlottesville: University Press of Virginia, 1968); Leo Stanley Willis, "E. Lee Trinkle and the Virginia Democracy, 1876-1939," (Ph.D. diss., University of Virginia, 1968); Robert Thomas Hawkes, Jr., "The Career of Harry Flood Byrd, Sr., To 1933," (Ph.D. diss., University of Virginia, 1975). For more on Byrd and the business progressives of the 1920s, see George B. Tindall, "Business Progressivism: Southern Politics in the Twenties," *South Atlantic Quarterly* 62 (Winter 1963): 92-106.

Despite the absence of any meaningful Republican opposition in the 1925 gubernatorial campaign, Byrd rehashed the same old, tired, but apparently still effective, attack on the opposition. In his keynote address in October, Byrd attacked the Republican call for an expanded electorate as a ploy to enfranchise 700,000 blacks and "give them the balance of political power in this State." The nominee reassured his audience that the citizens of Virginia "will never again enthrone the negro as the arbiter of our political destiny by giving him the balance of power." Byrd's speech prompted the *Norfolk Journal and Guide* to remark that the nominee really meant "there are 700,000 Negroes in Virginia and the most important task of the Democratic party is to keep them poor, so that they will not be able to meet certain economic qualifications, and to keep them ignorant, so that they will not be able to meet certain educational qualifications." An accompanying cartoon, entitled "Riding The Usual Hobby," featured Byrd astride a wooden horse named "Negro Bugaboo."³

During his campaign, Byrd paid lip service to the cause of education in the Old Dominion. But in his inaugural address, he reminded his constituency that "the State can do no more than her revenue will permit." A philosophical descendant of the Funders, Byrd had won the near-unanimous support of Virginia's business and industrial elites by promising to streamline government, make it more efficient, and keep taxes low. His devotion to fiscal conservatism ensured that increased state spending for education would remain a low priority. Consequently, under Byrd's leadership, the Virginia General Assembly continued to neglect its constitutional obligation to "establish and maintain an efficient system of free schools throughout the State." The Democratic Party's fealty to white supremacy ensured that conditions in black education remained even worse.⁴

³ "Keynote Speech of Hon. H. F. Byrd, Democratic Nominee for Governor, Delivered at Harrisonburg, Va., October 19, 1925," p. 13, box 356, folder "Gubernatorial Campaign: Keynote Speech, Oct. 1925," Byrd Papers; "Democratic Politics In Virginia," *Norfolk Journal and Guide*, Oct. 31, 1925, p. 14; cartoon entitled "Riding The Usual Hobby," *ibid.*

⁴ "Keynote Speech of Hon. H. F. Byrd, Democratic Nominee for Governor, Delivered at Harrisonburg, Va., October 19, 1925," p. 5, box 356, folder "Gubernatorial Campaign: Keynote Speech, Oct. 1925," Byrd

A commission of educators appointed by the General Assembly during Byrd's administration found essentially the same conditions noted in 1919 by a previous study. Contrary to Byrd's campaign assertions that Virginia "now leads all Southern states in education," the O'Shea Commission, named for the director of the survey staff, concluded that the Old Dominion ranked tenth of eleven southern states in its commitment to education. Furthermore, the report noted that the state's proportion of educational spending had shrunk over the preceding decade. The O'Shea Commission left little reason to expect that matters would improve when it decided that the negligence of the state reflected the philosophical leanings of the dominant political party.⁵

In their analysis of black education, the O'Shea Commission noted some improvements from 1919, especially in the increase in the number of four-year black high schools--from three to eight, all but one located in urban areas. Whites, by contrast, attended four hundred high schools throughout the Old Dominion. The O'Shea Commission also found that attendance at black schools had improved in areas with better facilities. In most parts of the commonwealth, however, facilities remained less than adequate. Even in the cities with new high schools, a shortage of space forced students to attend in shifts. Black teachers did their best, but suffered from overcrowding and subpar training. The failure of state and local governments to provide vocational training for blacks meant that any such training depended upon northern educational foundations such as the Rosenwald and Jeanes Funds. In many instances, blacks themselves had to bear the cost of building new facilities. Black teachers on average received one-third to one-half the salary of their white counterparts. In Richmond, white nurses in black schools earned

Papers; "Governor Harry F. Byrd on Education: From His Inaugural Address," *Virginia Journal of Education* 19 (February 1926): 239; constitutional mandate quoted in M. V. O'Shea, director, *Public Education in Virginia: Report to the Educational Commission of Virginia of a Survey of the Public Educational System of the State* (Richmond: Davis Bottom, Superintendent Public Printing, 1928), 337. Hereafter, this report will be referred to as the O'Shea Report.

⁵ "Keynote Speech of Hon. H. F. Byrd, Democratic Nominee for Governor, Delivered at Harrisonburg, Va., October 19, 1925," p. 5, box 356, folder "Gubernatorial Campaign: Keynote Speech, Oct. 1925," Byrd Papers; O'Shea Report, 333-51.

more than did black teachers in the same school. The situation led the O'Shea Commission to insist that the state and local governments had to spend more on facilities and black teacher salaries if conditions were to improve. "The whole thing," concluded the commission, "is largely a matter of attitude."⁶

As the commission recognized, whites in Virginia had repeatedly balked at spending money on black education. In 1922, when the state adopted a compulsory attendance law in response to the 1919 survey, state senators from a number of Southside counties objected on the grounds that it would require their white constituents to spend money on black education. Apparently, they never considered their constituency to include black residents of their districts. Instead, the senators proposed a local option bill which allowed localities not to require the compulsory education of blacks. Although their alternative failed and the General Assembly passed the compulsory attendance bill, the O'Shea Commission found that a number of localities did not enforce the law with respect to blacks. Furthermore, as many as twenty-six of Virginia's one hundred counties did not spend even the state appropriation of \$6.50 per child on black education. Such counties, therefore, directed not one cent of local funds to black education, and in many cases, redirected state funds for black children to the white schools.⁷

The conclusions of the O'Shea Commission hardly came as a surprise to blacks in Virginia. For years, the black press had highlighted the discrepancy in educational

⁶ O'Shea Report, 279-92. Although members of the O'Shea Commission resided out-of-state, a growing number of educators in Virginia recognized the same inadequacies noted in the O'Shea report. In particular, the University of Virginia issued a series of county surveys, edited by rural economist and sociologist Wilson Gee, that described many of the same inequalities in education. The tone of most of these reports, however, failed to match that of the O'Shea report which clearly did not shy away from placing blame with the Old Dominion's political leadership. Wilson Gee et al., *Economic and Social Survey of Albemarle County*, University of Virginia Record: Extension Series vol. 7, no. 2 (October 1922), 52-62; E. E. Ferebee and J. Pendleton Wilson, Jr., *Economic and Social Survey of Princess Anne County*, *ibid.* vol. 8, no. 9 (May 1924), 48-55; Joseph Ryland Mundie, *An Economic and Social Survey of King and Queen County*, *ibid.* vol. 9, no. 10 (July 1925), 45-54; Paul L. Warner, *An Economic and Social Survey of Clarke County*, *ibid.* vol. 9, no. 12 (August 1925), 76-93; Patrick A. Deck and Henry Heaton, *An Economic and Social Survey of Loudoun County*, *ibid.* vol. 10, no. 10 (June 1926), 72-81.

⁷ "State Senate For Compulsory Education," *Norfolk Journal and Guide*, March 11, 1922, p. 1; O'Shea Report, 281; Commonwealth of Virginia, *Annual Report of the Superintendent of Public Instruction of the Commonwealth of Virginia: School Year 1925-1926* (Richmond: 1927), 98-99.

spending that resulted from a Jim Crow system in which blacks had absolutely no voice in determining budgets. In addition to the large gap in per pupil expenditures, blacks noted that white students had better facilities, newer books, longer school terms, and less crowded buildings. Blacks and whites alike recognized that white teachers were more qualified, but while blacks argued for better training for their teachers, whites cited inferior credentials as a reason for paying black teachers much lower salaries. Few blacks in the commonwealth had access to a high school education.⁸

Despite claims from white officials that the situation had improved by the middle part of the decade, spending priorities suggested a grim reality; in 1925, state and local governments spent an average of \$40.27 per white child and only \$10.47 per black student. In the Deep Creek area of Norfolk County, for example, black children, who comprised about half of the population, attended school in a building constructed in 1869 and last renovated in 1884. Black citizens themselves had had to pay for what improvements had occurred. Blacks had even gone so far as to purchase property for a new school and present the land to the county government, but county officials took no steps to build a new facility. Because of a lack of resources and an inability to pay black teachers, the school term for black children in Deep Creek was less than seven months. By contrast, white children attended school in a building constructed twenty years before and enlarged three times, in part financed by a bond issue. White schools remained open for nine months and white children were provided transportation, a luxury foreign to black children. In short, \$100,000 had been spent in the district on white school facilities during the preceding twenty years; only \$500 had been spent on black education.⁹

⁸ "Comparative Showing of Education in the South," *Norfolk Journal and Guide*, Aug. 12, 1922, section II, p. 1; "Schools Open With Serious Overcrowding," *ibid.*, Sept. 16, 1922, p. 1; "Aggravated Discrimination," *ibid.*, Feb. 24, 1923, p. 4; "Elimination of Free School Books," *ibid.*, Dec. 8, 1923, p. 10; "Public High Schools for Negroes," *Southern Workman* 53 (July 1924): 305-311.

⁹ Cartoon entitled "Making Progress Despite Their Handicap," *Norfolk Journal and Guide*, Sept. 26, 1925, p. 12; "Grossly Unjust Division of School Funds Is Alleged in Norfolk County," *ibid.*, July 25, 1925, p. 7; "Norfolk County's Shame," *ibid.*, July 25, 1925, p. 12. For an example of the pronouncements of white officials who emphasized minor progress over gross disparity, see W. D. Gresham, "The Work of the Negro Supervisors in Virginia," *Virginia Journal of Education* 15 (October

More often than not, whites ignored the constitutional responsibility inherent in *Plessy* and justified the gross inequality in educational spending by claiming that they paid a much greater proportion of taxes and therefore deserved better facilities. In Norfolk County, the superintendent of schools made precisely this argument when he asserted that white farmers were responsible for most of the tax base and should benefit accordingly. Furthermore, he termed their superior facilities the result of the hard work of whites who should not have to pay additional taxes for black schools. One observer reminded the school official that the county's tax base depended upon not only revenue from white farmers, but also the contributions of manufacturing plants and railroads. The *Norfolk Journal and Guide* added that the relative wealth of the county was also determined by the reliable and loyal labor provided mainly by blacks. The paper concluded that the superintendent's reasoning, carried to its logical extreme, ought to prohibit the county's blacks from using public roads and bridges.¹⁰

Blacks highlighted the persistent inequality in educational spending in Virginia by repeatedly comparing the situation in the Old Dominion to that of North Carolina. In particular, black Virginians and the black press recognized the example set by Nathan C. Newbold, the director of the North Carolina Division of Negro Education. When Newbold publicly called for one standard of education for the two races, the *Norfolk Journal and Guide* praised his statement as "the most revolutionary and progressive utterance on the race question that ever came from a Southern white man." While the Tidewater weekly may have exaggerated the significance of Newbold's statement, the response underscored the woeful lack of leadership and commitment that plagued black education in Virginia. Furthermore, Newbold's leadership did lead to appropriations for black education that

1921): 51-52; "Problems of Education Being Rapidly Solved in the State of Virginia," *Norfolk Journal and Guide*, Jan. 31, 1925, p. 7; "Negro Education Gaining in State," *Richmond News Leader*, Oct. 23, 1928, p. 17.

¹⁰ Letter to the editor from "An Interested Citizen," *Norfolk Journal and Guide*, Oct. 3, 1925, p. 12; "The Deep Creek School Situation," *ibid.*, Oct. 3, 1925, p. 12.

dwarfed those in Virginia. As a result, North Carolina provided far better elementary and secondary facilities, greater access to higher education, more competent and better paid teachers, and longer school terms for black children than did Virginia. Observers in Virginia pointed out that such commitments in North Carolina had cut crime rates, reduced illiteracy and disease, and promoted better interracial relations.¹¹

The unwillingness of state authorities to address seriously the condition of black education paralleled the attitude of officials in counties throughout the state, such as those in Norfolk County, who denied any responsibility for their black neighbors. In such locales, decisions made by whites met little or no overt resistance. In the state's growing urban areas, on the other hand, black Virginians increasingly demanded better treatment as they contested white denial and neglect. More often than not, ideological extremism and the nuances of Jim Crow won out and blacks continued to receive less than their fair share of municipal resources and access to public spaces. In the process, non-elite whites found themselves at odds with their black neighbors and elite whites found it increasingly difficult to manage the situation.

White officials in Richmond worked harder than in any other city to deny absolutely to blacks the benefits of citizenship. Mayor Fulmer Bright, first elected in 1924 at the height of the influence of the Anglo-Saxon Clubs, campaigned and won on a platform of "no Negroes on the city payrolls--city jobs for hard working white men." Virginius

¹¹ "Lengthen The School Terms in the Rural Districts," *Norfolk Journal and Guide*, May 17, 1924, p. 12; "Negro Education in North Carolina," *Southern Workman*, reprinted in *Norfolk Journal and Guide*, Aug. 16, 1924, p. 7; "Forward Stride in Education," *Norfolk Journal and Guide*, Nov. 22, 1924, p. 12 (quote); "Negro Education in North Carolina Aids Race Amity," *ibid.*, July 18, 1925, p. 8; "Schools May Get More Funds," *ibid.*, Oct. 3, 1925; "Higher Education of Negro Entails Small Outlay in Virginia," *ibid.*, March 13, 1926, p. 1; "North Carolina--The Fifth Division," *ibid.*, Dec. 25, 1926, p. 12. Based on these news clippings, North Carolina appears to have spent somewhere between four and six million dollars per year on black education during the 1920s. Virginia, by contrast, spent just over two million on black education in 1925. See cartoon entitled "Making Progress Despite Their Handicap," *Norfolk Journal and Guide*, Sept. 26, 1925, p. 12. My intent is not to argue that North Carolina had a perfect record with regard to black education, but rather to emphasize that blacks in Virginia repeatedly pointed to the Tar Heel State as an example of what their own state and local officials could and should be doing. North Carolina, of course, remained committed to white supremacy and its school system reflected that commitment. James L. Leloudis, *Schooling the New South: Pedagogy, Self, and Society in North Carolina, 1880-1920* (Chapel Hill: University of North Carolina Press, 1996).

Dabney of the *Richmond Times-Dispatch* considered Bright, according to an interviewer, a "total reactionary" who "thinks Negroes should have no consideration." A black constituent more bluntly stated that the mayor "hates Negroes and maintains the loyalty of the poor whites by declaring himself a defender of their city jobs. He keeps the support of the rich business men by his relative small tax demands on them."¹²

Bright adhered religiously to his campaign promises. With the exception of black teachers in black schools, Richmond employed no blacks on the city payroll throughout the 1920s. At a time when most of the South began to hire black principals for black schools, Richmond refused. In July 1927, the city added a facility to its public library system. For many years, a black janitor had worked in the building for fifteen dollars per week. When the city took over the facility, a white man announced his desire to have the black janitor's job. The city council voted to fire the long-time employee and agreed to hold up funds necessary for operating expenses until this happened. Library authorities, however, refused to dismiss the black janitor. The action of the Richmond city council prompted an outcry from the state's press. The *Norfolk Virginian-Pilot* declared that "every person with civilized instincts must sympathize with Richmond in her four-councilman affliction. What exhibition of rapaciousness, race prejudice and political spoliation could be cheaper, commoner, or meaner? These are the little tyrannies and petty skullduggeries that make bitter the relations between the races. . . . What a dozen interracial commissions laboriously build up in a year, four ward tories tear down in a single poisonous hour. Isn't there some way to amputate men like these from public affairs and halt their destruction?"¹³

The observation of the Norfolk paper underscored a developing tension among elite and non-elite whites in Virginia's capital city. For the most part, Richmond's business

¹² Interview with Virginius Dabney, Oct. 18, 1939, box 85, folder 6 "Field Notes: Southern trip, Bk. 1," Bunche Papers; James Jackson, "Memorandum on Richmond, VA," box 85, folder 44 "Bunche *Political Status of the Negro*, James Jackson's Field Notes, Richmond, Va., Memo," Bunche Papers. Bright continued as mayor until 1940.

¹³ "Richmond's Humiliation," editorial from *Norfolk Virginian-Pilot*, reprinted in *Norfolk Journal and Guide*, July 30, 1927, p. 12.

elites indicated a willingness to leave the running of municipal affairs to non-elite whites such as Bright, so long as elected officials kept taxes low. Elites raised no objections when Bright and his lieutenants exploited race for their own purposes. Such an arrangement, however, proved troubling at times when the city administration's neglect collided with paternalistic notions of noblesse oblige. The unwillingness of the city government in 1924 to provide recreational facilities prompted the *Richmond News Leader* to organize a fund-raising campaign to that effect. Norfolk's black newspaper commended the initiative of the Richmond white daily, but remarked that such was really the job of the municipal administration. This pattern repeated itself in Richmond over the years: the city refused to provide services for its black citizens, and thus blacks, with help from white elites, raised private funds to accomplish what they could. In 1929, the board of aldermen voted against purchasing a tract of land for a black recreational facility after white residents of North Richmond complained that blacks traveling to and from the new park would use Chamberlayne Avenue, a major avenue that passed through white residential areas. By the end of the summer, private investors had opened Happyland, described as "one of the best equipped parks and swimming pools for Negro people in the South." The facility contained a pool, ferris wheel, merry-go-round, and dancing pavilion. Reportedly twenty-five thousand patrons visited the park in its first two months of operation.¹⁴

The hostility of political leaders in Richmond toward blacks established a tone emulated by non-elite whites forced to share public space with blacks. In 1927, in an effort to reduce operating expenses, bus companies switched from a two-man to a one-man system, a situation that drew complaints, especially from white women. A Richmond woman, identifying herself only as "M.B.L.N." wrote the *Richmond News Leader* and asked, "Isn't there anything in this city that the white people can have for their own use any

¹⁴ "Richmond Daily Starts Drive For Playground For Colored Children," *Norfolk Journal and Guide*, June 14, 1924, p. 1; "Richmond Sees The Need," *ibid.*, June 21, 1924, p. 12; "To Advise Negro Playground Here," *Richmond News Leader*, Jan. 31, 1929, p. 8; "Build Concrete Swimming Pool," *ibid.*, April 13, 1929, p. 4; "Richmond Has One of Best of Negro Amusement Parks," *ibid.*, Aug. 5, 1929, p. 6.

more. The one-man cars are so much traveled by the negroes that more than half the car is often taken up by them, and I have seen white people, both men and women, standing, and still the motorman will stop to take on colored passengers, knowing they will have to push through to the back of the car--and most of the time they carry large bundles and are in their soiled working clothes." As an alternative, the correspondent suggested that a separate bus line for blacks be established.¹⁵

The Richmond paper replied several days later that only one person had written in support of "M.B.L.N." Most white Richmonders who responded, on the other hand, supported the right of blacks to ride on public buses, although primarily for their own perceived interests. The paper noted that several persons felt that "it is only the most elemental fair play" to provide bus service for the thousands of blacks who work in white homes and live a long distance from work. Furthermore, the *News Leader* argued that "any attempt to operate separate buses would cause the greatest dissatisfaction. White people naturally would not like to see half-filled cars roll by and refuse to stop and take them aboard." The Richmond daily reminded its audience that as modern buses, equipped with two doors, replaced older models, blacks and whites would no longer have to walk past each other to get on and off the bus. In a very matter of fact tone, the editorial concluded that "colored people will be able to leave by the rear door. They are perfectly willing to do so and, for that matter, usually wish that they could avoid having to push through a crowd of white people to find their seats. It never seems to occur to some people that it is just as embarrassing to a right-minded negro to be where he is not wanted as it is to other people to have him there. Richmond colored people have always accepted in good spirit the customs of the city and they will do so now."¹⁶

¹⁵ "Please Would You Have Them Walk To Work," *Richmond News Leader*, Jan. 11, 1927, p. 8. The *News Leader*'s response on Jan. 15 identified "M.B.L.N." as a woman.

¹⁶ "Negroes On The Buses," *Richmond News Leader*, Jan. 15, 1927, p. 8.

Almost as an aside, as if to convince any unconvinced readers of their position, the *News Leader's* editors stated that "were nothing beyond a selfish interest at stake, Richmond housewives could not afford to have the negroes barred from the buses. . . . How are they to get help unless the colored people can come to their places of employment on buses? Five years more and fully half the domestic servants will be compelled to use buses exclusively." Clearly, "M. B. L. N." did not view blacks as domestic servants whose labor was needed in her home. Instead, she understood blacks in the terms used by the city's political leaders, yet found herself jockeying with them for a seat on the bus.¹⁷

Not every municipality in the Old Dominion denied and neglected the needs of blacks in such absolute terms. In Newport News, by contrast, a paternalistic commitment to fair treatment of blacks by the state's largest employer assured blacks of better living conditions and a greater degree of civility in public life. At the same time, however, blacks and whites in Newport News remained as separate as in any other part of Virginia.

Collis Huntington, the founder of the Newport News Shipbuilding and Drydock Company, encouraged and perpetuated, according to the principal of a black high school in the city, "a favorable attitude toward the Negro." His influence, and that of the shipyard, continued after his death and contributed to the treatment blacks received from municipal authorities as well. The shipyard employed thousands of blacks, many of them skilled, and depended upon a healthy and contented labor force. The company built a recreational facility and community center for its black employees next to the black high school in town. In addition, fifteen blacks served on an Employees Representatives Committee, a grievance board that drew members from every department. Consistent with the shipyard's leadership, blacks in Newport News held jobs on the city payroll, working as janitors, scrubwomen, messengers, watchmen, street cleaners, ashmen, garbage men, and road workers, all positions denied them in Richmond. Blacks received "an almost proportionate

¹⁷ Ibid.

share" of city services. Most considered schools good, although no library existed, and paving, electricity, and sewage treatment acceptable. George T. Hardy, a white supporter of interracial cooperation, declared that "'whatever we get, they get a part of it.'" In addition, blacks voted with more ease in Newport News than elsewhere in the state.¹⁸

Both black residents and visitors described race relations in Newport News as good or excellent. But just as the attitude and policies of the shipyard contributed in part to that state of affairs, the shipyard also served to control and limit the actions of their employees. Marion Poe, the first black woman to pass the Virginia bar, told an interviewer that the shipyard had advised its employees, by means of a note in their pay envelopes, how to vote in various elections. In addition, blacks and whites remained truly separate away from the work place. Whites did not allow blacks to use the city armory, and kept them out of white movie theaters. Newport News' interracial commission maintained no tolerance for "those advocating common cause between blacks and whites." George Hardy, a member of the group, explained, "'whenever we find 'em and no matter how long it takes us to find 'em, we kick 'em right out. Nobody decent here wants any part of them radicals.'" ¹⁹

Elected officials in Norfolk lacked both the racial animosity of their counterparts in Richmond and the paternalistic authority of the shipyard ownership in Newport News. Faced with tremendous growth in the years after World War I, leaders sought to address problems associated with an increased demand for municipal services. As blacks and whites came into closer contact as the city grew, tensions escalated. Led by Louis Jaffe, Virginia's most progressive big-city editor, the *Norfolk Virginian-Pilot* prodded the city's leadership to acknowledge an obligation to the black third of the city's population. Unlike

¹⁸ Interview with Mr. Palmer, Principal of black high school, October 22, 1939, box 85, folder 6 "Field Notes: Southern Trip, Bk. 1," Bunche Papers; Wilhelmina Jackson, "Memorandum on Newport News," box 85, folder 31 "Bunche *Political Status of the Negro*, W. Jackson's Field Notes: Newport News Memorandum," pp. 2, 5, 10, 15. The black high school in Newport News was built in 1919 and was named for Huntington. Five years later, it remained one of only six fully accredited high schools for blacks in the state. John M. Gandy, "Public High Schools For Virginia Negroes," *The Southern Workman*, 53 (July 1924): 307-08.

¹⁹ Wilhelmina Jackson, "Memorandum on Newport News," pp. 2-4, 16.

the city council in Richmond which plainly rejected such calls, officials in Norfolk made tentative steps in the right direction, but more often than not caved into mounting pressure from non-elite whites who feared that black gains would come at their expense.²⁰

By 1925, Norfolk's black press had clearly lost faith in the ability of the city's white elites to make good on assertions of fair treatment. Whereas the *Norfolk Journal and Guide* and its editor, P. B. Young, had for years asserted their belief in the cooperation of blacks and whites within the confines of segregation, the steady denial and neglect of black desires led the paper to assert that "any white man who takes it upon himself to declare that 'the better class of Negroes know that such separation of the races and their common interests is best for both races,' speaks without authority and is simply over familiar and insolent." Furthermore, the Norfolk newspaper protested that "we don't get 'separate but equal' accommodations in travel by land or water, or in the maintenance of the dual school system, or the double standard of wages and discrimination in the class of employments, nor in appropriations for improvements in segregated districts; we get the segregation but we don't get the equal accommodations or treatment or appropriations." In a most revealing admission, the black newspaper acknowledged that blacks often appeared to accept the "wrong and injustice" forced upon them, but not "because they think such best to preserve the good relations between the races," but rather because they saw no alternative.²¹

No doubt events in Norfolk over the next eighteen months only convinced Young more fully that he and other blacks would have to develop new strategies to achieve their goals. Since the early 1920s, tensions had multiplied in the Brambleton section of the city as blacks began to move into the formerly all-white neighborhood. After two years of relative calm, the situation worsened in the summer of 1925. Hundreds of white residents,

²⁰ The issue of a city park for black children discussed in the first chapter is one such example. Others will be discussed in this and later chapters.

²¹ "Do We Accept Segregation Without Protest?," *Norfolk Journal and Guide*, May 30, 1925, p. 12.

described as descendants of Norfolk's "first settlers," none of them among the city's leading citizens, had moved out, but their homes remained vacant and unsold because of the determination of the remaining whites to keep out blacks. As Norfolk's black district developed in the direction of Brambleton, some homeowners could no longer hold onto empty properties. When two black families purchased homes in Brambleton, one hundred white men, constituting themselves as the Brambleton Civic League, visited the new residents and told them to leave within twenty-four hours. The group then proceeded to the home of the realtor and reminded him of the agreed upon demarcation line. One newspaper reported that in the absence of any legislation barring such sales, intimidation had been used from time to time.²²

In response to the continuing troubles in Brambleton, the Norfolk city council passed in August 1925 a residential segregation ordinance that prohibited whites or blacks from living in sections of the city inhabited by the other race "except upon the written consent of a majority of the persons of the opposite race inhabiting such community." Needless to say, members of the Brambleton Civic League did not rush to sign many consent forms. Soon after Norfolk passed its law, other Virginia communities considered the issue. The city council of Falls Church, in the northern part of the state, originally passed a segregation statute and used it to deny a building permit to a black resident. But when the NAACP argued against the ordinance's constitutionality, the city council reversed itself, overturned the ordinance, and granted the building permit. In Portsmouth, Norfolk's neighbor, some residents sought a segregation ordinance as a means of removing unsightly houses, but the city manager opposed any such action as unworkable.²³

²² "Another Crisis Up As Colored Buy in Brambleton," *Norfolk Journal and Guide*, March 21, 1925, p. 1.

²³ "An Ordinance To Provide For The Separation Of White And Negro Residential Communities Within The City Of Norfolk, And Providing Penalty For Violation," Part 5, "The Campaign Against Residential Segregation, 1914-55," reel 4, "Norfolk, VA Branch Files," frame 0895, NAACP Papers (microfilm); "Supreme Court Will Pass Upon City Ordinance," *Norfolk Journal and Guide*, Sept. 26, 1925, p. 1;

Several months after the passage of Norfolk's statute, that city's NAACP assumed the offensive and created a test case to challenge the law's constitutionality. The first challenge to this ordinance, however, included a rather interesting twist. Rather than waiting for a black person to be arrested for moving into a white neighborhood, D. H. Edwards, the president of the local chapter of the NAACP, filed a complaint which resulted in the arrest of a Jewish merchant, Nathan Fall, who moved into and operated a store in a black neighborhood. Apparently Fall acted in concert with Edwards, and moved into the area for the sole purpose of testing the law. Several days after the arrest, Justice R. B. Spindle of the Police Court ruled the city's residential segregation ordinance unconstitutional. Despite their victory, attorneys filed an appeal in order to receive a judgment from a court of record which the Police Court was not. The following month, in March 1926, Judge Allen Hanckel of Norfolk's Circuit Court upheld the decision of the lower court.²⁴

Despite the first victory in Norfolk's courts, opponents of the segregation ordinance had to fight a second round in July 1926 when white residents of Brambleton swore out a warrant for the arrest of Samuel Costen, a black man who recently moved into their neighborhood. John B. Gentry and J. John Broudy, attorneys for the city of Norfolk, argued that the Norfolk statute differed from the Louisville, Kentucky, ordinance which the United States Supreme Court struck down in *Buchanan v. Warley*. Instead, they described the Norfolk law as identical to a New Orleans statute, recently upheld by the Louisiana Supreme Court and headed for hearings before the Supreme Court of the United States. Louisiana's highest court had ruled that the New Orleans statute made no attempt to deny property ownership to anyone, but rather prevented a black owner from occupying or

"Virginia Town Reverses Itself On Segregation," *ibid.*, Oct. 31, 1925, p. 1; "Segregation Law Talk in Portsmouth," *ibid.*, Oct. 16, 1926, p. 1.

²⁴ Press Release, "Norfolk, VA., Segregation Law Declared Unconstitutional," Feb. 26, 1926, Part 5, "The Campaign Against Residential Segregation, 1914-55," reel 4, "Norfolk, VA Branch Files," frame 0887, NAACP Papers; "Police Court Test Strikes Blow At Law," *Norfolk Journal and Guide*, Feb. 20, 1926, p. 1; "Segregation Ruled Invalid By Hanckel," *ibid.*, March 27, 1926, p. 1.

renting such property in a white neighborhood, and vice versa. David Edwards, arguing the case on behalf of Costen, challenged this distinction and argued "that the denial of the right of occupancy was effectually a restriction of property rights and that the provision giving citizens the power to waive the effect of the ordinance by their signatures was an improper grant of legislative power."²⁵

On July 15, 1926, Justice Spindle again ruled Norfolk's segregation ordinance unconstitutional and of no effect. The following week, Judge John Hart of the Hustings Court in Roanoke declared unconstitutional that city's segregation ordinance, identical in wording to the New Orleans statute to which Norfolk's lawyers had referred. In his opinion, Hart declared that "'property is more than a mere thing which a person owns. It is elementary that it includes the right to acquire, use and dispose of it. The constitution protects these essential attributes of property. Property consists of the free use, enjoyment and disposal of a person's acquisitions without control or diminution, save by the law of the land.'" The justices of the Supreme Court of the United States affirmed the decisions of the Norfolk and Roanoke jurists when they overturned New Orleans' segregation ordinance, thereby denying legitimacy to the argument that this latest round of statutes differed from the Louisville ordinance overturned ten years before.²⁶

Whites in Norfolk attempted to mandate residential segregation at precisely the same time that race figured prominently in the reorganization of the city's transportation system.

²⁵ Press Release, "Norfolk Branch N.A.A.C.P. Fights Segregation Ordinance," July 9, 1926, Part 5, "The Campaign Against Residential Segregation, 1914-55," reel 4, "Norfolk, VA Branch Files," frames 0898-99, NAACP Papers; "Justice Spindle Hears Argument On Segregation," *Norfolk Journal and Guide*, July 3, 1926, pp. 1 & 5. It is not entirely clear to the author why the second case was even granted standing in court given the result in *Edwards v. Fall*. Edwards, however, did distinguish in correspondence with the national office of the NAACP between the nature of the first case in which he had sued a white, Jewish man, and the second case in which whites in Brambleton tried to enforce the ordinance against a black man. David H. Edwards to Walter White, June 23, 1926, Part 5, reel 4, "Norfolk, VA Branch File," frame 0900, NAACP Papers.

²⁶ Press Release, "Norfolk Judge Declares Segregation Ordinance Invalid For Second Time," July 23, 1926, Part 5, reel 4, "Norfolk, VA Branch Files," frames 0888, 0897, NAACP Papers; "Spindle Again Rules Against Segregation," *Norfolk Journal and Guide*, July 17, 1926, p. 1; "Segregation Law Nailed By Roanoke Court," *ibid.*, July 24, 1926, p. 1; "Decision Sustains Ruling of Local Courts," *ibid.*, March 19, 1927, p. 1. The New Orleans case was *Harmon v. Tyler* 273 U. S. 668 (1927).

In the wake of World War I, Norfolk's population, black and white, increased by leaps and bounds. The white-run street car company, however, chose not to operate routes in predominately black sections of the city. Consequently, black-owned jitneys began operation and developed their own routes of interest to the city's black population. Although not mandated by law, a dual transportation system developed, and blacks made no concerted effort to ride on white buses.²⁷

In 1925, however, a measure appeared on the November ballot to merge the two transportation systems. The Virginia Power and Railway Company operated most of the city's transportation network; consequently, its officials fully supported the measure and no doubt coveted the extra business that a unified system would bring. Civic leaders also favored the legislation, citing the efficiency of a unified system. Black opposition, however, appeared on two fronts. Many black passengers suspected that a unified system would fail to provide service in black sections of the city, as had been the case before the black jitneys began operation, and that they would have to walk long distances to catch a bus. The *Norfolk Journal and Guide* noted that the Virginia Power and Railroad Company had repeatedly denied service to most black residential areas. Officials at Virginia Power attempted to assuage such concerns in the weeks leading up to the referendum, claimed that they would not discontinue any routes served by the black bus operators, emphasized the number of black workers they employed, and stressed the advantages of a unified system to the city's development.²⁸

The most vocal opponents of a unified system were the black busmen themselves, who clearly feared their own loss of business. At first, the black jitney drivers warned that

²⁷ "Bus Men Wage Fight On Unified Transportation," *Norfolk Journal and Guide*, Oct. 17, 1925, p. 1; "V.E.P. Prepares For Complete Bus Service," *ibid.*, Nov. 21, 1925, p. 8.

²⁸ "Fate of Unified Bus Ordinance To Be Decided Today," *Norfolk Virginian-Pilot*, Nov. 17, 1925, p. 1; "Bus Men Wage Fight On Unified Transportation," *Norfolk Journal and Guide*, Oct. 17, 1925, p. 1; "The Bus Transportation Problem," *ibid.*, Oct. 17, 1925, editorial page; "Traction Company to Continue All Routes," *ibid.*, Oct. 24, 1925, p. 1; "Power Company Employs Many Colored Men," *ibid.*, Oct. 31, 1925, p. 1; "Says Unified Plan Improves Service To All," *ibid.*, Nov. 7, 1925, p. 1.

a unified system would mean an increase in fares and a loss of service in black residential areas. In the days leading up to the vote, however, the black busmen distributed handouts that lauded the dual system as a better guarantor of amicable race relations. The black drivers argued that black citizens of Norfolk had become proud of the black-owned bus system that served them so well. The unified system, they emphasized, would force blacks to ride in the back of Jim Crow buses. Furthermore, they warned that such a situation would only threaten the "continued good feeling" that existed between blacks and whites.²⁹

In response to the circulars warning of increased racial contact and friction, W. W. Houston, chairman of the citizens' committee in favor of the ordinance, sought to reassure voters that blacks would continue to ride on their own buses and on the streetcars, but not on white buses. Although most of the warnings had originated with the black busmen, Houston seemed to address white fears when he emphasized that blacks were not then banned by law from riding on white buses, but rather chose not to, an example that Norfolk's blacks "'are careful not to do anything to agitate racial prejudice.'" The chairman of the citizens' committee assured voters that black bus passengers would not have to ride on routes frequented by white patrons.³⁰

Soon after the ordinance passed, the worst fears of black passengers were realized. In the process of unifying the bus system, officials of the city and of the Virginia Power and Railway Company cut service to black residential areas. City manager Truxton, who had final say in the matter, designated two lines as "colored bus routes" and claimed that "careful consideration was given to the desire of the colored people to have their lines operated for their exclusive use and by colored drivers, and the white people to have their lines reserved for white passengers." A group of Norfolk's leading black citizens objected

²⁹ "Sees Traction Monopoly In Unified Plan," *Norfolk Journal and Guide*, Nov. 7, 1925, pp. 1 & 8; "New Bus Ordinance vs. Present Transportation Facilities," *ibid.*, Nov. 7, 1925, p. 7; "Busmen Say The System Best For Race Relations," *ibid.*, Nov. 14, 1925, p. 1.

³⁰ "Denies Ordinance Would Mix Races Or Increase Fare," *Norfolk Virginian-Pilot*, Nov. 17, 1925, p. 1.

vociferously to the city manager's contention that they had approved such a plan. Instead, they suggested that Truxton drew his conclusions from the pleadings of the colored busmen who had desired the maintenance of a dual system. But once the ordinance passed, they argued, the city of Norfolk had an obligation to provide equal access to all transportation facilities. After all, they reasoned, segregation statutes sufficiently separated blacks and whites on street cars and on other forms of transportation. Consequently, they failed to "see the justice, therefore, of virtually closing common carriers on certain public thoroughfares to colored citizens when no other means of transportation are available."³¹

Before long, the white-owned Virginia Power and Railway Company had put black jitney operators in Norfolk out of business, and municipal authorities had approved a plan which excluded blacks entirely from routes designated as white. Segregation of the races gave way to outright exclusion. It did not take long for black residents of Norfolk to comprehend that they had become the "greatest sufferers" of the new unified transportation system. By the following summer, the situation prompted the Reverend Richard Bowling to wonder in print how the city's black citizens could be denied access to public carriers. Blacks and whites rode the same street cars without incidence, he emphasized, and other cities treated buses like street cars, but not Norfolk. "Norfolk's Negroes," blasted Bowling, "must suffer inconveniences and humiliation in the matter of buses all the while being assured, nevertheless, that they are the finest colored folks anywhere. Does not the chamber of commerce booster literature speak of the contented, dependable labor supply to be found in Norfolk? Who makes up that praiseworthy group? Is it not the Norfolk Negro?"³²

³¹ "Curtailed Bus Service Annoyance To Number of Uptown Residents," *Norfolk Journal and Guide*, Jan. 23, 1926, pp. 1 & 8; "Power Company Announces Bus Operating Plan," *ibid.*, Feb. 13, 1926, pp. 1 & 6; "Did Not Approve Entire Bus Plan," *ibid.*, Feb. 13, 1926, pp. 1 & 6; "Protest City Manager's Bus Arrangement," *ibid.*, Feb. 3, 1926, p. 2.

³² "Curtailed Bus Service Annoyance To Number of Uptown Residents," *Norfolk Journal and Guide*, Jan. 23, 1926, pp. 1 & 8 (quote "greatest sufferers" on p. 8); "Why? Norfolk, Why?," *ibid.*, July 10, 1926, p. 12.

Bowling's words of anger and frustration had hardly reached the printed page when the Ku Klux Klan in Princess Anne County kidnapped Father Vincent Warren, a Catholic priest who had devoted his life to the education of black children. Since 1916, Warren had been the pastor at St. Joseph's Church in Norfolk and the principal of St. Joseph's Academy. By 1924, more than 700 black students of all ages attended the school, each of them asked to pay one penny per day, although Warren refused to turn away those who could not afford even that. As part of his school's curriculum, Father Warren had provided for a band which periodically played concerts for various gatherings of blacks.³³

On September 1, 1926, Warren took the school band into Princess Anne County for a community picnic and gathering at the home of a black farmer. When the group arrived, Warren was informed that six hooded men had appeared at the farm earlier and objected to the impending presence of the white priest with the black band. Consequently, Warren withdrew to a car with two other white men who had accompanied the group. Toward the end of the concert, which Warren observed from afar, a band of between twenty-eight and fifty well-organized and armed Klansmen approached the Catholic priest and forced him into one of their cars. Heading toward the North Carolina line, Warren prepared for death. Finally, after a thirty-minute ride, the entourage stopped deep in the woods and ordered Warren out of the car.³⁴

Warren later reported that the Klansmen had questioned his motives for bringing the band into the county; he assured them that the "purpose of the party was to give the colored children a picnic and the country people a concert." Members of the hooded order pressed him as to the purposes of his school in the city. When Warren responded that his intent was merely to train young black children to become solid citizens, qualities he thought that

³³ "St. Joseph's Fosters Splendid Community Center For Colored People Here," *Norfolk Journal and Guide*, April 19, 1924, p. 6.

³⁴ "Father Warren, Here, Sheds Light On Kidnapping," *Richmond News Leader*, Sept. 8, 1926, pp. 1 & 9; "Father Warren Unharmd When Carried Off By Band Of Robed and Hooded Men," *Norfolk Journal and Guide*, Sept. 4, 1926, p. 1.

the Klan supported, one of his abductors concluded that they had been misinformed and told Warren that they had received a report that he encouraged the immoral mixing of blacks and whites. Despite the wishes of some of the Klansmen to rough up the priest, the kidnappers let Warren go unharmed.³⁵

The rhetoric of Warren's kidnappers revealed the growing tension and discomfort felt by increasingly marginalized whites, especially those in rural areas, in the years after World War I. From their questions, the Klansmen expressed disdain, but also fear, for the influences of the city. Not only was Warren a Catholic in a heavily Protestant region, but he trained black children at precisely a time when ideological and racial extremism had ascended into prominence. A great leap of logic was not required, therefore, for the Klansmen to believe a report that Warren promoted immoral contact between black and white children. In fact, not a single white child attended Warren's school. Furthermore, although rural, Princess Anne County was quite close to Norfolk and its urban environs. Demographic and economic changes in the 1920s pushed many such rural residents into the cities in search of better wages; it was precisely such marginalized whites who resisted most forcefully this increased contact with blacks in the growing urban areas of the state.³⁶

Virginia's press and political leadership condemned the Warren kidnapping. In the *Norfolk Virginian-Pilot*, Louis Jaffe ripped the "indifference" of local authorities whose unwillingness to investigate the incident would only encourage such activity in the future. James E. Allen, a resident of Virginia Beach, echoed Jaffe's sentiments and warned in a letter to the governor that "if mob rule is going to usurp the functions of our courts and dominate the social life, politics and religion of our citizens, the country will soon be in the grasp of Bolshevism." Governor Byrd offered his aid if local authorities requested it, but neither the Princess Anne sheriff or commonwealth's attorney took him up on his offer.

³⁵ Ibid.

³⁶ Princess Anne County was among those parts of Virginia with the most active Klan. David Chalmers, *Hooded Americanism*, 230-31.

Judge B. D. White of the Princess Anne Circuit Court did convene a grand jury and instructed them to investigate fully the matter. Although members of the mob were reportedly known to black residents of the area from which Warren was abducted, no action was ever taken.³⁷

In keeping with the emphasis of the white press and state political leaders on law and order, the city of Norfolk passed an anti-mask ordinance the week following the abduction. At no time, however, did white elites respond to Father Warren's kidnapping in terms of the broader ramifications of his work. Richard Bowling, on the other hand, used the occasion to connect the Catholic priest's ministry with the plight of black Virginians. In particular, Bowling emphasized that Warren's dedication to the education of black children had resulted from the overwhelming neglect of state and local authorities. Warren had served to meet unacknowledged needs. His school in particular had become all the more necessary because Virginia's political, social, and cultural devotion to Jim Crow had ignored the dictates of *Plessy* which required separate and equal facilities.³⁸

No doubt most white elites who emphasized law and order in the wake of the Warren kidnapping considered their condemnations of the Klan evidence of their fair treatment of the state's blacks. A growing number of whites, however, understood and began to articulate the degree to which white authorities had failed the Old Dominion's black citizens. Although he did not respond to the abduction in the terms used by Richard Bowling, Jaffe had emerged by the mid-1920s as the most persistent white voice of moderation in racial matters in the Old Dominion. The editor of the *Norfolk Virginian-*

³⁷ "Kluxery in Princess Anne," *Norfolk Virginian-Pilot*, Sept. 3, 1926, p. 6; James E. Allen to Harry F. Byrd, Sept. 3, 1926, box 70, folder "Miscellaneous Correspondence A-1," Byrd Executive Papers; "No Investigation In Kidnapping of Norfolk Priest," *Richmond News Leader*, Sept. 2, 1926, p. 1; "May Seek Aid Of Governor," *Richmond Times-Dispatch*, Sept. 3, 1926, p. 1; "Ready To Act In Kidnap Case," *ibid.*, Sept. 4, 1926, p. 1; "Father Warren, Here, Sheds Light On Kidnapping," *Richmond News Leader*, Sept. 8, 1926, pp. 1 & 9; "Say Some of Abductors of Priest Known," *Norfolk Journal and Guide*, Sept. 11, 1926, p. 1; "Judge White Flays Kidnappers of Catholic Priest in Charge," *Richmond Times-Dispatch*, Sept. 14, 1926, p. 2.

³⁸ "Norfolk Council Enacts Anti-Mask Law," *Norfolk Journal and Guide*, Sept. 11, 1926, p. 1; "Rev. Bowling Preaches on Father Warren," *ibid.*, Oct. 2, 1926, p. 11.

Pilot, however, never challenged the social or political segregation of the races, choosing instead to address the economic position and standard of living of his city's and the state's blacks.

In his editorials and speeches before black and white audiences, Jaffe crafted a cautious yet optimistic approach to improving the terms of contact between the races. The editor believed in the necessity of "relegating to the wisdom of another day and generation the solution of problems that touch the races as social entities and which involve discriminations based on social fear." Nevertheless, he wrote, "there remains a large category of race problems that are within range of reasonably early adjustment." Jaffe's unwillingness to confront social issues allowed him to maintain viability within Virginia's highest circles of power and opinion, and to assert without negative consequences that "old patterns of thinking about the Negro's place in the American scheme are changing or breaking down, and that a new generation of Americans, white and black, is emerging."³⁹

Jaffe emphasized first and foremost the necessity of easing the economic predicament of Virginia's blacks. While acknowledging that equal pay for equal work was perhaps an unrealizable goal, he insisted that "it is the standard toward which all economic teaching impels us and to which we are pointed by justice." Referring to "wretched housing, squalid alleys, unkempt roadways, unclean pavements," Jaffe concluded "there is something monstrously wrong with an economic system that makes these conditions so unfailingly and so exclusively, the reward of Negro labor." While including the "Negro worker himself--his lack of skill, his inexperience in the art of organization, his precarious capital resources, perhaps, his improvidence" as part of the problem, Jaffe blamed the position of blacks on "the discrimination practiced against him by the great unions, . . . the heartless exploitation of him by the white employing world, and . . . a municipal policy that

³⁹ Louis I. Jaffe, copy of editorial, *Norfolk Virginian-Pilot*, Dec. 3, 1927, located in box 1, folder "1925-1949: Young, P. B.," Jaffe Papers (#9924-j).

has failed to do justice to the colored population in the planning and carrying out of public improvements."⁴⁰

Though more progressive than most of his contemporaries, Jaffe did not speak of the rights of citizenship of black Virginians, but rather considered improvements in the black standard of living an "obligation" that rested with "the race that controls the machinery of government, the administration of justice and the organization of business and industry." Jaffe's understanding coincided with his unwillingness to challenge segregation itself and limited his ability to pursue fundamental changes. His conception of the "obligation" of whites toward blacks allowed him to join so many other southern whites who proclaimed that blacks and whites in the South understood one another better than in other parts of the country. He advocated a better deal for black Virginians, but only within the confines of Jim Crow and white supremacy.⁴¹

In a 1927 speech before a predominately black audience, the Norfolk editor noted in particular that southern cities "are under the most compelling moral obligation to make a fairer distribution of public improvements" and applauded "that a public opinion is making itself heard that demands these improvements for the neglected colored population as a matter of right." Jaffe congratulated the city of Norfolk for erecting a new high school for blacks and for beginning to tackle "the almost complete absence of playground facilities for colored children." He acknowledged that much remained to be done and chided the city for not building a bathing beach or adequate hospital for Norfolk's blacks. He did not mention, however, whether it was even possible to eliminate such discriminations without addressing the social and political aspects of racial interaction. Instead, he spoke only of

⁴⁰ Louis I. Jaffe, "Some Thoughts On A Common Problem," Speech delivered at the Attucks Theater, Nov. 27, 1927, pp. 8-9, box 1, folder "1920-75: Articles & Speeches," Jaffe Papers (#9924-1)

⁴¹ Ibid., p. 7.

"the public certification of the need" for improvements, a vague standard that may explain the decade-long delay in building a beach for blacks.⁴²

In closing, Jaffe confronted the role of the press in fostering interracial cooperation and fairness. Despite efforts to ameliorate the situation, he considered the white press "still too prone to exploit Negro crime, too much disposed to give a racial identification to criminal acts charged against unidentified Negroes on insufficient evidence of probability, too indifferent to the demands of the self-respecting Negro world for the elimination of terms and usages that give it offense, too timid about giving space and attention to those aspects of Negro life that bear witness to its dignity and its finer aspirations." He pledged his newspaper's best efforts to correct these wrongs, and to contribute toward a condition of "fairness, justice, and mutual respect which all sincere men and women of both races are seeking."⁴³

As Jaffe knew too well, his ability to address rightable wrongs remained circumscribed by the second-class political and social status foisted on blacks by Jim Crow. For so long as municipal and state leaders remained politically unaccountable to blacks, great inequalities in public life would persist. The seriousness of this conundrum could not have been lost on Jaffe, for precisely at the time he most clearly articulated his ideas to a black audience in Norfolk, a dispute erupted which revealed the depth and extent of white resistance to the recognition of black Virginians as citizens of the state and nation.

In November 1927, opponents of prohibition began to ask publicly if they might nullify the prohibition amendment in the same manner that the southern states had nullified the Fourteenth and Fifteenth Amendments. In an effort to remain consistent, Senator William Borah of Idaho, a dry, responded to a wet colleague that he would be willing to extend the Republican Party's plank at the following year's convention to include not only

⁴² Ibid., pp. 12-14. First mentioned in 1925, the city council purchased property for a beach in 1929, but objectors delayed its completion until 1937.

⁴³ Ibid., pp. 16-17.

the enforcement of prohibition, but also the enforcement of the Fourteenth and Fifteenth Amendments. Meanwhile, W. H. Stayton, the manager of the Association Opposed to the Prohibition Amendment to the Federal Constitution, asked Carter Glass for his response to an editorial in the *New York World*, a black paper, which questioned Glass's "inconsistency" in refusing to support the dispatch of federal election monitors to Kentucky to supervise a state election, while at the same time Glass sanctioned the use of federal agents to enforce the prohibition laws.⁴⁴

Stayton's attack on Virginia's election laws drew a withering response from Glass, Virginia's junior United States Senator and the author of the state's suffrage provisions. Glass deemed opposition to the prohibition amendment an attempt to "facilitate" crime, whereas he defended Virginia's suffrage laws as necessary "to avert the wretched consequences of the unspeakable crime involved in the adoption" of the Fourteenth and Fifteenth Amendments. The passage of black suffrage, he argued, "was done in the passions of war, and constituted an attempt to destroy white civilization in nearly one-third of the nation and to erect on its ruins an Ethiopian state ignorant, profligate, corrupt, controlled by manumitted slaves."⁴⁵

Although Glass clearly felt Virginia and the South justified in their resistance to black suffrage, he insisted that "there is no constitutional or statutory law in the code of a single southern state that violates the terms of the fifteenth amendment." As evidence, he cited repeated rulings of the Supreme Court of the United States; in particular, Glass noted that a challenge to his own election to Congress had resulted in a finding that the Old Dominion's laws did not violate the federal constitution. Consequently, the senator concluded, "the white people of Virginia, within the limitations of the federal constitutions,

⁴⁴ "Borah Would Have Party Declaration on 15 Amendment," *Lynchburg News*, Nov. 16, 1927, p. 1; "Can Not Frighten South By Threats, Says Senator," *ibid.*, Nov. 16, 1927, p. 1.

⁴⁵ "Can Not Frighten South By Threats, Says Senator," *ibid.*, Nov. 16, 1927, p. 1.

have complete control of their state affairs, without the least fear of disturbance by the blacks."⁴⁶

Surprisingly enough, Glass's outburst engendered significant controversy in the Virginia press. A handful of editors, most notably Walter Scott Copeland of the *Newport News Daily Press*, took issue with the senator's claims. Copeland agreed with Glass that black suffrage had been foisted upon the South in a "spirit of malice," and he recognized that southern election laws "technically" did not violate the federal constitution, but he insisted that the same laws "were ingeniously devised to nullify the Fifteenth Amendment; and nullification was the result."⁴⁷

The *Richmond Times-Dispatch* came to Glass's defense and asserted that the Old Dominion's election law "no more denies illiterate negroes the right to vote than it denies illiterate Caucasians the right to vote." Again, the *Daily Press* accepted the argument on technical grounds, but reminded its subscribers that Virginia's laws gave tremendous "power and discretion" to election registrars to employ literacy tests and understanding clauses in an effort "to register the whites in general and to exclude the negroes in general." Lest Carter Glass or anyone else misunderstand the purpose of the *Daily Press's* dissent, Copeland reasserted the absolute necessity of Virginia's adoption of such regulations. He and his paper, in other words, differed with Glass only in their willingness to admit that the state's laws had been designed precisely to "nullify" the fifteenth amendment.⁴⁸

Copeland's embrace of the necessity of Virginia's election laws failed to ameliorate Glass's position. Lashing out on the editorial pages of his own publication, the *Lynchburg News*, the fiery senator continued to deny the veracity of Copeland's allegations, insisted upon the legality of Virginia's statutes, and ignored any discussion of the effective powers

⁴⁶ Ibid., p. 3.

⁴⁷ "The Fourteenth and Fifteenth Amendments," *Newport News Daily Press*, Nov. 18, 1927, p. 4. The *Danville Register* and the *Norfolk Virginian-Pilot* also criticized Glass, while the *Richmond Times-Dispatch* and the *Roanoke Times* defended his position.

⁴⁸ "Nullification of the Fifteenth Amendment," *Newport News Daily Press*, Nov. 22, 1927, p. 4.

of the local registrars. For nearly two weeks, Glass and Copeland traded barbs in their respective papers. For Glass, nothing mattered except that the Fifteenth Amendment "clung to the body politic of the South like the putrid corpse of scriptural anathema. It is fastened there now. It has crabbled the civilization of this section; has warped its intellect; has injured its character; has repressed its aspirations; has driven it to distasteful expedients; has, for sixty-five years, rendered impossible a division of mind or contrariety of action." Copeland, on the other hand, sought only that to curb the "smug hypocrisy" of those who condemned every violation of the prohibition amendment as "treason" or "nullification," but in the same breath defended the South's election procedures.⁴⁹

The exchange left Louis Jaffe dumbfounded. Jaffe wrote Copeland that "it is a mystery to me why Southern newspapers should so desperately pretend that their State election laws do not effectively defeat the intent of these amendments, when their party leaders make no bones about it and when they continue to oppose with all the power at their command any and all attempts to simplify the State election laws on the ground that to do so would be to undo the work done by the framers of the present constitutions when they contrived by ingenious provisions to exclude the Negro from the polls." Admonishing the press to at least be honest about the intent of state laws, Jaffe asked, "Is it not far more sincere to say: 'Yes, we've excluded the Negro from the polls because we are afraid of him at the polls and don't want him there, and we've done it despite a constitutional mandate imposed on us against our will,' than it is to put on a smirking hypocrisy and pretend that we have faithfully abided by the spirit and letter of the Constitution and that the Negro has committed political suicide of his own free will?"⁵⁰

⁴⁹ "Why The Heathen Rage," *Lynchburg News*, Nov. 23, 1927, p. 6; "Nullification," *Roanoke Times*, reprinted in *Lynchburg News*, Nov. 27, 1927, p. 6; "Nullification of the Fifteenth Amendment," *Newport News Daily Press*, Nov. 27, 1927, p. 4; "Does Virginia 'Nullify'?", *Lynchburg News*, Nov. 29, 1927, p. 6; "The Suffrage Laws and Prohibition," *Newport News Daily Press*, Nov. 30, 1927, p. 4; Letter from "A Democratic Voter" to the editor, *Lynchburg News*, Dec. 1, 1927, p. 6.

⁵⁰ Louis I. Jaffe to Walter Scott Copeland, Nov. 28, 1927, box 3, folder "1922-1927 Correspondence of LIJ with WS Copeland," Jaffe Papers (#9924-b).

The debate spilled onto the floor of the United States Senate in January 1928, as Claude Swanson, Virginia's senior senator, stood before his colleagues and rendered an interpretation of the Fourteenth and Fifteenth Amendments to clearly allow for educational requirements and understanding clauses. "It was distinctly understood in both Houses of Congress," he argued, "that the resolution as passed permitted suffrage qualifications to be imposed by the States on any ground except 'on account of race, color, or previous condition of servitude.'" Ignoring the fact that many of Virginia's black voters were as well educated as their white counterparts, Swanson declared that the "South has exercised her constitutional right to eliminate a class of ignorant, shiftless, and corrupt voters who for many years were in charge of her local, municipal, and State affairs, with the result of unspeakable impoverishment and disgrace."⁵¹

At the conclusion of Swanson's prepared speech, Senator Bruce of Maryland challenged Swanson to explain why such a small percentage of the black population voted in the Old Dominion, especially when compared to the white population. Swanson proved unable to say more than that Virginia did not discriminate based on "race, color, or previous condition of servitude." At this point, Carter Glass entered the fray, asked if Bruce, born and raised in Southside Virginia, counted himself "among those who threaten the South with universal negro suffrage unless the South shall quietly sanction the violation of the eighteenth amendment." Bruce, in turn, replied that "if the Southern states have the right, by the exercise of legal ingenuity, to nullify, practically speaking, the fifteenth and fourteenth amendments, we have the right by any lawful means in our power to extricate ourselves from the tyrannous oppression of the eighteenth amendment and the Volstead Act." Glass responded, drawing laughter, "Then why does not the Senator exercise the ingenuity to do it?"⁵²

⁵¹ *Congressional Record*, 70th Cong., 1st sess., 1928, 69, pt. 2: 1848-1853. Quotes on 1850, 1852-53.

⁵² *Ibid.*, 1853.

As the two men debated the issue, a clear difference in emphasis emerged. Bruce focused on the administration of the laws and remarked "how easy it would be to find that the white race had one measure of understanding and the black race another measure of understanding." Glass, on the other hand, clung to the legality of Virginia's statutes, claimed authorship of the state's laws, and asked the senator from Maryland to "suggest how the suffrage laws of Virginia could be rendered more generous or more liberal to the Negro race with perfect safety to the Commonwealth itself." As the exchange between the two men heated up, Bruce defended his credentials as a true and loyal southerner, but insisted that Glass's position suited a South long since past. "The negro is no longer a slave," began the Virginia native. "He is no longer an ignorant, staggering freedman such as he was just after the Civil War. He is acquiring education, and intelligence along with it. He is acquiring property. He is becoming a better citizen; . . . I say in view of these facts that measures once suited the requirements of the South . . . are not just the measures now on which the welfare of the South should be made to depend. I think that the whole attitude of the South toward the negro ought to be a little more liberal than it has in the past. I think it can be without any sacrifice of sound principles or any peril to the social integrity of the white race."⁵³

In the ensuing months, the issue remained in the news, and Carter Glass rose to defend his and Virginia's good name. In speech after speech, Glass defined the legality of Virginia's compliance with the Fourteenth and Fifteenth Amendments. After one fiery oration, J. J. Taylor wrote in *The Religious Herald*, a Richmond-based Baptist publication, that the Senator's emphasis on the legality of Virginia's laws meant only that they had been "adroitly" written. The author urged that Virginians follow the spirit, as well as the letter, of the law, and warned that "the violation of a law because it is distasteful naturally leads to the violation of other distasteful laws. . . . In the end every man does what is right in his

⁵³ Ibid., 1854-64. Quotes on 1854, 1861, 1863.

own eyes, and anarchy takes the place of orderly government." Referring both to the violation of federal election statutes in the South and of federal prohibition laws in the North, Taylor asked, "Would it not be better for the people of all races and colors and conditions to vote in the South, and for the peoples of all nationalities to have their liquor in the North, than for the spirit of lawlessness to spread from hated enactments to all enactments?"⁵⁴

In late April 1928, Glass spoke with Sidney Sutherland, a reporter for *Liberty*, a weekly magazine published in New York City. According to the author, the Virginia Senator rejected as "colossal nonsense" the notion that wets could nullify the Eighteenth Amendment because southerners had done the same with regards to the Fourteenth and Fifteenth Amendments. "There is not one single instance of a Southern State passing a law which violates a Federal statute," insisted Glass. "No State in the South has disenfranchised a single colored citizen because he was colored." His anger rising, Glass eventually declared that the "people of the original thirteen Southern States curse and deride and spit upon the Fifteenth Amendment--and have no intention of letting the Negro vote." Expressing the same sentiments he revealed before the Constitutional Convention of 1901-02, Glass admitted, "We obey the letter of the amendments and the Federal statutes, but we frankly evade the spirit thereof--and purport to continue doing so. White supremacy is too precious a thing to surrender for the sake of a theoretical justice that would let a brutish African deem himself the equal of white men and women in Dixie."⁵⁵

The publication of Glass's remarks prompted an immediate denunciation from the *Norfolk Journal and Guide*. The Tidewater weekly labeled Glass a "demagogue" whose comments reflected a lifelong rebellion against the Fourteenth and Fifteenth Amendments. An editorial declared, "No more desperate appeal to race prejudice has been uttered by Vardaman, long since retired, or Tillman, now dead, or Blease or Heflin. It is the swan

⁵⁴ J. J. Taylor, "Senator Glass Apology," *The Religious Herald*, March 29, 1928, p. 8.

⁵⁵ Sidney Sutherland, "The 14th, 15th, and 18th Amendments," *Liberty* 5 (April 28, 1928): 34.

song of dying political and personal bigotry; the wail of one who perceives about his head the giving away of a wall of ignorance which he has fostered, for the dictates of real, not theoretical, justice." For what must have felt like the pleadings of a broken record to most black Virginians, the paper reminded its audience, especially its white readers, that blacks did not seek domination or supremacy, but "balanced justice, economic and educational opportunity, and equality before the law."⁵⁶

Immediately after publication of his remarks, Glass backpedaled, labeled the story "inaccurate and largely fictitious," and asserted that "nobody who knows me or my habit of speech could believe that I had ever been guilty of the coarse utterances attributed to me." Sutherland, however, insisted that if anything he had toned down the tenor of the Senator's remarks. Given Glass's denial, two major white newspapers, the *Norfolk Virginian-Pilot* and the *Newport News Daily Press*, took issue with the response of the *Norfolk Journal and Guide*. Ironically, these two papers were edited by the same two men who had lamented the previous November the failure of Virginia's press to acknowledge the true intent of the state's suffrage laws. The *Virginian-Pilot*, edited by Louis Jaffe, considered unfair the comparison of Glass to other demagogues; the *Newport News* paper, edited by Walter Scott Copeland, labeled the black paper guilty of "false and slanderous assertions." The *Journal and Guide* acknowledged that it had perhaps been a bit harsh in its criticism of Glass, that the *Virginian* was indeed more capable than Vardaman, but that he had fallen into the habit of race baiting, and that any thorough look at the Senator's record would reveal a contempt for the Fourteenth and Fifteenth Amendments.⁵⁷

Journal and Guide subscribers varied in the tone of their response to Glass's comments. Mr. W. L. Davis of Norfolk, like the white press, questioned the labeling of Glass as a demagogue. Instead, he considered Glass able, honest, sincere, and consistent,

⁵⁶ "Senator Carter Glass," *Norfolk Journal and Guide*, May 5, 1928, p. 16.

⁵⁷ "The 14th, 15th, and 18th Amendments," *Liberty* 5 (May 26, 1928): 73-74; "In Fairness To Senator Glass," *Norfolk Journal and Guide*, May 12, 1928, p. 16; "Senator Glass Revealed In A Better Light," *Norfolk Journal and Guide*, May 19, 1928, p. 16.

albeit "incapacitated, either from too much pondering over exaggerated fears or a mental derangement in regard to one subject only (the Negro)." Rather than considering the political rights or privileges due Virginia's blacks, Glass considered only "an arrangement which suits his own convenience." Davis ended on a note of pity, claiming that "while I admire Senator Glass for the courage of his convictions, I am sorry for his affliction."⁵⁸

Gordon Blaine Hancock termed Glass's remarks "an affront to every Negro citizen of this country." But just as importantly to the professor from Richmond, the Senator's scornful words "failed to do justice to the statesmanship of the new South. . . . Glass utterly disregarded a growing element of whites in the South who feel ashamed to longer tremble before the ghost of 'Negro domination' when all the laws and all the wealth and all the armies and all the navies are at their command." More specifically, Hancock condemned Glass for encouraging a disrespect for the law. "When the Senator defiantly boasts of adhering to the letter of the law but spurning its spirit," Hancock explained prophetically, "he sets a dangerous precedent for the oncoming generations of white men. Whether law can be repudiated today and evoked for protection tomorrow is extremely doubtful, and when Senator Glass assumes such position he is 'sowing to the wind of law evasion, and the rising generations must reap the whirl-wind' of lawlessness."⁵⁹

In summarizing the incident, the *Norfolk Virginian-Pilot*, considered by many the most progressive white newspaper in Virginia, utterly failed to address the serious implications raised by Hancock. Instead of condemning the assumptions of Glass's comments, or pointing out the inappropriateness of his remarks in the late-1920s, the *Virginian-Pilot* decided that the moral of the episode was "never to discuss the troublesome issue raised by the Fourteenth and Fifteenth amendments without weighing one's words.

⁵⁸ "Says Senator Glass Is Consistent," *Norfolk Journal and Guide*, May 19, 1928, p. 16.

⁵⁹ "Gordon Hancock Answers Mr. Glass," *Norfolk Journal and Guide*, May 19, 1928, p. 16.

It is one of the most difficult of all contemporary public problems and it involves questions of social justice that go to the heart of America's biracial difficulty."⁶⁰

The political rhetoric and demagoguery of persons such as Carter Glass set the tone that allowed for the constant and withering neglect of black needs and the denial of black citizenship. The statewide passage of the Racial Integrity Act and Massenburg Law, the commonwealth's continued inattention to black education, the agitation among marginalized whites for residential segregation in Norfolk, and the commitment of a city administration in Richmond to reserve city jobs for whites only, all served to suggest that black Virginians could no longer accept the assurances of paternalistic whites who assured them of their friendship. Douglas Gordon, the editor of the *Norfolk Ledger-Dispatch*, was among the few whites who acknowledged the failure of white elites. He reported to an interracial audience at Hampton Institute that he had overheard recently the head of a large railway in Richmond say, "Why don't the people of the North let us alone! We are the only people who understand the Negro." "Why, bless his heart," Gordon responded to the Hampton audience. "He knows less than nothing about the Negro. He knows the servile Negro: Yes. But what does he know of Countee Cullen, of James Weldon Johnson, of Tanner, of Ethel Waters, of Nathaniel Dett? Nothing. Less than nothing." Gordon concluded by saying, "With deliberation, with what I believe to be a fairly comprehensive understanding of the old and new South, I say what I have often said in private: We of Virginia, we of the South in general, know less about the modern Negro than do the people of any other section of the entire United States. We have closed our eyes; we have closed our ears; we have even closed our minds."⁶¹

Black Virginians understood well what Gordon expressed. Unfortunately, the Norfolk editor spoke for few whites. Governor Harry Byrd, on the other hand, better

⁶⁰ "Glass and Liberty" editorial in *Norfolk Virginian-Pilot*, reprinted in *Norfolk Journal and Guide*, June 2, 1928, p. 16.

⁶¹ "South is Changing View of the Negro, Declares Editor Douglas Gordon," *Norfolk Journal and Guide*, Feb. 18, 1928, pp. 1 & 5.

represented Virginia's elite whites in racial matters. While he did not espouse the meanness and virulence of Richmond Mayor Fulmer Bright, he essentially ignored the plight of Virginia's blacks. Byrd and other elites paid homage to the friendly relations that existed between whites and blacks, but failed to act on behalf of their so-called friends. As a state senator, Byrd chose not to vote on the racial integrity bill; as governor, he allowed the Massenburg bill to become law without his signature. More concerned with maintaining support for his program to streamline the state's government, Byrd made no effort either to oppose the rise in ideological extremism or to show support for the fairer treatment of Virginia's blacks. Furthermore, he proved adept at using white supremacy as a campaign tool when it suited his needs.

In fact, white elites did not act to pass legislation meaningful to the Old Dominion's black citizenry until 1928 when an increase in mob violence threatened the commonwealth's reputation as a state devoted to law and order and racial harmony. The blot on Virginia's good name came as Byrd and other elites sought to attract business and industry to the Old Dominion. Although black Virginians genuinely applauded the nation's most significant anti-lynching legislation, they understood that it did not address the "little tyrannies and petty skullduggeries" of Jim Crow. Their lack of political power, perpetuated by Carter Glass and others, allowed white elites to continue to ignore the most basic of requests.

Chapter Five

Death At the Hands of Persons Unknown: Virginia's Response to Lynching, 1919-1928

In February 1950, a group of young Virginia legislators noted that the General Assembly had passed only one law in the twentieth century that conferred "upon the Negro any one of the many attributes of Virginia citizenship which we possess, and which he does not possess, although they are guaranteed to him by our Constitution." They referred to an anti-lynching law passed in 1928 and trumpeted at the time as the nation's most forceful statement against mob law. Newspapers and politicians lost no time in praising the measure as proof positive of Virginia's long-standing commitment to law and order; for years the state's boosters emphasized that the Old Dominion had witnessed no lynchings since the act's passage. While the bill's enactment did allow white Virginians to boast of their fair-mindedness toward blacks, the law's adoption did little to promote the extension of citizenship to the state's black citizens, a fact noted a generation later in the legislature. Ironically, authorities never used Virginia's anti-lynching law to punish whites for attacking blacks; state and local officials instead used it once to prosecute a white man who beat up another white man and a second time to put down a miners' strike. Furthermore, state officials--especially Governor Harry F. Byrd, who signed the bill into law--proved far more interested in protecting the state's reputation than in ensuring justice for Virginia's blacks.¹

Ultimately, the passage of the law allowed white Virginians to convince themselves that indeed they treated blacks well and that their commonwealth served as a shining example of good relations between the races. If the passage of Virginia's Racial Integrity Act in 1924 and the Massenburg Law in 1926 revealed an uglier side of white Virginia,

¹ Douglas Smith, "'When Reason Collides With Prejudice': Armistead Lloyd Boothe and the Politics of Desegregation in Virginia, 1948-1963," *Virginia Magazine of History and Biography* 102 (Jan. 1994): 12.

then the passage of an anti-lynching measure in 1928 provided whites reassurance of the supremacy of their model of race relations. The lengths to which they went to protect this image might appear comical except for the presence of burnt and dismembered black corpses. Virginia's passage of an anti-lynching law proved remarkable for public relations, but did little to advance the interests of the state's black citizens.

In his analysis of lynching in Virginia and Georgia, historian Fitzhugh Brundage concludes that Virginia experienced fewer lynchings between 1880 and 1930 because the state's more diverse economy did not depend upon the more coercive labor-control methods found deeper in the South where single-crop farming often dominated. Landlords in Virginia could afford to extend a small degree of independence to black workers; in addition the most disgruntled blacks had an easier time migrating North merely as a result of physical proximity. Furthermore, the "profoundly conservative inclinations of Virginia's elite," according to Brundage, opposed lynching as a disruption of social order in the same way they objected to labor unrest. Consequently, white supporters of the anti-lynching law emphasized a need for law and order, not a respect for the rights of blacks.²

While Brundage provides a penetrating analysis of the macro forces that explain the frequency of lynching in Virginia, mob violence remained essentially a local affair, virtually unexplainable by larger models of behavior. Local mobs responded to perceived causation and local officials usually chose to take no action. During the 1920s, however, such local events assumed statewide relevance. The actions of a mob threatened the state's reputation at a time when elites worked hard to advance the tenets of "business progressivism." Concurrently, groups such as the Commission on Interracial Cooperation and its members such as Louis Jaffe sought to alleviate the worst injustices suffered by blacks. Although Virginia mobs were much less active than their counterparts deeper South, the frequency of lynching increased in the 1920s when mobs executed at least six black men in the Old

² W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana, Ill.: University of Illinois Press, 1993), 140-90 (quote on 172).

Dominion. The emergence of lynching as a state issue made possible, but certainly not inevitable, the passage of an anti-lynching law.³

Fewer lynchings of blacks occurred in Virginia than in any other southern state in the twentieth century, but the frequency of mob deaths in the Old Dominion increased in the 1920s as they decreased throughout the South, a turn of events not ignored by the state's press, political, and business elites. Mobs in the Old Dominion executed at least seventy blacks between 1880 and 1930. As was the case throughout the South, more lynchings occurred in the 1890s than in any other decade, and each succeeding decade saw a drop in the numbers, although often an increase in brutality. In Virginia, no blacks were lynched from 1906 to 1916 before mobs took the lives of two men in 1917 and one in 1918. While the rest of the South continued to note a decline in mob violence in the 1920s, Virginians lynched at least six blacks, double the number of the previous decade.⁴

In many ways, the lynching of Allie Thompson just outside Culpeper in the early hours of November 25, 1918, typified mob deaths throughout the South. Charged with sexually assaulting a white woman, Thompson landed in the county jail. Soon after his arrest, a small mob outmaneuvered the jailer, removed the prisoner, and lynched him on the outskirts of town. A coroner found no evidence to indict anyone in the attack. Although local officials never identified or brought charges against any mob members, the personal

³ Historian George Tindall used the term "business progressivism" to describe the philosophy embodied by Harry Byrd, governor of Virginia from 1926-1930. Byrd and others stressed efficiency and fiscal soundness in state government, and actively used governmental policy, especially regarding labor and taxation, to induce industrial development. George Tindall, "Business Progressivism: Southern Politics in the Twenties," *South Atlantic Quarterly* 62 (Winter 1963): 92-106; George Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge: Louisiana State University Press 1967), especially 219-53.

⁴ The National Association for the Advancement of Colored People, *Thirty Years of Lynching in the United States* (New York: Arno Press & the New York Times, 1969), 34-35, 41, 99-101; Arthur Raper, *The Tragedy of Lynching* (Chapel Hill: University of North Carolina Press, 1933), 483; Brundage, *Lynching in the New South*, 281-83. According to the NAACP study, North Carolina lynched fewer blacks than Virginia in the years 1889 to 1918. The NAACP and Arthur Raper both provide figures that show that after 1900 fewer blacks were lynched in Virginia than in North Carolina. The claim that no blacks were lynched in Virginia from 1906 to 1916 comes from Brundage, the most recent and thorough account of lynchings in Virginia. The NAACP figures list three additional lynchings of blacks in Virginia, one each in 1910, 1912, and 1915. I have accepted Brundage's figures because his work is more recent and more thoroughly focused on Virginia and Georgia. Virginia mobs also lynched fifteen whites between 1880 and 1930, although all but one of those occurred during the nineteenth century.

involvement of Governor Westmoreland Davis did suggest a willingness to use executive influence to press local officials, a turn of events which resulted in an indictment for lynching several years later.⁵

According to news reports and confirmed by Commonwealth's Attorney Edwin H. Gibson, Thompson had been accused of assaulting a white woman, Mrs. Lelia Sisk, and lodged in jail to await the next session of the Circuit Court scheduled for December 16. Neither Gibson nor Thompson's lawyer, Captain T. E. Grimsley, appeared concerned that a lynching might take place. Both expressed a belief that Mrs. Sisk's neighborhood remained "unusually quiet" and that "a number of the best people of the neighborhood were doing what they could to allay what little feeling there was." Gibson later told the governor that "there seemed no disposition not to allow the law to take its usual course."⁶

Several nights later, according to the two jailers, a pair of men appeared at the jail carrying a third man tied up with a rope. Explaining that they had taken into custody the bound man, the two men asked the jailers to allow them into the jail to deposit their prisoner. One of the jailers later claimed that he looked up and down the street, saw no reason for concern, and told the men to walk around to the side of the building which served as the entrance to the cells. When the jailer opened the side door, twelve to fifteen masked men swarmed into the jail, tied up the two jailers, located Thompson, secured a rope around his neck, and left the facility. According to the local newspaper, "the entire proceeding was remarkably quiet and devoid of any exciting circumstances or noise." The mob apparently made no noise on their way out of town; they traveled three miles, found a tree, and hanged Thompson.⁷

⁵ Fitzhugh Brundage writes that Charles T. O'Ferrall, governor of Virginia from 1894 to 1898, evinced a commitment to prevent lynchings that his successors failed to emulate. Brundage, *Lynching in the New South*, 169-79.

⁶ Edwin H. Gibson to Westmoreland Davis, Dec. 2, 1918, box 16, folder "Lynching," Executive Papers, Westmoreland Davis, 1918-1922, Library of Virginia.

⁷ Edwin H. Gibson to Westmoreland Davis, Dec. 2, 1918, *ibid.*; "The First Lynching in Culpeper in 40 Years," *The Culpeper Exponent*, no date, but copy found in Part 7, "The Anti-Lynching Campaign, 1912-1955," Series A, "Investigative Files, 1912-1953," reel 19, frames 0789-90, NAACP Papers (microfilm).

In his report to an inquiring governor, the commonwealth's attorney accepted the judgment of the coroner and concluded that "it is impossible to find any clue upon which to base an investigation. There is not even local gossip fixing the responsibility upon any particular person." Although all reports indicated that the mob had worn masks, neither the commonwealth's attorney nor any other local official raised the question of the identity of the two men and their supposed prisoner whose ruse had led the jailers to let in the mob. Certainly they had not worn masks. Such incomplete information must have contributed to Governor Davis's request that Gibson continue his investigation and identify the responsible parties.⁸

A few days later, Davis received a letter from Moses A. Summons, a black resident of Amissville, a hamlet not far from Culpeper. In ten hand-written pages using pencil, Summons presented a version of events that never appeared in the newspaper. Summons challenged the certainty of Thompson's guilt. He argued that Thompson likely could not have traveled from the place of the alleged assault to the place of his arrest in the proscribed time. Furthermore, Summons noted that "no effort was put forward to prove whether the lady's statement was either true or false. No one ever went over the ground to prove whether he made any tracks going to the woods or coming away." Most disturbing of all, Mrs. Sisk had expressed doubt as to whether her assailant was a light-skinned mulatto like Thompson or a white man.⁹

Summons accused Mr. William Robson, a local magistrate, of complicity in Thompson's death. Specifically, Summons told the governor that the magistrate had jailed the accused without any corroborating evidence and that Robson "continually made statements calculated to stir up mob violence; he made no secret of his confidence of Thompson's guilt and made no effort to defend the life of the prisoner." Directly

⁸ Westmoreland Davis to Edwin H. Gibson, Dec. 10, 1918, Gibson to Davis, Dec. 2, 1918, box 16, folder "Lynching," Davis Executive Papers.

⁹ Moses A. Summons to Westmoreland Davis, Dec. 17, 1918, *ibid.*

contradicting the account of the commonwealth's attorney, Summons explained that Thompson's parents had expressed to Robson their fears of the danger of a lynching, but that he had dismissed them as unwarranted. On the evening of the lynching, the magistrate apparently went to the Thompson's home to borrow a buggy which belonged to a servant of Robson's. When Mrs. Thompson said that her husband needed it to go to Culpeper the next morning, the magistrate reportedly exclaimed that "'Wade has no business in Culpeper Monday. I want to go to town myself.'" Summons concluded from Robson's comment that he "knew something of the mob."¹⁰

Summons reminded the governor that whether guilty or innocent the Constitution guaranteed Allie Thompson "a right to a fair and impartial trial." The tone of his letter rising with anger, the Amissville resident asked, "Have Virginians no longer respect for law? Have the magistrates powers of judge, jury and executioner? Have magistrates a right to go and spread damaging reports of people whom they remand to the grand jury? Have they a right to influence public opinion . . . before the grand jury has had a chance to find a true bill of indictment against him?" Summons emphasized the damage done to Virginia's reputation when "she who sent her sons both black and white to the battle fields of France to shed blood for law and order must stand before the world convicted of midnight murder without sanction of law." Recognizing the failure of the United States' mission abroad to live up to its obligations at home, he exclaimed, "Make the world a safe place to live in! No negro is safe no matter how well behaved he may be, no matter how correct he may be; no matter how patriotic, learned or useful." In a concluding plea, Summons informed the governor that "we do not cry for vengeance but for justice and truth. We do not ask the blood of these violators of law: But I ask that they be shorn of their power to do mischief by calling to account those who by their dereliction, by their neglect of duty made this foul midnight murder possible."¹¹

¹⁰ Ibid.

¹¹ Ibid.

No record exists to suggest that Governor Davis responded to the impassioned letter from Summons, nor does any record indicate that the commonwealth's attorney pursued the matter. Several months later, however, Allie Thompson's father Wade wrote the chief executive a short note. "I saw in the paper," commented the grieving father, "that you were going to take a personal hand in the investigation of the lynching of Allie Thompson my son. So far as nothing has been done towards this. I trust you will see that the Commonwealth Atty. of Culpeper Co. will begin an investigation at once. Please oblige." In a postscript, Wade Thompson added, "Please let me know what you will do. Please find enclosed a stamp for an early reply."¹²

Wade Thompson's letter, so eloquent in its simplicity, is remarkable in a number of ways. First, it appears to be the only direct plea from a relative of a lynched man to reach the governor's desk in the years after World War I. More importantly, his words reflected at least a basic education: he read the paper and could write at a time when illiteracy rates among black adults in Virginia approached 30 percent. More than likely, his son Allie had received at least as much schooling, a conclusion supported by the *Culpeper Exponent* which commented that "his face showed more than the average intelligence." The Culpeper mob did not lynch an illiterate transient, but rather an educated young man who lived either with or near both of his parents, at least one of whom also was literate. Thompson's death certainly supported Moses Summons's contention that no blacks could feel safe in Virginia, no matter their station in life. Finally, Wade Thompson's simple request reflected a continued determination among black Virginians, despite decades of disfranchisement and Jim Crow, to make state and local government work for them as well as for whites.¹³

¹² Wade H. Thompson to Westmoreland Davis, Feb. 15, 1919, box 16, folder "Lynching," Davis Executive Papers.

¹³ Ibid.; Bureau of the Census, *Fourteenth Decennial Census of the United States, 1920*, Vol. III, *Population* (Washington, D. C., 1922), table 9; "The First Lynching in Culpeper in 40 Years," *The Culpeper Exponent*, no date, but copy found in Part 7, Series A, reel 19, frames 0789-90, NAACP Papers.

Although the next officially recognized lynching in the Old Dominion occurred in November 1920, evidence suggests that a mob in Virgilina in Halifax County either lynched Leslie Allen in August 1920 or killed him after an argument in a manner resembling a lynching. According to the *Danville Register*, an unidentified number of whites shot Allen in the head, neck, and throughout the body, and that the deceased's wounds included a shotgun blast in the mouth and another to the side of the head. John M. Royall, a black man living in New York but visiting Halifax County at the time, told the NAACP that he understood that Allen's crime had been to utter a remark after not being allowed to join a game of ten pins. Soon after, a mob overtook Allen and put him to death. The newspaper account of Allen's murder indicated that he had in his possession the caliber of revolver considered standard issue in the army. Allen might well have returned from service in France determined to be treated as a man. He chose not to endure the slights of white men who considered him insolent, hunted him down, and put him to death in a manner repeated throughout the South in the years after World War I.¹⁴

On November 14, 1920, a mob in Wise County, in Virginia's extreme southwestern corner, stormed the jail, removed and lynched Dave Hurst, a black prisoner held in connection with the rape of an older white woman two days before. Hurst's alleged crime and his lynching appear unremarkable in the annals of southern mob violence, but the determination of Commonwealth's Attorney C. R. McCorkle to prosecute the mob marked a first in the Old Dominion. According to Mrs. Sarah Ball, later described by McCorkle as "an old lady," she was alone at home in an isolated area after her husband had gone off to work in the coal mines. While scrubbing the floor, a black man forced his way into her home and raped her. Once the attacker left, Ball set off in search of her husband, but on

¹⁴ John M. Royall to James Weldon Johnson, Aug. 29, 1920, Part 7, Series A, reel 19, frames 0907-09, NAACP Papers; *Danville Register*, Aug. 28, 1920, included with letter from Royall, *ibid.*, frame 0911. Walter F. White wrote Royall several weeks later and thanked him for the information on Allen, but indicated that the NAACP had secured no further information. Walter F. White to John M. Royall, Sept. 24, 1920, *ibid.*, frame 0906. Fitzhugh Brundage does not include Allen's death in his tally of lynchings in Virginia. Brundage, *Lynching in the New South*, 281-83.

the way she ran into a passenger train, succeeded in stopping it, and told her story to its crew. The train crew later testified that they soon came upon a man fitting the description provided by Ball, chased him down, succeeded in capturing him, and took him before a magistrate in Norton. According to the commonwealth's attorney, Hurst's face revealed significant marks that coincided with Ball's claims to have "clawed and scratched" her attacker. The accused reportedly confessed to the crimes and was lodged in the jail at Wise.¹⁵

McCorkle indicated to the governor that upon Hurst's arrest he asked the local judge to call a special term of court in order to try Hurst's case without delay. The husband of Mrs. Ball appeared satisfied and said "that he would counsel his friends against any resort to violence." Despite Ball's stated intention, the commonwealth's attorney expressed concern that public sentiment in favor of mob violence would only increase as word of the attack spread. Consequently, he pressed the urgency of the matter upon the judge the following day and secured a definite commitment for a special term of court to convene on November 22. McCorkle publicized this development throughout the county and again felt that family and friends of the Ball family "would be satisfied to let the law take its course."¹⁶

Later that same night, however, an anonymous caller informed the commonwealth's attorney that a mob was forming and would soon head to the Wise jail. McCorkle and the sheriff sought information throughout the county, but failed to learn anything definite. The sheriff rushed to the jail to protect Hurst in the event that a mob did arrive. In the middle of the night, the Wise sheriff called McCorkle and asked him to come to the jail and try to dissuade the mob which had appeared. The commonwealth's attorney arrived and found between fifty and one hundred heavily armed men threatening the

¹⁵ C. R. McCorkle to Westmoreland Davis, Nov. 16, 1920, p. 1, box 16, folder "Lynching," Davis Executive Papers.

¹⁶ *Ibid.*, p. 2.

sheriff. McCorkle learned later that additional mob members guarded the roads going in and out of town. Clearly outnumbered, McCorkle attempted to persuade mob leaders to disperse, including Mr. Ball and his son, who indicated a willingness to comply. At the same time, however, a detachment of the mob had broken into the jail with a sledge hammer. McCorkle then went inside the jail in an effort to reason with that faction of the mob, only to find himself "looking down the barrels of two forty-five's." The commonwealth's attorney later told Governor Davis that he believed that the initial willingness of some mob leaders to comply "was only a ruse to deceive the sheriff and gain time." After securing Hurst, the mob spirited him away to a site near where he had assaulted Mrs. Ball and lynched him.¹⁷

Hurst's killers made no attempt to disguise themselves. McCorkle claimed to have known three of the men himself and to have known the identities of at least six of the mob, including Ball and his son. In the immediate aftermath of the lynching, the commonwealth's attorney informed the governor that he intended "to let the matter rest quietly for a few days, so as to give them a chance to do some talking, which I think is the best way to ascertain the identity of the parties." McCorkle worried that pushing ahead too quickly would force participants to clam up. "It is desired, of course," he assured the governor, "to secure evidence against as many as possible. . . . We are working in a quiet way, and have some leads from which we hope to secure valuable evidence." But McCorkle did not rest with flaccid assurances of action. He asked the governor for help in securing a skilled investigator, wondered if the city of Richmond might be able to spare a man, and asked Governor Davis if the Attorney General might be able to help as well. "My purpose is," explained McCorkle, "after as many as possible of the members of the mob have been identified, to go after them with every resource at the command of the Commonwealth, and conduct the most energetic prosecution possible." Unlike most local

¹⁷ Ibid., pp. 2-3.

officials throughout the Old Dominion, McCorkle specifically asked for the "support and assistance" of the state's chief executive.¹⁸

McCorkle kept his promise to the governor and secured grand jury indictments against fifty members of the mob. On August 16, 1921, one of those fifty, Shaler B. Tate, was convicted of voluntary manslaughter and sentenced to two years in the state penitentiary. The *Norfolk Journal and Guide* later described the trial as extremely difficult in which "every technicality of the law and human prejudice were appealed to." Although various appeals postponed the start of his sentence, none succeeded and Tate began serving his term January 4, 1923. Wise County jurors convicted Al Napier of lesser charges and sent him to jail for one year. In March 1923, recently inaugurated Governor E. Lee Trinkle denied Napier's request for a pardon. The *Journal and Guide* described Napier as a "prominent Wise county man" who had received a great deal of support from locals in his appeal for a pardon. Commonwealth's Attorney McCorkle and the presiding judge, however, refused to support the initial pardon application and the governor apparently felt that clemency would have encouraged further mob violence. Seven months later, on the other hand, after Tate and Napier had served more than half their terms, Governor Trinkle accepted the recommendation of the trial judge and prosecuting attorney and pardoned both men. In explaining his decision, the chief executive noted that the two men had been punished while dozens of co-conspirators had gone free.¹⁹

Whether or not one considers the two convictions insufficient given that at least forty-eight others went free, Tate and Napier became the first and second white men sent to jail in Virginia for lynching a black man. No others would ever follow. Their convictions

¹⁸ Ibid., pp. 3-4.

¹⁹ C. R. McCorkle to Westmoreland Davis, Aug. 16, 1921, Davis to McCorkle, Aug. 19, 1921, box 16, folder "Lynching," Davis Executive Papers; "First Convicted Va. Lyncher Goes To Penitentiary," *Norfolk Journal and Guide*, Jan. 6, 1923, p. 7; "Wise County Man Must Serve Year For Leading Mob," *ibid.*, March 17, 1923, p. 1; Pardon Files of Shaler B. Tate and A. L. Napier, Commonwealth of Virginia, Secretary of the Commonwealth, Executive Papers, Oct. 6, 1923; Commonwealth of Virginia, Secretary of the Commonwealth, Executive Journals, 1922-26: 172, 294-95.

were the result of the determination and persistence of a commonwealth's attorney who defied local pressure, called upon the support of state authorities, and pursued the matter as far as he could.²⁰

The determination of officials in Wise County to discourage lynching led to the death of two white men only three weeks after the murder of Dave Hurst. In early December 1920, another Wise mob, perhaps emboldened by the actions of those who killed Hurst, descended upon the jail in an attempt to lynch a black man charged in the death of a white merchant from the town of Appalachia. On this occasion, however, Sheriff A. L. Corder anticipated trouble and placed a half-dozen well-armed deputies around the jail. A mob of thirty-five remained undeterred and attacked the jail, but met return fire. Deputies killed two mob members and injured several others. The deaths enraged neighbors of the mob members, six hundred of whom regrouped and headed again for the county jail. Once again, the mob met a determined coterie of local officials and prominent citizens who convinced the vigilantes that an attack would result only in the deaths of more of their number. As the mob dispersed, troops arrived from Lynchburg and Roanoke to spirit the black prisoner away.²¹

Most officials lacked the will to emulate the example of Sheriff Corder and Commonwealth's Attorney McCorkle. Local authorities in Brunswick County apparently took no steps toward punishing members of a mob estimated at 2,000 that lynched Lem Johnson in August 1921. News reports appeared sketchy and contradictory, one paper actually reporting two versions of the event in the same article. Apparently Johnson and Will Elmore, also black, were arrested in McKenney, a small town in Dinwiddie County,

²⁰ "First Convicted VA. Lyncher Goes To Penitentiary," *Norfolk Journal and Guide*, Jan. 6, 1923, p. 7. In this article the *Journal and Guide* asserts that Tate's conviction was the first ever of its kind. I have found no evidence to suggest this is not true.

²¹ "Attack on Wise Jail Results In Death of Two Men," *Bluefield (West Va.) Daily-Telegraph*, Dec. 7, 1920, "Wise Negro Is Removed To Roanoke," *Lynchburg News*, Dec. 7, 1920, copies of both in Part 7, Series A, reel 19, frames 0795-96, NAACP Papers; "Anti-Lynching Fight Starts," editorial from *Grand Rapids (MI) Herald*, reprinted in *Norfolk Journal and Guide*, Jan. 1, 1921, p. 1.

on charges of robbing and killing a white postmaster and store owner from neighboring Brunswick. One version stated that an angry mob began to form at McKenney, but that the Dinwiddie sheriff held them at bay until officials from Brunswick arrived to transport the two accused to Lawrenceville, Brunswick's county seat. On the highway, as many as several hundred automobiles followed the Brunswick sheriff, eventually overtook him, and seized Johnson but left Elmore whose guilt remained in doubt. A second version suggested that the mob of two thousand had taken Johnson from the Lawrenceville jail, removed him to the site of the postmaster's death, and lynched him as soon as he confessed. Both accounts agreed that Elmore remained untouched by the mob and that Johnson had sworn Elmore's innocence before facing his own death.²²

Whatever the actual course of events, more than likely Brunswick County officials had no appetite for prosecuting persons who clearly enjoyed widespread support. Although Governor Davis instructed the commonwealth's attorney to undertake a thorough investigation, local officials more than likely sympathized with a mob that acted in retaliation for the death of a white man. News reports indicated that most members of the mob had worn masks, therefore providing the commonwealth's attorney an easy excuse for inaction. In addition, the large number of participants might have been accepted as a gauge of popular support. The size of the mob alone calls into question the report of one news account that "so quietly did the mob carry out its work that few in the neighborhood knew what was going on." More than likely, the entire neighborhood participated.²³

The response of some members of the press to the lynching of Horace Carter in October 1923 initiated a slow process which ultimately condemned lynching as a state

²² "Negro Is Taken From Jail and Lynched By Mob," *Johnson City (TN.) Staff*, Aug. 3, 1921, "Virginians Lynch Negro," *New York Times*, Aug. 4, 1921, both located in Part 7, Series A, reel 19, frames 0885, 0899, NAACP Papers; "Fear Lynching By Mob, Bring Negro To Richmond Jail," *Richmond Times-Dispatch*, Aug. 4, 1921, pp. 1 & 9.

²³ Aide to Governor Westmoreland Davis to B. A. Lewis, Commonwealth's Attorney for Brunswick County, Aug. 3, 1921, box 16, folder "Lynching," Davis Executive Papers; "Fear Lynching By Mob, Bring Negro To Richmond Jail," *Richmond Times-Dispatch*, Aug. 4, 1921, pp. 1 & 9; "Negro Is Taken From Jail and Lynched By Mob," *Johnson City (TN.) Staff*, Aug. 3, 1921, Part 7, Series A, reel 19, frame 0899, NAACP Papers.

crime that needed to be addressed by state authorities. Just as the determination and actions of one individual in Wise County led to the convictions of persons involved in the murder of Dave Hurst, so did the efforts of Louis I. Jaffe, the young editor of the *Norfolk Journal and Guide*, prove invaluable in moving the state's elites to condemn lynching. Jaffe, who took over the editorial leadership of the Norfolk daily in 1920 soon after returning from service in France, wrote the first of his many anti-lynching editorials in October 1923. His opposition to lynching evolved naturally from his involvement with Norfolk's Commission on Interracial Cooperation and his determination to alleviate the worst injustices suffered by Virginia's blacks.²⁴

On October 12, 1923, a mob of ten persons in King and Queen County seized from authorities Horace Carter as he was being transported to the county jail. The forty year-old black man had been arrested in a neighboring county on charges of assaulting a married white woman almost one year earlier. As sheriff's deputies drove along a dark stretch of road near King and Queen Courthouse, the mob forced the car over, leveled guns at the deputies, and removed Carter from the patrol car. The deputies later reported that Carter had begged "that he not be harmed without a chance to prove his innocence." Nevertheless, the self-appointed executioners shot him six or seven times as he stepped out of the car, not bothering to remove his handcuffs or the cord which bound his legs. Sheriff's deputies claimed that darkness prevented them from getting a good look at those responsible.²⁵

Within several days Governor E. Lee Trinkle issued a statement that the persons "guilty of the lynching are guilty of murder, and when brought to justice should be treated according to the severity of the crime." The chief executive wrote privately to the Attorney General of Virginia, Circuit Court judges in King and Queen, the commonwealth's

²⁴ James Patrick Dvorak, Jr., "Louis I. Jaffe: A Southern Liberal's Critique of Lynching," (M. A. Thesis, University of Virginia, 1990), 15-21.

²⁵ "Negro Seized and Shot To Death In King and Queen," *Richmond News Leader*, Oct. 13, 1923, p. 1; "King and Queen Mob Kills Negro," *Richmond Times-Dispatch*, Oct. 14, 1923, pp. 1 & 16.

attorney, and the sheriff and indicated a firm desire to punish those responsible. He told Judge Fleet that "I hope you will leave no stone unturned to bring the guilty ones to trial." Trinkle wrote King and Queen sheriff W. H. Eubank that the lynching "grieved" him and that he had hoped to make it through his four-year administration without one occurring in the Old Dominion. The governor told the sheriff "it is up to you and your associates to apprehend those guilty of this crime and see that they are punished." Two days later Eubank responded, "I have done all that I can do so far." Ignoring the issue of bringing the murderers to justice, the sheriff informed Trinkle that "every thing is very quiet and the negroes are behaving beautifully. I do not fear a riot."²⁶

Despite Trinkle's stated intentions, authorities apparently made little effort to punish those responsible for Carter's death. Evidence in the governor's files suggests that an investigation turned up several names of persons tied to the lynching. One notation even indicates that authorities had spoken with someone who knew who had purchased the ammunition that killed Carter. But more than likely the attitude of Sheriff Eubank reflected the position of local authorities: as long as the county's blacks remained quiet, they saw no reason to pursue the matter.²⁷

Louis Jaffe condemned the lynching of Horace Carter in the strongest terms yet to appear in a white newspaper in Virginia. In an editorial entitled "Besmirching a Good Record," the voice of the *Virginian-Pilot* blasted those who "substituted violence" for "the law and order on which the security of society rests." He even suggested that "it ought to serve some useful purpose to make public the names of the men capable, in the name of 'justice,' of shooting to death an untried and unconvicted man while he lay on the ground handcuffed and hobbled." Jaffe's advocacy of publicizing the names of mob members

²⁶ "Lynching Arouses Governor Trinkle," *Richmond News Leader*, Oct. 15, 1923, p. 1; E. Lee Trinkle to John R. Saunders, Oct. 15, 1923, Trinkle to Judge Fleet, Oct. 15, 1923, Trinkle to Judge Clagett B. Jones, Oct. 15, 1923, Trinkle to W. H. Eubank, Oct. 15, 1923, Eubank to Trinkle, Oct. 17, 1923, box 27, folder "King and Queen Lynching," Trinkle Executive Papers.

²⁷ Handwritten list of names and notations relating to King and Queen lynching, box 27, folder "King and Queen Lynching," Trinkle Executive Papers.

sprang from not only a desire to punish Carter's murderers but also from a need to restore the damage done to Virginia's reputation. The editor argued that the absence of lynchings on the state's soil had caused Virginians to begin to derive a certain satisfaction. "While it was at best a melancholy distinction to be less savage than other States," he reasoned, "it was a record in which the State was beginning to take pride." Jaffe's acknowledgment that such pride constituted "at best a melancholy distinction" reflected a more enlightened view than found elsewhere in the white press. In reporting the lynching of Carter, both the *Richmond News Leader* and the *Richmond Times-Dispatch* commented that Virginia had not had a lynching since 1920 when authorities in Wise successfully prosecuted two members of the mob; both papers conveniently forget about the death of Lem Johnson in Brunswick County in 1921.²⁸

Virginia's black press, on the other hand, did not limit condemnation for Horace Carter's death to the ten members of the mob or the citizens of King and Queen. Instead, the *Norfolk Journal and Guide* blamed all Virginians and white Americans because "lynching could not survive in this country under a righteous national indignation against it. No group of men is mightier than the great public and few evils can withstand a sweeping public condemnation." Furthermore, reasoned the Tidewater weekly, "good white people who oppose and condemn lynching pass the buck by alluding to it as a crime common to ignorant bigots and a low type of white man. This might ease their conscience, but it does not lift from their shoulders the responsibility." Despite Governor Trinkle's stated intentions to punish those responsible, the *Journal and Guide* doubted that anything would come to pass because "there is no public clamor for it."²⁹

²⁸ "Besmirching a Good Record," *Norfolk Virginian-Pilot*, Oct. 15, 1923, p. 6, reprinted in *Norfolk Journal and Guide*, Oct. 20, 1923, p. 10; "Negro Seized and Shot To Death In King and Queen," *Richmond News Leader*, Oct. 13, 1923, p. 1; "King and Queen Mob Kills Negro," *Richmond Times-Dispatch*, Oct. 14, 1923, pp. 1 & 16.

²⁹ "Virginia's Shame," *Norfolk Journal and Guide*, Oct. 27, 1923, p. 10.

As Louis Jaffe matured in his job in Norfolk and increasingly used his editorial page to campaign for basic improvements in the lives of Norfolk's and Virginia's blacks, his attack on lynching assumed a central role. In January 1925, as he reflected on a lynching-free 1924 and looked to the year ahead, he wrote that the greatest problem facing Virginians "is to eradicate racial injustice, to exterminate the lynching practice as something vile, savage and utterly unworthy of a civilized people." Jaffe remained fully cognizant of his audience and attempted to move whites to understand lynching as a violation of their own most civilized instincts. Although his biographer has argued correctly that Jaffe never challenged the basic tenets of white supremacy, he did insist that whites had an obligation to extend the measures of civilized behavior to blacks. "Civilization has pinned its faith to enlightenment," he argued. "That this enlightenment must be confined to certain races and shut away from others, is a theory not to be reconciled with modern thinking."³⁰

Whatever hopes Jaffe and others may have entertained that Virginians would adhere to the basics of civilized behavior came to a crashing halt on March 20, 1925, when a mob of between five hundred and two thousand residents of Sussex County and the town of Waverly broke into the city jail, dragged away James Jordon, hanged him from a tree near the railroad depot, and riddled his body with bullets. The Southside mob then set fire to the body of the twenty-two-year-old saw mill worker who had reportedly confessed to assaulting a young white woman. One newspaper reported that the mob had broken into the jail as the commonwealth's attorney placed a call to the governor asking for troops to protect the prisoner. Members of the mob apparently worried that a train due to arrive in Waverly within minutes might carry state troops. As a result, the enraged mass acted at

³⁰ "Lynching and Enlightenment," *Norfolk Virginian-Pilot*, reprinted in *Norfolk Journal and Guide*, Jan. 10, 1925, p. 12. The only biography to date of Jaffe is James Patrick Dvorak, Jr., "Louis I. Jaffe: A Southern Liberal's Critique of Lynching." Dvorak explores Jaffe's inability to connect lynching with the underlying assumptions of segregation and white supremacy on pages 30-32, 66-68.

once, shooting and burning their captive in plain view of the arriving train and its surprised passengers.³¹

Jordon's body hung until the fire burned all the way through the rope, dropping him to the ground. Commonwealth's Attorney Thomas H. Howerton pledged to hold an inquest and secure indictments against those responsible for the murder. His efforts were put on hold the following morning, however, when he learned that Jordon's body had been removed from the site of the lynching. Only a charred hand remained. Later that day, Jordon's burned corpse turned up twenty-six miles away in Isle of Wight County.³²

The furor surrounding the lynching and removal of Jordon's body prompted Governor Trinkle to travel to Waverly where he addressed a group of the town's leading citizens and called upon them to preserve order. He objected to the stain upon Virginia's reputation that the incident had engendered and asked "that the name of the Commonwealth not be brought again into the limelight of such publicity as she has received from this occurrence." The county sheriff and deputies told the governor that Jordon had confessed and been identified by the white woman he reportedly attacked. Furthermore, they insisted that the mob had acted so swiftly that they had no time to act. The chief executive exonerated local officials of any blame, but urged the commonwealth's attorney to find those persons responsible.³³

The *Richmond News Leader* condemned the lynching no matter the validity of the charges against Jordon and reasoned that each spasm of violence in the Old Dominion would only encourage further lawlessness. "Men can not take liberties with one part of the law," explained the daily, "and not feel less respect for the rest." The Richmond paper reminded the people of Sussex County that Jordon's lynching was a murder no matter how outraged they felt. Nor could individuals absolve themselves of responsibility by hiding

³¹ "Mob Storms Jail, Lynches Man On Street," *Richmond Times-Dispatch*, March 21, 1925, pp. 1 & 2

³² "Lynched Man's Body Is Stolen From Scene," *ibid.*, March 22, 1925, pp. 1 & 10.

³³ *Ibid.*

amongst the mob. In conclusion, the *News Leader* emphasized the degree to which the mob murder constituted a "deep humiliation to Virginia."³⁴

In the *Norfolk Virginian-Pilot*, Louis Jaffe urged Virginians not to consider lynchings "inevitable." He acknowledged that "crimes against the moral order, adulteries and rapes, may be inevitable, as murder seems to be inevitable but the Cro-magnon practice of doing men to death without the elementary decency of a judicial hearing is not inevitable." He called upon Virginians to denounce mob violence within the Old Dominion as fervently as they responded to crimes farther South. Jaffe saw little reason to believe that any one in Sussex County would be punished for the lynching, and argued that only the force of public opinion could bring an end to the epidemic. In particular, he called upon schools, churches, and politicians to instill in all civilized beings a commitment to the belief "that one accused of a crime, no matter how horrible or fearsome, must have his hour in an established court and that only the law itself may punish him." Jaffe correctly asserted that no one would be punished for James Jordon's lynching. After a coroner's jury determined that unknown persons had lynched Jordon, his body was buried in a potter's field.³⁵

While Virginia's white press condemned the lynching as a stain on civilized society, the black press exploded in far harsher terms. The *St. Luke's Herald* contradicted claims that the white woman had identified Jordon. Nevertheless, wrote the Richmond paper, "Judge Lynch sentenced him to be loaded with bullets and burned at the stake." The weekly concluded that Waverly had "prostituted law and order, and committed a whoredom with the forces of lawlessness by burning a human being at the stake. This bloodstain can never be removed."³⁶

³⁴ "The Waverly Lynching," *Richmond News Leader*, March 21, 1925, p. 8.

³⁵ "To Virginia's Shame," *Norfolk Virginian-Pilot*, reprinted in *Norfolk Journal and Guide*, March 28, 1925, p. 12; Dvorak, "Louis I. Jaffe," 22-23; "Charred Body of Mob Victim Buried in Potters Field," *Norfolk Journal and Guide*, March 28, 1925, p. 1.

³⁶ "Waverly, Virginia, Accursed," *St. Luke's Herald*, reprinted in *Norfolk Journal and Guide*, April 4, 1925, p. 12.

W. L. Davis, identifying himself as a resident of "Lynchingburg, Virginia," referred to the disproportionate number of Christian churches in Waverly which had instilled a curious notion of courage in their members. Davis mocked the "courageous and death defying Christian gentlemen, armed only with shotguns, pistols, bludgeons and clubs" who captured a single black man, "hung him to a tree, riddled him with bullets and burned his body. He who tells me this was not the embodiment, the perfection, and the acme of human courage, errs and most grievously so." The writer told of a young white man who, several days after the lynching in response to a question from a conductor of the train which passed through Waverly, lamented, "I didn't get there until about forty minutes after it was all over; I'd like to have been there to help 'em put it in him." Two young white children listened to the white man's expression of disappointment.³⁷

White representatives of the Women's Missionary Council of the Methodist Episcopal Church appealed to Governor Trinkle to put an end to lynching by securing the "prosecution and conviction of the guilty parties at whatever cost." James Weldon Johnson of the NAACP suggested to the chief executive that the Waverly lynching had provided further evidence of the need for a federal anti-lynching law. Mr. H. S. Parker of Norfolk beseeched Trinkle to protect "my helpless Race." He explained to the governor that as an orator for a number of years he had appealed for "friendly feeling" between the races, but that "so long as hate and malice rules the Harts [sic] of men and those who hold high Offices and their duty fail to do it forces me to believe that my efforts will fail." Furthermore, Parker warned that bitterness, hatred, and enmity would eventually "burn its way through the walls of meekness and obedience and burst forth into a dreadful conflict that you and I will regret."³⁸

³⁷ W. L. Davis, letter to the editor, *Norfolk Journal and Guide*, April 4, 1925, p. 12.

³⁸ Telegram from the Women's Missionary Council of the Methodist Episcopal Church to E. Lee Trinkle, March 24, 1925, telegram from James Weldon Johnson of the NAACP to Trinkle, March 21, 1925, H. S. Parker to Trinkle, March 22, 1925, box 6, folder "L (5)", Trinkle Executive Papers.

Not all constituents who wrote their governor shared Parker's concerns. H. C. Spangler of Roanoke, a white man, expressed regret that a lynching had occurred but asked "who should wonder?" Citing a recent case in Franklin County, he argued that mob rule would continue so long as certain judges and courts refused to adequately punish black criminals. "The masses of the people demand justice," explained Spangler, "and if the courts fail to give justice they must resort to mob violence to satisfy the natural revenge that demands the average man who has any grit and red blood in him." Spangler even guessed that Trinkle would resort to mob rule if a court failed to punish a man guilty of a grave offense against the governor's family. Referring to the case he cited in Franklin County, Spangler insisted a mob would have exacted revenge except that no leader emerged among the relatives of a murdered man. No doubt Spangler's ability to express regret yet at the same time support lynching epitomized the enormous task that faced Louis Jaffe and others committed to ending mob violence. Even more frightening, however, must have been the realization that children as young as eleven understood the dynamics of lynching; just weeks after Jordon's lynching an eleven year-old girl in Bristol caused the formation of a posse when she claimed to have been attacked by a black man. Fortunately, the mob encountered no blacks to bring before the girl, who had made up the story to avoid punishment for being late to school.³⁹

Louis Jaffe's biographer concludes that in addition to emphasizing a need to sway public opinion against lynching, the editor began to understand in November 1925 that state government might also be an effective weapon in ending mob law. Given the inaction of local officials in King and Queen in 1923 and in Sussex in 1925, Jaffe drew inspiration from the actions of North Carolina's Governor, Angus McLean, who called out the state militia to protect a black prisoner threatened by a mob in Asheville. In addition, McLean did what Virginia's governors had only talked about and actually made sure that members

³⁹ H. C. Spangler to E. Lee Trinkle, May 8, 1925, box 9, folder "S (9)", Trinkle Executive Papers; "Story of Attack By Colored Man on School Girl, Fake," *Norfolk Journal and Guide*, April 25, 1925, p. 1.

of lynch mobs were punished. In editorials published in early 1926, Jaffe recognized this two-pronged attack as a valuable deterrent and began urging Virginia's state leaders to move in that direction. By the end of that summer, another lynching in the Old Dominion pushed Jaffe to consider the necessity of a state law to end lynching.⁴⁰

In the early morning hours of August 15, 1926, a masked mob of fifty, some dressed as women, broke into the Wythe County jail in Wytheville, and shot to death Raymond Bird, a thirty-one-year-old black man, who had been accused of assaulting two daughters of his employer, the youngest only twelve. According to an Associated Press report, the mob shot Bird, beat his head "into a pulp," tied a rope around his neck, attached his corpse to a waiting automobile, dragged his body nine miles to the scene of his alleged assaults, strung his body to a tree, and filled his body with more bullets.⁴¹

White newspapers throughout Virginia joined to condemn the lynching which appeared to set a new precedent for savagery and barbarity. The *Newport News Times-Herald* attacked a newspaper in the southwestern part of the state, near Wytheville, that attempted to justify the lynching. Louis Jaffe's paper argued that the lynchers could be caught with a concerted effort among local officials and the proper leadership of Governor Harry Byrd. Roanoke's two papers agreed and cited the example of North Carolina's governor in successfully prosecuting mob members. Other papers emphasized the most recent blot on Virginia's good name, including the *Richmond News Leader* which opined that "it was not the 'Virginia way' to put on masks, to hide individual identity in a mob, to hang some wretch in the dark of the moon, and then to slink away in blood guiltiness." The *Richmond Times-Dispatch* also denounced the violation of law and order, but added that no one need feel sympathy for Bird if he was guilty of the alleged crimes because the

⁴⁰ Dvorak, "Louis I. Jaffe," 23-24, 29-32.

⁴¹ "Masked Mob Storms Jail, Kills Negro," *Richmond Times-Dispatch*, Aug. 16, 1926, pp. 1 & 9; "Governor Regrets Negro's Lynching In Wythe County," *Richmond News Leader*, Aug. 16, 1926, p. 1.

"mob only hastened the punishment that surely would have been meted out to him promptly if the community had been content to permit the law to take its course."⁴²

Although the reaction of the white press elicited praise from black citizens, black newspapers, and organizations such as the NAACP, not one single white newspaper appears to have raised doubt as to Bird's guilt. All condemned the lynching as a violation of law and order and urged officials to seek indictments against those responsible. The *Times-Dispatch* went further than other papers in concluding that Bird essentially deserved death, but only a black newspaper, the *Baltimore Afro-American*, reported critical facts known to local officials and Governor Harry Byrd which called into question Bird's guilt.⁴³

Several weeks after Raymond Bird's death, the *Baltimore Afro-American* reported that the middle daughter of Grover Grubb, the Wythe County farmer who employed Bird, had given birth to Bird's baby several weeks before the lynching. The Maryland paper added that the girl had attempted to put the child up for adoption, failed, and turned the child over to Bird who found a home for it with black friends. Furthermore, the *Afro-American* revealed that Grubb's oldest daughter was about to give birth to another child of Bird's. Finally, the paper cited the *Richmond Planet* as a source to indicate that the Grubb family had been mixing with blacks for over ten years.⁴⁴

Several days after Raymond Bird's murder, Governor Harry Byrd received a confidential letter from Stuart B. Campbell, an attorney in Wytheville who had been hired

⁴² Editorials from *Norfolk Virginian-Pilot*, *Norfolk Ledger-Dispatch*, *Roanoke Times*, *Roanoke World-News*, *Newport News Times-Herald*, *Newport News Daily Press*, *Petersburg Progressive-Index*, all reprinted in "Virginia Press Flays Bird Lynchers; Wants Members Punished," *Norfolk Journal and Guide*, Aug. 28, 1926, pp. 1 & 7; "A Dark Disgrace to Virginia," *Richmond News Leader*, Aug. 16, 1926, p. 8; "Law and Order Outraged," *Richmond Times-Dispatch*, Aug. 17, 1926, copy in Part 7, Series A, reel 19, frame 1049, NAACP Papers.

⁴³ James Weldon Johnson to the editor of the *Lynchburg News*, *Norfolk Virginian-Pilot*, *Roanoke World-News*, *Roanoke Times*, *Richmond News Leader*, *Richmond Times-Dispatch*, *Norfolk Journal and Guide*, Sept. 22, 1926, Part 7, Series A, reel 19, frames 0997-1003, NAACP Papers; W. Taylor Staples, Shawsville, Virginia, to James Weldon Johnson, Aug. 20, 1926, *ibid.*, frames 0968-71.

⁴⁴ "Baby Born To Girl Before VA. Lynching," *Baltimore Afro-American*, Sept. 11, 1926, copy in *ibid.*, frames 1063-64.

by Grover Grubb to press charges against Bird for sexual assault. According to Campbell, Grubb owned a small farm of sixty acres, but worked at a saw mill which kept him away from home six days a week. Raymond Bird lived nearby and had worked for Grubb for five years. The Wytheville attorney speculated that shortly after starting work for Grubb, Bird "began playing with the older girls, carrying them about and scuffling with them." On July 23, only weeks before the lynching, Grubb's middle daughter gave birth to a child of mixed blood. Her parents had remained unaware that she was pregnant until after she delivered the baby. The fact that her father was away six days a week and that her mother was an "invalid" perhaps explained their ignorance.⁴⁵

Campbell revealed that Grubb's oldest daughter expected to give birth in September and that she named Bird as the father of her child as well. Both girls claimed that Bird had threatened to kill them if they told their father what had happened. The oldest daughter admitted that she and Bird had been "intimate" on a number of occasions, while the middle daughter acknowledged only two or three such moments. Campbell emphasized that the parents remained completely unaware until after the birth of the middle daughter's child on July 23. Campbell confirmed that other sources told him that Bird had secured a home for the baby.⁴⁶

According to Campbell, the youngest daughter, only eleven or twelve, claimed that a few days before July 23 Bird picked her up in the barn, carried her into the woods, and began to remove her clothes. When she started crying, Bird apparently "told her that he was only playing with her and let her go." The youngest girl told her oldest sister what had happened, but the oldest daughter decided not to tell her father when he returned home on Saturday night from the saw mill because of the atmosphere that surrounded the birth of the middle sister's baby.⁴⁷

⁴⁵ Stuart B. Campbell to Harry F. Byrd, Aug. 20, 1926, p. 1, box 69, folder "Wytheville Lynching," Byrd Executive Papers.

⁴⁶ *Ibid.*, pp. 1-2.

⁴⁷ *Ibid.*, p. 2.

Once his middle daughter gave birth to a mulatto child, Grover Grubb apparently figured out that his oldest daughter also carried a child of Raymond Bird's. Consequently, he traveled to Wytheville and swore out a warrant that charged Bird with raping his two oldest girls. Authorities arrested Bird on August 7 or 8 and set August 13 as the date for a preliminary hearing. Campbell's account of Grubb's action makes no mention whatsoever of the charges of the youngest child against Bird at this point, a significant omission that calls into question Bird's guilt.⁴⁸

The day before the scheduled preliminary hearing, Grover Grubb and his second daughter consulted H. M. Heuser, the commonwealth's attorney, who advised the father that the facts did not warrant a charge of rape, but that he might be able to successfully prosecute Bird for a lesser offense. The following day, Grubb asked Campbell to join the prosecution, but for the second time an attorney informed Grubb that a rape charge could not be sustained. Only then, according to Campbell, did Grubb mention Bird's alleged attack on his youngest daughter. Campbell indicated a willingness to look into the matter, but that he would have to speak to the little girl. In light of possible new charges, the preliminary hearing was postponed until August 17. Campbell also revealed that during his conversation with Grover Grubb, also attended by R. L. Deboe, a neighbor and friend of Grubb's, "the suggestion was made that if this negro was turned loose the people of the community would take the law into their own hands; but the impression was distinctly made on me that if substantial punishment could be had in the case of the youngest girl that public feeling in the community would be satisfied."⁴⁹

That evening Campbell and Heuser interviewed all three Grubb daughters, reiterated their position that rape charges would not stick in the cases of the two oldest girls, but that "the facts amply justified a prosecution for an attempt on the youngest girl." Since Campbell had a prior commitment on August 17, the preliminary hearing was again

⁴⁸ Ibid., p. 2.

⁴⁹ Ibid., pp. 2-3.

postponed, this time until August 18. Campbell left town the following day and the lynching occurred over the weekend.⁵⁰

Several months after the lynching, the *Richmond News Leader* reported that the mob had reacted to rumors that Bird was to be freed. One errant newspaper account indicated that no one appeared against Bird at the hearing on August 13 and that consequently he was freed initially and only rejailed as a result of popular protest. Even James Weldon Johnson claimed that Bird "was to have been released from prison because no charge was placed against him, and the release was to have taken place on the day following the lynching." Enraged residents of Wythe may well have feared that the continual postponement of Bird's preliminary hearing suggested he was about to go free. The possibility also remains that a frustrated Grover Grubb fabricated the charges involving his youngest daughter once it became clear that Bird had not raped either of his oldest girls. In that case, he might have considered a lynching his only means of saving face.⁵¹

The inaction of the Wythe sheriff and commonwealth's attorney led others to conclude that only a state investigation would result in any indictments. Stuart Campbell described the sheriff as "a man of no initiative" unlikely to apprehend any lynchers. Campbell also told Governor Harry Byrd that Heuser, the commonwealth's attorney, "is not making any effort for a real investigation of this affair. There are two reasons for this. First, he believes it useless and therefore does not want to give himself the trouble, and second; he resents the newspaper criticism of his conduct." The Wytheville attorney added that Heuser's inaction did not result from "any improper motives," but that "he and the Sheriff both seem unable to arouse themselves."⁵²

⁵⁰ Ibid., p. 3.

⁵¹ "Wythe Will Not Fail," *Richmond News Leader*, Oct. 14, 1926, p. 8; "Innocent Man Lynched In VA.", unknown publication, clipping in Part 7, Series A, frame 1020, NAACP Papers; James Weldon Johnson to the editor of *The World*, *ibid.*, frame 0979.

⁵² Stuart B. Campbell to Harry F. Byrd, Aug. 20, 1926, p. 4, Campbell to Byrd, Aug. 28, 1926, box 69, folder "Wytheville Lynching," Byrd Executive Papers.

For his part, Heuser condemned "the precipitate act of the mob" as "the very climax of lawlessness." At the same time, he emphasized that "the conduct of this negro in the white man's home was a trail of lechery that leaves it degraded and disgraced." He pledged to present to a grand jury the names of all known participants, but brushed aside calls for outside investigators. Despite Heuser's promises, Judge Horace Sutherland concluded that local officials would take no steps likely to result in indictments. Like Stuart Campbell, the jurist raised the possibility of bringing in outside investigators, but suggested "that none of the Wythe County officers be advised of it for fear they may be in sympathy with those responsible for the crime." A reluctant governor expressed his willingness to send assistance but only "upon invitation of the local authorities."⁵³

As Governor Harry Byrd considered the wisdom of appointing a state investigator, Louis Jaffe raised with the governor for the first time the possibility of passing legislation that would make lynching a state crime. The Norfolk editor guessed that lynching involved the "violent death of many innocent people" and that at the very least it violated "the most inviolable of natural human rights--the right to one's life until it is forfeited to society by offenses duly proved and assessed by established judicial agencies." Adding that the lynching of Raymond Bird included "a touch of savagery" that humiliated all Virginians, Jaffe asked, "Do you not think that the time has arrived for the State of Virginia to declare by appropriate enactment that lynching, being fundamentally an assault on the authority of the Commonwealth and a negation of its police power, is a matter of direct State concern, and that hereafter the State proposes to employ all the power and resources at its command to apprehend and punish lynchers whenever, in the judgment of the Governor, the punitive

⁵³ H. M. Heuser to Harry F. Byrd, Aug. 23, 1926, Judge Horace Sutherland to Byrd, Aug. 24, 1926, Stuart B. Campbell to Byrd, Aug. 20, 1926, pp. 4-5, Byrd to Heuser, Aug. 25, 1926, Byrd to Sutherland, Aug. 25, 1926, box 69, folder "Wytheville Lynching," Byrd Executive Papers.

measures taken by the local authorities appear inadequate?" Jaffe cited as precedent the successful state campaign to eliminate dueling several decades earlier.⁵⁴

Although Byrd did not respond to Jaffe, he did succeed in appointing Joseph Chitwood of Roanoke and Leon M. Bazile of the Attorney General's office as special prosecutors to aid Heuser's presentation of evidence to a grand jury. Apparently local authorities twice refused Byrd's offer of assistance and relented only on the understanding that all evidence would be presented to a local grand jury. The difficulty in forcing local authorities to act prompted some observers, black and white, to conclude that the Wytheville lynching constituted the best possible argument for a federal anti-lynching law.⁵⁵

The grand jury which assembled before Judge Horace Sutherland in early September made little progress. Heuser, Bazile, and Chitwood brought numerous witnesses before the panel, and the judge admonished the jurors to consider charges of perjury as well. An undertaker reported that Bird had not been shot as many times as previously stated and that his body had not been dragged behind the car the entire nine miles. None of the witnesses, however, admitted to knowing the identity of any of the mob. News reports indicated that the courtroom remained nearly empty throughout the proceedings.⁵⁶

⁵⁴ Louis I. Jaffe to Harry F. Byrd, Aug. 30, 1926, box 2, folder "1924-1930 Correspondence of LIJ with Harry F. Byrd," Jaffe Papers (#9924-b).

⁵⁵ Telegram from Joseph Chitwood to Harry F. Byrd, Aug. 30, 1926, Byrd to Chitwood, Aug. 31, 1926, box 69, folder "Wytheville Lynching," Byrd Executive Papers; "Modern 'Murdum'," *Richmond News Leader*, Aug. 31, 1926, p. 8; "The State Is Powerless To Punish Lynchers," *Norfolk Journal and Guide*, Sept. 4, 1926, p. 12; "Southern Sentiment for Federal Anti-Lynching Law," *ibid.*, Oct. 23, 1926, p. 14. Throughout the 1920s, Congressman Leonidas Dyer of Missouri introduced a bill making lynching a federal crime. On Jan. 26, 1922, the House of Representatives passed his bill 231-119, but a filibuster led by southern senators killed it in the Senate. *Congressional Record*, 67th Cong., 2nd session, 1922: 1795. Dyer continued to reintroduce the bill, but southerners continued to defeat it for years.

⁵⁶ "Wythe Lynching Shames State, Asserts Court," *Richmond Times-Dispatch*, Sept. 2, 1926, pp. 1 & 14; "Grand Jury's Probe Sinking Into Mob Law," *ibid.*, Sept. 3, 1926, p. 1; "Bird Lynching Inquiry Drags," *ibid.*, Sept. 4, 1926, pp. 1 & 8; "Investigation Into Mob Lynching Of Negro At Wytheville In Full Swing," newspaper from Kingsport, Tenn., Sept. 2, 1926, copy in Part 7, Series A, reel 19, frame 1041, NAACP Papers; "Bird Investigation at Wytheville Adjourned," *Bristol (Va.) Courier*, copy in *ibid.*, frame 1043.

While the grand jury listened to evidence, the family of Raymond Bird considered the possibility of filing a suit against the county or state. The Reverend C. B. Holloway of Wytheville's Colored Methodist Church sought the advice of the NAACP on behalf of the Bird family. Interestingly enough, the cleric erroneously reported that no witnesses had appeared against Bird at his trial and that he had been scheduled to be released the day following the lynching. More than likely his information had misled James Weldon Johnson into making similar statements. In any event, Walter White of the NAACP discussed the possibility of filing a suit based on a provision of the Virginia Code of 1904 which "provided for the punishment of a conspiracy to incite whites against Negroes and vice versa." Although no action resulted from White's inquiry, the issues raised would ultimately figure in Virginia's passage of an anti-lynching law.⁵⁷

Ultimately, the grand jury indicted only one person, Floyd Willard, described as a young farmer. At his trial, prosecutors presented five witnesses, all of them residents of Grayson County, who testified that Willard, while on a hunting trip, had described to them in detail the manner in which the mob had lynched Bird. Willard, however, claimed to have been in bed throughout the murder. His wife and children corroborated his story, and other leading citizens testified to his character. A jury acquitted him after only ten minutes of deliberation.⁵⁸

Willard's acquittal elicited a storm of protest from Virginia's press. The editor of *Crawford's Weekly*, published in Norton in the extreme southwestern part of the state, seconded the *Lynchburg News's* contention that the acquittal reflected poorly on the citizens of Wythe County and on all of Virginia. Unlike the *Richmond Times-Dispatch*

⁵⁷ The Rev. C. B. Holloway to Joel E. Springarn, Sept. 7, 1926, Walter White to Holloway, Sept. 16, 1926, White to Judge James A. Cobb, Sept. 16, 1926, Part 7, Series A, reel 19, frames 0988-90, 0987, 0981, NAACP Papers.

⁵⁸ "Indict Lone Farmer In Lynching," *Norfolk Journal and Guide*, Jan. 15, 1927, p. 1; "Jury Quickly Frees Willard In Mob Killing," *Richmond Times-Dispatch*, July 20, 1927, p. 1; "Wythe Continues Seeking Mobbers," *Richmond News Leader*, July 20, 1927, pp. 1 & 9; "Alleged Lyncher Is Freed," *Norfolk Journal and Guide*, July 23, 1927, p. 1.

which insisted that "unless and until it be proved otherwise, let all Wytheville's best citizenry be absolved from knowledge of or participation in the lawless orgy of death and inflamed passions," Bruce Crawford absolved no one. More specifically, he commented that officials could have protected Bird or punished his lynchers if the rapidly growing county's leading citizens had evinced as much interest in the "liberty of her citizens, regardless of race or social condition" as in boosting their own material wealth. Crawford concluded from the Wytheville lynching that "the indifference on the part of white people generally to the crime of lynching is due largely to the fact that the one lynched is invariably a Negro. 'Just another nigger gone' is the usual comment, and the matter is dismissed." The editor added that "until our dominant race of white Virginians come to understand and revere the principles of human liberty--not to mention the ideal of Christian charity--this notion that a Negro life is merely a remnant of an old chattel will persist. As just as surely will mob violence continue and justice--in the language of the kangaroo court--be dispensed with."⁵⁹

Governor Harry Byrd evinced no particular proclivity to endorse a state anti-lynching law in the wake of Raymond Bird's death or Floyd Willard's acquittal. But when a lynch mob struck in the Old Dominion for the third year in a row, Louis Jaffe pushed the hesitant governor to act. In the early morning hours of November 30, 1927, a mob estimated at three to four hundred drove in seventy-five to one hundred automobiles to the jail at Whitesburg, Kentucky, used hacksaws, axes, and railroad ties to gain entrance, removed Leonard Woods to a platform on the Virginia-Kentucky border that had been erected for a celebration, pumped as many as six hundred bullets into his body, poured gasoline on his corpse, and burned him as if upon a funeral pyre.⁶⁰

⁵⁹ "Virginia Impotent?" *Crawford's Weekly*, republished in *Norfolk Journal and Guide*, July 30, 1927, p. 12; "Law and Order Outraged," *Richmond Times-Dispatch*, Aug. 17, 1926, copy in Part 7, Series A, reel 19, frame 1049, NAACP Papers.

⁶⁰ "Mob Takes Life Of Negro Held As Va. Man's Slayer," *Richmond News Leader*, Nov. 30, 1927, p. 1; "Byrd Condemns Negro Hanging as 'Dastardly'," *Richmond Times-Dispatch*, Dec. 1, 1927, p. 1.

For days and weeks, authorities would quibble over whether the lynching should have been charged to Kentucky or Virginia. Did Woods die in Virginia or Kentucky? Did the mob come from Virginia or Kentucky? Sheriff P. H. Kennedy of Wise County, Virginia, telegraphed Governor Byrd that "Leonard Woods was lynched by Kentucky mob. Act did not occur on Virginia soil." Commonwealth's Attorney Harry L. Moore of Letcher County, Kentucky, on the other hand, concluded that Woods died on the Virginia side and that mob leaders lived in Wise County. Virginia's governor, while condemning the lynching, apparently accepted Sheriff Kennedy's version of events, asserted that "Virginia has no legal jurisdiction," and pledged to assist Kentucky's chief executive in any way possible.⁶¹

Wherever Woods actually died, circumstances suggest that a Virginia mob lay behind the gruesome murder. Woods had been arrested in connection with the death of Hershel Deaton, a thirty-five-year-old white man who lived in Wise County, Virginia, but worked in a Kentucky mine. News reports indicated that the bulk of the mob came from Deaton's neighborhood, although some of his co-workers may have joined in as well. Numerous case studies of lynchings have pointed to the role of family and neighbors in mob leadership and membership. One specific report stated that Woods actually leaned against a railing on the Virginia side of the platform while his assassins pumped his body full of lead from the Kentucky side. It seems entirely logical that Woods's executioners planned his death on the border precisely to frustrate efforts at punishment; after all, two citizens of Wise County had been sent to jail for lynching just a few years earlier.⁶²

While authorities debated the precise details of the lynching and attempted to pass responsibility for punishing mob members, Virginia's white press exploded. The

⁶¹ Telegram from P. H. Kennedy to Harry F. Byrd, Dec. 1, 1927, box 43, folder "Lynchings," Byrd Executive Papers; "Sheriff Wires Byrd Lynchers From Kentucky," *Richmond News Leader*, Dec. 2, 1927, p. 1.

⁶² "Mob Takes Life Of Negro Held As Va. Man's Slayer," *Richmond News Leader*, Nov. 30, 1927, p. 1; "Byrd Condemns Negro Hanging as 'Dastardly'," *Richmond Times-Dispatch*, Dec. 1, 1927, p. 1.

Lynchburg News, owned by United States Senator Carter Glass, condemned the rise in mob murders in Virginia at a time when lynchings throughout the South had declined. The daily applauded the response of the *Coalfield Progress*, published in Norton near the scene of the lynching, which encouraged a rapid and thorough response by law enforcement officials. The *News* asserted that "mob rule can be checked and beaten back only if the people of the commonwealth are sufficiently aroused to the danger to fight mob rule as they would fight the plague." The failure to punish mob members for the lynching of James Jordon in 1925 and Raymond Bird in 1926 indicated that the majority of Virginians who claimed to abhor mob rule "do not hate it enough to fight at the insidious approach of the menace."⁶³

In addition to the Jordon and Bird murders, the *Lynchburg News* cited a third most intriguing case as proof that Virginians did not yet hate mob vengeance enough to put an end to it. On October 15, 1927, authorities in Isle of Wight County arrested Shirley Winnegan, a black male, for raping and killing a young white girl the day before. According to news reports, black and white citizens both had aided in the search for Winnegan. Sensitive to the brutality of the suspect's alleged crimes, Sheriff W. H. Chapman sent him to the more-secure Petersburg jail. A mob did indeed form, forced the sheriff to disclose Winnegan's whereabouts, threatened him with violence if he called Petersburg authorities, and headed to that city. Commonwealth's Attorney George Whitley warned officials in Petersburg who moved Winnegan to Richmond. The determination of the mob was fueled in part by the knowledge that Winnegan had been judged insane the previous August by an insanity commission and might therefore be spared the death penalty in a court of law.⁶⁴

⁶³ "The People Can End Lynching," *Lynchburg News*, Dec. 3, 1927, p. 6

⁶⁴ "Smithfield Negro Protected Here," *Richmond Times-Dispatch*, Oct. 17, 1927, p. 1; "Colored Aid In Capture," *Norfolk Journal and Guide*, Oct. 22, 1927, pp. 1-2.

Residents of Isle of Wight turned their wrath on the two officials who had prevented Winnegan's lynching. At a mass meeting held two weeks before the November elections, those in attendance recommended that voters repudiate the nominations of Chapman and Whitley, both of whom had easily won in the Democratic primary in August. They blamed the sheriff in particular who had not properly committed Winnegan to an insane asylum after the August hearing. One report indicated that the asylum in Petersburg did not have enough room for Winnegan, quite possible given Virginia's grossly underfunded public welfare system; another report indicated that Chapman had not considered Winnegan dangerous.⁶⁵

Louis Jaffe responded to the mass meeting with a call to his Tidewater neighbors not to punish those who had upheld the law. He lamented that no one would have sought to turn the two officials out of office had they failed to do their duty and let the lynching occur. "Under such an administration of justice," he concluded, "nobody would be safe, no rights would be assured and orderly judicial process would give way to the rule of the mob." In a private letter to Harry Byrd, Jaffe explained that he did not know either Chapman or Whitley, but that "it is repugnant to me to think that they should be made to suffer for doing what was their plain duty--for doing something that civilized people should applaud instead of condemn." In a direct appeal to the governor, Jaffe asked Byrd to use quietly his influence among leading citizens of Isle of Wight and not to allow Winnegan to be returned to Isle of Wight without heavy guard. Several days later, Byrd informed Jaffe that he had been advised that any intervention on his part would not be welcomed and would work against the two local officials. The governor remained silent.⁶⁶

⁶⁵ "Isle of Wight Can't Afford It," *Norfolk Virginian-Pilot*, Oct. 26, 1927, p. 6; "The Isle of Wight Crime," *Norfolk Journal and Guide*, Oct. 29, 1927, p. 16; "Isle of Wight Officers Defeated As Outgrowth Of Smithfield Murder," *Norfolk Virginian-Pilot*, pp. 1-2.

⁶⁶ "Isle of Wight Can't Afford It," *Norfolk Virginian-Pilot*, Oct. 26, 1927, p. 6; Louis I. Jaffe to Harry F. Byrd, Oct. 26, 1927, Byrd to Jaffe, Oct. 31, 1927, box 75, folder "Miscellaneous Correspondence J-1", Byrd Executive Papers.

Just days before the election, a second lunacy commission met and ruled Shirley Winnegan sane and therefore competent to stand trial. The findings prompted the governor to write Jaffe that the "political situation in Isle of Wight appears to be greatly improved." Clearly relieved, Byrd added that "we have done everything possible in a judicious manner." Jaffe agreed that the decision of the sanity commission had improved the situation and both men expressed hope that Chapman and Whitley would be reelected. Only Norfolk's black newspaper, the *Journal and Guide*, challenged the validity of the verdict of the second lunacy commission, which obviously had met amidst hostile and feverish conditions. The *Journal and Guide* opined that "what every true lover of justice wants to see, even in spite of the most provoking circumstances, is that the same official courage which saved this man from a lynching at the hands of an infuriated mob, follow and protect him from a possible judicial lynching."⁶⁷

Isle of Wight Circuit Court Judge B. D. White ruled that Winnegan could not possibly receive a fair trial in his court. He rejected the contention of the commonwealth's attorney that the lynching mentality had subsided and ruled that "the minds and judgments of the people are warped and prejudiced to such an extent that neither an impartial jury can be obtained nor a fair trial had." Consequently, Judge White moved Winnegan's trial to Richmond where on the same day that the Wythe mob lynched Leonard Woods twelve Richmond businessmen deliberated for an hour and a half and sentenced him to death. Two months later, after an appeal failed, the State of Virginia executed Shirley Winnegan.⁶⁸

⁶⁷ Harry F. Byrd to Louis I. Jaffe, Nov. 5, 1927, Jaffe to Byrd, Nov. 7, 1927, Byrd to Jaffe, Nov. 8, 1927, box 2, folder "1924-1930 Correspondence of LIJ with Harry F. Byrd," Jaffe Papers (#9924-b); "Conflicting Lunacy Findings," *Norfolk Journal and Guide*, Nov. 12, 1927, p. 16.

⁶⁸ "Negro Given Change Venue," *The Lynchburg News*, Nov. 12, 1927, p. 2; "Winningham Trial Opens In Hustings," *Richmond News Leader*, Nov. 29, 1927, pp. 1-2; "Winningham To Die For Slaying Girl," *ibid.*, Nov. 30, 1927, p. 1-2; "Winningham Plea For Stay Is Lost," *ibid.*, Jan. 14, 1928, p. 18; "Winningham Pays In Electric Chair," *ibid.*, Jan. 25, 1928. Several news accounts used the last name Winningham, others used Winnegan. I have used Winnegan throughout because it was the form I most often encountered and the form used in private correspondence between the governor and Louis Jaffe.

When the editor of the *Lynchburg News* cited the Winnegan case as evidence that Virginians did not yet hate lynching enough to abolish it, he referred not to the judicial sleight-of-hand by which he was adjudged sane just months after an impartial committee ruled him insane. Most white Virginians, in fact, probably felt like Louis Jaffe, whose primary concern was to avoid a lynching. Instead, the editors of the *News* referred specifically to the fact that in the November elections Isle of Wight voters threw out of office Sheriff Chapman and Commonwealth's Attorney Whitley. Even though the second sanity commission had already passed judgment, rabid residents expressed their anger at not being able to lynch Shirley Winnegan. Voters cast seventeen more ballots for A. E. S. Stephens, a young Smithfield attorney, than for the incumbent Whitley, but the victor refused to serve given the circumstances. Colgate Whitehead expressed no such reservations as he became the next sheriff by nearly one hundred votes.⁶⁹

Many newspapers throughout Virginia joined the *Lynchburg News* in condemning the lynching of Leonard Woods. This time, however, calls for state intervention accelerated. The *Richmond News Leader* suggested that a state law which would remove from office any sheriff or elected official "from whom a prisoner was taken by a mob" might "help some weak-kneed sheriffs and jailers to resist the demands of mobs that usually are thwarted where officials have the courage to stand up against them." After a number of other papers termed the *News Leader's* plan "unjust" punishment, the Richmond daily asserted that "slow education and local investigation" would fail to eliminate lynching in the near future and asked if lynching might be made a state crime which would allow the attorney general and his staff to investigate and prosecute without waiting for an invitation from local authorities. The NAACP went a step further, cited the

⁶⁹ "Isle of Wight Officers Defeated As Outgrowth Of Smithfield Murder," *Norfolk Virginian-Pilot*, Nov. 9, 1927, pp. 1-2; "Officers Who Frustrated Lynching Punished By Defeat For Re-Election," *Norfolk Journal and Guide*, Nov. 12, 1927, pp. 1-2. Interestingly enough, Isle of Wight voters elected A. E. S. Stephens to the House of Delegates in 1929. He served in that body for a number of years before moving over to the State Senate. In 1953 and 1957, he was elected Lieutenant Governor and in 1961 he lost a race for the State's highest office.

breakdown of law enforcement on the Virginia-Kentucky border, and called on President Calvin Coolidge to intervene.⁷⁰

In a private letter to Governor Harry Byrd, Louis Jaffe referred specifically to the murder of Leonard Woods and told Byrd, "I hope you will find the means of forcing a showdown on this outrage." The editor of the *Norfolk Virginian-Pilot* reminded the chief executive that he had urged him the previous year to consider a law that would make lynching a state crime. "Would it not be possible," asked Jaffe, "to take a step in this direction at the next General Assembly?" The following day, Byrd replied that he would like to discuss the matter with Jaffe, but expressed reservations about such a law's compatibility with the state constitution.⁷¹

Sensing reluctance on the part of the governor, Jaffe used his editorial page to condemn the inaction of local authorities and to urge publicly that Byrd take action. In a most derisive tone, the editor commented that "once more the publicists and the politicians of the State are dusting off the special invectives reserved for the denunciation of lynching." He noted the relief of authorities who claimed that Leonard Woods was killed in Kentucky and added that "the disgrace stinks across the boundary line." Quoting directly Governor Byrd's own denunciation of the recent lynching, Jaffe concluded that "these moral revulsions are never supported by action" and consequently "coroners' juries enter their usual findings of 'death at the hands of persons unknown.'"⁷²

As he had done in a letter to Byrd more than a year before, Jaffe compared the task of outlawing lynching with that needed to eliminate dueling in the nineteenth century. As had been the case with dueling at one time, Jaffe argued that "lynching goes unpunished in

⁷⁰ "Would A Law Of This Sort Reduce Lynchings?" *Richmond News Leader*, Dec. 1, 1927, editorial page; "Can Lynching Be Made A State Offense?", *ibid.*, Dec. 20, 1927, p. 8; "Ask Coolidge To Act In Virginia Ky. Lynching," *Norfolk Journal and Guide*, Dec. 10, 1927, p. 1.

⁷¹ Louis I. Jaffe to Harry F. Byrd, Dec. 1, 1927, Byrd to Jaffe, Dec. 2, 1927, box 2, folder "1924-1930 Correspondence of LIJ with Harry F. Byrd," Jaffe Papers (#9924-b).

⁷² "What To Do About Lynching?" *Norfolk Virginian-Pilot*, Dec. 4, 1927, p. 6, reprinted in "The *Norfolk Virginian-Pilot* and the Virginia Anti-Lynching Law," p. 3, box 1, folder "1920-1975 Articles and Speeches," Jaffe Papers (#9924-l); Dvorak, "Louis I. Jaffe," 48-51.

Virginia because, deny it as one will, it commands a certain social sanction. An unwritten code is invoked to give the color of social necessity to a crime which is plainly destructive of guarantees which have been regarded as inviolate in Anglo-Saxon thinking and jurisprudence ever since Runnymede." The editor concluded that the challenge facing those opposed to lynching "is to stamp the unwritten code from which it draws its sanction as loathsome and poisonous."⁷³

Jaffe explained that in combating dueling, the state adopted laws which punished "not only the principals of a duel, but the seconds, the bearers of dueling challenges, and all persons who 'advise, encourage or promote' duels in any way whatsoever." In addition, the state barred all such participants from voting or holding office. Jaffe defined lynching as an even greater evil than dueling, "for its corruption is much wider spread, infects many more hands and takes many more lives." Consequently, the Norfolk editor urged the commonwealth to deny to all participants of a lynching the right to vote and hold office. Furthermore, he argued for strict fines and punishments in addition to those for murder. Most important of all, Jaffe insisted that barriers to state intervention and prosecution must be removed. "In short," concluded Jaffe, "lynching must be recognized as a State cancer, requiring direct State action. It must be rid of its social cachet and stamped with the State's curse."⁷⁴

As Jaffe and others had predicted, local authorities in Wise County made no serious efforts to punish those responsible for the murder of Leonard Woods. But by December 1927, such inactivity no longer met the approval of all local leaders or the silence of the rest of the state. Editors in Norfolk, Richmond, and Lynchburg loudly condemned the lynching. Bruce Crawford, editor and owner of *Crawford's Weekly*, went one giant step further. He used his newspaper to start a fund to prosecute and convict those involved in the lynching. Amazed residents of Wise County apparently wondered why he would do

⁷³ Ibid.

⁷⁴ Ibid.

such a thing when neither the governor of Kentucky or Virginia showed any inclination to take action. Directly challenging his own neighbors and subscribers, Crawford assumed that Woods would have been found guilty in the murder of Hershel Deaton, but that the lynching constituted "an orgy of murder in which every man who fired an unnecessary shot--and only the first one was necessary to kill the Negro--gave vent to an impulse which usually seeks only a pretext for an outlet." Crawford expressed amazement that so many supposedly enlightened people in Wise sought to justify the crime and felt no shame. The editor concluded that "to justify that lynching is to set a dangerous precedent. It is to forego trial by jury, to confess we are not civilized enough to make and enforce just laws, and to revert to a primitive state that gives the lie to all our claims to Christian enlightenment and human progress."⁷⁵

A number of Crawford's subscribers took offense to the editor's condemnation of their behavior. He received numerous complaints in the mail and over the phone, and some persons even started a campaign to encourage the cancellation of subscriptions. Undeterred, Crawford extended his denunciation of those whose indifference allowed lynching to flourish to editors throughout the state. Specifically excepting the *Norfolk Virginian-Pilot* and the *Richmond News Leader*, he cited papers such as the *Roanoke Times* which downplayed the severity of mob infractions of the law at the same time they magnified individual murders. He lamented this "disposition to see the devil in the individual more readily than in the group," and reiterated that "the members of a mob who actually take part in the killing and dismembering or burning of a human being derive a satisfaction from the orgy not inspired by motives of justice."⁷⁶

Crawford's boldness no doubt reflected to a degree the growing support for Jaffe's campaign. Throughout December and early January, the Norfolk editor continuously

⁷⁵ "After Two Weeks," *Crawford's Weekly*, reprinted in *Norfolk Journal and Guide*, Dec. 17, 1927, p. 16.

⁷⁶ "Mob Sympathizers Criticize Editor Who Flayed Lynching," *Norfolk Journal and Guide*, Dec. 24, 1927, p. 1; "Are Virginia Editors Superficial?" *ibid.*, Feb. 4, 1928, p. 16.

pushed his call for an anti-lynching law. In private, he consulted frequently with the governor and urged him to overcome his concerns about violating local authority. The chief executive sought the advice of the Governor of North Carolina with regard to the feasibility of forcing counties or localities to pay money to the relatives of persons lynched within said boundaries. Finally, on January 16, 1928, Harry Byrd asked the Virginia General Assembly to pass an anti-lynching law. Byrd emphasized that crimes such as rape which often incited mobs had been and would continue to be prosecuted effectively in Virginia, but that "mob law is anarchy." Terming the existing code "insufficient," Byrd asked for a law "more drastic in order that it may be dreaded by those who permit their inflamed passions to drive them into crimes of mob violence."⁷⁷

In particular, Byrd asked the legislature: to declare lynching "a specific State offense" that would allow the Attorney General to prosecute lynchings in addition to local authorities; to force counties or cities in which a lynching occurred to pay \$2,500 to the lawful heirs of the person lynched; to authorize the governor to spend whatever money considered necessary and appropriate to bring to justice members of a mob. Carefully guarding himself against charges of violating local authority, Byrd added that "it should be made clear that declaring lynching as a specific State offense does not take away the constitutional rights of accused citizens for trial in localities where the crime was committed." More than likely, the governor's caveat limited the likelihood that any white Virginians would be convicted of lynching by their friends and neighbors.⁷⁸

Byrd's proposal drew the enthusiastic support of white papers throughout the State. Louis Jaffe later commented that only his paper had called specifically for a state law until

⁷⁷ Louis Jaffe to Harry F. Byrd, Dec. 11, 1927, box 2, folder "1924-1930 Correspondence of Louis I. Jaffe with Harry F. Byrd," Jaffe Papers (#9924-b); Byrd to A. W. McLean, Jan. 9, 1928, box 43, folder "Lynching," Byrd Executive Papers; "Lynching Must Stop," Address of Harry F. Byrd, Jan. 16, 1928, box 2, folder "1924-1930 Correspondence of Louis I. Jaffe with Harry F. Byrd," Jaffe Papers (#9924-b).

⁷⁸ "Lynching Must Stop," Address of Harry F. Byrd, Jan. 16, 1928, box 2, folder "1924-1930 Correspondence of Louis I. Jaffe with Harry F. Byrd," Jaffe Papers (#9924-b); "Urges Anti-Lynching Law," *New York Times*, Jan. 17, 1928, p. 20; "Gov. Byrd Asks State Lynching Law," *Norfolk Journal and Guide*, Jan. 21, 1928, p. 1.

the governor's address; after that a number of papers effectively supported the campaign. Virginia's largest black newspaper praised Byrd's proposal and commented upon its similarities with suggestions put forward recently by Jaffe in the *Virginian-Pilot*. The *Norfolk Journal and Guide* added that such a law would finally recognize lynching "as the foul and infamous crime that it is, and that it be accorded a place of particular atrocity in the catalog of crimes." In addition, the black paper argued that such a state law would prove far preferable to a federal law since it created an "enforcement machinery" that the federal government could not match.⁷⁹

Blacks throughout Virginia and the United States heaped praise upon Harry Byrd. The Knights of Pythias in Washington, D. C., and a representative of the American Church Institute for Negroes sent words of thanks. The Reverend Daniel Hays of Baltimore commended the governor for his "brave and timely utterance." The Reverend W. J. G. McLinn of Norfolk termed Byrd's statement "the best ever produced by any executive, either State or Federal" and exclaimed that Virginia's passage of the act would do more to combat lynching than would the Dyer federal anti-lynching bill. The Reverend J. B. Askew, also of Norfolk, added that Byrd's position rendered him the "greatest Governor in America today and you are in line for President of America in the next few years." Askew also asked Byrd to "do whatever you can for my colored race and God will bless you."⁸⁰

In private, a number of whites expressed reservations about Byrd's proposal. W. H. Tinsley of Salem offered that 90 percent of mob members paid no taxes. Therefore, he wondered, "should the tax payers, who generally are as much opposed to mob law as you and I be made to pay a debt created by parties who as a rule will not pay one cent." Clearly

⁷⁹ "The *Norfolk Virginian-Pilot* and the Virginia Anti-Lynching Law," p. 4, box 1, folder "1920-1975 Articles and Speeches," Jaffe Papers (#9924-1); "State Anti-Lynching Law Proposed," *Norfolk Journal and Guide*, Jan. 21, 1928, p. 14.

⁸⁰ Edward W. Bundy, Grand Chancellor, Knights of Pythias, to Harry F. Byrd, Jan. 18, 1928, The Rev. Daniel W. Hays to Byrd, Jan. 17, 1928, The Rev. W. J. G. McLinn to Byrd, Jan. 17, 1928, The Rev. J. B. Askew to Byrd, Jan. 17, 1928, box 43, folder "Lynching," Byrd Executive Papers; Wallace A. Battle, Field Secretary, The American Church Institute for Negroes, to Byrd, March 4, 1928, box 20, folder "General Assembly Bills 3-1," Byrd Executive Papers.

Tinsley had either not read editorials by, or not shared the opinion of, persons such as Louis Jaffe who implicated all whites in allowing lynchings to occur. Congressman Patrick Henry Drewry of Virginia's Fifth District seconded Tinsley's concern and told Byrd that "you have made a mistake in advocating a penalty on localities where lynchings might occur." The congressman considered that "to penalize innocent people for something that they knew nothing about would be manifestly unfair." In addition, Drewry complained that the entire Virginia congressional delegation had opposed the Dyer federal anti-lynching bill which contained just such a clause, but that Byrd's bill would compromise future opposition.⁸¹

Byrd must have received other such complaints because several days later he told Tinsley that his anti-lynching bill would not include the \$2500 fine levied against the locality in which a lynching occurred. The chief executive informed Drewry that he had changed his proposal so that the lawful heirs of a lynched person had "the right to recover from the county by due process of law which will mean, of course, trial before a local jury." No doubt both men understood the unlikely event of a local jury ever finding for the plaintiff in such a case; such a judgment would require jurors to levy judgments against themselves. In addition, Byrd added that he intended for passage of his bill to forestall the adoption of federal legislation.⁸²

Perhaps reflecting doubts raised by the private criticism that Byrd had received, no member of the General Assembly introduced an anti-lynching bill for more than two weeks after Byrd spoke to the legislature. As a result of the delay, Louis Jaffe wrote the governor that "I am moved to uneasiness by the failure of anybody in the Legislature to introduce a bill carrying your recommendations." In particular, the editor worried that a failure to act

⁸¹ W. H. Tinsley to Harry F. Byrd, Jan. 24, 1928, box 43, folder "Lynching," Byrd Executive Papers; Patrick Henry Drewry to Byrd, box 20, folder entitled "General Assembly Bills 3-3," Byrd Executive Papers.

⁸² Harry F. Byrd to W. H. Tinsley, Jan. 26, 1928, box 43, folder "Lynching," Byrd Executive Papers; Byrd to P. H. Drewry, Feb. 3, 1928, box 20, folder "General Assembly Bills 3-3," Byrd Executive Papers.

immediately would result in a bill left to die in committee at the end of the session. In an effort to stymie Byrd's reluctance and indecision, Jaffe noted that he had followed closely the reaction of the press to Byrd's proposal and seen not one "adverse comment from any first class paper." In addition, the Norfolk editor noted that Byrd stood to gain the "homage of every thoughtful student of public affairs in the United States" if the legislature passed a bill that would free "Virginia from the recurring lynching disgrace."⁸³

Several days later Byrd sent Jaffe a telegram informing him that on February 3 Senators James Barron of Norfolk and Cecil Connor of Leesburg had introduced an anti-lynching measure. Two weeks later the Virginia Senate passed the bill 32 to 0 with eight abstentions; the adopted measure lacked the provision that provided for a \$2500 penalty paid by the locality. On March 1 the House of Delegates concurred by a margin of 74 to 5, although a noticeable twenty-one delegates abstained. On March 14, 1928, Harry Byrd signed into law the nation's strictest anti-lynching measure and the first which directly termed lynching a state crime.⁸⁴

The law's enactment elicited another round of congratulatory letters addressed to Virginia's governor. Mrs. M. C. Lawton of Brooklyn, a self-described "old Virginian," applauded Byrd's "blow at lawlessness and barbarity which should be followed by other Southern States." She added that "as an apostle of justice, you have blazed the way for other State Executives who have not lifted their voices as yet in protestation against the infamous crime of lynching." Judge James H. Ricks of Virginia's Juvenile and Domestic

⁸³ Louis I. Jaffe to Harry F. Byrd, Feb. 3, 1928, box 2, folder "1924-1930 Correspondence of Louis I. Jaffe to Harry F. Byrd," Jaffe Papers (#9924-b). Copy of letter also in box 20, folder "General Assembly Bills 3-3," Byrd Executive Papers. Also, "The *Norfolk Virginian-Pilot* and the Virginia Anti-Lynching Law," box 1, folder "1920-1975 Articles and Speeches," Jaffe Papers (#9924-l).

⁸⁴ Telegram from Harry F. Byrd to Louis I. Jaffe, Feb. 6, 1928, box 2, folder "1924-1930 Correspondence of Louis I. Jaffe to Harry F. Byrd," Jaffe Papers (#9924-b); Commonwealth of Virginia, *Journal of the Senate*, 1928, 1129, 213, 293, 331, 353, 527, 647, 768, 803; Commonwealth of Virginia, *Journal of the House of Delegates*, 1928, 424, 516, 542, 638-39, 783, 905, 928; Commonwealth of Virginia, *Acts of Assembly*, 1928, 715-16, copy in box 86, folder "Lynching," Executive Papers, John Garland Pollard, 1930-1934, Library of Virginia; "Senate Passes Anti-Lynching Bill By 32-0," *Richmond News Leader*, Feb. 17, 1928, p. 1; "Senate Passes Anti-Lynching and Fee Bills," *Richmond Times-Dispatch*, Feb. 18, 1928, p. 1.

Relations Court also congratulated Byrd, but acknowledged disappointment that the \$2500 indemnity feature had not been retained, a position shared by the *Richmond News Leader*. "I think this provision would have had a very salutary effect," reasoned the jurist.⁸⁵

Several months after the passage of Virginia's anti-lynching law, a mob in Houston, Texas, lynched a black man just before that city was to host the Democratic National Convention. The attack prompted Louis Jaffe to wire Byrd and United States Senator Carter Glass, both assembled in Roanoke for the Virginia Democratic Convention. The Norfolk editor specifically requested that they adopt a state platform that included strong language in support of Virginia's recently enacted statute, and that they recommend that the national platform urge the individual states to adopt similar anti-lynching laws. Neither official responded to Jaffe's proposals and the state convention ignored the lynching issue. The following day, however, Louis Jaffe unleashed an editorial entitled "An Unspeakable Act of Savagery," in which he concluded that "we have not yet arrived at that social abhorrence of this crime that must precede its practical extinction . . . the rise and fall of the lynching curve is governed by racial passions that remain still to be brought under civilized control." That editorial won Jaffe a Pulitzer Prize.⁸⁶

Although specifically mentioning Jaffe's response to the Houston lynching, the Pulitzer committee clearly intended to reward his long-term commitment to the denunciation of lynching in Virginia and in the South and his role in the passage of Virginia's anti-lynching law. P. B. Young, the editor of the *Norfolk Journal and Guide*, began his letter of recommendation by stating that "I doubt if 'disadvantaged groups' without regard to class or race, have a warmer or more effective advocate than Mr. Jaffe has proved to be."

⁸⁵ Mrs. M. C. Lawton to Harry F. Byrd, March 3, 1928, Judge James H. Ricks to Byrd, March 10, 1928, box 20, folder "General Assembly 1928, 2-2," Byrd Executive Papers; "A Law To Protect Virginia's Honor and Good Name," *Richmond News Leader*, Feb. 18, 1928, p. 8.

⁸⁶ Telegram from Louis I. Jaffe to Harry Byrd, Carter Glass, and State Senator James S. Barron, June 21, 1928, box 2, folder "1924-1930 Correspondence of Louis I. Jaffe with Harry F. Byrd," Jaffe Papers (#9924-b); "The *Norfolk Virginian Pilot* and the Virginia Anti-Lynching Law," box 1, folder "1920-1975 Articles and Speeches," Jaffe Papers (#9924-1); "An Unspeakable Act of Savagery," *Norfolk Virginian-Pilot*, June 22, 1928, copy in box 1, folder "1926-1943 Articles and Speeches by Louis I. Jaffe," Jaffe Papers (#9924-1).

In particular, Young cited Jaffe's persistent willingness to address issues of labor, education, health, and recreation that especially affected Norfolk's black and poor populations. He commended Jaffe's campaign against the Ku Klux Klan, but concluded that "his most outstanding achievement was his anti-lynching law. His was the first paper in the State to propose an anti-lynching law, the first to submit a tentative outline of such a measure . . . and it was his courageous and convincing advocacy of the bill after it was introduced that aided most in bringing to Virginia the distinction of being the first Southern State to adopt an anti-lynching law." Young added that Jaffe's legislative success came only after years of making "the reception of such a movement possible by building up through convincing editorial treatment an invulnerable case against this particular social cancer."⁸⁷

In addition to P. B. Young and several others, Louis Jaffe asked Harry Byrd to write a letter in support of his Pulitzer nomination. In his request to the chief executive, Jaffe asserted the importance of his own role in pushing Byrd to support an anti-lynching measure. The Norfolk editor admitted that "I have permitted myself to believe that it was the *Virginian Pilot's* persistent and, for a long time lone-handed, advocacy of making the punishment of lynchers a State responsibility, that, supplemented with my own personal representations to you, had more to do than any other single outside urging, with crystallizing your own views on this subject and with your ultimate recommendation of the anti-lynching law that was passed at the last session." Byrd apparently agreed with Jaffe's assessment and wrote a letter to the Pulitzer committee to that effect.⁸⁸

⁸⁷ P. B. Young to Edwin Alderman, Jan. 22, 1929, box 1, folder "1925-1949 Young, P. B.," Jaffe Papers (#9924-j). Also, Everett Ewing, "Romances of American Journalism: Stories of Success Won By Leaders of the Press," *Editor and Publisher The Fourth Estate*, June 1, 1929, copy in box 1, folder "1920-1975 Articles and Speeches," Jaffe Papers (#9924-1). Ewing's article elaborates on many of the points in Young's letter.

⁸⁸ Louis I. Jaffe to Harry F. Byrd, Jan. 12, 1929, Jaffe to Byrd, Jan. 30, 1929, box 2, folder "1924-1930 Correspondence of Louis I. Jaffe with Harry F. Byrd," Jaffe Papers (#9924-b).

Virginia's passage of an anti-lynching law, however, neither improved the daily lives of blacks in the Old Dominion, nor protected them from political abuse. Several months after the law's passage, in fact, serious differences split the Democratic Party in the 1928 presidential campaign. Although Democrats throughout the United States were divided over Al Smith's Catholicism and opposition to prohibition, supporters of both sides in Virginia found it far easier to appeal for votes by turning the campaign into a referendum on race. Once again, white elites turned on the faucet of racial antipathy when it furthered their own interests. In response, Virginia's black citizens looked elsewhere in their effort to accrue the basic rights of citizenship. Dominant whites soon discovered just how difficult the management of white supremacy had become.

Chapter Six

An Erosion of Paternalism: Confronting the Limits of Managed Relations, 1928-1929

Within months of the passage of Virginia's anti-lynching law, whites in the Old Dominion reinjected racial rhetoric into the political process. More so than any other election in the first half of the twentieth century, the 1928 presidential campaign divided white Virginians. Led by the Ku Klux Klan and supporters of Bishop Cannon, white Democrats deserted their party in droves, opposing Al Smith's Catholicism and his stance on prohibition. State leaders, including Governor Byrd, however, refused to abandon their party's nominee and condemned efforts to make religion an issue. They proved quite willing, on the other hand, to inject race into the campaign as a means of winning back deserting party members. Before the fall campaign ended, both parties fought to accuse the other of posing a greater threat to white supremacy in Virginia.¹

In addition to their unwavering support of prohibition, thousands of members of the Ku Klux Klan joined the anti-Smith Democrats because of their intense opposition to the reform policies of Harry Byrd. In particular, the Klan objected to the short ballot, a measure which removed from the electoral process and gave to the governor the power to select the state superintendent of public instruction, the commissioner of agriculture, and the treasurer. Byrd and other party leaders scheduled a referendum for June, well in advance of what they feared would be a divisive fall presidential campaign. Throughout the campaign preceding the referendum, the Klan burned crosses, threw bombs, and threatened the governor with bodily harm. The hooded order feared especially that the constitutional amendments placed too much power in the hands of one individual and

¹ James R. Sweeney, "Rum, Romanism, and Virginia Democrats: The Party Leaders and the Campaign of 1928," *Virginia Magazine of History and Biography* 90 (October 1982): 403-31; Michael S. Patterson, "The Fall of a Bishop: James Cannon, Jr., *Versus* Carter Glass, 1909-1934," *Journal of Southern History* 39 (November 1973): 493-518.

threatened them with a loss of control in governing their lives and protecting their values. The Klan garnered considerable support throughout the state, but the amendments passed by a narrow margin. Although race played no role in the debate on the short ballot, Klan members soon turned to racial invective to further their attack on the governor.²

Soon after the June referendum, Jennings Cropper Wise, a leading Republican spokesperson and speech writer, polled hundreds of persons throughout the state in an effort to understand the position of the electorate. In every report, Wise concluded that respondents seldom mentioned the "negro question," and that "religion is the real basis of the opposition [to Smith], though other grounds are ordinarily assigned." Perhaps in response to a similar reading of the electorate's mood, an anonymous "Virginian of distinction," according to the *Richmond News Leader*, determined to meet the crisis of defections by focusing on white supremacy. The proposal drew the condemnation of the *News Leader*, which opined that such efforts constituted a step backwards in southern statesmanship, that blacks had kept themselves out of the campaign, and could not be held responsible for prohibition. "It would speak exceedingly ill for the Southern Democrats," argued the Richmond daily, "in this hour of great opportunity, if they put aside the real issues for the false." Not surprisingly, Norfolk's black paper congratulated the stand taken

² "Klan Registers Disapproval At Byrd's Speech," *Richmond Times-Dispatch*, May 25, 1928, p. 1; "Klan Sheet Warns Amendments 'Bad,'" *ibid.*, May 30, 1928, p. 1; "Threatening Letter Mailed to Governor Promises Flogging," *ibid.*, June 8, 1928, p. 1; "Klan Disclaims Threat to Flog Governor Byrd," *ibid.*, June 9, 1928, p. 1; Henry C. Ferrell, Jr., *Claude A. Swanson of Virginia: A Political Biography* (Lexington: The University Press of Kentucky, 1985), 143-49; David M. Chalmers, *Hooded Americanism*, 233-35. As Ferrell points out, Harry Byrd became suspicious in 1931 that Claude Swanson, Virginia's senior United States Senator, had helped finance the Klan's campaign against Byrd and his supporters. Swanson, at best a lukewarm supporter of the amendments, lived in Pittsylvania County which overwhelmingly rejected the referendum. In addition, he owned considerable stock in the Chatham Savings Bank which did loan money to the Klan in 1928. Although Byrd had no direct evidence that tied Swanson to the loan, his suspicions only soured his already strained relationship with Swanson. In 1933, Byrd replaced Swanson in the Senate. In addition to Ferrell, see "Suit for \$2,900 Filed Against Ku Klux Klan," *Richmond Times-Dispatch*, Sept. 18, 1931, p. 1; Harry F. Byrd to William Reed, Sept. 22, 1931, Reed to Byrd, Sept. 24, 1931, section 1, folder 20, Reed Family Papers.

by the *News Leader*, and added that, if involved at all, many blacks had decided to vote for the Democratic nominee.³

The confirmation that some blacks had decided to vote for Smith allowed Virginia Republicans to assume the offensive and protect themselves from traditional charges of threatening white supremacy. Blacks formed Negro Smith Clubs in Richmond, Farmville, Norfolk, and other parts of the state, while Republican strategists publicized the role played by white Democrats in the formation of these groups. Jennings Wise referred specifically to such organizations and concluded that their existence prevented the traditional Democratic machine from making race an issue in the campaign.⁴

As the campaign heated up, Republicans and anti-Smith Democrats branded Smith a direct threat to white supremacy. Hoover supporters circulated an article from the Fellowship Forum, a publication of the Ku Klux Klan, entitled "\$7,500 A Year Tammany Boss And His White Secretary." The report was accompanied by a half-page photograph of a black civil servant in New York sitting at his desk and dictating to his white secretary. The text derisively praised this as a "beautiful picture of race equality," labeled the pictured black man as the leader of hundreds of thousands of blacks who lived in Harlem, or "Nigger Heaven," and revealed that he was on a first-name basis with Al Smith. "If this picture isn't enough to nauseate any Anglo-Saxon of the South," concluded the diatribe, "then there is little use for advocating white supremacy any longer."⁵

³ Results of Personal Canvass by Jennings Cropper Wise, section 4 letterbook, hand numbered pages 127-33, Jennings Cropper Wise Papers, Virginia Historical Society; "The Negro Is Not An 'Issue' In This Campaign," *Richmond News Leader*, Aug. 1, 1928, p. 8; "Virginia Daily Hits Race Issue: Flays It In Political Campaign," *Norfolk Journal and Guide*, Aug. 5, 1928, p. 1.

⁴ Wilhelmina Jackson, "Memorandum on Norfolk, VA," box 85, folder 29 "Bunche *Political Status of the Negro*, W. Jackson Notes: Norfolk Memorandum," pp. 14-15, Bunche Papers; James Jackson, "Memorandum on Richmond, VA," box 85, folder 44 "Bunche *Political Status of the Negro*, James Jackson's Field Notes, Richmond, Va., Memo," appendix IV, interview with M. A. Norrell, Bunche Papers; Handwritten note, section 9 scrapbook, hand numbered page 92, Wise Papers; Dr. J. D. Eggleston to Jennings C. Wise, Oct. 16, 1928, section 4 letterbook, hand numbered pages 378-79, Wise Papers; letter to the editor, *Richmond Times-Dispatch*, July 22, 1928, copy in section 9 letterbook, hand numbered page 32, Wise Papers.

⁵ "White Supremacy As Practiced By Tammany," section 9 scrapbook, hand numbered page 89, Wise Papers.

Anti-Smith forces in Virginia also handed out a flyer entitled "Why Va. Voters Are For Hoover!" The circular referred to Ferdinand Q. Morton, the civil servant shown in the Fellowship Forum advertisement, mentioned that Tammany Hall had appointed 276 blacks to key positions, and concluded that "Tammany and its candidate believe in social equality between whites and blacks." Furthermore, the circular warned that Smith would impose his beliefs on Virginia and the South, but insisted that "the White, Self-respecting, true Democrats of this State are not yet ready to surrender White Supremacy of the South to the negro-loving Tammany Tiger of the North."⁶

Not surprisingly, white Democrats did not let the charges go unanswered. According to one Republican, "the situation grew so desperate in Roanoke that the Democratic leaders organized a special drive under Ex-Governor Trinkle to raise the cry of negro rule and scare the bolters back. We may expect to hear that cry in every key till election day, and it will no doubt scare many timid souls into spasms." Despite this observer's personal belief that the outcome of the election would prove of little consequence to the status of black Virginians, he excoriated Democratic leaders for their willingness to "in cold blood deliberately agitate this dangerous question, stirring up as much hate and fury as possible."⁷

Republicans and anti-Smith Democrats continued to meet any challenges thrown their way by Democratic leaders. When Carter Glass attempted to defend Smith's record, Jennings Wise asked the senator what role he had played in the formation of the Negro Smith Clubs. In response to editorials in the Richmond papers reminding readers of the lessons of Reconstruction, Mrs. Jesse W. Nicholson, the president of the National Women's Democratic Law Enforcement League, told a group in Richmond that "if Al

⁶ "Why Va. Voters Are For Hoover!" copy in Minute Book, Blue Ridge Council #3, box 3, folder 2, Junior Order United American Mechanics, Rockingham County (#32038), Library of Virginia; "Local Republicans Raise Race Question in 'Whispering' Campaign," *Norfolk Journal and Guide*, Oct. 20, 1928, p. 1.

⁷ Letter by unidentified author, section 4 letterbook, hand numbered pages 262-63, Wise Papers. It is quite possible that Jennings C. Wise is the author of this letter, but it is not entirely clear that this is so.

Smith is elected you may say good-bye to your Jim Crow cars, for he will do away with them inside of six months. For he has always been elected by the Negro vote in Harlem 'Nigger Heaven.'"⁸

As opponents of Smith in Virginia continued to attack his candidacy on racial lines, Governor Harry Byrd attempted to stem the flow of desertions away from the Democratic Party. After insisting that numerous opponents of prohibition in Virginia continued to support Smith, the chief executive addressed what he considered "the real issue in this campaign." A vote for Hoover, argued Byrd, threatened to subject Virginia to the whims of its sectional enemies in Congress. More specifically, Byrd cited Leonidas Dyer, a Republican member of Congress from Missouri, who supported efforts to enforce the Fourteenth and Fifteenth Amendments. Byrd reminded his constituents that those amendments had been "designed to give the Negro equal rights with the white man." Recalling the threats posed by the Lodge Force Bill in the 1890s, Virginia's governor warned that Dyer had pledged that a victory for Hoover in the South would allow Congress to pass enforcement laws designed, in Dyer's words, to "'give millions of Negroes their constitutional rights as citizens and place them on an equality with all other races.'"⁹

Byrd made a half-hearted effort to take the high ground when he condemned "the rekindling in this campaign of old sectional fires." But given the tactics of his opponents, the governor urged Democrats to remember "the reconstruction days, when, under Republican State administration, thirty-five negroes, as representatives of the people, sat side by side with white gentlemen in the State capitol." The Republican Party, warned Byrd, had proved itself "out of sympathy with our traditions and our sentiments." As a parting shot, the governor accused Henry Anderson of recently advocating the liberalization

⁸ Andrew Buni, *The Negro In Virginia Politics, 1902-1965*, 99; *Richmond Times-Dispatch*, Sept. 29, 1928, copy in section 9 scrapbook, hand numbered page 86, Wise Papers.

⁹ "The Real Issue In This Campaign: What the Continuation of Our Government Means to Virginia," Radio Speech delivered by Harry F. Byrd, Oct. 1, 1928, box 357, folder "Speech--Presidential Campaign--1928," pp. 2-4, Byrd Papers; Sweeney, "Rum, Romanism, and Virginia Democrats": 420-21.

of Virginia's election laws, "the effect of which would be to permit Negroes to vote."

Byrd apparently had missed news reports of a conference at the Institute of Public Affairs at the University of Virginia where Anderson and others debated specifically how to enlarge the white electorate without granting similar privileges to blacks.¹⁰

The invective hurled by both sides continued unabated until the closing moments of the campaign. The Greater Norfolk Anti-Smith Club took out a full-page ad that reproduced an article in a black newspaper in New York which implored that "Every Negro With a Ballot Must Vote For Alfred Smith." The anti-Smiths reminded readers that "Governor Harry Flood Byrd says: 'Virginia owes white supremacy to the Democratic Party.' What has he to say of the above?" Meanwhile, without offering any proof, Republican strategists charged Democrats with raising money "to stage large Negro Hoover demonstrations in Richmond, Norfolk and Petersburg at the last moment which will be used to the prejudice" of Hoover.¹¹

In the final days of the campaign, the National Association for the Advancement of Colored People issued a statement on behalf of a group of black leaders who addressed the campaign climate in Virginia and the rest of the South. "The emphasis of racial contempt and hatred which is being made in this campaign," began the statement, "is an appeal to the lowest and most primitive of human motives, and as long as this appeal successfully can be made there is for this land no real peace, no sincere religion, no national unity, no social progress even in matters far removed from racial controversy." Furthermore, the black leaders insisted that "in a civilized land in a Christian culture . . . limits must be put to race disparagements and separation and to campaigns of racial calumny."¹²

¹⁰ "The Real Issue In This Campaign: What the Continuation of Our Government Means to Virginia," Radio Speech delivered by Harry F. Byrd, Oct. 1, 1928, box 357, folder "Speech--Presidential Campaign--1928," pp. 5-8, Byrd Papers; "Open Conspiracy Openly Arrived At," *Norfolk Journal and Guide*, Sept. 3, 1927, p. 14.

¹¹ Full-page Ad for Greater Norfolk Anti-Smith Club, *Norfolk Ledger-Dispatch*, Oct. 27, 1928, copy in section 9 scrapbook, hand numbered page 97, Wise Papers; Jennings C. Wise to the editor, *The Richmond Planet*, Oct. 22, 1928, section 4 letterbook, hand numbered pages 415-16, Wise Papers.

¹² "Leaders Protest Race Issue In Campaign: See Danger In Race Rancor," *Norfolk Journal and Guide*, Nov. 3, 1928, p. 1.

As if to underscore the wide gulf separating blacks and whites in Virginia, the *Norfolk Journal and Guide* published, on the same day it carried the statement from the NAACP, a letter to the editor from Elizabeth Sutherland Young, a sixty-eight-year-old white resident of Norfolk. Mrs. Young, apparently trying to offer a modicum of support to the black paper, wrote that the racial issue "is not taken seriously by persons of good common sense." Unfortunately, Mrs. Young, like many Virginia whites of "good common sense," failed to comprehend that consequences resulted from three months of intense racial rhetoric. In early August, at the beginning of the presidential campaign, Menalcus Lankford, the Republican candidate for Congress from Norfolk, had stated that, "We are not going to stand for Negroes in office in the South." Lankford, who won in November, was not known as a race-baiter, and white papers reported his speech as "a quiet and dispassionate one." As the *Norfolk Journal and Guide* replied at the time, and as Mrs. Young apparently failed to consider, "his words are in themselves an unfortunate appeal to intolerance, regardless of how dispassionately they were uttered." Norfolk's black press proved all too accurate when it predicted, following Lankford's remarks, that blacks would be savaged before the end of the coming political campaign.¹³

The coalition of Republicans and anti-Smith Democrats proved too strong a combination to overcome, even for Virginia's Democratic machine. Hoover won Virginia by nearly 25,000 votes. In the aftermath of the election, Louis Jaffe praised the stand taken by Governor Byrd during the campaign. "That you had the courage and magnanimity to champion the cause of intellectual and religious liberty," wrote the newsman, "in a campaign in which such a course invited the most serious reprisals from politically powerful reactionaries, is something to treasure as in keeping with the finest Virginia traditions and the best American traditions as well." Curiously enough, Jaffe never mentioned Byrd's willingness and ability to resort to racial rhetoric when necessary. The

¹³ Letter to the editor from Elizabeth Sutherland Young, *Norfolk Journal and Guide*, Nov. 3, 1928, p. 16; "Guide's Prophecy Being Fulfilled," *ibid.*, Aug. 4, 1928, p. 12.

protection of religious liberty remained in keeping with the finest Virginia traditions; an understanding and awareness of the numbing consequences of repeated racial invective apparently did not.¹⁴

Only months after Hoover's victory, Virginians turned their attention to the 1929 gubernatorial race. The coalition of Republicans and anti-Smith Democrats hoped to repeat their victory, while anxious Democrats understood the importance of regaining the upper hand. The greatest concern facing the Democrats was how to win the votes of party members who had crossed over and voted for Hoover. Since state law prevented such persons from voting in the next Democratic primary, party stalwarts began discussing the possibility of abolishing the primary in favor of a convention. Ultimately, however, the Virginia Democratic Central Committee asked for and received from the attorney general a ruling that differentiated between national and state elections, and thus allowed Hoover Democrats back into the fold.¹⁵

Although Democrats picked in John Garland Pollard a committed prohibitionist, Republican and anti-Smith Democrats continued to rely on their successful strategy from the year before. A reporter from the *Norfolk Journal and Guide* even predicted that Republicans would succeed again in making race an issue, and that the mass of voters would believe claims that a vote for Pollard would result in the type of integrated schools that Al Smith had instituted in New York. The same reporter also acknowledged that what became known as the "DePriest Affair" might allow Democrats to use race to their own advantage.¹⁶

¹⁴ Heinemann, *Harry Byrd of Virginia*, 93-94; Sweeney, "Rum, Romanism, and Virginia Democrats": 403-431; Louis I. Jaffe to Harry F. Byrd, Jan. 1, 1929, box 2, folder "1924-1930 Correspondence of LIJ with Harry F. Byrd," Jaffe Papers (#9924-b).

¹⁵ Alvin L. Hall, "Virginia Back in the Fold: The Gubernatorial Campaign and Election of 1929," *Virginia Magazine of History and Biography* 73 (July 1965): 280-302; "Say Democrats May Drop State Primary System," *Richmond News Leader*, Nov. 12, 1928, p. 16; Heinemann, *Harry Byrd*, 96. Throughout the 1940s, 1950s, and 1960s, Byrd and his supporters pointed to this ruling to justify their support of Republican presidential candidates. For more on Byrd and his "golden silences" with regard to Democratic presidential nominees, see Heinemann, *Harry Byrd*, 243-44, 262-64, 315, 368-70, 380, 406, 411-13.

¹⁶ "Sit Quietly In The Boat," *Norfolk Journal and Guide*, July 6, 1929, editorial page.

In mid-June, headlines throughout Virginia and the South reported that Mrs. Hoover had entertained at the White House a group of congressional wives, including the spouse of Oscar DePriest, a black congressman from Chicago. Although the tea represented no more than a routine event held for all congressional wives, southern politicians echoed the senator from Texas who declared the event a "recognition of social equality between the white and black races and is fraught with infinite danger to our white civilization." Closer to home, the *Norfolk Virginian-Pilot* reported that many political leaders in Virginia surmised that the Hoover administration could not have come up with a more effective means of ensuring a Democratic victory at the polls in November. The incident, occurring just one week before the anti-Smiths gathered for their convention, inspired I. C. Trotman of Suffolk, a state anti-Smith leader, to call for a resolution denouncing the tea party. Trotman threatened to resign his position if the convention failed to act.¹⁷

Norfolk's leading white newspaper, the *Virginian-Pilot*, attempted to downplay the significance of the White House event. An editorial reminded readers that Theodore Roosevelt's invitation to Booker T. Washington did not cause "the Caucasian race [to] suffer an impairment of its security." Furthermore, argued the Tidewater daily, Mrs. Hoover's invitation did not constitute an attempt to encourage interracial mixing, but rather reflected one of her duties as the wife of the president. Nevertheless, acknowledged the paper, the event "is likely to have sententious reverberations, especially among the hell-raisers who are always ready to scent social danger where no social danger exists."¹⁸

Blacks in Virginia responded to the "DePriest Affair" in differing ways. Many shared the anger expressed by J. W. Grey of Norfolk, an ex-serviceman, who struggled to understand how papers could report the event as a crime. The incident opened up old

¹⁷ "White House Tea Hurts Chances of Republican Party in South," *Norfolk Virginian-Pilot*, June 16, 1929, pp. 1-2.

¹⁸ "Recalling The Booker Washington Incident," *Norfolk Virginian-Pilot*, June 16, 1929, p. 6.

wounds and led Grey to challenge the hypocrisy of racial boundaries drawn by whites. In particular, the former doughboy asked how whites could allow black mothers to cook their meals, and allow black sisters and daughters to nurse white babies, without any sense of danger, and yet not tolerate the presence of Mrs. DePriest at a tea. "We have no desire to mix with the white race," insisted Grey, "but we do want justice, because we are human."¹⁹

Soon after the infamous White House tea, Oscar DePriest made a speaking tour of the southeast, including stops in Roanoke and Norfolk. Not all blacks supported his efforts. Most had hailed DePriest's election in 1928, especially since no black had been elected to Congress in twenty-eight years. Many southern representatives in Congress, on the other hand, had objected to his election from the start, claiming that he was morally unfit to serve because he remained under indictment in Chicago for his involvement in a gambling operation. Objectors even refused to take the oath of office at the same time as DePriest; he was sworn in alone, after every other member of Congress. When DePriest began speaking in various southern cities, Norfolk's black press came out in support of a DePriest constituent who argued that the congressman should have limited his efforts to addressing the circumstances of the White House tea, and that he had no business inflaming "racial hecklers" in the South. The *Norfolk Journal and Guide* added that DePriest's speeches threatened gains made by blacks in recent years.²⁰

Other blacks in Virginia, however, condemned the *Journal and Guide's* position. Mr. Henry C. Davis expressed shock that the paper would play so easily into the hands of southern white opinion. The Norfolk resident, referring to DePriest, added that "We cannot say truthfully that he opened anew the bitter discussion of the race question in

¹⁹ "An Ex-Service Man Resents Slurs Upon Mrs. DePriest," *Norfolk Journal and Guide*, June 22, 1929, editorial page.

²⁰ "DePriest Will Be Asked To Step Aside When Congress Convenes," *Norfolk Journal and Guide*, April 13, 1929, p. 1; "Hail Congressman DePriest," *ibid.*, April 20, 1929, editorial page; "DePriest Should Stop Talking," *ibid.*, July 13, 1929, editorial page.

Southern newspapers for that is the one discussion which Southern newspapers never allow to close. Almost every day we read in the Norfolk dailies about Negro this, and Negro that, and Negro the other thing . . . and never a word of commendation and encouragement." Davis concluded that, if the *Journal and Guide's* assertions accurately reflected feeling among southern whites, Jim Crow laws, violent manifestations of race hatred, and police brutality could not possibly continue at current levels. Finally, referring to Virginia's recently enacted anti-lynch law, Davis suggested that no law would prevent whites from lynching a black if whites felt strongly enough.²¹

Aside from statewide political implications, the hysteria surrounding the White House tea had more immediate consequences on a local level. During the murder trial of Audie Johnson, a young white male accused of killing Luther Goodall, a black man, defense attorney Daniel Coleman blamed the "arrogance and disrespect for white people" of the victim and other blacks for Johnson's actions. More specifically, he cited the theories of Oscar DePriest as responsible for such arrogance. Coleman's appeal to blind racial prejudice ignored the fact that the killing occurred a week before the White House tea. Nevertheless, an all-white jury, despite the testimony of three witnesses that Johnson was unprovoked, failed to reach a verdict. Apparently those willing to convict considered giving Johnson no more than a year in jail.²²

As the fall campaign moved into high gear, Democrats used the "DePriest affair" in much the way that had been predicted. State senator Samuel Ferguson, a Democratic stalwart, raised the "bogey of Negro domination" in a campaign speech, and warned that a vote for the coalition of Republicans and anti-Smith Democrats would imperil white supremacy. The *Norfolk Virginian-Pilot* chided the senator's choice of words and equated his threats with the efforts of anti-Smith forces in 1928 to equate conditions in New York

²¹ "Approval of DePriest," *Norfolk Journal and Guide*, July 27, 1929, editorial page.

²² "Murder Trial Develops Weird Defense Plans," *Norfolk Journal and Guide*, July 27, 1929, p. 1; "Negroes On Juries," *ibid.*, Aug. 3, 1929, editorial page.

with Virginia. The Norfolk newspaper, a supporter of the administration of Harry Byrd, considered Ferguson's remarks an unfortunate diversion away from the recent achievements of the Democratic administration.²³

Although the *Virginian-Pilot* might have preferred that campaign debates address issues considered more relevant to state government, the "DePriest Affair" took center stage, especially in the closing weeks of the campaign. Democrats released a circular that included a picture of DePriest and his wife, a copy of the invitation to the White House tea, texts from several of the congressman's speeches, all accompanied by the claim that Republicans intended to abolish the poll tax. Few Virginians could have failed to understand the point of its authorship. Republican leaders Henry Anderson and Jennings Wise vilified Democrats for producing the pamphlet and accused state officials of responsibility. Despite repeated denials from Democratic party leaders, the Republicans produced affidavits which proved that Clyde Saunders, a member of the Richmond Democratic Committee, had printed the circular, and that various county, state, and Democratic party officials had distributed it throughout the state. Wise later included members of the governor's staff among those responsible for the pamphlet's distribution.²⁴

Leading Republicans attempted to take the high road and accused Democrats of diverting attention from real issues of importance. Jennings Wise, according to one Richmond newspaper, argued that blacks ought to be left alone to "'divide their vote on economic issues' so that they might be absorbed in both parties and 'will be a menace to neither, nor to themselves.'" Such high-mindedness, however, rang hollow when it was revealed that I. C. Trotman, an anti-Smith leader in 1928, had authored the DePriest

²³ "The Bogey of Negro Domination," *Norfolk Virginian-Pilot*, reprinted in *Norfolk Journal and Guide*, Oct. 12, 1929, editorial page.

²⁴ "Virginia G.O.P.irate At DePriest Circular," *Washington Post*, Oct. 29, 1929; "Wise Assails Political Use of Race Issue," *Richmond Times-Dispatch*, Oct. 29, 1929, "Democrats Deny Issuing Pamphlet As To DePriest," [*Richmond Times-Dispatch*], Oct. 29, 1929, "Circulation of Pamphlets Laid at Door of Committee," *Richmond Times-Dispatch*, Nov. 1, 1929, all in section 10 scrapbook, Wise Papers; Jennings C. Wise, "The Gubernatorial Election in Virginia, 1929: Influence of the Ku Klux Klan and the Race Issue," section 6 letterbook, Wise Papers.

circular. Trotman, angered that the coalition of Republican and anti-Smith forces refused to pass a resolution condemning the White House tea, quit the coalition in June and remained a non-factor until the appearance of the circular. The *Richmond Times-Dispatch* noted with irony that in 1928 Trotman had labored to save Virginia from the evils of Al Smith, all with the support of Republicans like Wise. In 1929, continued the paper, "the patriot took his new nightmare with him into the Democratic camp. If his old allies were not alive to this fresh peril, he would find someone who was. Going about his solemn business of saving the poor old Commonwealth, the man who helped rescue her from the clutches of Smith pursued precisely the same tactics he found so sound last year. He got up a pamphlet, telling about how Virginia was going to be turned over to the black race, and sent it broadcast over the State."²⁵

Trotman's flip-flop underscored the fragility of the coalition that joined forces to defeat Al Smith in Virginia in 1928. Republicans, led by Henry Anderson and Jennings Wise, sought to create a second party that would prove effective in challenging the traditional Democratic control of the state. But to win in 1928, the Republicans found themselves allied with the followers of Bishop Cannon and the Ku Klux Klan. Numerous Republicans expressed a discomfort with this arrangement, yet it held together and successfully exploited racial and religious issues to win. A year later, Bishop Cannon fled to Brazil in disgrace over improper financial dealings, and anti-Smith leaders like Trotman and Frank Lyon of Arlington, both presumed to be Klan members, no longer faced an opponent with questionable religious or racial beliefs. In a post-election memorandum, Jennings Wise acknowledged that the defeat of the coalition in 1929 was "not altogether unfortunate for the Republican party, National and State." The future of the party, he believed, should not depend on the approximately thirty thousand pro-Ku Klux Klan, anti-

²⁵ "Jennings Wise Sees Solution of Race Issue," *Richmond Times-Dispatch*, Oct. 25, 1929, copy in section 10 scrapbook, Wise Papers; "Poetic Justice," *Richmond Times-Dispatch*, Nov. 3, 1929, copy in section 6 letterbook, hand numbered page 420, Wise Papers.

Smith voters that had made the difference in 1928, and had subsequently realigned themselves with the Democrats.²⁶

In the days following the landslide Democratic victory, an anti-Smith supporter on the Eastern Shore wrote to Jennings Wise and Henry Anderson and complained about the hypocrisy of the Democrats. In particular, the author explained that on the Saturday night prior to the election, the Democrats brought in former governor Trinkle "to yell nigger, nigger, nigger, DePriest, DePriest." Exactly one week later, in the same white high school auditorium, the same people invited "40 niggers" from Hampton Institute to sing and provide entertainment.²⁷

The story relayed by the Eastern Shore resident highlights a recurring theme in Virginia, and southern, politics. Time and time again, white Virginians proved capable of hurling nasty invectives at their black neighbors, warning that the smallest breach of deference constituted social equality and endangered white supremacy. In the next breath, whites claimed to be the best friend of their black brethren, and not to have meant what they said. Some white newspapers, including the *Richmond Times-Dispatch*, condemned the injection of racial rhetoric into the 1929 campaign, but also dismissed it as a "'shabby trick'" that was part of politics. In support of their own conclusion, the Richmond daily added that Virginia did not suffer the violence that plagued other states, and that her courts and local governments protected blacks as they did whites.²⁸

As usual, it remained the job of black leaders and the black press to remind whites that the words uttered in the pursuit of political victory did have real consequences in the everyday lives of Virginia's citizens. The *Norfolk Journal and Guide* directly challenged

²⁶ Letter from unreadable signature to Jennings [Tim] Wise, Oct. 11, 1928, section 4 letterbook, hand numbered pages 352-53, Wise Papers; Henry A. Wise to Jennings C. Wise, Nov. 9, 1929, section 6 letterbook, hand numbered pages 355-61, Wise Papers; Jennings C. Wise, "The Gubernatorial Election in Virginia, 1929: Influence of the Ku Klux Klan and the Race Issue," section 6 letterbook, hand numbered pages 319-330 (quotation, p. 329), Wise Papers. For information on Bishop Cannon, see Heinemann, *Harry Byrd*, 98; Patterson, "The Fall of a Bishop": 493-518.

²⁷ Letter from an "anti-Smith" to Jennings Wise and Henry Anderson, section 6 letterbook, hand numbered pages 373-75, Wise Papers.

²⁸ "Recalling A Painful Episode," *Norfolk Journal and Guide*, Dec. 7, 1929, editorial page.

the conclusion of the Richmond press "that all is well, in spite of the criminal assault upon a disadvantaged people that is made perennially in the name of a political campaign. It is idle to say that appeals to race prejudice do no harm to the race they are directed against. There is method, of course, in the organized determination to keep alive the fury of race prejudice. It is the one sure way of winning an election." Furthermore, argued the black paper, employers and merchants throughout the state followed the lead set by the politicians and appealed to racial prejudice in a manner that injured black efforts to obtain jobs. A bakery in Norfolk "advertised over the radio that it employed only white help in the making of its white bread." A local laundry warned whites "that it is a menace to have clothes laundered by Negro washer-women." A union organized a boycott of a chain store that had hired black bricklayers during renovations.²⁹

As the decade of the 1920s came to an end, blacks in Virginia had good reason to express concern about their state of affairs. In two successive years, race had played a significant role in the rhetoric, if not the outcome, of statewide elections. Although religion had been a major factor in the anti-Smith movement, those forces ultimately appealed to the racial prejudices of Virginia's white electorate and distributed a picture of a black civil servant and his white secretary. A year later, the Democrats successfully turned the tables on their opponents and made great use of the "DePriest Affair." The *Norfolk Journal and Guide* concluded that this "unholy assault upon our integrity and intelligence" threatened to destroy whatever gains had been made throughout the decade. Perhaps most significant of all, the black newspaper challenged the notion often appearing in the white press that "racial hecklers" were responsible for the vicious rhetoric. "Were these campaigns of hate inspired and carried out by certain easily identifiable demagogues," exclaimed the *Journal and Guide*, "they might be associated with the personal element in politics, with the ambitions of some selfish and unconscionable politicians to reach public office, but the

²⁹ Ibid.

thing that is profoundly disheartening to our group is that our Governor-elect Pollard, our ex-Governor Trinkle, our United States Senator Swanson and numerous others high in our political and civil life of the State took up this DePriest circular and waved the red flag with as much satisfaction and with tremendously more effect than did the Trotman person who brazenly and exultantly came forward and claimed authorship of it." The entire experience led the paper to conclude that "the white people of the State have been so schooled in the psychology of Negro antipathy, that when the issue is raised it overshadows all others, no matter how important they may be."³⁰

While white elites, both Republicans and Democrats, sanctioned the use of racial invective to gain an electoral advantage in the 1928 and 1929 campaigns, blacks in Virginia initiated two court cases aimed at breaking the paralyzing grip of "Negro antipathy." Buoyed by the decision of the United States Supreme Court in the Texas white primary case, *Nixon v. Herndon*, blacks in Richmond sought to participate in the 1928 municipal Democratic primary. Barred by party policy, blacks filed suit in federal court and ultimately won a decision that opened doors, albeit only slightly at first, to black political participation. At the same time, Richmond blacks challenged a recently enacted segregation ordinance that epitomized the climate of neglect and denial that pervaded that city's treatment of its black population. Furthermore, the battle over the segregation ordinance and the subsequent court challenge revealed potentially irreparable fault lines in the traditionally paternalistic relationship that guided whites and blacks in Richmond and in the Old Dominion. The incident forced upon white elites the realization that they could not manage when and in what manner non-elite whites would make use of racial slings and arrows. Blacks understood this dynamic all too well and decided they did not want to wait any longer for evidence of the "good will" of their so-called friends. This erosion of

³⁰ "Race Psychosis In Virginia Politics," *Norfolk Journal and Guide*, Nov. 9, 1929, editorial page; "Pollard Landslide In Virginia Aided By Note Of Repression," *ibid.*, Nov. 9, 1929, pp. 1 & 5.

paternalism signaled to blacks and whites alike that racial and social control in Virginia had become increasingly confused and problematic.

In March 1927, the Supreme Court of the United States ruled in *Nixon v. Herndon* that state law could not bar blacks from participating in party primaries. Reaction in Virginia was mixed. The *Norfolk Virginian-Pilot* reminded its readers that educational requirements would still limit the number of black voters, but termed the decision "unquestionably an important contribution to the definition of political justice. In strict law and logic, the court's decision is, we believe, flawless." The Tidewater daily also understood that the ruling would invalidate the arrangement in states like Virginia where party policy, not state law, prevented blacks from participating. "It is axiomatic," opined the *Virginian-Pilot*, "that if the Legislature itself is without power to make color the basis of eligibility to participate in a primary, it can not delegate the right to set up such a discrimination to anybody else."³¹

Others, however, argued precisely that this critical distinction should allow Virginia's law to stand. The *Richmond News Leader* quoted a number of lawyers who emphasized that Texas law specifically forbade blacks from voting in the Democratic primaries, while state law in Virginia made no such provision, but rather allowed each party to determine the eligibility of participants. The plan of the Democratic Party adopted in 1924 allowed "all white persons qualified to vote" to participate, but never mentioned blacks or specifically barred them. Other officials and leading Democrats suggested that if the federal courts were going to inject themselves into party primaries, it might be best to abolish primaries and return to a convention system of nomination.³²

In March 1928, six hundred blacks in Richmond met and decided to seek a court order to compel city officials to allow blacks to vote in the following month's mayoral

³¹ *Nixon v. Herndon*, 273 U. S. 536 (1927); "The Outlawing Of Racial Primaries," *Norfolk Virginian-Pilot*, reprinted under "Reaction of State Press To Court's Decision Temperate," *Norfolk Journal and Guide*, March 12, 1927, p. 1 & editorial page.

³² "Lawyers Doubt Texas Ruling Will Hurt Va.," *Richmond News Leader*, March 8, 1927, p. 1.

primary. State and city Democratic party leaders expressed satisfaction with the current situation and, along with help from the press, reiterated the legality of Virginia state and party law. The *Richmond Times-Dispatch* went so far as to insist that a comparison between the Texas and Virginia laws revealed a "wide variance" and that "Virginia law itself does not discriminate in any way." Of somewhat greater concern, the Richmond daily speculated that as many as five thousand qualified black voters, if allowed to participate, would hold the balance of power in the upcoming primary. On March 30, however, Judge Beverly Crump denied the petition of James O. West, arguing that the Fourteenth and Fifteenth Amendments protected against discrimination practiced by representatives of the state, but that party primaries involved the actions of private officials.³³

In the wake of Crump's decision, the *Richmond News Leader* urged white Democrats to recognize the changes taking place around them. Blacks, the paper argued, had lost all trust in the Republican party. Educational and economic improvements had inspired a new sense of pride in self and in the community. Black leaders emphasized that badly needed municipal improvements would come only after blacks began to vote. Consequently, blacks in Virginia understood that their own well-being necessitated participation in Democratic primaries. The Richmond daily acknowledged that many whites would continue to "insist vigorously that the Democratic party must be kept a 'white man's party,' under all circumstances, and that no Negroes must ever be admitted to it." At the same time, the editorial guessed "that the party would not vote to admit any Negroes but that if a court decision forbade the party to exclude them, there would be no serious distress or concern." Furthermore, very few blacks would qualify to vote in the general election, and therefore the numbers of blacks in the party primary would remain unthreatening. In

³³ "Negro Democrats To Ask Writ Here," *Richmond News Leader*, March 21, 1928, pp. 1 & 24; "Will Resist Court Action By Negroes," *Richmond Times-Dispatch*, March 23, 1928, pp. 1 & 5; "Denies Negroes Primary Ballot," *Richmond News Leader*, March 30, 1928, pp. 1 & 2.

conclusion, the *News Leader* admonished party leaders to recognize that in the coming years, black illiteracy would continue to fall, and that greater numbers of black people would qualify to vote despite current impediments. "What will be done then?" asked the paper. "When the parties no longer can bar the Negro because he is illiterate, will they continue to bar him because he is a Negro?" Over time, the prescience of the *News Leader* editorial proved remarkably accurate.³⁴

Despite the adverse ruling from Judge Crump, James West attempted to vote in the Richmond mayoral primary on April 3. Although West met all the requirements necessary to vote in a general election, local election officials barred him from casting a ballot in the primary, citing the plan of the Democratic party which conferred that privilege on "all white persons qualified to vote." With the help of attorneys from the NAACP, and represented by two Richmond lawyers who challenged simultaneously that city's residential segregation ordinance, West filed suit in federal district court in the fall of 1928. Answering repeated claims that Virginia's law differed substantially from the Texas statute overruled the year before, Louis Marshall, an NAACP attorney who died before the Virginia case wound its way through the courts, wrote that "what has been done in Virginia is only to pursue in a roundabout manner the same vicious method of holding a primary as was sought to be effected in a more brutal, but more honest, fashion by the Legislature of Texas." Marshall's analysis cut to the heart of the racial ideology of a state that often defined its friendly relations with blacks in terms of an absence of overt violence.³⁵

On June 5, 1929, Judge D. Lawrence Groner found Virginia's primary law violative of the Fourteenth and Fifteenth Amendments. In his decision, the jurist rejected the argument of the defendants that the actions of party officials constituted private, not

³⁴ "The Democratic Party and the Virginia Negro," *Richmond News Leader*, April 2, 1928, p. 8.

³⁵ *James O. West, Plaintiff, against A. C. Bliley, William Boltz, and William Ricker, Defendants: Amended Complaint*, copy in Part 4, "The Voting Rights Campaign, 1916-1950," reel 4, frames 1000-54, NAACP Papers; Louis Marshall to W. T. Andrews, May 26, 1928, *ibid.*, frames 1032-35 (quotation, frame 1035).

official actions, and noted that although the method of discrimination differed from that found in Texas, the result did not. Groner found that Virginia's primary law "recognizes and enforces the right of a political party to prescribe qualifications forbidden under the fifteenth amendment," but concluded that "the legislature cannot by delegation or otherwise give vitality to a claimed right which it is itself prohibited by the constitution from enacting into law." In his opinion, the jurist fully measured the impact of his decision before concluding "that its effect may be to change a custom that has long obtained in the political system in effect in this state and therefore meet with the disapproval of many, is a consequence which unpleasant though it may be, nevertheless may not be avoided in the performance of the duty evolving on this court."³⁶

Reaction throughout the commonwealth varied along expected lines. The *Norfolk Virginian-Pilot* wrote that Groner had concluded "what was apparent to nearly everybody that gave serious thought to the matter two years ago" when the Supreme Court ruled in *Nixon v. Herndon*. As it concluded then, the *Virginian-Pilot* reiterated that an end to the white primary would have little practical effect, insofar as few blacks would qualify to vote. But, added the Tidewater daily, the state's political situation would benefit from allowing blacks to participate in the activities of both parties, rather than excluding them from primaries and leaving them susceptible to demagogic appeals in general elections. Norfolk's other daily, the *Ledger-Dispatch*, took a similar stand, emphasizing that "educational qualifications, poll-tax prepayment, registration and all the other requirements prescribed by state law are still in effect."³⁷

The *Virginian-Pilot's* sense of vindication seemed to overlook the fact that most Virginia papers had reached a different conclusion in response to *Nixon v. Herndon*. The

³⁶ "Groner Rules VA. Primary Statute Not Legal," *Richmond News Leader*, June 5, 1929, pp. 1 & 23 (second section); *James O. West v. A. C. Bliley et al.*, 33 F. 2d 177 (E. D. Va. 1929).

³⁷ Editorials from *Norfolk Virginian-Pilot* and *Norfolk Ledger-Dispatch* reprinted in "Virginia Press Comments On Judge Groner's Democratic Primary Ruling," *Norfolk Journal and Guide*, June 15, 1929, editorial page.

Richmond Times-Dispatch, as if uncertain how to respond, commented that Groner's decision "did not consider specifically the attitude of the Democratic party in Virginia toward permitting Negroes to participate in its primaries. The question before him was a much broader one than that." The Richmond paper explained that Groner's decision would have been the same if the party policy had banned women, or members of a particular religion. As if to minimize the importance of the ruling, the paper added that the "fact that the complaint was brought by a Negro . . . is not so important."³⁸

The *Petersburg Progress-Index*, reacting to criticism from a black newspaper in New York, went so far as to deny that the intent of the Democratic party plan was to circumvent the Fourteenth and Fifteenth Amendments. Acknowledging reluctantly that Groner's decision represented sound legal thinking, the Petersburg press argued that "there is not the faintest reason to believe that any democrat responsible in any degree for the adoption of this regulation excluding Negroes had any thought of violating the fourteenth and fifteenth amendments or of evading them." The *Portsmouth Star* took comfort in the fact that the appeals process would prevent blacks from participating in Democratic primaries for at least another year. The *Newport News Daily Press* held out hope that Groner's decision would be overturned by either the Court of Appeals or the United States Supreme Court.³⁹

Several days after the announcement of Groner's decision, the *Richmond Times-Dispatch* attempted to come to terms with the full implications of the ruling, while at the same time appearing to offer lawmakers and party officials a strategy for delaying the ruling's impact. First, as if to protect the commonwealth's reputation, the paper insisted that, although most people conceded the validity of Groner's opinion, many legal scholars

³⁸ Editorial from *Richmond Times-Dispatch* reprinted in "Virginia Press Comments On Judge Groner's Democratic Party Ruling," *Norfolk Journal and Guide*, June 15, 1929, editorial page.

³⁹ Editorials from *Petersburg Progress-Index*, *The Portsmouth Star*, and the *Newport News Daily Press* reprinted in "Virginia Press Comments On Judge Groner's Democratic Party Ruling," *Norfolk Journal and Guide*, June 15, 1929, editorial page.

noted a legitimate difference in the approaches taken by Texas and Virginia, a position supported by at least one contributor to the *Virginia Law Review*. Second, the editorial stated that the ruling would have no immediate effect on Virginia politics because the state officials intended to appeal. Third, the paper suggested that the state legislature take the "opportunity to enact some new law accomplishing by indirection what it has failed to accomplish otherwise," although such a course was considered unlikely to succeed. Next, the *Times-Dispatch* raised the possibility of abolishing state-financed primaries in favor of privately funded events. Finally, the Richmond morning paper acknowledged that the exclusion of blacks from party politics could no longer be achieved legally, but emphasized that few blacks in the near future would qualify to vote. Thus, concluded the paper, although the Groner decision might someday assume real importance, "the question just decided is largely an academic one."⁴⁰

Some northern press accounts belittled the conclusions of Virginia's fourth estate. An editorial in *The Nation* remarked that "everybody knows that primary laws like that of Virginia are contrary to the spirit of the Fourteenth and Fifteenth Amendments," a conclusion admitted on occasion by Senator Carter Glass, but repeatedly denied in print. Although Groner's decision made it clear that such laws were unconstitutional, *The Nation* opined that "Negroes must be disfranchised in the South. . . . In the old days a frown or at most a shove was enough to send packing any Negro with sufficient effrontery to approach the sacred symbol of democratic government. When laws became necessary they were found; now even laws are of no avail. The professional Southerners will have to think of something else."⁴¹

⁴⁰ "Negroes and the Primary," *Richmond Times-Dispatch*, June 9, 1929, editorial page, copy found in Part 4, "The Voting Rights Campaign, 1916-1950," reel 5, frame 0077, NAACP Papers; F. G. D., "Notes: Constitutional Law--Elections--Statute Authorizing Political Party to Disqualify Voters in Primary Election," *Virginia Law Review* 16 (December 1929): 193-97.

⁴¹ *The Nation*, June 19, 1929, copy found in Part 4, reel 5, frame 0078, NAACP Papers.

Two months after Groner's decision, blacks throughout Virginia did attempt to vote in the August gubernatorial primaries. The *Norfolk Journal and Guide* reported that George Walker, a prominent attorney in Norfolk, sought an order from a local judge to compel election judges to allow him to cast a ballot. Apparently the judge refused Walker's request on the grounds that he admitted not having voted for Al Smith in the previous year's election. Although state law made participation in a primary contingent upon support for that party's candidate in the most recent general election, Democratic officials had obtained a ruling from the attorney general that allowed Hoover Democrats to vote in the primary. Nevertheless, Walker was prevented from voting, but election officials could not refuse blacks who swore that they had voted for Smith. Reports indicated that throughout the state, in Portsmouth, Petersburg, Richmond, and Newport News, election judges prevented many blacks, including James West, from voting.⁴²

West's inability to vote in the August primary prompted another suit charging election officials with contempt and seeking damages of \$5000. In October, a jury awarded West five dollars, a sum agreed to by both parties in order to allow an appeal to go forward. Finally, in June 1930, the Fourth Circuit Court of Appeals upheld Groner's decision, commending his careful consideration and conclusions. Several months later, in September, Democratic party officials failed to appeal to the United States Supreme Court within the time allotted by law; West's victory became final and irrevocable.⁴³

The court decisions left many Democratic leaders speechless, uncertain how best to respond. The secretary of the Washington, D.C., branch of the NAACP asked Murray Hooker, the chairman of the Democratic State Central Committee, if qualified blacks in

⁴² "Colored Voters Participate In State Primary," *Norfolk Journal and Guide*, Aug. 10, 1929, pp. 1 & 13; "Newport News Man Sues For Heavy Damages," *ibid.*, Aug. 17, 1929, p. 1; "Primary Again In Court," *ibid.*, Aug. 17, 1929, editorial page.

⁴³ "Election Judges To Face Charges," *Richmond News Leader*, Aug. 14, 1929, p. 1; "Plea Is Filed In Litigation Over West Case," *Richmond Times-Dispatch*, Aug. 14, 1929, pp. 1 & 2; "Judge Groner Is Expected To Act In Next Few Days," *Richmond News Leader*, Oct. 28, 1929; "Gets Judgment In Democratic Primary Case," *Norfolk Journal and Guide*, Nov. 2, 1929, p. 1; *Bliley et al. v. West*, 42 F. 2d 101; "Negro Allowed Democrat Vote In VA. Primary," *Richmond News Leader*, Sept. 15, 1930, p. 1.

northern Virginia would be allowed to vote in the August 1930 primaries. The party chair, after consulting with Harry Byrd, chose not to reply at all. Some newspapers, led by the Norfolk dailies and the *Richmond News Leader*, urged Virginians to accept the Groner ruling, to acknowledge the justness of a desire among blacks for improved municipal services, and to understand that few blacks would qualify to vote in the cities, while virtually none would do so in the state's rural areas. The *News Leader* claimed that only "a deliberate policy of fascism" could circumvent the decision. Nevertheless, others in the Old Dominion acknowledged that the main purpose of the white primary was to ensure "the maintenance of the supremacy of the white voters of Virginia," particularly in counties with a majority black population, and urged the General Assembly to find a way to return to the old system of independently financed primaries.⁴⁴

The determination of blacks such as James West to participate fully in the electoral process derived from a desire to change their lives. In Richmond, more than in any other city in the commonwealth, municipal officials fashioned the politics of racial demagoguery, thoroughly sanctioned and supported by state leaders in the 1928 and 1929 campaigns, into public policy. In the months between the two invective-laden elections, as James West's case began its trip through the court system, city leaders in Richmond attempted to pass a residential segregation statute. Supporters of the ordinance, the same persons who had repeatedly denied to blacks a reasonable share of municipal resources, considered the measure a necessary response to blacks who had followed the pattern in Norfolk and elsewhere and had begun moving into formerly all-white neighborhoods.

By the end of the 1920s, few in Richmond could have missed the connection between black encroachments into white neighborhoods and the failure of the city to

⁴⁴ J. Murray Hooker to Harry F. Byrd, May 20, 1930, with enclosure A. S. Pinkett to Hooker, May 16, 1930, Byrd to Hooker, May 21, 1930, box 97, folder "1930 Hooker, J. Murray," Byrd Papers; "The Negro and the Primary," *Richmond News Leader*, June 16, 1930, p. 8; "Negroes and the Primary," *ibid.*, Sept. 16, 1930, p. 8; "Return of Old State Primary Plan Is Sought," *ibid.*, Sept. 18, 1930 pp. 1 & 29; "The Primary and the Negro," *ibid.*, Sept. 19, 1930, p. 8.

provide essential services. Mr. Theodore W. Jones, a black resident of Leigh Street, made the case clear in a letter published in the *Richmond News Leader*, the city's afternoon white newspaper and a leading shaper of opinion. Referring to the blatant racial appeals made by the city's mayor, Jones argued that "local office holders or their appointees should not be commended or reelected who practice economy at the expense of Negro citizens." The city of Richmond had failed, he said, when it paved the portion of Leigh street occupied by whites, but refused the same improvement to black residents. Such policy left blacks who desired better living conditions few alternatives to moving into already-improved neighborhoods.⁴⁵

Jones noted that black movement into white neighborhoods usually forced white neighbors to sell and move, a situation particularly hard on the "unfortunate white man, especially of small means, who has labored for years to pay for his home and his church." But, insisted Jones, whites had only themselves to blame. First, office holders failed to make improvements. Second, white real estate agents sold or rented to blacks. Furthermore, noted the Richmond resident, "the working or middle class of white people are unsympathetic and unconcerned about the miserable living conditions forced upon the Negro, until their own neighborhoods are invaded by him." Jones stressed that no lasting, meaningful friendship between the races would occur until whites took seriously the holy command to "Do unto others as ye would that they should do unto you." The solution, argued Jones, was rather simple: "Richmond must adopt an equitable public policy for black men the same as for white men." In short, Jones argued that blacks would stay in their neighborhoods if their streets were swept and paved, their garbage collected, their children provided access to parks and swimming pools, all services taken for granted by Richmond's whites.⁴⁶

⁴⁵ "You Who Are Troubled About Negro Encroachments, Please Read This," *Richmond News Leader*, Sept. 7, 1927, p. 8.

⁴⁶ *Ibid.*

A year after Jones's plea, the Richmond city council affirmed its intention to maintain a policy of separate and unequal allocation of resources. Instead of acting to meet the needs and concerns expressed by Theodore Jones and endorsed frequently by the city's white press, Richmond sought to enact another residential segregation statute. Ever mindful that the Supreme Court of the United States had repeatedly ruled such ordinances unconstitutional, alderman Henry W. Woody proposed that the new ordinance would prohibit persons from living next to each other who were prohibited from intermarrying by Virginia's Racial Integrity Act of 1924. The Richmond ordinance, therefore, never mentioned race or skin color. The intent, however, was unmistakable; the racial integrity act specifically forbade whites and blacks from marrying one another.⁴⁷

Opponents of the proposed statute, both black and white, initially succeeded in gaining support from a committee of the city council to form a commission of six citizens and three city officials to study the numerous factors that had led to the movement of blacks into white neighborhoods. The proposed commission would have included representatives from the real estate commission, a member of the interracial committee, and at least two black citizens, appointed by the mayor. Within two weeks, however, the city council rejected the plan, and decided that the issue should be settled by the entire council and not a commission of representative citizens.⁴⁸

A week before the council held its one public hearing on the matter, a large number of blacks gathered to pass a resolution of protest. Those assembled emphasized that for years, "the Negroes of Richmond have through their tolerance, through their refusal to countenance any act calculated to disturb the friendly relations existing between the races in Richmond, and through their cooperation in every effort to promote the best interests of Richmond, have earned the reputation of being peaceful, useful and law-abiding citizens."

⁴⁷ "Will Review Segregation Law in City," *Richmond News Leader*, Nov. 14, 1928, p. 1.

⁴⁸ "Special Group To Make Study Of Segregation," *Richmond News Leader*, Dec. 6, 1928, p. 15; "Race Segregation Study Plan Lost," *ibid.*, Dec. 21, 1928, p. 6.

Furthermore, Richmond's blacks emphasized that "they have never been militant or assertive, even under the most extreme provocation. They have borne wrongs and injustices at the hands of the administrators of the government of Richmond with only an occasional protest, hoping that the conscience of Richmond would finally awake and that right and justice would unseat race prejudice and intolerance." Clearly pushed to the edge of their limit of toleration, the group explained that "they have believed the assurances of the white people of Richmond that they are friends of the Negro, and have waited patiently for some concrete evidence of this friendship." Richmond, however, appeared to those assembled as "the only Southern city which offers a segregation ordinance as proof of the friendship of the whites for the blacks." Almost as a warning of the necessity of immediate positive action, Richmond's blacks reminded the city's whites that "they have hesitated to join national movements designed to resist oppressive anti-Negro legislation, feeling that Richmond's problem could be better solved by citizens of Richmond."⁴⁹

Richmond's white press joined the city's black population in condemning the city council's refusal to appoint a commission. The same day that the council was scheduled to hold a hearing, the *Richmond News Leader* opined that "Richmond people do not yet realize what is involved in this ordinance. . . . Richmond Negroes are not engaged in any conspiracy to achieve 'social equality.'" Instead, argued the newspaper, the standard of living among blacks had risen substantially since the First World War, and it only made sense that like whites they sought better houses and cleaner streets. The *News Leader* emphasized that some previously all-white neighborhoods, occupied by aspiring blacks, now stood in much better condition than if poorer whites had moved in when the previous owners left. Finally, the newspaper acknowledged that a temporary depression of values might occur as neighborhoods changed hands, but that such drops in property values

⁴⁹ "Negroes Protest Projected Plan of Segregation in City," *Richmond Times-Dispatch*, Jan. 9, 1929, pp. 1 & 2.

would not last, and that such situations could be handled by "conference and conciliation" far more effectively than by an ordinance.⁵⁰

In front of the council, proponents expressed no inclination to heed the advice of the *News Leader*. Most in favor of the ordinance stated clearly that they intended to keep blacks out of white neighborhoods. Crawford C. Crouch, a school principal, argued that living conditions for blacks were not as bad as some had argued, that streets in black neighborhoods equaled those in many white parts of town, and that the city had provided blacks with outstanding educational and recreational facilities. He insisted, according to newspaper accounts, that further encroachment would cause "calamity in the ranks of the whites who had put their all in little homes." The Reverend S. R. Orrell of the East End Baptist Church claimed that some blacks had left better homes in their own neighborhoods in order to move into white sections of town. Before long, he declared, blacks would attempt to buy homes on Monument Avenue, a wealthy white boulevard lined with statues of Virginia's Civil War heroes. "'Many members of my church,'" added the pastor, "'are broken-hearted about this matter, for fear they will have to give up their homes because of the inroads of the colored man.'"⁵¹

White opponents of the ordinance stressed the necessity of just treatment of Richmond's blacks. Richard W. Carrington, a leader of the opposition, emphasized that whites would always remain politically dominant, and therefore must meet their obligations. H. W. Goodwin, a Richmond lawyer, stated that the ordinance necessitated an unfair "'confiscation of property,'" while Lucy R. Mason used figures to challenge those who argued that black living conditions were not so bad. Most black speakers also emphasized that they sought better homes and streets, not "social equality."⁵²

⁵⁰ "Study The Measure More In All Its Phases," *Richmond News Leader*, Jan. 14, 1929, p. 12; "Do It By Conference, Not By Ordinance," *ibid.*, Jan. 15, 1929, p. 8.

⁵¹ "Action Delayed Again On Plan Of Segregation," *Richmond Times-Dispatch*, Jan. 15, 1929, pp. 1 & 6.

⁵² *Ibid.*

In the weeks following the hearing, the Richmond press continued to lead the opposition. The *News Leader* acknowledged that "everybody knows how to sympathize with the white family that finds a Negro community extending itself. There are visions of unpleasant neighbors, of depreciated values, of the sacrifices of a home that represents a life's saving." Nevertheless, the paper continued to argue for conciliation, not repression, and emphasized the city's obligation to apply justice, not racial, but civic.⁵³

In a final plea before the Ordinances Committee of the city council, representatives of the Richmond Chamber of Commerce, the Real Estate Exchange, the Richmond Bar Association, the Ministerial Union, the Interracial Committee, and the Central Trades and Labor Council joined the press and urged the council to delay voting on the statute and instead called for a thorough study of the issues surrounding black living conditions. Expediency, however, won out. Alderman Woody, the sponsor of the ordinance, announced to the committee that in only the past few weeks blacks had encroached further in sections of Church Hill and that the situation for whites had turned desperate. In addition, Major Ernest Sevier Cox, one of the driving forces behind the Anglo-Saxon Clubs and the author of *White America*, announced his support for the measure and expressed his belief that it would prove satisfactory to whites and blacks alike. He suggested that segregation in housing would work itself out as well as had segregation on streetcars, in schools, on railways, in theaters, and in churches.⁵⁴

Following the committee's adoption of the ordinance, the *Richmond News Leader* attempted to distinguish between the residential segregation ordinance and the state's other segregation statutes, opposing the one as not consistent with the others. Editor Douglas Freeman, in reference to the residential segregation statute, wrote:

⁵³ "Do It By Conference, Not By Ordinance," *Richmond News Leader*, Jan. 15, 1929, p. 8; "How Shall Richmond Apply Justice To The Negroes?," *ibid.*, Jan. 28, 1929, p. 8.

⁵⁴ "Segregation Proposal Wins Unanimously In Council Committee," *Richmond News Leader*, Feb. 1, 1929, pp. 1 & 3.

Gentlemen who advocated its adoption failed to draw the distinction between separation and segregation. Everybody desires separation of the races for the good of both, but separation is not promoted by a law that will arouse resentments before it can be invalidated by the courts. Segregation of the sort now proposed cannot be justified by citing segregation in streetcars, on trains, and in theaters. The existing segregation laws for transportation and public places rest on the theory that the accommodation afforded the Negroes is as good as that allotted white people. Only on this ground have the 'Jim Crow' laws been sustained. Will anyone contend for a moment that, in the larger sense of the word, this applies to residential segregation? Do the Negro districts get the same service from the city that the white districts receive?⁵⁵

Freeman, at this point, chose not to elaborate on his point about the difference between separation and segregation, although he would in the following months. But his implicit reference to *Plessy* placed him on increasingly unstable ground and underscored the eroding authority of paternalism. Freeman seemed to ignore that many of the state's other segregation statutes had resulted in unequal facilities and accommodations. Blacks and whites did ride the same streetcars and buses, but schools suffered from the same disparity in resources that plagued neighborhoods and homes. Nevertheless, Freeman continued to speak for many of Virginia's political, economic, and social elites.

Several days later, when the ordinance's approval by the entire council appeared imminent, the *News Leader* blamed the passage of such a bad piece of legislation on the failure of the city's elites to run for elective office and to vote. Citing the miserably low numbers needed to win election to the city council, the newspaper essentially said that the segregation statute would never have become an issue had the right people been in office. The best people in Richmond never failed to answer the call of business and industry, complained the paper, but they ignored the same call to serve in public office. In the context of the *News Leader's* other editorials on the subject, this elitist argument made sense. The newspaper preferred a quiet separation of the races, not enforced legal segregation. Elites would have ensured this, in part because they never felt threatened by black encroachment the way poorer and middle-class whites did. The commitment of

⁵⁵ "Richmond Will Yet Find The Better Way," *Richmond News Leader*, Feb. 1, 1929, p. 8.

Freeman and other Richmond elites would become more evident as the segregation ordinance debate continued.⁵⁶

Richmond's segregation ordinance overwhelmingly passed both the city council and the board of aldermen. Until the time of passage, opponents continued to promote a study commission, while proponents constantly updated the list of black encroachments. Councilman Sullivan, in fact, noted the severity of the issue by pointing out that "'a house once occupied by an eminent judge of this city, has been sold to a Negro, who is now occupying it. If something is not done quickly, no one can conceive of what may happen.'" Dr. Lawrence T. Price, one of Richmond's most ardent supporters of the Anglo-Saxon Clubs and their agenda, cast one of two votes in opposition. "We should divorce racial integrity from segregation," the doctor exclaimed, "one pertains to blood and the other to property. There is no connection between the two in this instance." Price's distinction, however, did not register with supporters of the ordinance, just as they failed to distinguish between Freeman's notion of separation and segregation. Many whites in Richmond felt threatened by the encroachment of blacks into their old neighborhoods. It did not seem inconsistent to pass a law to keep blacks out; after all, laws had been passed before whenever whites felt blacks encroaching in some other aspect of their lives.⁵⁷

After both branches of the municipal government endorsed the segregation ordinance, it arrived on the desk of Mayor J. Fulmer Bright for his signature. Silent up until this point, the NAACP cabled the mayor, declared the statute unconstitutional, cited Supreme Court precedent, and asked him to veto it. Bright responded that he would approve the law and furthermore that it had been "drawn in the best interest of both races." The mayor's response led James Weldon Johnson, the Secretary of the NAACP, to reply

⁵⁶ "All Bad Ordinances Go Back To This State of Affairs," *Richmond News Leader*, Feb. 4, 1929, p. 8.

⁵⁷ "Segregation Is Passed By Common Council, Only 2 Negative Votes," *Richmond Times-Dispatch*, Feb. 5, 1929, pp. 1 & 2; "Segregation Is Passed; Only 2 Negative Votes," *Richmond News Leader*, Feb. 5, 1929, pp. 1 & 2; "Segregation Is Approved Unanimously By Alderman," *Richmond Times-Dispatch*, Feb. 13, 1929, p. 1.

that a "slight exercise of intelligence on the part of Richmond municipal government would have revealed to it that courts have already held such ordinances unconstitutional." The insult could not have been lost of Bright, especially after one newspaper concluded in its headline, "Richmond, VA. Mayor Is Dumb Says NAACP." The mayor replied simply that "the spirit shown by your telegram only confirms me in my conviction that the principle involved in the segregation ordinance is highly desirable for the peace and social good order of our people."⁵⁸

The mayor's approval of the statute left opponents with no alternative but to challenge its constitutionality in court, a course supported by the white press and numerous black organizations in Richmond. Almost immediately, blacks met, formed a Citizens' Defense Committee, and appointed attorneys Joseph R. Pollard, black, and Alfred E. Cohen, white, to lead their efforts. Early news reports emphasized that all of the black religious, civic, and social organizations in the city, as well as a number of white individuals, had pledged financial support. The citizens' committee divided the city into fifteen districts, each under a leader charged with garnering support. Even children participated, selling buttons to raise funds for the legal effort. The *Richmond News Leader* also stressed that "the fight to have the ordinance voided will be carried on by local attorneys and directed from Richmond," and added that Pollard had informed the national office of the NAACP that "local Negroes are fully able to carry on their own battle against enforced segregation and take it to the highest courts." Clearly white opponents of the segregation statute preferred to keep the involvement of the NAACP to a minimum.⁵⁹

⁵⁸ Press Release, "Richmond Mayor Asked To Veto New Segregation Ordinance," Feb. 14, 1929, Part 5, "The Campaign Against Residential Segregation, 1914-55," reel 2, frame 0786, NAACP Papers; telegram from J. Fulmer Bright to James Weldon Johnson, Feb. 14, 1929, *ibid.*, frame 0787; Press Release, "Richmond City Government Challenged On Segregation Issue By NAACP," Feb. 15, 1929, *ibid.*, frame 0789; telegram from Johnson to Bright, Feb. 15, 1929, *ibid.*, frame 0790; "Richmond, Va. Mayor Is Dumb Says NAACP," *Baltimore Afro-American*, copy in *ibid.*, frame 0859; telegram from Bright to Johnson, Feb. 16, 1929, *ibid.*, frame 0791.

⁵⁹ "Segregation and the Courts," *Richmond News Leader*, Feb. 5, 1929, p. 8; "Negroes Here Plan Fight On Segregation," *ibid.*, Feb. 15, 1929, p. 1; reference to children selling buttons from "Richmond's Segregation Ordinance," originally published in *The Progressive Herald* (Buffalo, N. Y.), reprinted in *Atlanta World*, March 15, 1929, copy in Part 5, reel 2, frame 0868, NAACP Papers. For a list of the more

White elites in the press and in business circles would have been delighted had they known of the frustration experienced by the national office of the NAACP in communicating with the Richmond branch. Walter White, the Assistant Secretary of the organization, told Mrs. Maggie Walker, "we are somewhat disturbed at our inability even to hear from our Richmond branch." He recounted repeated instances over the past few months when the national office had sought information regarding the segregation statute, only to hear nothing in response. Sensing resistance from blacks in Richmond, White acknowledged, "we do not want to interfere in cases where we are not wanted but, on the other hand, we would be recreant to our duty if we would not continue our twelve-year fight against residential segregation."⁶⁰

Several days later, White traveled to Richmond in an effort to revive the Richmond branch of the NAACP and to discover first hand what was being done to fight the residential segregation ordinance. White concluded immediately that, as a result of the ineffective leadership of President C. V. Kelly, the Richmond branch was "absolutely dead." Kelly, in White's estimation, had failed to act when the ordinance was first proposed, or at any point along the way. Fortunately, Dr. Leon A. Reid had stepped into the breach and formed a committee to fight the ordinance.⁶¹

During his visit, White found what he called a "rather peculiar situation" concerning support for the NAACP in Richmond. He emphasized the stark division among whites regarding the ordinance, and noted the strong opposition of the press, the interracial commission, and "most of the upper class of whites." White concluded that "the measure was jammed through the City Council at the insistence of a lower class of whites, most of

than fifty black organizations active in Richmond at this time, see "List of Organizations in Richmond, Va.," Part 5, reel 4, "Richmond, Va. Branch File," frames 0908-09, NAACP Papers.

⁶⁰ Walter White to Mrs. Maggie Walker, Feb. 21, 1929, Part 5, reel 4, "Richmond, Va., Branch File," frames 0904-05, NAACP Papers; James Weldon Johnson to C. V. Kelly, Nov. 24, 1928, *ibid.*, reel 2, frames 0845-46, is one such request that went unanswered.

⁶¹ "Memorandum: Visit of Assistant Secretary to Richmond, Virginia, February 25, 1929," Feb. 26, 1929, Part 5, reel 2, frame 0806, NAACP Papers.

them assumed to be of Klan membership or sympathy. The upper class of whites seemed to feel very bitter because the Council ignored their request as represented by newspaper editorials, a letter from the Chamber of Commerce and individuals to defer indefinitely consideration of the ordinance." As a result of this resentment, according to White, "a quiet proposal has been made to the colored people to the effect that if Richmond Negroes fight the ordinance these whites would clandestinely bring quiet pressure to bear and make up whatever deficit there was between the cost of the case and the amount raised by the Negroes themselves. One condition, however, was that the NAACP must be kept out of the case."⁶²

While in Richmond, White discovered a great deal of disagreement among the city's blacks concerning a response to this proposal. Some persons, according to the assistant secretary, "felt that they should go along with 'their good white people'; another faction felt that white people or no white people, the thing to do was to beat the ordinance and that could be most effectively done through the NAACP." White emphasized to the citizens' committee that the national office "had no desire to control the case or take complete charge of it," but rather to insure that the victories won in previous residential segregation cases would not be overturned. Furthermore, White noted that the national office "would enter into no clandestine arrangement" and could not take responsibility for the records or conduct of the case unless allowed to view all papers from the beginning. After a long discussion, the citizens' committee voted to embrace White's position and accept the aid of the national office.⁶³

Perhaps in an effort to maintain the support of white elites, the NAACP announced publicly that it would assist "in an advisory capacity" the court case aimed at overturning the Richmond residential segregation ordinance. In the same statement, the civil rights organization cited the opposition of the city's white press to the ordinance and quoted the

⁶² Ibid., frame 0807; Walter White to Moorfield Storey, Feb. 27, 1929, *ibid.*, frame 0810.

⁶³ Ibid.

Richmond Times-Dispatch as blaming the city's white citizens for creating the conditions responsible for black movement into white neighborhoods.⁶⁴

Despite the involvement of the NAACP, white elites, under the leadership of Douglas Freeman, quietly contributed to the cost of financing the impending court case. In a very personal letter to William T. Reed, the most important and trusted advisor to Governor Harry F. Byrd, Freeman mentioned the increased antagonism that had resulted from the ordinance's passage, and added that Reed, like Freeman, must feel "that anything that disturbs good race-relationships is inimical to Richmond." "Most of us believe," claimed the editor, "that the desired separation of the races could best be continued by having the whole question worked out by friendly conference, rather than by law, but as the council took the contrary view, the Negroes had no alternative to carrying the issue to the courts." Given the predicament, Freeman suggested that "we may be able to allay bad feelings if a few of us quietly contribute to the fund the Negroes are raising for a test of this ordinance. By doing this, we could give the Negroes evidence that we were determined to see that they got absolute justice."⁶⁵

Freeman's motives, however, were not entirely without self-interest. He stated quite clearly his belief "that the memory of this support would dispose the Negroes to cooperate in the right sort of residential separation, by consent, when the supreme court of the United States finally upsets the Richmond ordinance, as it has every other residential segregation-ordinance that has ever come before it." His preference for "separation, by consent" affirmed the position he had taken for months in the pages of the *News Leader*. A pragmatist, he knew the ordinance could not pass constitutional review; given the

⁶⁴ Press Release, "NAACP To Help Fight Richmond, Va., Segregation," March 1, 1929, Part 5, reel 2, frame 0811, NAACP Papers; "NAACP To Help In Richmond Segregation Fight," *Norfolk Journal and Guide*, March 9, 1929, section 2, p. 1.

⁶⁵ Douglas Southall Freeman to William T. Reed, March 26, 1929, section 1, Reed Family Papers.

inevitability, he sought to address the conditions that brought blacks and whites closer together.⁶⁶

Freeman concluded his letter by emphasizing that the "Negroes have not asked for help, feeling that they must themselves take the responsibility and bear the expense of testing their legal rights." Furthermore, the editor noted that he was "acting in this matter solely on my own motion, believing that the thing ought to be done, and not knowing whom I should ask to do it."⁶⁷

While Freeman's letter and consistent position combined self-interest with a desire to apply basic standards of decency and justice to the lives of black citizens, Reed's response may have more accurately reflected the do-nothing preference of most of Richmond's elites. The tobacco magnate "regretted very much that the segregation ordinance was introduced, as it just opened up an old sore, which was getting along . . . in fairly good shape." Furthermore, Reed believed "that after the ordinance was passed by the Council, notwithstanding the fight that was made against it by some of our best citizens, it was possibly best to drop the whole matter, and I felt that bringing it up into court might further increase this bad feeling, even if the Negroes won, rather than let the ordinance alone." Clearly Reed, unlike Freeman and other whites who vigorously denounced the ordinance, gave little thought to the living conditions of blacks in Richmond, or to the role of public policy in perpetuating those conditions. No matter how unfair the statute, Reed seemed to suggest that once the law passed, blacks would adjust. His response should not have come as a surprise, given that he once proclaimed, "We must keep Virginia like she is without any changes."⁶⁸

Despite his preference to leave the issue alone, Reed did tell Freeman, "if you will give me an idea of about what the expenses are in the matter, I shall be pleased to do my

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ William T. Reed to Douglas Southall Freeman, March 30, 1929, section 1, Reed Family Papers; Reed to Harry F. Byrd, Aug. 8, 1931, section 1, folder 20, Reed Family Papers.

share." The grateful editor responded that he had learned from Richmond's black leadership that "they have been greatly encouraged to know that white citizens have thought enough of their civil rights to help defend them." Freeman added his own conclusion that "the contributions that have been made are offsetting in very large measure the ill effects of the hurried enactment of this bad ordinance and the ill temper displayed at the council meetings by some of its proponents." Reed eventually sent Freeman a check for twenty-five dollars.⁶⁹

While Freeman and Reed discussed the merits of a court challenge, the black citizens' committee precipitated a test case to do just that. On March 26, 1929, Mr. J. B. Deans, a black insurance salesman and member of the citizens' committee's executive board, bought a home and lot in a section of town reserved under the city ordinance for white persons. Several days later, Deans filed suit in United States District Court, seeking an injunction against the city's enforcement of the statute. The petitioner argued that the city measure violated his fundamental property rights, and that although the statute "was enacted under the guise of a racial integrity ordinance," it constituted "nothing more or less than an ordinance segregating the white and colored races in their residences."⁷⁰

Richmond city attorney James E. Cannon filed a counter motion that sought to have Deans's petition thrown out. The city based its case on the argument that "the ordinance does not infringe any of the rights of the Negroes under the acts of the constitution as under the ordinance the Negroes have the same rights as are enjoyed by the white people." In essence, the city tried to claim that the ordinance applied standards to blacks and whites in equal terms, an argument not far from the separate but equal doctrine laid down by the Supreme Court. Furthermore, Cannon claimed that "the use and occupancy of private

⁶⁹ William T. Reed to Douglas Southall Freeman, March 30, 1929, Freeman to Reed, April 24, 1929, Freeman to Reed, April 30, 1929, section 1, Reed Family Papers.

⁷⁰ *J. B. Deans v. The City of Richmond*, In the District Court of the United States for the Eastern District of Virginia, copy of petition in Part 5, reel 2, frames 0822-34, NAACP Papers; "Negro Land Owner's Attorneys Ask Injunction To Restrain City," *Richmond Times-Dispatch*, March 30, 1929, pp. 1 & 3.

property can be regulated by municipal councils, where the reasons for such regulations bear a rational relation to the general welfare, peace, racial integrity, morals and social good order of the community." The city's petition ignored the issue most relevant to opponents of the ordinance: the nearly inhumane living conditions that blacks sought to escape.⁷¹

On May 18, just weeks before his decision in the *West* case, D. Lawrence Groner ruled without a written opinion that the Richmond ordinance did violate the Constitution as established by the Supreme Court of the United States in *Buchanan v. Warley* and signed an injunction against the city's enforcement of the measure. Before the judge's ruling, however, at least two blacks, James Alston and Joe Collins, moved into white residential areas, were arrested, charged, and fined one hundred dollars in Police Court. Soon after Groner's ruling, the *Richmond News Leader* reported that city attorney Cannon intended to ignore the injunction except in the case of Deans. Joseph Pollard, the attorney for Deans, described Cannon's attitude as "untenable if not contemptuous" and reported the matter to Groner. The judge, according to Pollard, said "that he expected that the Legal Department, of the City of Richmond, would respect his orders, if not, counsel for Deans knew what to do." A month later, Cannon and the city dismissed charges against Alston and Collins.⁷²

Unlike their counterparts in Norfolk and Roanoke, proponents of residential segregation in Richmond did not accept their loss. By the end of the summer, the city appealed Groner's decision to the United States Circuit Court of Appeals. Meanwhile, opponents of the ordinance attempted to refocus the debate as a question of black living conditions. Mr. Harry M. Smith, Jr., a Richmond attorney, told the Virginia Real Estate

⁷¹ "Ask Dismissal of Segregation Bill Fight Here," *Richmond News Leader*, April 12, 1929, pp. 1 & 30.

⁷² "Segregation Opponents Win First Skirmish," *Richmond Times-Dispatch*, May 19, 1929, pp. 1-2; "Richmond Segregation Law Invalid," *Norfolk Journal and Guide*, May 25, 1929, p. 1; "First Appeal On Segregation Filed By Negro," *Richmond Times-Dispatch*, May 14, 1929, p. 1; "Segregation Law Is Again Tested," *Richmond News Leader*, June 23, 1930, p. 1; Joseph R. Pollard to W. T. Andrews, May 24, 1929, Part 5, reel 2, frames 0882-83, NAACP Papers. The *News Leader* article from May 21 that reports Cannon's recalcitrance is discussed in the Pollard letter to Andrews.

Association that the movement of blacks into white neighborhoods should be understood as a sign of black progress that reflected "merely an effort on the part of the race to escape foul and unsanitary living conditions." White developers, argued Smith, needed to build new subdivisions for black residents.⁷³

On January 14, 1930, Judges John J. Parker, Elliott Northcott, and Henry C. McDowell affirmed Groner's decision and ruled Richmond's residential segregation ordinance to be in violation of the Constitution. The Appeals Court, like Groner, found wanting the city's argument that the Richmond statute differed from the Louisville and New Orleans laws because it separated persons based on their inability to intermarry. "As the legal prohibition of intermarriage is itself based on race," ruled the panel, "the question here, in final analysis, is identical with that which the Supreme Court has twice decided in the cases cited." Instead, the court decision supported the argument of Alfred E. Cohen, an attorney for Deans, who suggested, "If it were once conceded that the legislature may lawfully, in the exercise of its police power, exclude a Negro from residence in a city square, if already occupied by the white race, than it would logically follow that it could deny him residence in every county of the state under like conditions, as the latter is only a matter of degree in the expanse of territory, and thus nullify the fourteenth amendment of the federal constitution."⁷⁴

Richmond's municipal officials lost their final battle in May when the United States Supreme Court upheld the ruling of the lower courts. The decision, according to the *Norfolk Journal and Guide*, affirmed "the right of the Negro race to purchase and live in homes of his choice in any part of American cities just like any other United States citizen."

⁷³ "Appeal Filed In Ruling On Segregation," *Richmond Times-Dispatch*, Aug. 13, 1929, pp. 1 & 3; "City Files Brief On Racial Tangle," *Richmond News Leader*, Sept. 27, 1929, pp. 1 & 34; "Appeal Brief In Segregation Case Is Filed," *Norfolk Journal and Guide*, Oct. 5, 1929, p. 1; "Thinks Mutual Understanding Will Prove Best Solution For Race Residential Question in Cities," *Norfolk Journal and Guide*, Nov. 2, 1929, p. 14.

⁷⁴ *City of Richmond et al. v. Deans*, 37 F. 2d 712; "Segregation Law Is Again Ruled Invalid," *Norfolk Journal and Guide*, Jan. 18, 1930, p. 1; "Richmond's Segregation Law Is Held Illegal," *Richmond News Leader*, Jan. 14, 1930, pp. 1 & 21.

Reports of the decision, in both white and black papers, noted that the case had figured in the recent confirmation hearings of John J. Parker. The United States Senate, during the time between the Appeals Court decision in January and the Supreme Court ruling in May, had rejected Parker's nomination for a seat on the nation's highest court. His opponents, spearheaded by the NAACP, had pointed to a statement Parker made during the 1920 gubernatorial campaign in North Carolina as evidence of his racial prejudice. Parker's supporters emphasized his decision in *Deans* to argue that he harbored no such animus.⁷⁵

Alfred E. Cohen was particularly angered by the incident. In a scathing letter to *The Nation*, the Richmond attorney labeled as "indefensible" charges leveled at Parker in an editorial published on April 29. "You say that Judge Parker should not sit on the Supreme Court," wrote Cohen, "because cases affecting the rights of colored people will come before that court." But, he pointed out, Parker had ruled in *City of Richmond v. Deans* that the segregation ordinance had violated the rights of the city's blacks under the Fourteenth Amendment. "As counsel for the colored complainant in that case," concluded Cohen, "I protest against your unfair attack upon an upright, courageous judge."⁷⁶

Cohen's anger over Parker's vilification may have contributed to comments he directed at the national office of the NAACP in the days following the final verdict in the *Deans* case. In a letter to the editor of the *St. Luke's Herald*, a black newspaper in Richmond, Cohen claimed that the Richmond Citizens' Defense Committee had received neither financial assistance nor legal aid from the NAACP. Furthermore, the attorney added "that I should have been thankful for any help that the association could have given me by way of suggestion or otherwise, but the fact is, none was offered, asked or given,

⁷⁵ *City of Richmond et al. v. Deans*, memorandum decision 281 U. S. 704 (1930); "City Segregation Bill Held Invalid By Supreme Court," *Richmond Times-Dispatch*, May 20, 1930, pp. 1-2; "Residential Segregation Law Invalid, High Court Rules Again: Richmond Case Verdict Affects Property Rights," *Norfolk Journal and Guide*, May 24, 1930, pp. 1 & 15; "Court Refuses Second Hearing On Segregation," *Richmond Times-Dispatch*, May 27, 1930, p. 1. For a full account of the events surrounding Parker's nomination and rejection in the Senate, see Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Vintage Books, 1975), 141-44.

⁷⁶ Alfred E. Cohen, letter to the editor, *The Nation*, May 7, 1930, copy in Part 5, reel 2, frame 0915, NAACP Papers.

and it was expressly understood among us, that there would be no outside interference in the fight in the segregation case." Cohen's desire to minimize the impact of "outside interference" might have appeared more understandable except for the blatant misstatement of the facts that puzzled NAACP officials in Richmond and New York. The involvement of the NAACP in the supervision of all legal briefs was clearly documented and made available to set straight the record.⁷⁷

Once the accusations had settled and the dust had cleared, Douglas Freeman, writing on the editorial page of the *News Leader*, reasserted his belief that "separation by consent is practicable, where segregation by law is not." Freeman understood from the beginning that Richmond's ordinance would never be upheld by the courts. He objected to a measure which served only to increase animosity between the races. As he told his readers, "much of the work done in the last twenty years for better understanding was undone in a few weeks--and all to no other purpose than to have the supreme court affirm the opinion of the federal circuit judges and thereby tell the city what it should have known already."⁷⁸

Freeman was not, however, any less committed to the separation of the races than those who pushed the ordinance through the city council. He believed that "the separation of the residential districts of the two races is desirable from the standpoint of both. The Negro loves companionship, and can never be at ease when living close to people who resent his presence in their neighborhood." Freeman differed from proponents in the debate, therefore, not in the desirability of rigid separation, but in the means to separation. He argued consistently in the paper that lasting, meaningful separation of the races required a commitment from the city to provide blacks with services similar to those in white

⁷⁷ Alfred E. Cohen to the editor of *St. Luke's Herald*, May 31, 1930, in Part 5, reel 2, frames 0909-10, NAACP Papers; Walter White to Leon A. Reid, June 3, 1930, *ibid.*, frames 0911-12; Reid to White, June 4, 1930, *ibid.*, frame 0913; W. T. Andrews, letter to the editor of *St. Luke's Herald*, June 12, 1930, *ibid.*, frames 0920-21.

⁷⁸ "Separation By Consent," *Richmond News Leader*, May 20, 1930, p. 8.

sections of town. Furthermore, he acknowledged that blacks "who have the means and ambition to rise above the crowded squalor of dilapidated shacks" must have an opportunity to purchase homes in new neighborhoods. Freeman believed this could occur only if "some unofficial agency" facilitated the transfer of white homes to new black ownership.⁷⁹

Freeman's editorial and ideological construction depended upon a presumption that blacks and whites could remain separate and yet be treated equally. He argued this point repeatedly, and at one point even insisted that legalized segregation on streetcars, trains, and in theaters depended upon this formulation. The proponents of Richmond's residential segregation ordinance, on the other hand, openly rejected calls for a more equal allocation of public funds. They believed passionately that public resources should benefit only those in power, and followed policies to achieve their vision. Freeman and those like him among Richmond's elites, while certainly advocating a more just treatment of the city's blacks, must have understood the inherent weakness of their own position. His insistence on defining a critical difference between separation and segregation rang hollow; gross inequalities pervaded nearly every aspect of life in Virginia's Jim Crow society, nowhere so apparent as in the schools, segregated fully to the extent allowed by law, not by consent.

Decisions made in fighting Richmond's residential segregation ordinance signaled a critical break in the strategy of Virginia's blacks. When members of Richmond's Citizens' Defense Committee voted to enlist the support of the NAACP, despite the stated preference of sympathetic white elites, they began a new era in their search for justice. Tired of waiting for their "white friends" to do the right thing, blacks in Richmond and throughout Virginia defined their own course of action. As Joseph Pollard wrote soon after the Supreme Court upheld the lower courts in the *Deans* case, "I am of the decided opinion that the time is now ripe to take advantage of the healthy sentiment prevailing in this City and

⁷⁹ Ibid.

State, to institute or reinstitute various branches of the National Association for the Advancement of Colored people, to whom, in the final analysis, colored people of the south must look to the defense and protection of their civil and political rights."⁸⁰

This recognition among blacks of the need to alter their strategy had been building since World War I; combined with the determination of non-elite whites to steer their own course in race relations, it signaled an erosion of paternalism for the city's and state's white elites. Many elites had long recognized and paid lip service to the necessity of better treatment for the state's black citizens; a few even considered it an obligation. But paternalistic impulses failed to prevent the success of ideological extremism, the passage of the racial integrity act, and the segregation of public assemblages that affected events even on the grounds of an already segregated college. Furthermore, as blacks had long recognized, elite whites could not participate in the denigration of blacks in order to pursue victory at the polls and then expect to place limits on racially exclusionist municipal policies. Consequently, efforts by white elites to promote "separation by consent" became ever more untenable each time a municipal or state administration ignored the needs and denied the rights of black citizens. Emboldened by their dual victories in federal court in 1929, blacks in Virginia pressed forward in the 1930s, determined to challenge the status quo that had failed to work for them. Virginia's white elites and self-described persons of good will found themselves increasingly unable to manage white supremacy.

⁸⁰ Joseph R. Pollard to W. T. Andrews, May 24, 1929, Part 5, reel 2, frames 0882-83, NAACP Papers.

Chapter Seven

Managing White Supremacy: Politics and Culture in the 1930s

In the wake of the decisions in the *Deans* and *West* cases, white elites became increasingly uncertain how to respond as emboldened black leaders challenged more forcefully the daily vestiges of Jim Crow. Blacks demanded better housing and living conditions, continued access to the ballot box, and most especially, more equitable educational facilities. Ideological extremists, including Walter Plecker and John Powell, rejected all such appeals and warned of the danger of mixed schools. Most political elites, on the other hand, remained silent and continued to block meaningful change. Black grievances did draw the support of a number of elite whites, namely newspaper editors and members of the Commission on Interracial Cooperation, who recognized a need for better treatment but sought to control the pace of that change. No longer willing to wait for their white "friends," blacks in Virginia protested, went to court, and insisted on their own terms for an equitable share of public resources. In the process, even the most progressive of Virginia's white elites decided they could no longer support the goals of the state's black populace. Paternalism in the Old Dominion did not survive the decade.

By 1930, John Powell and Walter Plecker had turned their attentions to the emerging importance of education as a litmus test in their crusade to maintain racial integrity. The specific aim of the 1924 Racial Integrity Act had been to prevent intermarriage between whites and blacks. Consequently, Plecker had devoted his efforts to ensuring that local registrars and clerks denied marriage licenses to such couples. The statistician, however, realized over time that all Virginians, especially those called to serve as jurors, did not accept his rigid devotion to the law. In August 1926, a Rockingham County grand jury considered what would have been the first conviction for violating the law. Apparently the jury failed to convict, for in May 1928 the state's press announced that

an Amherst County court had handed down the state's first conviction under the law when it found guilty Mary Hall Wood and sentenced her to two years in prison for marrying Mott Hamilton Wood, a mulatto. Several weeks later, her husband received the same sentence.¹

The couple's arrest and conviction, apparently incited by a complaint from the bride's father who later disappeared, prompted the *Norfolk Journal and Guide* to remark that their "case would be a crowning comedy were it not so profoundly pathetic." According to the paper, Mott Wood was but one-sixteenth black, had been raised his entire life as white among white friends, and had "all the instincts and feelings of a white man." It seemed only natural to that newspaper that he choose to marry a white girl. But perhaps instead of marrying, suggested the Tidewater black paper, the couple should have raised a family outside of marriage; in that case they would not have gone to the penitentiary.²

Several months after the couple's conviction, Governor Harry Byrd denied Mary Hall Wood's request for a pardon. Acknowledging that trial officials and a number of other prominent persons had supported her application, the governor determined that the applicant knew at the time of her marriage that her husband was legally black. "The necessity of racial integrity is so important," reasoned the governor, "that after mature consideration I find myself unable to act favorably on this application."³

Several months later, the newspapers reported another violation of Virginia's ban on intermarriage. In this instance, James Reedy, white, and Lizzie Copp, "of alleged Negro extraction," were married in Hagerstown, Maryland, and then returned to their home in Shenandoah County. Since the Virginia statute specifically prohibited persons from marrying outside the state in an effort to avoid the law, authorities arrested the couple and lodged them in jail. A similar case occurred later that year in Phoebus, a small town near

¹ "First Test Case Under New Race Integrity Law," *Norfolk Journal and Guide*, Aug. 28, 1926, p. 1; "Appeal Likely From Two-Year Term in Prison," *Richmond Times-Dispatch*, May 4, 1928, p. 1; "Test Case Looms in Virginia Racial Integrity Law," *Norfolk Journal and Guide*, May 12, 1928, p. 1; "Two Convicted Under Racial Integrity Act," *Norfolk Journal and Guide*, June 23, 1928, p. 1.

² "Mott Wood's Crime," *Norfolk Journal and Guide*, June 23, 1928, p. 16.

³ "Byrd Refuses Pardon Under VA. Racial Law," *Richmond News Leader*, Aug. 31, 1928.

Hampton. Emil Umlauf, the town's former police chief, married Lizzie Whitehead, a black woman, in Brooklyn, New York, on November 11, 1929. When they arrived back in Virginia, they too were arrested. An unrepentant Umlauf, however, insisted that a man had a right to marry the woman of his choice. When a mob threatened the couple at the Phoebus jail, authorities moved them to Hampton.⁴

Despite such strong feelings aimed at the pair, a jury found that they lacked evidence to prove that the couple had left the state for the purpose of marrying. In releasing the couple from the court, Judge Vernon Spratley ordered them to leave the jurisdiction by 9:00 p.m. that evening. The jurist told the Umlaufs that "such a low and debased state of mind that actuates a white or colored person to commit the act which you have, makes you unfit for association with decent people, and places each of you beyond the pale of those who hold this view." Turning to the former police chief, Spratley added that "it was a mistake to endow you with the greater advantage and outlook that it gives to a white man."⁵

Walter Plecker seemed to recognize that the Umlauf jury had come to represent the norm, not the exception. Despite the support of adherents like Judge Spratley, Plecker began to complain that certain authorities around the state refused to prosecute violations of the law. The statistician noted in a report that many interracial couples wed outside the state and returned undisturbed. He estimated that as many as one hundred people a year violated the law, bolstered by the knowledge that no jury would choose to convict. Finally, in December 1931, Plecker acknowledged that "sympathetic juries refuse to convict because of the severe penalties" and suggested that the legislature remove the penitentiary penalty. The following month he endorsed a bill which would have reduced violations of the racial integrity act from a felony to a misdemeanor, therefore allowing no more than a year in jail.

⁴ "Charge Woman Is Part Negro; Jail Newlyweds," *Richmond Times-Dispatch*, Jan. 17, 1929, p. 3; "Former Police Chief Weds Colored Woman, Arrested," *Norfolk Journal and Guide*, Nov. 23, 1929, pp. 1 & 5.

⁵ "Judge Lectures Acquitted Mixed Marriage Pair," *Norfolk Journal and Guide*, May 10, 1930, p. 1.

The issue divided Plecker and John Powell who strongly opposed any lessening of the penalty. The legislature sided with Powell.⁶

Although Plecker remained annoyed with the unwillingness of juries to convict persons for interracial marriage, he had already shifted the focus of his efforts to the schools, and more specifically to defining certain persons as black in order to keep them out of white schools. Since the mid-1920s, Plecker had informed school superintendents whenever he suspected that children with any black blood had enrolled in schools for whites. Despite the objections of parents, most of these children were expelled and left with no choice but to attend far inferior black schools. Furthermore, aggrieved parents could not appeal Plecker's decisions.⁷

As had been the case with intermarriage, persons claiming to be "Indian" rather than "black" provided Plecker his greatest frustrations in ensuring the racial purity of Virginia's schools. Based on a ruling from Plecker, an Henrico County principal expelled the children of Ray Winn, the same man arrested in 1925 for marrying a white woman. In court Winn declared that during his acquittal on the earlier charge he had proven that he was not black. Undeterred, Plecker presented his own evidence to the contrary. The statistician's relentless campaign against Virginia's Indians eventually drew criticism from certain quarters. During its 1928 session, the Virginia Senate killed a racial integrity bill because of perceptions that it involved an unfair attack on the state's Indians. Eighteen months later, Plecker sent a formal letter of complaint to A. Willis Robertson, chairman of the State Commission on Game and Inland Fisheries, in which he charged that M. D. Hart,

⁶ "Plecker Claims Racial Integrity Statute Is Violated In Virginia," *Richmond Times-Dispatch*, April 10, 1931, p. 16; "Negroid Baby Registry As White Noted," *ibid.*, Sept. 29, 1931, p. 1; "Advocates of Race Integrity Are All Het Up," *Norfolk Journal and Guide*, Oct. 3, 1931, pp. 1 & 4; "Urges That Race Law Be Modified," *Richmond News Leader*, Dec. 30, 1931, p. 1; "Miscegenation Status Reduced In Senate Bill," *Richmond Times-Dispatch*, Jan. 29, 1932, p. 4; Commonwealth of Virginia, *Acts of Assembly, 1932*, 68. According to chapter 78 of the *Acts of Assembly, 1932*, the legislature passed Senate Bill 87 which defined violations of the racial integrity act as a felony subject to at least one and not more than five years in the penitentiary.

⁷ Abraham Branham, Lexington, Va., to Harry F. Byrd, July 3, 1926, box 68, folder "Vital Statistics, Bureau of," Byrd Executive Papers; Walter A. Plecker to Kate Robinson, Dec. 11, 1926, box 1, folder "Letters 1923-28 'P'," William Gregory Rennolds Papers (#26832), Library of Virginia.

the commission's executive secretary, had attacked and hindered Plecker's efforts to reclassify many Indians as black. After a formal hearing, Robertson, later a United States Senator, ruled that Hart had acted as a private citizen and not in an official capacity.⁸

The *Richmond News Leader* termed Robertson's ruling as "eminently correct" and fully defended Hart's rights as a private citizen. Not stopping there, however, the Richmond daily suggested that "if there are to be investigations as to whether officials have stepped beyond the strict limits of the laws prescribing their duties, it would not be out of place for an inquiry to be made as to whether Dr. Plecker, himself, has been guilty in this respect. Has he . . . contented himself with the enforcement of the statutes appertaining to his office; or is it a fact that he, in his zeal for racial integrity, has gone farther, has become a propagandist, has sought to play upon emotions and prejudices, and to arouse ill-feeling to the end that new and more drastic laws be enacted." Leaving no doubt as to the position of its editors, the *News Leader* concluded that "the continued harassment of an inoffensive, isolated people, whose only desire is to be left alone, is a blot on the name of the state, and, indeed, savors of cruelty. It has gone too far."⁹

Plecker responded to the attack in a scathing three-page letter addressed to Douglas Freeman, the editor of the *News Leader*. The statistician defended his practices, asserted that his findings could not be repudiated, and expressed concern that the *News Leader* consistently failed to report the true facts. He recited for Freeman the genealogy of Ray

⁸ "Real Indians, Family Says, Not Negroes," *Richmond Times-Dispatch*, Jan. 29, 1929, p. 3; "Race Integrity Bill Beaten In Senate By Vote Of 26 To 13," *ibid.*, Feb. 14, 1928, pp. 1 & 2; Sherman, "The Fight For Racial Integrity": 88-89; "Indians Fear Classification Among Negroes," *Richmond Times-Dispatch*, Sept. 10, 1929, p. 14; "Find Hart Acted As Private Citizen," *Richmond News Leader*, Sept. 20, 1929, pp. 1 & 26. Interestingly enough, several days before Robertson ruled that Hart's position had nothing to do with enforcement of the racial integrity act, he wrote S. R. Church of Lynchburg, the editor of the *Farmville Leader* and the *Virginia Union Farmer*. Church had written to complain about reports in the paper that Hart had encouraged United States census officials to classify Virginia's Indians as Indians. In his response, Robertson assured Church that "speaking solely for myself, I will say that I greatly favor the preservation of the racial integrity of both the white and black races, having long felt that any gradual amalgamation of the two would be detrimental to both." Like most officials, Robertson wanted to be on record as supporting the law. A. Willis Robertson to S. R. Church, Sept. 14, 1929, box 24, folder "Health--Bureau of Vital Statistics," Byrd Executive Papers.

⁹ "Rights As Citizens Not Lost By State Officers," *Richmond News Leader*, Sept. 21, 1929, p. 8.

Winn and the other Charles City and New Kent "Indians" and insisted that Winn descended from a black woman on his father's side. "These are the people," declared Plecker, "who are being boosted by writers in the *News Leader* as 'Indians' with the privilege of intermarrying into the white race." Furthermore, Plecker condemned the efforts of such people to have their children admitted into white schools. "Our law has defects which must be corrected," he added, "even if it does 'harass' these pretenders. Especially must our white schools be protected from becoming mixed." Plecker expressed further the hope that Freeman "may yet see the light, and be guided by it."¹⁰

The necessity of preserving racial integrity in order to maintain segregated schools assumed a level of critical importance as the General Assembly prepared to meet in January 1930. Revelations that a number of mixed-race children attended white schools in Essex County, and that local officials remained powerless to prevent it, provided advocates of a stricter law the means of persuasion that they had lacked in 1926 and 1928 when they were seen as unnecessarily harassing the state's Indians. The admitted fact of mixed schools, coming at the same time that Virginia's blacks won important legal battles in *West v. Bliley* and *Deans v. Richmond*, concerned public officials throughout the Old Dominion; few whites publicly opposed a much stricter law introduced on January 16, 1930.¹¹

The situation in Essex County first developed in 1928 as local school officials took steps to remove from the white schools children considered mixed. Such efforts paralleled actions in other counties precipitated by Walter Plecker and his staff and their incessant warnings to school superintendents. Officials in Essex succeeded in dismissing the children of one family, but ran into trouble when a second family resisted, hired a lawyer, and filed suit. In the Circuit Court of Essex County, school officials acknowledged that the

¹⁰ Walter A. Plecker to Douglas Freeman, Oct. 22, 1929, box 24, folder "Health--Bureau of Vital Statistics," Byrd Executive Papers.

¹¹ "New Racial Integrity Measure Is Offered," *Richmond Times-Dispatch*, Jan. 17, 1930, p. 1.

children in question had less than one-sixteenth black blood. Consequently, Judge Joseph W. Chinn ruled that the children could not be kept out of white schools.¹²

Chinn based his ruling on what racial integrity advocates had long understood as a loophole in the original legislation. The 1924 Racial Integrity Act defined a white person as "an individual who possesses no trace whatsoever of any blood other than Caucasian," making an exception only for certain Indians. Furthermore, the act specifically prohibited the intermarriage of a white person with a non-white person, but made no mention of the schools. The act also failed to define a black person. John Powell later testified that he assumed that all persons not deemed white would be classified black. But since the 1924 act did not amend the 1910 act which termed blacks as persons with one-sixteenth or more black blood, an individual with less than one-sixteenth black blood could not be considered black, and therefore could not be prevented from attending white schools.¹³

A writer for the *Richmond Times-Dispatch* concluded that under Chinn's ruling "any child having less than one-sixteenth Negro blood, not only can attend a white school, but must attend it, and is by law prevented from attending a colored school." Furthermore, noted the journalist, the judge's opinion opened the door for persons with less than one-sixteenth black blood to attend any of Virginia's colleges or universities. In the wake of Chinn's decision, local officials understood that their only avenue of relief lay with the state legislature; consequently the measure introduced by Senator Frank L. Ball of Arlington and seven others defined as black "any person in whom there is ascertainable any Negro Blood," the so-called one-drop rule.¹⁴

¹² Decision of Judge Joseph W. Chinn, Sept. 22, 1928, and papers pertaining to "In Re Petition of Robinson et al. to County School Board: Petition and Appeal to Circuit Court of Essex County, June Term, 1928," Chancery Order Book 8, p. 220, Circuit Court of Essex County; "Investigator Finds Mixed Schools In Essex County," *Richmond Times Dispatch*, Jan. 26, 1930, p. 1.

¹³ Ibid.; handwritten speech of John Powell in favor of House Bill No. 2, introduced 1928, box 56, folder "Racial Integrity Material 1," Powell Papers.

¹⁴ "Investigator Finds Mixed Schools In Essex County," *Richmond Times-Dispatch*, Jan. 26, 1930, p. 2; "New Racial Integrity Measure Is Offered," *ibid.*, Jan. 17, 1930, p. 1.

As the General Assembly began deliberations on the new act, an investigator for the *Richmond Times-Dispatch* visited the Essex County schools which had sparked the controversy. One of the schools, a combined grade school and high school, enrolled 180 children, sixteen of whom had some black ancestry. The principal of the school acknowledged that he knew personally all of the children considered mixed and that all of the white students knew who they were. Such knowledge apparently made no difference to the children; blacks and whites, in the words of the investigator, "played together on terms of equality." The situation in a second school upset local officials in a more considerable manner. The last remaining one-room school in the county enrolled only twenty-four students, twelve boys and twelve girls. The superintendent of the county schools revealed that six of the boys had black ancestors, five of the girls definitely did, and three other girls might have.¹⁵

The writer for the *Times-Dispatch* observed that of the fourteen boys and girls who either had or might have had black blood "only one pupil would have impressed the casual observer as revealing traces" of black features while the "remaining thirteen could have passed for white anywhere." The observer noted that during recess the "children trooped out and played together. There was apparent no consciousness of any racial barrier." School superintendent W. G. Rennolds insisted that both adults and children in the community understood which children were of mixed descent. The Richmond reporter echoed the belief of the superintendent and the commonwealth's attorney, James M. Lewis, that this particular aspect of the situation was most "tragic" and "shocking." The journalist noted that both men appeared especially concerned that so "many residents of the community have become accustomed to the fact that their children go to school with mix breeds, and show no resentment, active or passive."¹⁶

¹⁵ "Investigator Finds Mixed Schools In Essex County," *Richmond Times-Dispatch*, Jan. 26, 1930, p. 2.

¹⁶ Ibid.

The seeming acceptance of the white parents whose children attended school with children of mixed racial ancestry only heightened in Rennolds and Lewis a need to act in the best interest of their constituents. The *Times-Dispatch* reporter found that both men spoke of the racially mixed children in terms of great "sympathy" and evidenced no "racial prejudice." In fact, Rennolds had served on the local interracial commission. Both men noted that the black schools did not want to admit these children, and that consequently they might have to open a new school for them. Nevertheless, they felt a need to make certain that only white children attended white schools. Rennolds warned that a failure to pass a tighter law would allow black students to enter white colleges and universities. He acknowledged the impossibility of maintaining an absolute color line, but expressed a determination to do what he could. The Richmond journalist added that both men believed that "the intermarriage prevented by law . . . cannot be hoped for if children of both races are permitted to go to school together and regard each other as equals over a period of eight or ten years."¹⁷

In testimony before the General Assembly, proponents repeatedly cited the situation in Essex County. W. Leigh Carneal, a Richmond architect, echoed the thoughts of W. G. Rennolds and acknowledged that ultimate amalgamation appeared likely, but considered the bill crucial to slowing the process. Dr. Richard Heath Dabney, a professor of history at the University of Virginia and the father of Virginius Dabney, referred to Egypt, Portugal, India, and Cuba as countries where racial mixing had destroyed civilizations. More specifically, however, he warned that a failure to pass the law would make it possible for persons with some black blood to gain admittance to the University of Virginia.¹⁸

¹⁷ "Essex Acts To Prevent Mixed Races In Schools," *Richmond Times-Dispatch*, Jan. 27, 1930, pp. 1-2; L. R. Reynolds, Director of Virginia CIC, to Wm. Gregory Rennolds, April 19, 1928, box 1, folder "Letters 1923-28 'R'," Rennolds Papers.

¹⁸ "Substitute Bill Being Sought By Its Opponents," *Norfolk Journal and Guide*, Feb. 8, 1930, section 2, pp. 1 & 7. Richard Heath Dabney, in fact, had for decades warned that granting rights and privileges to blacks would lead to an increase in racial tension. In 1901, he authored a lengthy article in the *Richmond Times* that praised the loyalty of blacks as slaves, but warned against "political, social, and industrial equality." Box 2, folder "1901 article by R. Heath Dabney on the Negro Problem in *Richmond Times* and

Opinion outside the halls of the legislature, however, revealed less unanimity among whites. The Dover Baptist Association, an organization that represented sixty-seven churches in Richmond and its outlying counties, objected to the "recurring attempts to misrepresent and humiliate" the Pamunkey, Mattaponi and Chickahominy Indians. Acting at the request of an aide to Walter Plecker, W. G. Rennolds wrote to one member of the Baptist association and declared that "unless we can get some legislation, we might as well turn our schools over to both races and save the expense of a dual system of schools." Rennolds's complaint infuriated Hill Fleet, an officer in a Richmond publishing firm, who agreed that some persons tried to evade the law with unwarranted claims of Indian ancestry, but denied the right of Rennolds and his cohorts to "throw those people out of education or any advantages that they might be able to enjoy; cut them loose from any kind of society and damn them as negro on account of the sins of their forefathers, just because one drop of negro blood flows in their veins." As if to punctuate his rejection of rigid racial integrity doctrine, Fleet added that "the milk of human kindness certainly ought to flow in their direction along with the cold blooded law."¹⁹

The reality of mixed schools in Essex County overwhelmed such objections and the House of Delegates passed the Ball bill with little dissent. The Virginia Senate did amend the bill to allow those persons with at least one-fourth Indian blood and less than one-sixteenth black blood to remain classified as Indians, but only if they lived on a recognized reservation. In particular, this amendment protected the Pamunkey and Mattaponi who had lived on reservations for years. The measure did not extend, however, to the Chickahominies of Charles City and New Kent counties, persons said to have claimed Indian ancestry only after the passage of the first Jim Crow laws at the turn of the century.

other material on the subject," Virginius Dabney Papers (#7690-p), Special Collections Department, University of Virginia Library.

¹⁹ Dover Baptist Association, "A Statement In Regard To Senate Bill, No. 49," W. G. Rennolds to R. Hill Fleet, Jan. 27, 1930, Fleet to Rennolds, Jan. 31, 1930, box 2, folder 4, Rennolds Papers; Estelle Marks to W. G. Rennolds, Jan. 24, 1930, box 2, folder 7, Rennolds Papers.

Virginia's new racial integrity law allowed for the bizarre possibility that two siblings, one living on a reservation, one living outside such boundaries, would be classified as members of different races. The Senate passed the amended version without a dissenting vote and the House soon concurred.²⁰

The *Richmond Times-Dispatch* hailed the measure's passage as "A Long Fight Won." The daily concluded that despite the Senate amendment the measure's "great objective" had remained intact: granting school authorities the means to "maintain the color line in the public schools." The Richmond morning paper commended the legislature for rejecting the suggestion supported by the *Richmond News Leader* that the issue be submitted to a commission for more thorough study. Before such an investigative body reported to the General Assembly, surmised the *Times-Dispatch*, "there would have been mixed public schools all over the State." In conclusion, the *Times-Dispatch* praised the efforts of John Powell and Ernest Cox. About Powell, the paper declared:

He is among the half-dozen most distinguished Virginians of his generation, a pianist and composer whose genius is recognized wherever great music is understood and loved. And he has endured many humiliations at the hands of lesser men in the course of his persistent campaign for the enactment of this legislation. It has been a hard and unpleasant job of work, for the man is unpopular who persists in reminding us of unpleasant facts. Those Virginians who feel that the maintenance of pure white public schools is a worthy thing will recognize their debt to the men who did this job for them.²¹

The *Richmond News Leader* and *Norfolk Virginian-Pilot* provided less generous assessments of the bill's adoption. The Norfolk daily concluded that the bill passed "by inventing a mendelian determinant based on fear" and regarded it as "a settlement that involves for a limited group of our population a genuinely tragic predicament." The Richmond paper reiterated its preference for a non-partisan commission and noted that

²⁰ "Virginia Racial Integrity Bill Passes House," *Norfolk Journal and Guide*, Feb. 15, 1930, p. 3; "Race Integrity Bill Is Passed By Delegates," *Richmond News Leader*, Feb. 11, 1930, p. 1; "Race Integrity Bill Passed By A Large Vote," *Richmond Times-Dispatch*, Feb. 14, 1930, pp. 1 & 6; Sherman, "The Fight For Racial Integrity": 90.

²¹ "A Long Fight Won," *Richmond Times-Dispatch*, Feb. 12, 1930, p. 8. For more on the *News Leader's* support of a commission, "Refer The Racial Bills," *Richmond News Leader*, Feb. 11, 1930, p. 8.

"there are wide and vague implications to the word 'ascertainable'" as employed in the legislation. Furthermore, the *News Leader* predicted "endless possibilities of controversy" between the bureau of vital statistics and various Indians. "Even with these faults," concluded the paper in a tone filled with resignation, "liberal Virginians are apt to accept the bill without a further fight, in the hope that it puts an end to the continuous agitation of the race question before the general assembly. Year after year this has gone on, to the distress of inoffensive people and to the impairment of better racial relations."²²

As usual in racial matters in Virginia, it required the insight of the state's black press to underscore the depth of hypocrisy and delusion inherent in the passage of the new racial integrity measure. "Traced to its logical end it comes up against a pathetic and rather tragic impasse," editorialized the *Norfolk Journal and Guide*, "which will in reality constitute a defeat of its own purpose. For instance, if a person having only a trace of Negro blood is defined by fiat as a Negro in the face of all his nominally Caucasian instincts, associations, heritage, passions and emotions--in short, against his very nature itself, here is created a problem the ramifications of which are pathetic and delicate to contemplate. He is nominally white, biologically mixed, and legally Negro." The paper argued that a trace of black blood "would be reduced to an unascertainable minimum" in a short time. Denied the right to intermarry with persons almost identical biologically, however, such a person must select a mate considered legally black. "When these nominally white but legally colored persons are forced into the Negro race," concluded the *Journal and Guide*, "the natural result will be the multiplication of the tribe less distinguishable from white than the Negro per se, to the perpetual exasperation of the whites."²³

²² *Norfolk Virginian-Pilot* editorial quoted in "Latest Racial Integrity Bill Is Now a Law," *Norfolk Journal and Guide*, Feb. 22, 1930, p. 8; "May This Be The End Of It!" *Richmond News Leader*, Feb. 14, 1930, p. 8.

²³ "Virginia's 1930 Edition Of Racial Integrity," *Norfolk Journal and Guide*, Feb. 15, 1930, editorial page.

The shifting focus of the debate over racial integrity from intermarriage to education paralleled the emergence of education as the central grievance on the minds of Virginia's black citizens. State and municipal authorities had ignored the needs of black education for years, but when state authorities institutionalized grossly unequal salary scales for black and white teachers, black educators and leaders protested loudly. Just months after the passage of the 1930 racial integrity bill, superintendent of schools Harris Hart announced the establishment of a salary equalization fund intended to eliminate the disparity in pay between rural and urban teachers. The new scale, however, imbedded in state policy lower salaries for black teachers; white teachers were to receive a minimum of \$60 per month plus as much as \$50 more per month based on their qualifications, while their black counterparts had to make do with a minimum of \$45 per month and not more than an additional \$25 based on qualifications. The decision prompted the *Norfolk Journal and Guide* to acknowledge that the social conscience of white Virginians was not yet ready to demand equal pay for black and white teachers, but nevertheless wondered "what measure of social responsibility this State feels toward its colored children when it not only adopts a policy of niggardly pay for their teachers, but persists in maintaining a gross disparity between what it pays them and pays the teachers of its white youth."²⁴

The outrage of black teachers was not limited to the editorial pages of Virginia's black press. A gathering of six hundred black teachers at Hampton Institute issued a formal protest against the commonwealth's action. Thomas Dabney, the principal of a black school in Buckingham County, led efforts to increase black salaries. Acting under the umbrella of the Buckingham County Teachers Association, Dabney collected the signatures of black teachers in twenty-five counties and five cities in support of a petition

²⁴ Harris Hart to all Division Superintendents of Schools, May 15, 1930, copy in box 2, folder 6, Rennolds Papers; "Disparity in Teachers' Pay," *Norfolk Journal and Guide*, May 24, 1930, editorial page. The disparity in salaries between rural and urban teachers and the need for an equalization fund was most clearly documented in a series published by the University of Virginia's School of Rural Economics. *The University of Virginia News Letter*, Oct. 1, 1929, Oct. 15, 1929, Nov. 1, 1929, Nov. 15, 1929, Dec. 1, 1929, Dec. 15, 1929.

aimed at correcting the disparity. He reminded an annual gathering of black teachers that "your grocer, doctor, landlord and the like do not sell their products and wares according to the color of their customers, but according to the general market price of such articles. . . . It is manifestly unjust to have to buy according to economics while earning money according to color!" Dabney told the *Richmond News Leader* that he did not intend for his activities to create ill feeling between blacks and whites, but that black teachers needed and deserved higher salaries. Plummer Jones, the white superintendent of schools in Buckingham County, praised Dabney as a principal, but did warn a prospective employer in another county that his efforts might offend some whites and lead to friction.²⁵

Despite Dabney's best efforts, Governor John Garland Pollard urged a 10 percent across the board pay cut in January 1932 for all teachers' salaries in an effort to avoid depression-related budget shortfalls. Blacks had hoped that Pollard would reduce the salaries of black teachers by a smaller percentage since they were already paid much less. The chief executive's refusal prompted one observer to conclude "that 'separate but equal' education is a shibboleth and a mockery."²⁶

Although disappointed, the activism of Thomas Dabney and other blacks revealed a newfound strength derived from the growing political involvement of black Virginians in the wake of the *West* and *Deans* cases. While many whites comforted themselves by stressing that few blacks had actually voted in subsequent primaries, blacks in cities throughout the commonwealth took their newly confirmed rights quite seriously. The commitment to civic leagues accelerated all over the state. Groups in Richmond, Petersburg, and Danville, often working in conjunction with churches and other

²⁵ "Teachers Hit Salary Inequalities," *Norfolk Journal and Guide*, May 9, 1931, pp. 1 & 15; "Further Discrepancies In Va. School Outlays Are Revealed," *ibid.*, May 9, 1931, p. 11; "More Pay For Teachers," *ibid.*, June 20, 1931; "A Justifiable Claim," *ibid.*, Nov. 28, 1931, editorial page; "Teachers Back Move For Higher Salary Scale," *ibid.*, Dec. 5, 1931, pp. 1 & 15; "Negro Teachers Salaries Small," *Richmond News Leader*, Dec. 5, 1931, p. 10; "Cuts in Teachers Pay Described: Low Salaries in the South Attacked," *Norfolk Journal and Guide*, Jan. 23, 1932, p. 3 (quotation); "Citizen Voters League Wins Against School Board in Appointment of Principal," *ibid.*, Sept. 10, 1932.

²⁶ "Gov. Pollard Would Cut All Salaries," *Norfolk Journal and Guide*, Jan. 23, 1932, p. 1; "Separate But Equal," *ibid.*, Feb. 13, 1932, editorial page.

organizations, discussed means of qualifying larger numbers of blacks for the franchise. Professor Luther P. Jackson began releasing studies of black voter participation; Petersburg appeared at the bottom of his list, with only 2 percent of blacks qualified, while Danville topped the list with 14 percent, perhaps a reflection of that city's economic growth since the First World War. Theodore W. Jones of Richmond concluded that blacks began to evince a greater interest in local and state politics, and placed less emphasis on national events. "It makes a difference to us in Richmond," he explained, "who is mayor and what his record is toward the Negro. It makes a difference to us as to the type and quality of the men who compose the common council, the board of education, the judges of our courts of law, and the man who is chief of police. These are officials whose acts, utterances and decrees affect for good or ill our daily lives." In Arlington County, Dr. Edward T. Morton, a former Republican denied his seat at the 1921 state convention, decided that blacks should not only vote, but govern; he declared himself a candidate for the county board of supervisors, becoming only the second black in Virginia to run for elected office since 1903.²⁷

Having firmly established their right to fully participate in the electoral process, blacks still had to contend with the whims and prejudices of individual registrars. In Newport News, blacks faced "no serious obstacles" to registering. One observer noted that R. R. Jones, the registrar, "is informed and helpful and it is reported very helpful to those Negroes who can hardly write in filling out their application to register." Jones's attitude no doubt reflected the influence of the shipyard's leadership, which, although

²⁷ Virginius Dabney, "Negroes and the Franchise: Their Participation in the Primaries," *Richmond Times-Dispatch*, reprinted in *Norfolk Journal and Guide*, Sept. 12, 1931, p. 7; "Call Issued For Political Talk At Petersburg," *Norfolk Journal and Guide*, Feb. 18, 1928, p. 1; "Voters League Rouses Citizens of Richmond, Va.," *ibid.*, June 6, 1931, p. 2; "New Civic League Promotes Citizenship," *ibid.*, March 19, 1932, p. 1; "Danville Has Largest Number of Negro Voters," *ibid.*, July 16, 1932, p. 9; "Business Men of Danville, Va., Forging Strong Link in Race's Chain of Economic Progress," *ibid.*, July 14, 1923, p. 7; letter to the editor from Theodore W. Jones, "The Race on Trial," *ibid.*, April 2, 1932, editorial page; "Candidacy Of Va. Physician Creates Furor," *ibid.*, Aug. 8, 1931, p. 1. In 1920, a Mr. Press, an attorney, apparently ran for city council in Newport News. Wilhelmina Jackson, "Memorandum on Newport News, Virginia," box 85, folder 31 "Bunche *Political Status of the Negro*, W. Jackson's Field Notes: Newport News Memorandum," pp. 7-8, Bunche Papers.

paternalistic in many respects, had created a climate long considered more favorable in its attitude toward blacks than most municipalities.²⁸

Aspiring black voters in Hampton and Portsmouth, on the other hand, faced less-cooperative election officials. In Hampton, registrar Thomas C. Allen rejected the application of W. E. Davis, a forty-eight-year-old black man, for his failure, according to court records, "to make application in proper form and to answer to the satisfaction of the registrar certain questions affecting his qualifications." Virginia statute required only that eligible persons, having paid all taxes and met all residency requirements, make an application in their own hand, including their "name, age, date and place of birth, residence and occupation at the time and for the one year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last." In addition, all applicants were required to answer "on oath any and all questions *affecting his qualifications as an elector*." Typically, registrars handed whites a piece of paper and told them step-by-step what to write down; blacks, on the other hand, had to memorize all pertinent information in advance.²⁹

W. E. Davis submitted to the registrar the following application, which included handwritten answers to Allen's questions:

Hampton, Va. Oct. 5, 1929

to the Registrar Courthouse

Precinct Dear Sir I W. E. Davis hereby apply for Registration to vote in Courthouse Precinct Elizabeth City County. My age is 48 years was born at Jamesville, N. C. the 27 Day of May 1881, I now reside at 34 Union St in the City of Hampton Va have lived there for the past 26 years my occupation is Skill Labor and have Been for the past 2 years I have never voted

Very Respectfully,
W. E. Davis

²⁸ Wilhelmina Jackson, "Memorandum on Newport News, Virginia," box 85, folder 31 "Bunche Political Status of the Negro, W. Jackson's Field Notes: Newport News Memorandum," pp. 7-8, Bunche Papers.

²⁹ *W. E. Davis v. Thomas C. Allen, Registrar*, Sept. 17, 1931, 157 Va. 84, 86, 88 (emphasis added); Story of Voter Registration in Richmond in 1928 told by a white professor at Virginia Union University, in Emmet M. Frazer, "How Does It Feel to Be Colored?" *Commonwealth* 12 (June 1945): 10. I am indebted to Brent Tarter at the Library of Virginia for bringing the Frazer piece to my attention.

Question. What is ment By Legal *Residenct* in Va

Answer. All persons Who have lived in the Stat--for one year are a Legal *Residenter*

Question. When is the Payment of Poll Tax Not *Requared*

Answer. After a *Pearson* have *obtaine* the age of sixty years

Question. What are the *Requisites* to enable one to Register in Va

Answer he will have to Be 21 years of age and a citizen--of the State for one year in the City Town or county for 6 *month* Precinct in which he *ofers* to vote 30 Days and Pay all State Tax for 3 years Back say for 1926, 27, 28.³⁰

Elizabeth County Circuit Court Judge Vernon Spratley upheld Allen's refusal to register Davis, but the justices of the Virginia Supreme Court did not. The state's highest court ruled that although Davis's application revealed a lack of education, he had provided the necessary information. Furthermore, and of greater significance, the tribunal rejected the right of registrars to ask far-reaching questions which did not affect an applicant's qualifications. They granted that Allen's first question might prove relevant, but if so, they concluded that Davis provided a correct response, no matter how poor his spelling and grammar. The justices found, however, that Allen's second and third questions "elicit no information" required by law. In essence, the court struck down the use of so-called understanding and education clauses, long a staple in the preservation of white primaries and white supremacy. Referring to Davis, Virginia's Supreme Court found that "neither his knowledge or lack of knowledge of these subjects, nor his proficiency or deficiency in education as disclosed by his answers to these questions, has any bearing on whether he is, or is not, entitled to register and vote."³¹

The decision in the *Davis* case proved every bit as critical to the participation of blacks in Virginia politics as did the *West* case. In one locale after another the decision placed the law firmly on the side of black voters. In Portsmouth, for instance, election judges prevented Mr. Walker, an attorney, from voting in the 1931 primary because they said he voted Republican in the last election. Walker, however, took his case to a judge

³⁰ *Davis v. Allen*, 157 Va. 84, 86-87. Italics appear in the trial record; presumably these are the misspellings emphasized by the registrar.

³¹ *Davis v. Allen*, 84-91; "Registrars' Subterfuge Held Illegal," *Norfolk Journal and Guide*, Oct. 10, 1931, pp. 1 & 15.

and "was given the privilege to return to the polls and cast my ballot." Frank L. Wilson, another black attorney, found his way to the polls barred by election judges Emmett Dean, M. M. Cain, and Lorenzo Cass for no other reason than that he was black. He, too, filed suit, won, and ended up voting before the day was over.³²

Charles Butts, a black singer in Portsmouth, experienced enough frustration trying to register that he almost gave up, quite probably the intended object of the registrar's methods. "I knew beforehand," explained Butts, "that Mr. Parker, the registrar, was a violent Negro hater. He had made up his mind to keep as many Negroes out as possible." Four times the singer went to register, and each time he received a blank piece of paper. On the first occasion, Parker accepted his form, but asked him how many people signed the Declaration of Independence, prompting Butts to remark that "these were civil government questions which one doesn't know unless one is in school constantly." The second time, the registrar announced that he was closed for the day, and on the third try, Parker claimed that Butts had not signed his name in enough places. Finally, recalled Butts, "I knew the machine was run at that time by Dr. Brooks, who was anti-Negro, and so I figured it would be best for me to take a politician along with me the last time I went. I took our ward leader, a man who was 'in the know.' I was registered this time. I almost got out of the notion of voting, though."³³

Black women in Portsmouth faced the same obstacles. Mrs. Samuel E. Johns, like Butts, remembered that Parker "hated Negroes." Nevertheless, with the encouragement of her husband, she attempted to register. Parker, however, also refused her on grounds that she had not signed her name in the appropriate place, and that she could not tell him how many people had signed the Declaration of Independence. Rather than giving up, though,

³² Andrew Buni, *The Negro in Virginia Politics*, 124-27; Wilhelmina Jackson, "Memorandum on Portsmouth, VA," box 85, folder 12 "Bunche *Political Status of the Negro*, W. Jackson's Field Notes, Portsmouth Memorandum and Map," pp. 3-5; "Judge B. D. White Rules Against Color Barrier," *Norfolk Journal and Guide*, Aug. 8, 1931, p. 1.

³³ Wilhelmina Jackson, "Memorandum on Portsmouth, VA," box 85, folder 12 entitled "Bunche *Political Status of the Negro*, W. Jackson's Field Notes, Portsmouth Memorandum and Map," p. 6.

Johns took her case to court. When her lawyer asked the registrar if he knew how many had signed the Declaration, Parker remained silent. The presiding judge found in her favor and Johns registered. Miss Quintelia Brown, a school teacher, wrote "Portsmouth, Virginia" on the blank form as her birth place, but the registrar refused her on the grounds that she should have added "Norfolk County." She, too, took her case to court and won. Brown, however, encountered a new obstacle when she arrived at the polling place; election judges attempted to put her ballot in the box for her, but she refused.³⁴

White officials in Virginia continued to make difficult the process of casting a ballot, resorting to exasperating, but not physical, tactics that one observer labeled "courteous disfranchisement." Nevertheless, blacks in the early 1930s found themselves emboldened by recent court decisions and pressed their rights to vote. Whites realized soon enough that they could not impede fully blacks at the registrar's office or at the polling booth. Instead, whites relied on the poll tax to limit the black electorate, a function that levy served faithfully into the 1960s. If Harry Byrd meant for a moment what he wrote to Louis Jaffe in 1926 about liberalizing the voting laws, and it is doubtful that he did, the decisions in *West v. Bliley* and *Davis v. Allen* put an end to any such thoughts. In a private note to Jaffe, the governor had written, "I have been considering the question of more liberalization of our voting laws to encourage voting. I have been unable to decide in my own mind as to whether the small vote in Virginia is due to restrictions in our laws or to a general lack of interest on the part of the Virginia people." The Norfolk editor replied that the poll tax constituted the greatest hindrance to electoral participation, and suggested that the law be amended so that it only had to be paid one year prior to an election, instead of three, and that it be due three months before an election, not six. Furthermore, Jaffe argued that such changes would not "aggravate the racial problem to any material extent. Such increases in the Negro vote as it might lead to would be more than offset by increases

³⁴ Ibid., p. 7.

in the white vote. At least that is my theory. I should be willing to take the slight additional racial risk for the sake of the greater general gain." Byrd and other state politicians, however, were not.³⁵

A growing number of whites welcomed the political gains made by blacks between 1929 and 1931. Virginius Dabney, an editorial writer for the *Richmond Times-Dispatch*, reflected that few blacks had actually voted in recent primaries, that many still considered themselves Republicans, and that others chose not to vote where they were not wanted. Dabney then proceeded, in words hailed by the black press as "courageous," to address the larger social implications of black participation in politics. The young newsman remarked that blacks had made tremendous strides in recent years, both in educational and economic terms, and that whites ought to recognize that they stood to benefit from such advances. Instead, bemoaned Dabney, "as soon as a Negro begins dressing decently and exhibiting evidences of education there are always whites to protest that he is 'uppish' or 'putting on airs'. Nothing would be more to the taste of this white element than to have all members of the black race remain in ignorance, poverty and squalor." Furthermore, Dabney concluded that such self-defeating attitudes determined that "Southern primary and election laws are drawn on the theory that it is better for the most ignorant and depraved white man to cast a ballot than for the most highly educated Negro to do the same thing. There is no justice in this view. It has as its basis the thesis that the white race not only is superior to the black race, but that every individual white is superior to every individual black."³⁶

A handful of other white elites echoed Dabney's call for reform. John J. Corson, III, a correspondent for the *Richmond News Leader*, documented a full range of inequities

³⁵ The phrase "courteous disfranchisement" appears in the "Virginia Interviews," box 10, Southern Politics Collection, Vanderbilt University. The interviews were conducted with a guarantee of anonymity, which remains a condition for examining them. Hence, no material quoted from this collection will be attributed by name. Harry F. Byrd to Louis I. Jaffe, Nov. 24, 1926, box 2, folder "1924-1930 Correspondence of LIJ with Harry F. Byrd," Jaffe Papers (#9924-b); Jaffe to Byrd, Dec. 2, 1926, box 75, folder "Miscellaneous Correspondence J (2)," Byrd Executive Papers.

³⁶ Virginius Dabney, "Negroes and the Franchise: Their Participation in the Primaries," *Richmond Times-Dispatch*, reprinted in *Norfolk Journal and Guide*, Sept. 12, 1931, p. 7; "A New Version Of The Negro In Politics," *Norfolk Journal and Guide*, Sept. 12, 1931, editorial page.

in Richmond's black schools. In addition to substandard facilities and poor salaries for teachers, Corson noted that blacks in the city took special offense at the school board's absolute refusal to employ black principals in the black schools. Furthermore, Corson left no doubt as to who he blamed for the city's woeful record in educating its black citizens. He ridiculed the claim of school officials that blacks evinced no interest in industrial or vocational training. The investigative journalist concluded that "before added support will be accorded the Negro schools of this city, a more liberal, sympathetic attitude on the part of school officials must be kindled."³⁷

The Commission on Interracial Cooperation remained cautious and preferred that its work "be done quietly," but advocated measures to correct inequalities in spending and make possible separate but truly equal education. Meanwhile, the Episcopal Diocese of Virginia, who numbered among its clergy and lay persons many supporters of interracial groups, voted to afford full voting rights to black clergy in diocesan deliberations. The decision, however, was not made without vociferous objections from several delegates. Roswell Page of Hanover County conjured up images of Reconstruction and begged the Diocesan Council to "put them in their place and say no." Page admitted much about his own limitations when he proclaimed, "It is a bad thing for a man to live too long and see too much." He referred to a previous convention when "members of the council declared it was God's church and that there should be no difference made between us and our colored brethren; one member informed the brethren that they must remember that though it is God's church it is our council." Page attempted to justify the rightness of his beliefs by pointing out that he had as many black friends as any white man and that he had never

³⁷ "Richmond's Negro Schools Needing Better Equipment," *Richmond News Leader*, May 26, 1930, p. 15; "Low Wage, No Advancement Hurts Negro As Teacher," *ibid.*, May 27, 1930, p. 7; "Richmond Negro Schools Need Greater Facilities," *ibid.*, May 28, 1930, p. 14; "Better Equipment Is Need Of Negro Schools in City," *ibid.*, May 29, 1930, p. 7 (quotation). Richmond finally hired a black principal for a black school in 1933. "Negroes Will Be Allowed To Head Schools of Race," *Richmond News Leader*, March 25, 1933, p. 2; "For Better School Morale," *ibid.*, March 25, 1933, p. 8; "Negro Principals For Two Schools," *ibid.*, July 29, 1933, p. 2.

taken advantage of a black man. But, Page challenged, "How many of the brethren here would have as their guests the men whom they now propose to make their equals?"³⁸

Page's conception of friendship did not sit well with the Old Dominion's black press. The *Norfolk Journal and Guide* ventured to guess that Page "did not fool the patron saint of Christendom, and we are absolutely sure that no Negro is taking his 'friendship' seriously." The Tidewater paper stated emphatically that "Mr. Page does not know his Negroes. . . . Expediency may cause them to give a friendly grin, but down in their hearts they are not being taken in. They know real friends when they meet them."³⁹

Gains made by blacks, however, remained tentative; most whites rejected the growing number of white elites who supported reform and continued to insist on the rigid implementation of Jim Crow in the Old Dominion. P. B. Young described Jim Crowism as "not a set of laws," but rather "a state of mind." In theoretical terms, wrote Young, "Jim Crowism . . . was intended to correct political abuses, prevent miscegenation, and insure white supremacy. It corrected some political abuses but it has by no means made politics respectable. It has not prevented miscegenation except in the legal sense. . . . It has added nothing to supremacy of the white race that was not already insured by existing forces." Of even greater consequence, Jim Crowism had infused the religion, philosophy, and literature of the South with "the phantom called 'social equality.'" As a result, according to the editor of Norfolk's black paper, "Jim Crowism has been enforced with the purpose of crushing the spirit, the pride, and the aspirations of Negroes. It has not accomplished these ends, for Negroes keep their heads erect despite the abuses and iniquities of Jim Crowism. But Jim Crowism has kept the spirit, the pride, and the aspirations of Negroes bruised and bleeding."⁴⁰

³⁸ "Findings and Recommendations," April 30, 1930, reel 55, series VII, frame 229, Papers of the Commission on Interracial Cooperation (microfilm--hereafter CIC Papers); "Episcopal Church Lifts Ban On Its Negro Ministers," *Norfolk Journal and Guide*, May 28, 1932, p. 2.

³⁹ "Fooling Yourself, Mr. Page," *Norfolk Journal and Guide*, June 4, 1932, editorial page.

⁴⁰ "Jim Crowism At Its Worst," *Norfolk Journal and Guide*, Aug. 15, 1931, editorial page.

Young did not have to look far for evidence to support his contention. Given any opportunity, many whites chose to remind blacks of their status under Jim Crow. The People's Service Store, a drug store on Norfolk's Church Street, practiced what the *Norfolk Journal and Guide* referred to as "a little orthodox discrimination to make their customers feel, perhaps, that there is a difference." Unlike most five-and-tens which served coffee to black and white customers in the same type of cup, soda jerks at People's poured coffee for whites in "a thin, delicately shaped and decorated china cup and saucer." Black customers, however, received their coffee "in a mug, a thick, tall vessel like the barbers use to mix their lather in." The store's policy prompted one columnist to remark, "I suppose that People's Service Stores have the impression that their off-color customers drink coffee with a suction that is liable to crack the cup--therefore a cup with a strong resistance is provided." Interestingly enough, the same observer remarked that he had never seen a black laborer drinking coffee in this store, but only Norfolk's black middle and professional classes, the lawyers, doctors, insurance and real estate brokers, editors, and bankers "who are most sensitive to discrimination in trade and in other matters."⁴¹

The Association for the Preservation of Virginia Antiquities did its part to remind blacks that their political rights extended only so far when it barred blacks from visiting historic Jamestown Island. Up until 1930, blacks had been allowed to visit the site without restriction, but when a group of tourists from New Jersey complained about their presence, the association decided that blacks would be admitted only twice a year, and only as part of a group from Hampton Institute. The action prompted W. L. Ransome to write the *Richmond News Leader* after he was personally refused admission along with some friends. The Richmond native expressed a feeling of "pain to know that Negroes are counted unworthy and unfit to stand on the soil to which their fathers were brought in 1619. It seems to us that the very race who brought us here and for whom we labored

⁴¹ Virginius, "Coffee Cups and Racial Integrity," *Norfolk Journal and Guide*, Feb. 21, 1931, p. 1.

more than two centuries without pay might be humane enough to permit us, we paying the fee, to look upon the spot where we first landed here."⁴²

While the actions of individual proprietors and organizations affected directly only a small percentage of Virginia's black citizens, state and municipal officials remained responsible for the most glaring manifestations of Jim Crow in education, housing, and recreational facilities. As increasing numbers of black students sought an education, overcrowding in some Norfolk and Portsmouth schools became so severe that black students were forced to attend school on a part-time basis. In Norfolk, the plight of two thousand part-timers appeared especially unjust in view of the situation at the all-white Henry Clay school which was built for one thousand students, but had enrolled only 350. School officials in Richmond simply chose not to enroll 200 black students when space became an issue; the officials apparently considered it well within their authority to ignore the state constitution's guarantee of a public education for all students. The situation in the counties mirrored that of the cities. In Southampton, two thousand white students attended eight accredited high schools; four thousand black students crammed into one school. Throughout the state, only one out of twelve high schools was open to blacks, even though they comprised one-fourth of the school-age population.⁴³

Despite the conclusions of several earlier investigations, a 1931 report found housing conditions for blacks in Richmond "disgraceful, inhuman, pestilential and in a civic sense entirely too costly to be tolerated by the people of this city."⁴⁴ Recreational

⁴² "Barred From Jamestown," *Norfolk Journal and Guide*, Oct. 4, 1930, editorial page; "Negroes Should Be Admitted To Jamestown," *Richmond News Leader*, Sept. 2, 1930, p. 10.

⁴³ "A Reasonable and Just Request," *Norfolk Journal and Guide*, May 16, 1931, editorial page; P. B. Young to Louis I. Jaffe, Nov. 4 & 13, 1931, box 1, folder "1925-1949 Young, P. B.," Jaffe Papers (#9924-j); "Nearly 200 Richmond Children Refused Admission To Public School For Lack of Space," *Norfolk Journal and Guide*, Jan. 30, 1932, p. 3; "Portsmouth School Official Urges Congestion Relief," *ibid.*, Oct. 8, 1932, p. 8; "One-Twelfth of Virginia's High Schools Available for Colored Students, Altho Negro Population One-Fourth of Total," *ibid.*, Oct. 8, 1932, p. 7; Report of 12th Annual Meeting, 1931, reel 55, series VII, frame 229, CIC Papers.

⁴⁴ "Negroes Living in Intolerable Conditions Here," *Richmond News Leader*, Sept. 19, 1931, pp. 1 & 18. Corson described the results of his investigation in an eleven part series that ran in the *Richmond News Leader* from Sept. 19, 1931, through Oct. 1, 1931. See "Negroes Living in Intolerable Conditions Here," *Richmond News Leader*, Sept. 19, 1931, pp. 1 & 18; "Every Richmond Section Sorely Affected By

facilities in Richmond also remained woefully inadequate. As the neighborhood surrounding the Hollywood Cemetery became increasingly inhabited by black residents, the Negro Welfare Council, an organization of black and white citizens, suggested converting the adjacent Clark Springs Playground into use for black children. Oliver Sands, a white banker, told a gathering that he saw no problem with black children using the playground, or even the cemetery for that matter. "'I feel,' he said, 'that the living are much more important than the dead.'" A female member of the Hollywood Memorial Association emphatically objected and declared, "'Our Association considers our Confederate dead more important than any living person . . . and we do not want a Negro playground within a mile of that cemetery.'" Opponents of the playground apparently took seriously the mile-wide no-play zone; a proposition that a twelve-foot fence be erected to prevent children in the park from spilling over into the cemetery did not move the objectors. When asked if they would support a petition to the city council to establish a playground in a different location, one of the confederate memorialists responded that "'we are not interested in securing playgrounds for Negroes; let those who are interested go to the Council and ask for them.'"⁴⁵

The attitudes exhibited by members of the Hollywood Memorial Association underscored the obstacles placed in the way of basic reform. No one understood this problem better than Louis Jaffe, for years a consistent and leading advocate for the fairer distribution of municipal resources. For more than a decade, beginning in the mid-1920s,

Conditions Prevailing in Crime-Breeding Slums Where Negroes Live," *ibid.*, Sept. 20, 1931, p. 7; "Old Age, Decay and Neglect Combine to Make Houses In Poorer Negro Sections Unfit for Human Occupancy," *ibid.*, Sept. 22, 1931; "Squalid Interior of Many Negro Homes Makes Jail and Almshouse Real Relief," *ibid.*, Sept. 23, 1931; "Sanitary Facilities in Richmond's Negro Hovels So Poor As To Put Premium on Decency and Health," *ibid.*, Sept. 24, 1931, p. 6; "Unpaved Streets and Rubbish-Littered Yards Add to Bad Conditions in Poor Negro Sections," *ibid.*, Sept. 25, 1931, p. 6; "Better Plumbing and Building Codes Needed to Wipe Out Richmond's Slums," *ibid.*, Sept. 26, 1931, p. 2; "Overcrowded Conditions In Poorer Negro Homes Means Lowering of Morals and Breeding of Crime," *ibid.*, Sept. 28, 1931; "Shiftless Negro Tenants and Avaricious Owners Combine to Make Living Conditions Almost Tragic," *ibid.*, Sept. 29, 1931; "Incomes of Many Negroes So Small They Can Eke Out Only Barest Living," *ibid.*, Sept. 30, 1931; "Comprehensive City Plan Is Needed To Rid Richmond of Slum Conditions," *ibid.*, Oct. 1, 1931.

⁴⁵ "Richmond Women Indignantly Quit Meeting Which Tried To Open Clark Springs To Negro Children," *Norfolk Journal and Guide*, Feb. 27, 1932, p. 9.

Jaffe worked to persuade the city of Norfolk to build a beach facility for the city's 65,000 black residents. Working through the editorial pages of the *Norfolk Virginian-Pilot* and through private correspondence, the editor described the situation a "civic emergency" and asked his readers what would happen if the city's 115,000 white residents lost access to the half-dozen beach and resort facilities available to them. Jaffe urged city authorities to meet what he considered "a commanding moral obligation, to say nothing of an equally commanding consideration of expediency" with the same resolve that oversaw the establishment of yet another beach facility and park for whites, then under construction.⁴⁶

Jaffe and other supporters of the beach finally prevailed upon the Norfolk city council to purchase land for a beach. Almost immediately, however, objectors arose and threatened the project. In the columns of the *Virginian-Pilot*, Jaffe described attempts to deny to blacks the area's expansive ocean facilities as a "gross injustice." He claimed that Norfolk's blacks "suffer from the discomforts of hot weather even more acutely than the white population, because their living quarters are more congested. Their houses have fewer windows and fewer bathrooms. Their streets have poorer drains, fewer shade trees and more dust. They can not escape to the shade and solace of nearby parks, because the entire public park system, with negligible exceptions, although paid for and maintained by taxing both races, is reserved for the use of the white race alone. These are the facts and however we may explain them we can not dispute them."⁴⁷

Despite the protestations of persons described as a "howling mob of six or seven hundred misguided and prejudice ridden whites who all but reenacted the scene that

⁴⁶ "65,000 Norfolkians Without A Beach," *Norfolk Virginian-Pilot*, Feb. 20, 1929, p. 6. For the earliest discussion of the need for a beach, see unsigned memos, dated July 30 & August 10, 1925, addressed to S. Heth Tyler and the City Council, box 2, folder "1919-1949 'Tampa' through 'Tyler'," Jaffe Papers (#9924-i). In all likelihood, Jaffe authored these memos. At the very least, Jaffe had begun discussions around this time regarding the need for a black beach and parks. Letter from Jaffe, Douglas Gordon, and Eugene Diggs, to City Council of Norfolk, Oct. 8, 1934, box 2, folder "1930-35 Negro Bathing Beach," Jaffe Papers (#9924-f). This letter states that the Norfolk Interracial Commission had begun discussions about a beach around 1926.

⁴⁷ "Norfolk's Christmas Gift To Her Negro Citizens," *Norfolk Journal and Guide*, Jan. 4, 1930, editorial page; "Expected Objection To Beach Site," *ibid.*, Jan. 11, 1930, editorial page; "A Plea For Justice," *Norfolk Virginian-Pilot*, Jan. 14, 1930, p. 6.

furnished the background for Pontius Pilate's court when Christ was the defendant," the city council voted with only one objection to move forward with the beach project. The difficulty of the council's action was not lost on Jaffe who wrote Captain Joseph Wood, a member of the council, "to express my admiration for the sturdy manner in which you stood by the ship today when Justice was subjected to a concerted attack by blind emotion and fear." Jaffe told Wood that the council's action "encourages those of us who still believe in democracy to know that we have men in the Council who are ready to go down the line for Justice, in spite of all threats." In a response to Jaffe several days later, Wood acknowledged that he had "been criticized and abused" for his vote and that "it has been held over me as a political threat, but that matters little. So far as I am concerned, I will do in public or private life that which I believe to be honorable and right and if I should err, I trust that it will be on the side of mercy."⁴⁸

Wood's courage and Jaffe's advocacy, however, failed to prevent repeated and increasingly desperate objections. In addition to white residents who lived within a few miles of the proposed beach, real estate investors raised their own opposition. Otto Wells, whose company had invested a million-and-a-half dollars in the development of a beach and amusement park for whites several miles from the proposed black beach, feared "the possibility of the largely increased use by colored people of the roadway areas." Each round of objections forced the city council to reconsider the issue and ensured that blacks in Norfolk would spend yet another summer without access to beach facilities. Opponents went so far as to ask the state corporation commission to intervene and prevent the transfer of the land to the city.⁴⁹

⁴⁸ *Norfolk Journal and Guide*, Jan. 18, 1930, p. 1, and editorial, "We Are Grateful," Jan. 18, 1930, editorial page; Louis I. Jaffe to Capt. Joseph D. Wood, Jan. 14, 1930, Wood to Jaffe, Jan. 17, 1930, box 1, folder "1920-1949 W. Wiggins-Wyatt," Jaffe Papers (#9924-j).

⁴⁹ Otto Wells to Louis I. Jaffe, Jan. 14, 1930, Jaffe to Wells, Feb. 3, 1930, Wells to Jaffe, Feb. 4, 1930, box 1, folder entitled "1926, 1930 Wells, Otto--Wells Amusement Co.," Jaffe Papers (#9924-j). In his letter of Jan. 14, Wells enclosed a copy of a letter that he wrote to city manager Walker Truxton, Jan. 11, 1930; "Delay Now Seen As Probable in Beach Project," *Norfolk Journal and Guide*, Feb. 1, 1930, section 2, pp. 1 & 4; editorial from *Norfolk Ledger-Dispatch*, reprinted as "Another Protest, Of Course," *Norfolk Journal and Guide*, March 8, 1930, editorial page; "Beach Assured: Will Be Ready by Next

Years of delays culminated in city council members threatening to overturn the entire project. An exasperated *Norfolk Journal and Guide* exclaimed, "For months the Council's committee looked for a site and finally selected the one in question, and if there is a spot on the Atlantic seaboard that meets all the requirements of repression, segregation, Jim Crowism, and isolation, it is the site at Little Creek. It can be reached through Norfolk's back door, through a section remote in contact with white developments. In front of it is the Chesapeake Bay, to the right of it is a railroad terminal; to the left of it is a depression where there was once a creek. It is four miles from Ocean View, the Christian suburb of Norfolk that has fought it to death. God bless them!"⁵⁰

Finally, in early March 1932, a Norfolk judge ended the legal stall tactics. The judge's ruling, however, did not mean that the land would automatically be turned into an adequate beach facility. In fact, Louis Jaffe spent the next three years, the same amount of time spent fighting over purchase of the land, pushing and persuading Norfolk officials of the necessity and rightness of finishing the project. He, along with Douglas Gordon, editor of the *Norfolk Ledger-Dispatch*, and Eugene Diggs, a black attorney, wrote the city council in October 1934 and urged them to allocate the necessary funds to provide water, electricity, sewage, the construction of changing rooms, office space for the beach manager, and concession stands. "Without these facilities, " they wrote, "the provision of a beach tract is an empty and meaningless gesture." As a last resort, they urged the council to contract out the project to private concerns if the city's treasury lacked the funds to make

Season," *Norfolk Journal and Guide*, June 28, 1930, p. 1; "Opposition To Bathing Beach Here Renewed," *ibid.*, July 12, 1930, p. 1; Louis I. Jaffe and Douglas Gordon to The State Corporation Commission, Sept. 25, 1930, box 2, folder "1930-35 Negro Bathing Beach," Jaffe Papers (#9924-f); "Beach Objectors At Ocean View Adding Red Tape," *Norfolk Journal and Guide*, Jan. 3, 1931, p. 1; "Bathing Beach Case To Be Heard By Supreme Court," *ibid.*, June 13, 1931, p. 1.

⁵⁰ "Proposal Of City Manager Is Voted Down," *Norfolk Journal and Guide*, Jan. 30, 1932, p. 1; "Beach Project May Be Killed," *ibid.*, Feb. 6, 1932, p. 1; "The Beach On The Brink," *ibid.*, Feb. 6, 1932, editorial page.

the improvements. Finally, in 1937, the city granted to E. B. Davis, a white man, the rights to run the facility for private profit; the city provided next to no services.⁵¹

The establishment of a bathing beach for Norfolk's black citizens took nearly a decade of active agitation to come to fruition. What originally appeared to many as an obvious necessity and moral imperative soon became embroiled in the bitter and spiteful politics and rhetoric of racial antagonism. At the height of the controversy, the *Virginia Beach News*, a white newspaper published fifteen miles from Norfolk, asked, "Does the Norfolk City Council think that it will be rewarded from on high for such an act, apparently viewed from their standpoint as humaneness? Or will it be judged on the fact that it desires to establish a gathering place where a mob of drunken, depraved, uneducated, frenzied and perverted Negroes may gather, headed by a few of their competent leaders who have inherited the shrewdness, mental attainments and other qualifications of the white man thru sexual conjugations of the two races?" This attitude embodied the thoughts of the most vociferous of the beach objectors, and led Douglas Gordon to recall several years later, "In one of those meetings over the beach, I can truthfully say I felt the lynch spirit for the first time since my stay in Norfolk began."⁵²

The difficulty in convincing Norfolk's populace to approve a bathing beach for the city's black residents confirmed for Louis Jaffe the uncertain road that lay ahead in the amelioration of racial tension. In the midst of the beach affair, he told William Shands Meacham, the editor of the *Danville Register*, that "there is really not much new to say about interracial affairs in the South. All of us know the predicament and none of us know

⁵¹ "Beach Opponents Give Up Fight: Court Rules City's Title Legal, Valid," *Norfolk Journal and Guide*, March 12, 1932, pp. 1 & 15; "A Legal and Moral Victory," *ibid.*, March 12, 1932, editorial page; Louis I. Jaffe to L. H. Windholz, Chairman, Norfolk Public Works Committee, June 21, 1933, Louis I. Jaffe, Douglas Gordon, Eugene Diggs, to the City Council of Norfolk, Oct. 8, 1934, box 2, folder "1930-35 Negro Bathing Beach," Jaffe Papers (#9924-f); Memo Re: Bathing Beach, box 1, folder "A," Jaffe Papers (#9924-k).

⁵² "Slanders Both Races," *Norfolk Journal and Guide*, Oct. 4, 1930, editorial page, reprint from *Virginia Beach News*; quote from Douglas Gordon in Wilhelmina Jackson, "Memorandum on Norfolk, VA," box 85, folder 29 "Bunche Political Status of the Negro, W. Jackson Notes: Norfolk Memorandum," Bunche Papers.

the answer. All we can think of is mitigations." Given that conundrum, Jaffe indicated that "a newspaper's ability to contribute something helpful is greatly enhanced by persevering effort to become acquainted with the outlines of specific problems. . . . There must be a sympathetic understanding of specific things that oppress the Negro community--remediable things." To achieve that understanding, Jaffe maintained an open door to individual blacks and, as a result, became knowledgeable about "school overcrowding, lax police attention to Negro crime, grossly discriminatory treatment in the matter of apportioning public improvements, employment hardships, displacement of Negro workers with white workers, etc., etc."⁵³

Jaffe understood that the "the problem of racial amelioration . . . is all exploratory and slow" because he recognized the limited mindset of those who paid even lip service to the advancement of blacks. He told Meacham that "all we, as newspaper editors, can hope to do is to attack the rightable wrongs. Some of the wrongs, I fear, are not rightable--not in this generation, at least. But many of them are. The problem is to discern them, identify them, conduct a sound reconnaissance to determine whether they can be righted without a fight so bitter that it will leave the atmosphere more poisoned than ever, and then to strike and keep on striking until the resistance gives way. And when that is done, to repeat the operation with another objective. Over and over again. Endlessly." But as Jaffe understood all too well, even the most persistent advocacy by the newspapers faced long odds; he reminded one colleague that, despite the continual support of Norfolk's two white newspapers, "the politicians and Little Caucasians have managed to keep the beach tract unimproved and barren."⁵⁴

While Louis Jaffe stood on the leading edge of progressive white opinion in addressing racial issues in Virginia, he remained well within boundaries considered safe by

⁵³ Louis I. Jaffe to William Shands Meacham, Nov. 9, 1934, box 1, folder "1927-49, Meacham, Wm. Shands," Jaffe Papers (#9924-f).

⁵⁴ Ibid.; Louis I. Jaffe to Captain Raymond Bottom, Feb. 14, 1935, box 1, Jaffe Papers (#9924-b).

the state's political, social, and business elites. Jaffe did more than any white elite in Virginia to prod whites to recognize their moral responsibility to provide better services, improve health-related conditions, and end the stain of lynching. In his editorials and private correspondence, Jaffe revealed a more genuine and less paternalistic recognition of the humanity of the Old Dominion's black citizens than most of his peers. He deplored the unconscionable obstructionism and pure mean-spiritedness of the "Little Caucasians," and called on state political leaders to recognize the effect of their words on the actions taken by other officials. At no time, however, did Jaffe question segregation itself. He sought to make it more humane and less odious, but never questioned its rightness as an organizing ideology. Consequently, as one historian has concluded, Jaffe's civility allowed white elites "to maintain the social advantage that segregation brought without giving up the moral high ground."⁵⁵

Most white elites in Virginia, on the other hand, preferred merely to acknowledge the necessity of interracial cooperation. For most, that meant supporting an occasional paternalistic gesture, such as raising funds for a black recreational center, but entailed no commitment and certainly no acknowledgment of the need for fundamental change. When Louis Jaffe first began work on the black bathing beach, he asked Harry Byrd, then the governor, to lend his name to the effort. Byrd agreed, but made it clear that he would not "undertake any responsibilities and duties." Several years later, John Stewart Bryan, the publisher of the *Richmond News Leader*, took the initiative in raising private funds to support recreational facilities for blacks. Bryan, whose editorial pages regularly advocated a need to provide better services for blacks, wrote to leading white citizens of the city and asked that they contribute toward a fund to build a gymnasium at the black community center. The publisher reminded his audience that "there are 53,000 Negroes in Richmond, and what we have done for them so far has been pitifully inadequate. . . . If I know

⁵⁵ Earl Lewis, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia* (Berkeley: University of California Press, 1991), 148.

anything about Richmond I know that there are enough generous-hearted people in this city to see to it that the necessary money to build this center for the Negroes will be forthcoming." A *News Leader* editorial announcing the completion of the \$15,000 drive termed the success of the effort "an expression of the honest wish of Richmond to equalize some of the blessings of life" and emphasized the forthcoming nature of the contributions. More than likely, most of Richmond's elites felt shamed into making a contribution, as did William T. Reed. In response to Bryan's solicitation, Reed simply answered, without any sense of genuine enthusiasm, "When you get ready for your drive let me know. While this is no time to be giving away money to anybody, I feel disposed to help you to some extent."⁵⁶

Harry Byrd, the most powerful political personality in the Old Dominion, perfectly articulated the inherent conservatism of Virginia's white elites and the terms of their support for any interracial cooperation. In August 1934, Virginia's junior United States senator and former governor selected Virginians to join the Commission on Interracial Cooperation's Citizens' Committee of One Thousand. In his appeal, Byrd wrote, "Virginia has good understanding between the two races on her soil. You know what an asset this is. We must keep it so. Happily we have a quiet conservative group tugging at this task. This group . . . is composed of some of our most trusted and representative citizens. Their great tact and common sense in such matters command the respect and confidence of thoughtful people of both races." As a member himself, Byrd asked invited guests to help

⁵⁶ Louis I. Jaffe to Harry F. Byrd, March 29, 1929, Byrd to Jaffe, April 3, 1929, box 2, folder "1924-1930 Corres. of LIJ with HFB," Jaffe Papers (#9924-b); John Stewart Bryan to William T. Reed, May 30, 1932, section 1, Reed Papers; "Giving Them A Better Chance," *Richmond News Leader*, June 11, 1932, p. 8; William T. Reed to John Stewart Bryan, May 31, 1932, section 1, Reed Papers. For more on Reed's influence in Virginia politics, see Joseph A. Fry, "Senior Advisor to the Democratic 'Organization': William Thomas Reed and Virginia Politics, 1925-1935," *Virginia Magazine of History and Biography*, 85 (October 1977): 445-69.

him ensure that "the same high spirit and idealism" continue to define Virginia's interracial efforts.⁵⁷

For Byrd and other elites in Virginia, "great tact and common sense" foreclosed the possibility of any reform deemed meaningful to the state's black citizens. In many ways Byrd, not only a leading politician but also a big businessman, epitomized Virginia's approach to race relations. Not a demagogue in the tradition of Vardaman and other race-baiters, Byrd denounced mob savagery and the Ku Klux Klan. But he spoke not as an advocate of racial or social justice, but as a guarantor of social order. Byrd and other elites were primarily concerned with maintaining a stable, low-wage labor force that, combined with low taxes, would encourage the growth of business and preserve the social and economic position of white elites. William Reed, Byrd's closest confidant, summed up this view when he told Byrd, "We must keep Virginia like she is without any changes."⁵⁸

Although generally disposed to denounce violent manifestations of racial prejudice, Byrd and his supporters chose to play upon the racial fears of the populace when it suited their needs, namely at election time. During his own gubernatorial campaign in 1925, and more so during the elections of 1928 and 1929, Harry Byrd and Virginia's elites warned voters of the threat posed to white supremacy by their opponents. Such tactics, however, had real and lasting consequences. As blacks throughout the Old Dominion repeatedly noticed, white objectors subsequently managed to turn any request for better treatment into advocacy of social equality.

Byrd did sign into law the Old Dominion's anti-lynching statute, but even his advocacy of that measure later seemed more determined by pride of Virginia's reputation than by concern for the well being of the state's black populace. In fact, Byrd went to great lengths to maintain that Virginia never suffered another lynching after he signed the

⁵⁷ "A Message to The Citizens' Committee of One Thousand", reel 55, series VII, file 233, CIC Papers; Harry F. Byrd to Dr. W. H. Bell, August 8, 1934, letter in possession of author. The author is indebted to Professor James Sweeney of Old Dominion University for sharing a copy of this letter.

⁵⁸ William T. Reed to Harry F. Byrd, Aug. 8, 1931, section 1, folder 20, Reed Papers.

1928 act into law. The efforts of Byrd and other state boosters to this effect occasionally flew in the face of common sense. In one instance the governor proved himself far more concerned with Virginia's record and good name than in condemning the actions of a Fauquier County mob which committed great savagery against a black man named Shadrack Thompson.

On September 15, 1932, a white farm hand living near the borders of Fauquier and Warren counties reportedly found hanging from a tree the body of Shadrack Thompson, a black man who had been the subject of an intense search since the middle of July. Thompson had been accused at the time of attacking and seriously injuring Mr. and Mrs. Henry Baxley who had employed him until several weeks before the alleged attack; Mrs. Baxley's injuries left her hospitalized for weeks and subject to "horrible mental pictures" of her attacker. For some inexplicable reason, authorities only arrived at the scene three hours after the discovery of Thompson's body, long after a mob had reached the scene and set fire to it. According to initial reports, officials succeeded in saving the corpse's head and some clothing from flames and thereby identified the victim. The coroner ruled Thompson's death a suicide; news reports emphasized that the rope from which he hung had been in his possession the day before he attacked the Baxleys, and the commonwealth's attorney noted that Thompson had assembled a pile of rocks, used them to reach the limb from which he tied the rope, and then jumped from the rock pile. F. F. Hall, a Warrenton police officer, offered his opinion that Thompson must have fled into the woods in advance of the angry mob, understood the severity of his situation, and hanged himself.⁵⁹

⁵⁹ "Attacker of Two Is Found Hanging; And Body Burned," *Washington Evening Star*, Sept. 16, 1932, p. 1, copy in Part 7, Series A, reel 19, frame 0912, NAACP Papers; "Body Of Suspect Found," *Richmond News Leader*, Sept. 16, 1932, pp. 1 & 28; Henry L. Baxley to Harry F. Byrd, July 24, 1932, box 111, folder "Baxley, H. L.," Byrd Papers; Byrd to John Garland Pollard, Sept. 15, 1932, Henry L. Baxley to Pollard, Sept. 16, 1932, box 86, folder "Lynching," Executive Papers, John Garland Pollard, 1930-1934, Library of Virginia.

Several days later, however, doubts surfaced as to whether or not Thompson had committed suicide. The *Washington Evening Star* reported that a hole in the victim's head appeared to be that of a bullet and that his corpse had been mutilated before being set afire. In addition the paper noted that Fauquier residents apparently removed teeth from the body and took them home as souvenirs. An editorial in the *Richmond News Leader* asked, "Was It A Lynching?" The paper reasoned that the distance of Thompson's body from the scene of the attack on the Baxleys and the time that had passed since his disappearance made it likely that he had committed suicide. On the other hand, the Richmond daily stressed that few blacks ever committed suicide and that "persons who find a dead body hanging from a tree in the woods are not apt to set fire to it before notifying the sheriff." The *News Leader* encouraged a full investigation because "Virginia is increasingly jealous of her good name as a state that protects even the worst criminal from the madness of the mob, and she is determined to enforce to the letter her stringent anti-lynching law."⁶⁰

After a thorough investigation by one of its correspondents, the *Richmond News Leader* concluded that Shadrack Thompson had not been lynched. The *News Leader* acknowledged that a crowd had burned the body and removed teeth as souvenirs "in the post-mortem orgy" but concluded that "there has not developed the slightest evidence that Thompson technically was lynched." The Richmond daily based its findings on the word of Dr. George H. Davis, the coroner and "the last man in the county open to suspicion of bearing false witness." Davis claimed to have had "plenty of time to make a complete examination" before the mob arrived and set the corpse afire. He admitted that he, too, had wondered if Thompson had hanged himself and made his examination with that in mind. According to Davis, Thompson had been dead at least several weeks, and his body bore no signs of a bullet hole, of mutilation, or any other kind of ante-mortem injury.⁶¹

⁶⁰ "Suicide Doubted In Death of Man," *Washington Evening Star*, Sept. 19, 1932, copy in Part 7, Series A, reel 19, frame 0915, NAACP Papers; "Was It A Lynching?", *Richmond News Leader*, Sept. 20, 1932, p. 8.

⁶¹ "Find Va. Lynching Stories Baseless," *Richmond News Leader*, Oct. 7, 1932, pp. 1 & 28.

Davis explained to the *News Leader's* investigator that the rope, known to have been in Thompson's possession before the attack on the Baxleys, was of a grade that only one committing suicide would have thought to use. He concluded that Thompson had climbed up to one limb of the tree, attached the rope to a higher limb, secured it around his neck with a "clumsy loop," and jumped. Furthermore, Davis found that Thompson's hands had not been tied and that his clothing showed no signs of rearrangement, both indications that no struggle had taken place.⁶²

The coroner insisted that Thompson had "hanged himself and for a good reason." He acknowledged to the *News Leader* that he would have been lynched if the mob had found him alive, "but he was not lynched, unless the burning of a corpse is a lynching." Davis revealed that after he had completed his examination a crowd that eventually numbered 150 arrived throughout the night. As they fought for teeth and other souvenirs, Davis retrieved the skull; the *News Leader* reported that the skull and rope had been exhibited publicly in Warrenton for several days after the "bonfire."⁶³

According to the *News Leader's* investigator, no rumors of a lynching had circulated prior to the discovery of Thompson's body, but that scores of persons in Fauquier claimed to have lynched Thompson in the days following the burning. Apparently so many persons gave credence to these rumors that Judge J. R. H. Alexander impaneled a grand jury which examined the alleged lynchers. On October 3, the grand jury not only ruled that Thompson had died at his own hands, but that they "could find no evidence as to who burned the body." Although initial reports in the *News Leader* of Thompson's death had said only that he had been sought in connection with an attack on Mr. and Mrs. Baxley, the grand jury report made clear that he had been sought for raping Mrs. Baxley after attacking her husband.⁶⁴

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

In an editorial accompanying the results of the investigation, the *Richmond News Leader* expressed satisfaction at the verdict. The paper acknowledged that "the whole affair, surely, is no credit to Virginia. Such ghoulishness disgraces the state," but its editors sounded relieved to conclude that "the case is not one to be written down on the dark roll of lynching." The *News Leader* sent the results of its investigation to officials from Tuskegee Institute, who published each year a compilation of lynchings throughout the United States, and reiterated that Thompson's case could not be considered a lynching "unless the term 'lynching' can be applied to violence against a long-dead corpse." Nevertheless, in December the National Association for the Advancement of Colored People, acting in conjunction with Tuskegee, listed Shadrack Thompson's death as one of eleven lynchings in 1932.⁶⁵

Within days, Harry Byrd joined Fauquier officials and others in protesting the report's findings. At first, the former chief executive sought to use third parties to influence the NAACP. He asked Louis Jaffe to contact the organization and have them change their ruling. Byrd wrote George Milton of the *Chattanooga News* and a member of the Southern Commission to Study Lynching and made a similar request. Byrd explained to Milton that "we do not want to be charged with a lynching which did not occur." Furthermore, he reminded both editors that Virginia had not had a lynching since the passage of the anti-lynching law.⁶⁶

Milton, not familiar with the circumstances of Thompson's death, politely forwarded Byrd's letter to Walter White of the NAACP. *Richmond News Leader* editor Douglas Freeman, perhaps also responding to a request from Byrd, went a step further and assured White that his organization's ruling had been in error. Freeman noted that "here in

⁶⁵ "Not a Lynching," *Richmond News Leader*, Oct. 7, 1932, p. 8; "Tuskegee Makes Inquiries About Thompson Case," *ibid.*, Oct. 28, 1932, p. 2; "Officials Deny Fauquier Case Was Lynching," *Richmond Times-Dispatch*, Dec. 28, 1932, p. 2.

⁶⁶ Harry F. Byrd to Louis I. Jaffe, Dec. 29, 1932, box 2, folder "1930-1947 Correspondence of Louis I. Jaffe with Harry F. Byrd," Jaffe Papers (#9924-b); Byrd to George F. Milton, Dec. 29, 1932, Part 7, Series A, reel 19, frame 0924, NAACP Papers.

Virginia we have been very jealous of our good name in avoiding mob violence" and described the steps that his paper had taken in ruling the death a suicide. Walter White responded to Milton that they had ruled the death a lynching only after speaking with persons in the vicinity and concluding that "there seemed no proof" of a suicide. White also cited an article in the *Clifton Forge Review*, which itself had drawn its conclusions from an early *News Leader* article, as a contributing source to his organization's ruling. The volume of complaints in the matter also prompted White to write James Hardy Dillard, a resident of Charlottesville and leading proponent of black educational programs. He asked Dillard for any insight he might offer.⁶⁷

When reports reached Harry Byrd that the NAACP had based its conclusions on an article in the Clifton Forge paper, the former governor wrote directly to Walter White. Byrd reminded White that "it was upon my recommendation as Governor of Virginia that the General Assembly of Virginia passed the most drastic anti-lynching law ever passed by any southern state." He informed White that the Clifton Forge article had appeared before the *News Leader's* full investigation. Therefore, he indicated that the *News Leader* would soon forward copies of its investigative results. Byrd added that after receiving such reports, "I trust very much that you will correct this erroneous record."⁶⁸

White acknowledged to Byrd that the evidence did not appear definitively to point toward either a lynching or a suicide. But the NAACP official added a salient point which Byrd had not addressed in his zeal to protect the Old Dominion's reputation. "The circumstances that the mob went to the trouble of burning the body," reasoned White, "if it is granted that Shadrack Thompson had killed himself, seemed another strong determining proof of mob violence instead of suicide."⁶⁹

⁶⁷ George F. Milton to Walter White, Jan. 2, 1933, Douglas Freeman to White, Jan. 6, 1933, White to Milton, Jan. 11, 1933, White to James H. Dillard, Jan. 17, 1933, Part 7, Series A, reel 19, frames 0923, 0936, 0922, 0932, NAACP Papers.

⁶⁸ Harry F. Byrd to Walter White, Jan. 23, 1933, *ibid.*, frame 0928.

⁶⁹ Walter White to Harry F. Byrd, Jan. 24, 1933, *ibid.*, frame 0927.

Over the course of the next week, Walter White received two letters from Roy Flannagan, the reporter for the *Richmond News Leader* whose lengthy investigation had led that paper to conclude that Thompson had committed suicide. Flannagan insisted that "I went to Fauquier county firmly convinced that this man had been lynched. I returned just as firmly convinced that he had not been." Furthermore, the reporter explained that he had undertaken his investigation "for the purpose of forcing official action." Flannagan reviewed the evidence contained in his *News Leader* article on October 7, a report that White had not read. He told White that in addition to the facts which pointed to a suicide, he considered it significant that no reports of a lynching surfaced until after the discovery and burning of the body. Flannagan opined that "not even a very small lynching gang could keep such a secret, particularly while the fugitive was being sought everywhere in the hills." Furthermore, Flannagan believed firmly that Thompson "had every reason to kill himself. He was being hunted like a fox with no means of finding food and no family, not even a Negro family would have helped him because of the atrocious nature of his crime." The Richmond reporter noted that few blacks lived in the western part of Fauquier County, making Thompson's presence all the more likely to be noticed. Flannagan concluded that Thompson "was intelligent enough to know that any one of a dozen posses would have tortured and killed him if they had caught him, and that every man in three counties was on the lookout for every stray Negro."⁷⁰

Unlike Byrd and Fauquier officials who objected to the NAACP's ruling, Flannagan flayed local officials for failing to protect Thompson's body. He told White, "I described the unspeakable outrage against the corpse in plain words in my report, and neither I nor any other citizen can defend the people of Fauquier and Warren counties against a charge of barbarism." At the same time, Flannagan made clear his belief that Thompson killed himself. He concluded by telling White that "I believed also that the man

⁷⁰ Roy Flannagan to Walter White, Jan. 26, 1933, White to Flannagan, Feb. 2, 1933, Flannagan to White, Feb. 3, 1933, *ibid.*, frames 0940-41, 0939, 0946-48.

was lynched--until I spent four days interviewing crackerbox liars and fishing with village Rip Van Winkles who launched the lynching stories. On assignment from my paper and at the personal request of the governor I hunted for a lynching as no man ever hunted before--and failed to find it."⁷¹

While most white Virginians insisted that Thompson had committed suicide, James Hardy Dillard confided to Walter White that "personally I am convinced it was a lynching." White responded that although he did not mean to question the integrity of those who objected to his ruling, he too remained "far from convinced that it was not a lynching." After surveying the correspondence sent by Flannagan and others, Dillard wrote White, "I suppose the problem of the death of Shadrack Thompson will always remain unsolved." He suggested that only Sherlock Holmes could solve the matter. Dillard expressed dismay that "the gentlemen who write so emphatically of their conviction that the case was not a lynching do not in their letters give very distinctly the ground of this conviction." Despite their protests, Dillard concluded, "I can not keep from believing that Thompson was lynched." He advised White to report the matter officially "as a doubtful one," and the secretary of the NAACP concurred.⁷²

Harry Byrd maintained his obsession with keeping clean Virginia's record, a matter of self-gratification for the man who signed into law the Old Dominion's anti-lynching statute. In 1938, United States Senator Harry Byrd wrote Governor George Peery and reported that it had been alleged in Washington that a lynching had occurred in Virginia since 1928. Despite the fervor with which he attacked the NAACP's ruling in the Thompson case, Byrd asked Peery for some information because he could only remember that some case was "not officially recognized" as a lynching. Peery confirmed Byrd's

⁷¹ Roy Flannagan to Walter White, Feb. 3, 1933, *ibid.*, frames 0946-48.

⁷² James H. Dillard to Walter White, Jan. 25, 1933, White to Dillard, Feb. 2, 1933, Dillard to White, Feb. 17, 1933, *ibid.*, frames 0938, 0937, 0945. For information on the NAACP's ultimate ruling in the case, see Walter White to *The Baltimore Afro-American*, July 5, 1933, *ibid.*, frame 0949.

spotty recollection and informed him that an investigation in Fauquier had been ruled not a lynching.⁷³

In May 1935 the people of Fauquier County again turned to suicide as a means of avoiding a lynching. According to the *Richmond Planet*, a black paper, a group of enraged whites cornered Nelson Pendleton, a twenty-five-year-old black man accused of assaulting a white woman. The mob, "armed it is said, with rifles," either killed Pendleton or forced him to kill himself. According to the *Planet*, "the coroner immediately returned a verdict of suicide. It is patent to every sensible person that this suicide yarn has been overworked in Warrenton and vicinity." More to the point, the Richmond paper declared "it has been too readily accepted in order to save Virginia the disgrace of being listed with the lynch states of this Union. . . . Virginia may stand by and in self-complacency assert that the Byrd law precludes lynching in this state, but the rest of the country will not believe this last suicide story." L. R. Reynolds, the director of the Virginia Commission on Interracial Cooperation, agreed with the *Planet* and told Governor Peery that "it looks a little bit 'fishy' to me that this Nelson Pendleton . . . should be found another suicide."⁷⁴

Exactly one year after the death of Nelson Pendleton, residents of Gordonsville confirmed that the lynch spirit remained alive in the Old Dominion. William Wales, a black man, and his sister Cora owned their own land in the town situated in the northern foothills of the Blue Ridge. During the last few years of his life, Wales never left his property, apparently afraid that whites would attempt to take away the land he had refused to sell. His reclusiveness and propensity for walking the perimeters of his property with a gun led Orange County Sheriff William B. Young to attempt to serve him a warrant to appear before a lunacy commission. Wales refused to comply and shot to death the sheriff. In response, two thousand whites surrounded Wales's home and pumped as many as ten

⁷³ Harry F. Byrd to George C. Peery, Jan. 12, 1938, telegram from Peery to Byrd, Jan. 12, 1938, box 59, folder "Lynching," Executive Papers, George C. Peery, 1934-1938, Library of Virginia.

⁷⁴ "Was It A Suicide?" *Richmond Planet*, May 24, 1935, copy in letter from L. R. Reynolds to George C. Peery, box 59, folder "Lynching," Peery Executive Papers.

thousand rounds of ammunition into the home over the course of seven hours. Finally, as the house burned around them, Wales and his sister were forced to the windows where they were killed. Over the course of the next few days, men, women, and children hacked at the remains and combed through the ashes for souvenirs.⁷⁵

Initial reports of the confrontation in the white press indicated that Mrs. George Zinn, a wealthy white widow living near Wales, had sought his arrest for threatening her with a gun. No doubt such rumors allowed the mob to justify to themselves the attempt of the sheriff to arrest Wales in the first place. But in the aftermath Zinn insisted that Wales had never once bothered her. She had on occasion seen him walking around with a gun, but never did she feel unsafe. The *Norfolk Journal and Guide* reported that Wales suffered no malady other than a fear of bodily harm and a belief that whites would try to take his land, both rooted in prior experience. A brother had been slain by his girlfriend who acted on the orders of white men. In addition, the town of Gordonsville had several years earlier condemned some of Wales's property in order to build a town cemetery. William Wales was determined to hold on to his remaining land at any cost.⁷⁶

Although the coroner ruled that Wales and his sister died as a result of resisting arrest, black newspapers and the NAACP emphasized that the mob had not been deputized and that the Wales siblings would certainly have been lynched had they surrendered. Walter White sent Mrs. Gertrude Stone of Washington, D. C., to investigate the death of William and Cora Wales. He asked her to take care to disguise the purpose of her visit, to examine the possibility that certain whites had been motivated by a desire to steal away the Wales farm, and on balance to "determine whether we can legitimately classify the killings as lynchings." P. B. Young, the editor of the *Norfolk Journal and Guide*, informed Stone

⁷⁵ "Ominous Calm Pervades Gordonsville On Sabbath, Guide Reporter Discovers," *Norfolk Journal and Guide*, May 23, 1936, "Faced Lynching If Taken Alive By Va. 'Posse', *ibid.*, copies of both in Part 7, Series A, reel 19, frames 0850-52, NAACP Papers.

⁷⁶ *Ibid.* The *Richmond Times-Dispatch* was among those who reported that Wales had threatened Mrs. Zinn with a gun. "Fatal Battle at Gordonsville Had Inception 10 Years Ago," *Richmond Times-Dispatch*, May 17, 19336, pp. 1 & 14.

that his reporters had discovered that J. R. Yaeger, a Gordonsville official and deputy sheriff, had sworn out the arrest warrant against William Wales. Young described Yaeger as a "rather rabid person" who "led the element engaged in the shooting which refused to make any effort to capture the Wales' alive."⁷⁷

After several days in Gordonsville, Gertrude Stone concluded, "I haven't found anything which will permit us to classify this as a lynching--all the spirit and intent was there, but it was a 'legal' case" in which close to two hundred police officers had been on the scene. While Stone's findings meant that Virginia's name would remain officially free from the dishonor of appearing on the lynching rolls, she did discover a number of unfounded rumors which whites had embellished to sanction their own barbarity. The investigator asked Walter White to contact a surviving sister in New York to shed light on stories that William Wales had spent time in prison in New York or New Jersey, a rumor that allowed whites to think of him as a "bad nigger," and that he had deserted a wife and three children in New Jersey. Stone's visit to Gordonsville culminated with a "gathering of the Klan with the burning cross before the week-old ruins of the Wales' place."⁷⁸

Walter White did succeed in contacting Julia Wales, the older sister of William and Cora and a resident of New York City. Julia told her interviewer that their father had settled in Orange County as a young man where he worked as a farmer and preacher. An ardent believer in education, Menoah Wales had persuaded the Episcopal Home Mission Board to establish a black high school in Gordonsville where many of his eleven children went to school. Their father saved his money and used it to buy up property. He raised "his family on the land which William and Cora died defending." According to Julia, many people had tried to buy his land, but he refused.⁷⁹

⁷⁷ Ibid.; Walter White to Gertrude Stone, May 26, 1936, P. B. Young to Stone, May 27, 1936, Part 7, Series A, reel 19, frames 0842-46, NAACP Papers.

⁷⁸ Gertrude Stone to Walter White, May 31, 1936, *ibid.*, frame 0860-61.

⁷⁹ "Facts About the Family History and Life of the Late William and Cora Wales," interview with Julia Wales, June 2, 1936, *ibid.*, frames 0866-69.

After their father's death, James Wales lived on the property with his sisters Cora and Elizabeth, the rest of the siblings having scattered to other regions. According to Julia, James was "'smart and up and coming like his father.'" He owned and operated a variety of businesses throughout Orange County, bought a car before any other black in the county, and purchased a significant amount of property. Jealous white neighbors poisoned and killed some of his cattle. He went ahead and opened a grocery store and an undertaking business. In May 1922, his girlfriend shot him to death. According to Julia, "it was common knowledge that white business men of Orange County had promised her \$500 to put him on the spot but they only paid \$100." She was later acquitted after three hung juries.⁸⁰

James's death left his sisters Cora and Elizabeth alone on the farm. When Elizabeth died in January 1933, William chose to move from New Jersey to Gordonsville to help her with the farm and to provide protection. Contrary to newspaper reports at the time of his death, William Wales was forty-nine, not in his sixties. He had no history of mental illness and had never been in jail. He had worked on the docks in Newport News for many years until he and his wife and younger children moved to New Jersey to live with his eldest son and his son's wife. The siblings had vowed always to keep the land in the family.⁸¹

Although William and Cora Wales never entered the official pantheon of lynch victims, their grisly deaths deserve special attention. Hardworking, industrious, thrifty, they had succeeded to a degree envied by many whites. William and Cora Wales were found guilty in Orange County of owning land coveted by whites such as the town official who fabricated accusations of lunacy. The fate of his brother James no doubt informed William Wales's decision to shoot the sheriff who came to arrest him on baseless charges. Once William killed the law enforcement officer, an orgy of hatred and jealousy unveiled itself in a barbaric scene which included eager children. In the aftermath, whites

⁸⁰ Ibid.

⁸¹ Ibid.

manufactured charges and stories in an attempt to justify their worst instincts. As usual, no whites were punished for their participation in the deaths of William and Cora Wales.

Ironically, state officials never used Virginia's anti-lynching law to punish a white person for crimes committed against a black person. Instead, the law was used only to prosecute whites for crimes against other whites. In 1930, prosecutors in Mecklenburg County successfully used the statute to prosecute John Hagood for his role in the beating of another white man. In September 1937, officials in Alleghany County used the anti-lynching statute against striking textile workers who attacked non-strikers at the Industrial Rayon Corporation's plant in Covington. The convictions prompted the *Richmond News Leader* to proclaim that while "mass picketing and intimidation will not be countenanced in this State . . . the anti-lynching law was intended for the purpose indicated by its title." A statewide uproar over the misapplication of the anti-lynching law ultimately led to the pardon of those convicted and to the passage of an act in the 1938 General Assembly which specifically exempted violence arising from a labor dispute. Nevertheless, in 1948, Governor William Tuck ordered Attorney General J. Lindsay Almond to prosecute under the terms of the anti-lynching law 178 striking union miners in Buchanan County for attacking non-union miners.⁸²

The passage of the anti-lynching law did represent a profound victory for black Virginians and for white supporters such as Louis Jaffe. In addition, its passage emboldened local officials to act more forcefully to prevent lynchings, as in Clifton Forge in November 1934. But when mob violence did erupt, local and state authorities fought harder to protect the Old Dominion's name and image than they did to apply the punitive

⁸² "Petition of J. L. Hagood in the Supreme Court of Appeals of Virginia," *J. L. Hagood v. Commonwealth*, 157 Va. 918 (1932); Hagood Commutation File, Record Group 13, box 579, Executive Branch, Secretary of the Commonwealth, Executive Papers, 1866-1962, November 23 to December 8, 1932, Library of Virginia; Joseph A. Fry, "Rayon, Riot, and Repression: The Covington Sit-Down Strike of 1937," *Virginia Magazine of History and Biography* 84 (January 1976): 13-18; "Jail Terms Are Imposed In Strike Case," *Richmond Times-Dispatch*, Sept. 29, 1937, p. 1; "Review Covington Cases," *Richmond News Leader*, Sept. 29, 1937, p. 8; "Buchanan Sheriff Says Tuck's Idea 'Wrong' In Mine Case Accusation," *Richmond News Leader*, June 12, 1948, p. 1; "Governor Tells Almond To Prosecute 178 Men In Antilynch Violation," *Richmond Times-Dispatch*, June 12, 1948, pp. 1 & 4.

sections of the act. Authorities passed on each opportunity to prove the law's effectiveness and appeared more concerned with technical definitions of lynching than with eradicating the mob spirit. White supporters of Virginia's anti-lynching law failed to recognize that it would remain a hollow law so long as segregation remained an accepted way of life. Certainly few white supporters of the law paid attention in 1933 when the Tidewater Anti-Lynch Conference, representing twenty-nine black churches and organizations with a membership of over four thousand, demanded "the end of all official Jim Crow regulations and practices."⁸³

The demands of the Tidewater Anti-Lynch Conference revealed the degree to which blacks in the Old Dominion by the mid-1930s had rejected the terms of interracial cooperation sanctioned by white elites. Blacks and whites did continue to meet and discuss issues of mutual concern, but blacks understood that the inherent conservatism of Virginia's elite power brokers actually hindered the realization of their desires. Blacks understood that progress in the eradication of mob violence did not lead necessarily to satisfactory progress in other areas of concern; in fact, the adoption of the anti-lynching law, the one legislative act passed on behalf of black Virginians in the first half of the twentieth century, obscured the unremitting daily effects of Jim Crow. Blacks lacked the political power to push their agenda without white support, yet increasingly chafed at the terms of cooperation dictated by white elites. In the wake of their victories in the *Deans*, *West*, and *Davis* cases, emboldened blacks increasingly rejected the terms of that support.

⁸³ Mr. Henry Dolphin, chairman of the Tidewater Anti-Lynch Conference, to Mayor Slover of Norfolk, Nov. 5, 1933, box 86, folder "Lynching," Pollard Executive Papers. In his study of Louis Jaffe, James Patrick Dvorak emphasizes that while opposing lynching, Jaffe never questioned the attitudes and beliefs that sanctioned lynching, segregation, and disfranchisement. "Louis I. Jaffe: A Southern Liberal's Critique Of Lynching," 30, 66. For information on the successful efforts to prevent a lynching in Clifton Forge in November 1934, see Louis I. Jaffe to George C. Peery, Nov. 21, 1934, Peery to Jaffe, Nov. 22, 1934, box 2, folder "1934-1937 Peery, George C.," Jaffe Papers (#9924-g); "Report Of An Investigation In The Matter of Philip Jones, Nannie Jones, John Pryor, and C. Arthur Smith, Jr., Parties Being Held in The Henrico County Jail In Connection With The Death Of Alice B. Hill and Ellen Hill of Clifton Forge, Va.," Part 7, Series A, reel 19, frames 0800-33, NAACP Papers.

Wiley Hall, the secretary of the Richmond Urban League, described the thorough and very conservative social control practiced by Richmond's and Virginia's leading white citizens. Hall explained to an interviewer that his board had an even mix of white and black members but that whites did not serve for long, preferring to quit rather than become embroiled in any controversial matters. Hall's interviewer concluded, in reference to whites, "they think it is a fine thing to come on the Board, and as long as the organization is run without too much conflict with local mores, they go along; otherwise they quit. Appeasement is their policy." Furthermore, the interviewer continued, "white members consider their function on board to see to it that the organization sets a pace that is 'practical' for the community. They act as a brake on programs that they consider too advanced for the community. They represent the white community."⁸⁴

Hall explained to his interviewer the thoroughly paternalistic attitude of Richmond's most liberal and progressive whites. He mentioned Mary Munford, a member of the Richmond school board and the state interracial committee, as one of those "liberals willing to work for Negroes but not to work with Negroes." Munford reportedly once said that "'white people here know what is best for our Negroes and when we feel that they're ready for it, we're going to give it to them without them asking or fighting for it.'" As a result of the success of whites in asserting this level of control, Hall found it impossible to appeal directly to black leaders, especially clergy, for help on Urban League proposals. Instead, he had to ask "responsible whites" to approach other blacks on his behalf. On balance, Hall considered the paternalistic approach of white elites to be "sincere," but "naïve."⁸⁵

Dr. J. M. Tinsley of the Richmond NAACP was decidedly less generous in his assessment. He told his interviewer that no truly dependable whites remained in the community. "They all," according to Tinsley, "backfire under pressure. . . . Strategy of

⁸⁴ Interview with Mr. Wiley Hall, Secretary, Urban League of Richmond, Oct. 18, 1939, box 85, folder 6 "RJ Bunche: Field Notes, 'Southern Trip', Bk. 1," Bunche Papers.

⁸⁵ Ibid.

whites is to praise local Negroes and tell them they are the best in the world." Tinsley excepted from his wrath only Lucy Mason, a suffragist and union organizer, and John Corson, a newspaper reporter who investigated housing and school conditions for blacks, but who eventually left Richmond for Washington, D. C. After performing a series of interviews in Richmond, James Jackson concluded that "the white 'leading citizens' of the city maintain a watchful surveillance over all Negro life and keep a careful tab on all Negro leadership aspirants. Their local interracial commission is an effective instrumentality in accomplishing this. . . . The Interracial Commission is busily engaged in selecting, grooming and promoting Negro leadership. The only obligation the aspiring leader is under, to the good white people who promote his campaign, is that he will frustrate all genuine movements which may take root among the Negro people and that seeks to tilt the balance of 'racial harmony' away from the status quo toward equal rights."⁸⁶

Some blacks, on the other hand, recognized the same limitations, but directed their anger toward black leaders. Wilhelmina Jackson interviewed persons in Norfolk and found strong feelings directed against blacks who "point to such seeming accomplishments as the hospital, the beach, the school gymnasium as proof of their white friends' goodness and kindness." Such individuals "obtained good businesses, fine homes, substantial things" for themselves, but only modest improvements for the majority of black citizens.⁸⁷

L. R. Reynolds, the director of the Virginia Commission on Interracial Cooperation, defended the membership and tactics of his organization. He told black sociologist Ralph Bunche that most whites considered the NAACP and the Communist Party, both of which grew throughout the 1930s, too radical. By contrast, the interracial

⁸⁶ Interview with Dr. J. M. Tinsley, Oct. 18, 1939, box 85, folder 6 "Field Notes: Southern Trip: Bk 1," Bunche Papers; James Jackson, Memorandum on Richmond, VA, box 85, folder 44 "Bunche *Political Status of the Negro*, James Jackson's Field Notes, Richmond, Va., Memo," Bunche Papers. For more on Lucy Mason, see Patricia Sullivan, *Days of Hope: Race and Democracy in the New Deal Era* (Chapel Hill: University of North Carolina Press, 1996), 96-99.

⁸⁷ Wilhelmina Jackson, Memorandum on Norfolk, VA, box 85, folder 29 "Bunche *Political Status of the Negro*, W. Jackson Notes: Norfolk Memorandum," Bunche Papers.

commission based its appeal on "reasonableness of requests and because it is the 'right' thing to do. No threats of law suits or other pressure or demands." Reynolds criticized the NAACP for failing "to recognize that though a community is far behind other communities it is far ahead of where it was."⁸⁸

J. M. Tinsley and Wiley Hall, on the other hand, argued that the presence of an active Communist Party in parts of Virginia actually served to bolster the legitimacy of the NAACP and Urban League. Both organizations appeared more reasonable when compared to the demands made by the communists and therefore less threatening to whites. Hall went so far as to suggest that "one Communist Party demonstration here [in Richmond] is worth a month of Urban League activity."⁸⁹

Few whites, however, supported the NAACP, which enjoyed steady growth throughout Virginia beginning in the mid-1930s. The rise in membership reflected, and further contributed to, an increase in black activism. Blacks in Suffolk sued the school board in a failed attempt to have provided facilities for a full high school education. With the help of the NAACP, blacks in Alexandria sought access to public library facilities. In Richmond, the NAACP successfully pressured the A & P grocery store chain to hire more blacks, a move that many working-class blacks did not support for fear of losing their jobs. In August 1935, Alice Jackson attempted to become the first black admitted to the University of Virginia, thereby confirming the worst fears of the most fervid supporters of Virginia's racial integrity doctrine. Blacks in Richmond threatened court action if the city council approved another playground for whites while black schools remained so

⁸⁸ Interview with L. R. Reynolds, Director, Virginia-CIC, Oct. 19, 1939, box 85, folder 6 "Field Notes: Southern Trip, Bk 1," Bunche Papers.

⁸⁹ Interview with Mr. Wiley Hall, Secretary, Urban League of Richmond, Oct. 18, 1939, interview with Dr. J. M. Tinsley, Oct. 18, 1939, box 85, folder 6 "Field Notes: Southern Trip: Bk 1," Bunche Papers. On the Communist Party in Norfolk, see Earl Lewis, *In Their Own Interests*, 127-37.

underfunded. Their action prompted the *Richmond News Leader* to announce that "the servile tradition is dead among Negroes."⁹⁰

Black participation in politics also accelerated in the late 1930s and offered further proof of the death of black servility. Although few whites welcomed blacks into the political process, political leaders and their cronies throughout Virginia were first and foremost interested in winning elections, maintaining power, and holding onto the perks of office. Consequently, if they could not prevent blacks from taking part, they made every effort to win their votes. Norman Hamilton, the editor of the *Portsmouth Star*, explained that "few white people in the community are in favor of Negroes voting. You know this is the south and the only kind of people interested in the Negro vote are the professional machine politicians who buy it and cannot therefore honestly say they are in favor of it. They are favorable when the vote helps maintain them in power."⁹¹

Hamilton experienced first-hand the role blacks could play in electoral politics. In 1936 and 1938, Hamilton ran for Congress from Virginia's second district, both times battling Colgate Darden, the incumbent in the first election, and a future governor and president of the University of Virginia. Darden had first won election to Congress in 1932 when, only several weeks before the November contest, the Virginia Supreme Court had nullified the state's new redistricting plan and thereby required the state to hold an at-large general election for all nine congressional seats. Although Darden's opponent, two-term incumbent Menalcus Lankford, received more votes than any other Republican, he had no

⁹⁰ Andrew Buni, *The Negro in Virginia Politics*, 127; Fitzhugh Brundage, *Lynching in the New South*, 365, note 8; "Negro Education Facilities Issue," *Richmond News Leader*, Nov. 22, 1933, p. 6; reference to Alexandria activity in Ann Wells Ellis, "The C. I. C., 1919-1944: Its Activities and Results" (Ph.D. diss., Georgia State University, 1975); interview with Dr. J. M. Tinsley, Oct. 18, 1939, box 85, folder 6 "Field Notes: Southern Trip: Bk 1," Bunche Papers; "Negro Plans Battle in Court to Enter University of Virginia," *Richmond Times-Dispatch*, Aug. 27, 1935, pp. 1 & 3; "Plea Tonight Opens Negro School Battle," *Richmond News Leader*, Jan. 21, 1936, pp. 1 & 13; "The Negroes' Tomorrow," *ibid.*, March 27, 1936, p. 8 (quote).

⁹¹ Wilhelmina Jackson, "Memorandum on Portsmouth, VA," box 85, folder 12 "Bunche Political Status of the Negro, W. Jackson's Field Notes, Portsmouth Memorandum and Map," pp. 9-10, Bunche Papers.

chance considering that Democrats from all over the commonwealth were able to vote for Darden and the other Democrats.⁹²

Darden, backed fully by the state's Democratic organization, not to mention his wife's DuPont fortune, faced an unexpected challenge in the 1936 primaries from Hamilton, described as an "ardent New Dealer," backed financially by the Planters Peanut fortune, and considered a leader of the emerging anti-organization wing of the Democratic Party. Hamilton won narrowly by less than 1800 votes in a district in which an estimated 1300 blacks voted in Portsmouth alone. Although neither candidate appears to have made significant overtures to blacks in 1936, by the time of the rematch two years later, both clearly understood the importance of wooing black voters.⁹³

Whether or not Hamilton had catered to black voters in 1936, he came fully to appreciate that their votes might have made the difference in his election. Consequently, in 1938, he established, according to one observer, "an imposing campaign headquarters for Negroes" right in the center of Portsmouth's black district. In addition, he hired young black women to staff the office. Darden and his campaign managers recognized an opportunity to exploit racial prejudices, and hired photographers to document the scene. Pictures of black girls working in Hamilton's office were printed along with captions that included: "'Look Hamilton's a nigger lover!', 'See the niggers are set up better than your own people by him', 'If you vote for Hamilton, niggers will be teaching your children soon!'" Reportedly ten thousand copies of the circular were distributed throughout the sections of Portsmouth and Norfolk inhabited by poorer whites, as well as throughout the district's rural areas. Although Hamilton's congressional record had centered on providing

⁹² "Challenge Casts Doubt on State's At-Large Election," *Richmond Times-Dispatch*, Oct. 12, 1932, copy in section 12, Wise Papers; election returns from *Culpeper Exponent*, Dec. 11, 1932, copy in section 13, Wise Papers.

⁹³ Wilhelmina Jackson, "Memorandum on Portsmouth, VA," box 85, folder 12 "Bunche *Political Status of the Negro*, W. Jackson's Field Notes, Portsmouth Memorandum and Map," pp. 1-2, 24, Bunche Papers; "'Whether Hamilton or Darden Is Beneficiary Clouded in Doubt,'" *Richmond News-Leader*, Aug. 5, 1936, pp. 1 & 21.

services and relief that benefited the entire district, Darden's campaign successfully portrayed Hamilton as favoring blacks. Such tactics surely cost Hamilton votes among the white electorate.⁹⁴

Not content merely with frightening white voters, the Darden campaign simultaneously competed for black votes. Talmedge Johnson, a grocer, ward leader, and recent graduate of West Virginia State, received a visit from Darden personnel. These functionaries, whom Johnson referred to as "'DuPont paid men'," offered to give him enough money to pay for a master's in business administration. "'Although I wasn't going to accept'," claimed Johnson, "'I played with them.'" According to the young ward leader, he told the men that while in college he had discovered that extracurricular activities cost as much as tuition, and that new clothes were a must. The Darden supporters agreed to cover all costs. "'All they wanted'," claimed Johnson, "'was for me to get the 200 votes in our civic league and the people they influenced to vote for Colgate W. Darden, Jr. I refused all of their offers.'" According to Thomas Reid, another Portsmouth resident, the Darden campaign spent fifty thousand dollars in the city buying and influencing votes; Reid himself, according to one interviewer, was offered five hundred to "turn away from the Hamilton forces."⁹⁵

Not satisfied with buying black votes, the Darden campaign attempted to woo black voters by challenging Hamilton's commitment to the black electorate. Unconcerned with their own appeals to racial prejudice as detailed in the circular depicting the incumbent's black campaign headquarters, the Darden campaign released a flyer entitled "How Does Norman Hamilton Really Feel About Colored People?" The attack centered around the

⁹⁴ Wilhelmina Jackson, "Memorandum on Portsmouth, VA," box 85, folder 12 "Bunche *Political Status of the Negro*, W. Jackson's Field Notes, Portsmouth Memorandum and Map," pp. 24-25, Bunche Papers; Wilhelmina Jackson, "Memorandum on Norfolk, VA," box 85, folder 29 "Bunche *Political Status of the Negro*, W. Jackson Notes: Norfolk Memorandum," p. 18, Bunche Papers.

⁹⁵ Wilhelmina Jackson, "Memorandum on Portsmouth, VA," box 85, folder 12 "Bunche *Political Status of the Negro*, W. Jackson's Field Notes, Portsmouth Memorandum and Map," pp. 27-28, Bunche Papers.

congressional passage of the Wagner-Van Nuys anti-lynching act the previous year, a vote for which Hamilton was not present.⁹⁶

First, the flyer castigated Hamilton for missing the vote, an opportunity "to voice his disapproval of Mob Law." Furthermore, when asked about the vote by a Norfolk newspaper, the congressman reportedly claimed, "I WAS NOT PRESENT TO VOTE ON THE BILL, BUT IF I HAD BEEN THERE I WOULD HAVE VOTED 'NAY' AS LOUD AS I COULD." The leaflet asked, "Does he Also Believe that The Privilege To Lynch Negroes Is Sacred, And Ought Not Be Denied By Federal Law?" Finally, the Darden circular concluded, "The injury done to the Colored citizens of the Second Congressional District by Mr. Hamilton in failing to be present when the issue of 'Rope and Faggot vs. Law and Order' was being decided was not enough for him. Mr. Hamilton added to that injury the INSULT of publicly declaring that he would have voted 'Nay . . . as loud as I could.' 'Nay' says Mr. Hamilton to the Colored People, 'NAY AS LOUD AS I COULD.' THAT'S WHY YOU SHOULD VOTE FOR COLGATE W. DARDEN. He Believes in Fair Play." At no time in his political career did Colgate Darden ever intimate that he would have supported a federal anti-lynching statute; he was a loyal member of the state political organization which consistently opposed even the thought of federal intervention.⁹⁷

In 1938, the Darden campaign recognized fully the necessity of considering the impact of black voters. While still catering to the worst instincts of white voters, Darden solicited black voters, some with dubious assertions, others with cash. Although it is impossible to know the precise impact of each prong of his attack, he defeated Hamilton by the narrow margin of 1,547 votes.⁹⁸

⁹⁶ Campaign Memo, "How Does Norman Hamilton Really Feel About Colored People? Issued By Colored Friends of Colgate Darden," box 85, folder 30 "Bunche *Political Status of the Negro*, W. Jackson Notes: Norfolk Memorandum, Miscellaneous Field Materials and Maps," Bunche Papers.

⁹⁷ Ibid. Emphasis in original.

⁹⁸ Wilhelmina Jackson, "Memorandum on Portsmouth, VA," box 85, folder 12 "Bunche *Political Status of the Negro*, W. Jackson's Field Notes, Portsmouth Memorandum and Map," pp. 1-2, Bunche Papers; "Smith, Darden Win In Primary; Dodd Trails 1 to 3," *Richmond Times-Dispatch*, Aug. 3, 1938, pp. 1 & 6.

If Darden's strategy represented a new reality in Virginia politics, Carter Glass was not willing to participate. In the fall of 1936, the senator, unapologetically responsible for Virginia's disfranchisement of its black citizens, contributed five hundred dollars to the congressional campaign of Clifton A. Woodrum, the representative of Virginia's Sixth District, which included Glass's native Lynchburg. Virginia's senior senator explained that he offered his contribution "purely from a personal standpoint and because you have been exceptionally friendly to me." But, continued Glass, "I desire to insist upon a single reservation and that is that no part of my contribution be used to qualify negro voters. Virginia, as well as all other Southern States, spent thirty-seven years after the Civil War trying to eliminate negroes from elections and this State went to the trouble and expense of a Constitutional Convention for this purpose primarily; therefore I do not want to have anything to do with any effort to qualify negro voters." A note in Glass's handwriting indicated that Woodrum acceded to the senator's wishes.⁹⁹

Despite Glass's most fervent wishes and thorough efforts, federal courts had established the right of qualified blacks to take part fully in the electoral process. Although the Democratic party officially continued to restrict its primary to whites as late as 1947, they allowed blacks to participate. Self-interest guided both white politicians and black voters. Darden and other white politicians understood the necessity of recognizing the potential impact of black voters, and courted them accordingly. Blacks had their own reasons for supporting white candidates. In the 1939 primaries in Hampton, approximately 350 black members of the local civic league helped reelect delegate Alvin Massenburg to the House of Delegates, despite the fact that he had authored the state's public segregation bill thirteen years earlier. Paul N. Williams, the president of the Elizabeth City County Civic League, explained that his organization backed Massenburg because the local postmaster

⁹⁹ Carter Glass to Judge Clifton A. Woodrum, Sept. 29, 1936, copy in box 139, folder "Glass, Carter," Byrd Papers. I am indebted to Professor James Sweeney of Old Dominion University for bringing this letter to my attention.

promised to appoint some blacks as letter carriers in return for the group's support. He kept his promise, and hired four black letter carriers that fall.¹⁰⁰

The growth of black political participation, activism, and support for organizations such as the NAACP rose to a crescendo in 1939 when blacks in Norfolk agreed to challenge in court the constitutionality of unequal salaries paid black and white teachers of comparable qualifications; the action represented a culmination of the struggle instituted a decade before by Thomas Dabney and the Buckingham County Teachers Association. The principal of one black high school in the Tidewater noted that "many of our white friends say we are setting back Negro education in Virginia twenty years by going to the courts on the salary question." Such whites argued that blacks ought "to wait for sympathetic white elements to achieve this for them." Blacks in Virginia, however, had waited long enough; as Wiley Hall of Richmond exclaimed, "Until we get to the point where we are willing to make people mad, we can't make any progress. The policy of appeasement can produce no further results."¹⁰¹

The Norfolk salary equalization case constituted the latest step in the efforts of the national NAACP to dismantle segregation in the nation's public schools. Following in the wake of victories in the *Murray* and *Gaines* cases in which the Supreme Court ordered Maryland and Missouri officials to provide professional school facilities for black students equal to those available to whites, the Norfolk case extended the strategy to demand compliance with *Plessy* to one aspect of elementary and secondary education. The choice of blacks in Norfolk to support the effort was not necessarily an easy one; the school board terminated the contract of the first plaintiff, but Melvin O. Alston, a commerce teacher at Booker T. Washington High School and the head of the local teachers' association, agreed

¹⁰⁰ "Virginia Interviews," box 10, Southern Politics Collection, Vanderbilt University; Ralph Bunche interview with Paul N. Williams, Oct. 22, 1939, box 85, folder 6 "Bunche: *Political Status of the Negro*, RJ Bunche: Field Notes, Southern Trip, Bk 1," Bunche Papers.

¹⁰¹ Interview with L. S. Palmer, Newport News Principal, Oct. 22, 1939, interview with Wiley Hall, Secretary, Urban League of Richmond, Oct. 18, 1939, box 85, folder 6, Bunche Papers.

to become the new petitioner. In addition, unlike earlier efforts to improve beach and playground facilities which were fought primarily by a handful of black leaders in conjunction with sympathetic whites, the local NAACP garnered the active support of a broader cross section of blacks.¹⁰²

White officials and many citizens predictably opposed the lawsuit. Throughout the Old Dominion, officials attempted to forestall similar suits by threatening to postpone the construction of new facilities or the much-needed repairs of old buildings. W. H. Venable wrote the *Norfolk Ledger-Dispatch* and proclaimed himself a "true friend of the Negro race," but objected to salary equalization as a step toward social equality. Inexplicably, the Norfolk resident also suggested that black teachers did not need to be paid as much since their "living necessities" required less. Leading white newspapers, on the other hand, recognized the fallacy of such arguments and came out in support of salary equalization. Even the *Richmond Times-Dispatch*, which had consistently supported every aspect of the racial integrity act and the Massenburg bill, reasoned that black and white teachers with similar qualifications ought to be paid equal salaries.¹⁰³

The growth of the *Times-Dispatch* toward a position favorable to the salary equalization suit was undoubtedly due to the influence of Virginius Dabney, who had become editor of the paper in the early 1930s. Among that new generation of southern newspapermen considered "liberal" in their outlook, Dabney had consistently pleaded with whites to recognize the benefits to themselves of black progress, had endorsed efforts to provide blacks with better facilities, and had even supported a federal anti-lynching campaign in 1937 and 1938. His support of the salary equalization campaign followed naturally. But almost as soon as Dabney had endorsed the efforts of the NAACP in the

¹⁰² Richard Kluger, *Simple Justice*, 215-17; Wilhelmina Jackson, "Memorandum on Norfolk, VA," box 85, folder 29 "Bunche *Political Status of the Negro*, W. Jackson Notes: Norfolk Memorandum," pp. 17-18, Bunche Papers.

¹⁰³ Kluger, *Simple Justice*, 216; W. H. Venable to the *Norfolk Ledger-Dispatch*, July 3, 1939, reprinted in *Norfolk Journal and Guide*, July 22, 1939, p. 8; "Far Too Radical For Us," *Richmond Times-Dispatch*, July 17, 1939, p. 10.

Alston case, he rejected the program and ultimate goals of the civil rights organization and its tens of thousands of adherents.¹⁰⁴

On July 17, 1939, Dabney announced that the program of the NAACP had become "far too radical for us." The editor was responding to a speech by Charles Houston, the special counsel of the NAACP and the architect of that organization's assault on segregation, in which Houston exclaimed that blacks would not be satisfied with separate but equal graduate and professional schools, but would insist upon access to the same state universities attended by whites. The civil rights lawyer insisted that "there can be no compromise now upon this question. It is not a question of wanting to sit in the same classroom with white students. It is a question of vindicating one's citizenship."¹⁰⁵

Although Houston limited his remarks to a discussion of graduate and professional schools, Dabney understood the full implications and asked what would prevent the same logic from being extended to undergraduate, secondary, and ultimately elementary education. The Richmond editor claimed that the issue would soon be "whether the South's system of segregated education is to be destroyed from top to bottom, and both races mingled indiscriminately all the way from the elementary grades to the graduate and professional schools." Although a self-described "seeker after justice for the Negro," Dabney found such a state of affairs "entirely too radical."¹⁰⁶

Dabney's ultimate rejection of the goals of Virginia's black citizens underscored the inherent contradiction that faced those persons who sought the fairer treatment of blacks, yet remained committed to white supremacy. Although far more progressive than most of their contemporaries, Dabney and persons such as Louis Jaffe were no more capable of controlling the desires of black Virginians than they were of harnessing the venom of those

¹⁰⁴ "Far Too Radical For Us," *Richmond Times-Dispatch*, July 17, 1939, p. 10. For more on Dabney and "liberal" journalists in the South, see the excellent study by John Kneebone, *Southern Liberal Journalists and the Issue of Race, 1920-1944* (Chapel Hill: University of North Carolina Press, 1985).

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

most committed to white supremacy. It would perhaps be unfair to have expected Dabney, Jaffe, and others of their temperament to have embraced the stated intentions of the NAACP and their constituency, but Dabney's response clearly indicated that even the most benign form of paternalism could no longer govern racial interaction in the Old Dominion. White elites had run out of options as black Virginians refused to wait any longer for substantive change. As Dabney correctly predicted, the vindication of black citizenship did precipitate a vicious battle over school integration, one that made clear that the days of black servility and managed race relations had passed.

Epilogue

Less than a year after Virginius Dabney denounced the intentions of the NAACP, the United States Court of Appeals for the Fourth Circuit found in favor of Melvin Alston and ruled that black and white teachers with similar qualifications must receive equal salaries. Several months later, the Supreme Court of the United States refused to hear an appeal filed by Norfolk school authorities and the *Alston* decision became federal law. Meanwhile, blacks in Richmond went to the polls in record numbers in the 1940 municipal primaries and helped turn out Fulmer Bright from the mayoral office he had occupied for sixteen years.¹

Neither the *Alston* decision nor Bright's loss threatened the ability of the commonwealth's governing class to remain firmly in control. The walls of white supremacy did not come crumbling down after court decisions in *West*, *Davis*, and *Alston*. Black political power and participation remained relatively insignificant throughout the state. One of the most powerful unelected official in Virginia explained that Virginia had been fair to her "niggers." But, he warned, let forty or fifty thousand of them qualify to vote and develop into the balance of power, and the General Assembly would have to devise new means to disfranchise them, just as Carter Glass and others had accomplished in 1902.²

Nevertheless, by the late-1930s, a new generation of blacks had sent a clear signal that they no longer intended to wait for white elites to make possible meaningful change. Blacks returned from the war to "save the world for democracy" still willing to work in partnership with their so-called white "friends." But as the years rolled by, white elites and non-elites on a daily basis reminded their black neighbors that segregation meant outright

¹ Kluger, *Simple Justice*, 215-16; Buni, *The Negro in Virginia Politics*, 122-23.

² "Virginia Interviews," box 10, Southern Politics Collection, Vanderbilt University. Restrictions on this collection require that this official and all other persons mentioned or quoted remain anonymous.

exclusion; paternalistic pronouncements resulted in few schools, parks, or playgrounds, and housing and sewage for blacks remained subhuman. Consequently, black Virginians renounced the "separation by consent" favored by white elites and turned toward a strategy that relied more on the NAACP to fulfill their desire for full citizenship in the body politic. The new course did not evolve overnight, but slowly over time, and not all blacks embraced it at once; nevertheless, a marked difference appeared in the attitudes and rhetoric of black Virginians.

For their own part, white Virginians appeared increasingly uncertain how best to respond to the contradictions inherent in their devotion to Jim Crow. Ideological extremists defined an absolute color line with catastrophic consequences for hundreds of families and imposed segregation within the confines of a black institution founded as the epitome of Virginia's paternalistic approach to race relations. Most white elites privately disapproved of the harshest measures aimed at blacks, but proved unable or unwilling to prevent the codification of such acts. Furthermore, white political elites regularly relied on racial rhetoric to demean their political opponents and win elections. They could not have been surprised when non-elite whites seized upon their words and acted accordingly. More progressive whites, on the other hand, advocated better treatment for the Old Dominion's blacks, yet sought to control the pace of that change. In addition, progressive whites never questioned white supremacy itself. Consequently, they rejected as "too radical for us" the announced intention of blacks to vindicate their citizenship.

Several years later, as the black and white populations of Virginia's cities swelled during the midst of World War II, Virginius Dabney publicly advocated the repeal of the state's Jim Crow laws on street cars and buses. His call, however, did not evolve from a sense of justice toward Virginia's black citizens, but from a desire to lessen what he saw as an increase in racial friction that resulted from blacks and whites pushing past each other to find their appointed seats. In private correspondence, Dabney made clear his personal

devotion to segregation, especially in education, but argued that Jim Crow laws on common carriers failed to separate and only increased tension. Furthermore, he admitted that whites in Virginia needed to take some step to show their black neighbors that "we are not stalling them off with nothing but fine words." The Richmond editor feared that a failure on the part of whites to exhibit some gesture of good faith would push blacks into the arms of "extremist Negro leaders and Negro newspapers" in the North.³

No other editorial voice in the Old Dominion seconded Dabney's call. Louis Jaffe, long the leading proponent of racial amelioration in Virginia, responded that "segregation of the races in street cars and buses ought to be terminated as soon as possible," but concluded that "to terminate it in the Norfolk-Portsmouth area now would, we fear, aggravate the friction . . . instead of alleviating it." Jaffe reasoned that whites had "been taught to accept the rearward movement of colored passengers as required by law, and not to object to the incidental jostling that this produces." The Norfolk editor worried, however, that a repeal of the segregation statutes would lead to "a new type of conflict between Negroes asserting their rights under repeal and low-grade but racially assertive whites refusing to respect the repeal." Jaffe preferred to keep "a law that has at least the reluctant respect of both races." As had occurred time and again, progressive whites urged caution in the face of white resistance.⁴

As Louis Jaffe and Virginius Dabney debated the merits of segregation on buses and street cars, Walter Plecker remained unrepentant in his efforts to maintain the absolute integrity of white Virginians. Plecker continued his efforts to wipe out Virginia's Indian population, a process described later by Russell Booker, State Registrar of Virginia, as

³ "To Lessen Race Friction," *Richmond Times-Dispatch*, Nov. 13, 1943, editorial page; Virginius Dabney to Louis Jaffe, Nov. 16, 1943, box 3, folder "1927-1949 Correspondence of LIJ with Virginius Dabney," Jaffe Papers (#9924-b) (first quotation); Virginius Dabney, "Nearer and Nearer the Precipice," *The Atlantic Monthly* (January 1943): 94 (second quotation); Nancy Armstrong, *The Study of an Attempt Made in 1943 to Abolish Segregation of the Races on Common Carriers in the State of Virginia*, University of Virginia Phelps-Stokes Fellowship Papers, no. 17 (Charlottesville, 1950).

⁴ Louis Jaffe to Virginius Dabney, Nov. 15, 1943, box 3, folder "1927-1949 Correspondence of LIJ with Virginius Dabney," Jaffe Papers (#9924-b).

"documentary genocide." Plecker steadily reminded local registrars that "there are no native-born people in Virginia claiming to be Indians who are unmixed with negro blood." During World War II, Plecker even wrote the Virginia Selective Service System and described his battles with these people, presumably in an effort to prevent persons he considered black from serving with white troops. When the Charlottesville branch of the state Commission on Interracial Relations protested his treatment of those claiming Indian ancestry, Plecker shot back that these people had managed through a "sneaking process" to register as white "with the resulting privilege of attending white schools and ultimately attaining the climax of their ambitions, marrying into the white race."⁵

Plecker's correspondence suggests that his level of determination only increased as both the trial and appellate courts overturned the fruit of much of his work.⁶ Such judicial setbacks convinced Plecker of the necessity of his personal crusade. He wrote Blanche Cunningham of Hampton that he was "surprised that one of the respectable Cunningham family" would seek information from his office about the racial status of a certain child of Gus Stewart whom Cunningham hoped to marry. As a former resident of Hampton, the director of the bureau of vital statistics assured the young woman that Stewart descended from a mulatto mother. "I trust this will be clear enough," he wrote Cunningham in an ominous tone, "and that you will immediately break off entirely with this young mulatto man."⁷

⁵ J. David Smith, *The Eugenic Assault on America*, 111 (Booker quote); Walter A. Plecker to Mrs. A. P. Robinson, May 3, 1938, box 56, folder "1936-1942 Letters From Bureau of Vital Statistics," Powell Papers; Plecker to E. C. Lacy, Feb. 3, 1943 (second quote), Plecker to Selective Service System, Jan. 29, 1943, Plecker to L. G. Moffatt, Charlottesville Commission on Interracial Commission, April 21, 1943, all in box 56, folder "1942-1946 Letters From Bureau of Vital Statistics," Powell Papers.

⁶ "Appeal Granted Man Convicted Under Race Law," *Richmond Times-Dispatch*, Sept. 14, 1934, p. 7; *Bascomb Keith v. Commonwealth of Virginia*, 165 Va. 705, copy of decision in box 56, folder "1936-1942 Letters From Bureau of Vital Statistics," Powell Papers; *Commonwealth of Virginia v. John Dickson, Jr.*, in the Corporation Court for the City of Newport News, Dec. 2, 1938, copy of opinion in *ibid.*

⁷ Walter A. Plecker to Miss Blanche Cunningham, June 11, 1940, box 56, folder "1936-1942 Letters From Bureau of Vital Statistics," Powell Papers.

Just as Plecker offered Cunningham no proof beyond personal knowledge, he based many of his assertions on the flimsiest of evidence. The statistician informed the chairman of the Pittsylvania County School Board that he had received a petition signed by fifteen whites asking that five siblings who attended a white school be expelled because of their racially mixed ancestry. Plecker acknowledged that he had no prior knowledge of this family, but that considering "the opinion of fifteen citizens of that county, and upon that information we will designate any of these children found in our records as colored regardless of the statement of the attendant who reported these births." In other words, Plecker allowed the opinion of fifteen white citizens to redefine as black the children of one family despite a complete lack of supporting evidence. "It is such cases as this," surmised the aging statistician, "that give our office trouble, as there is no way of proving facts from the records. However, it is quite simple for a local community to handle such cases as they have the children before them for inspection and are usually familiar with all the facts and the parentage of the children."⁸

Although the question of evidence never troubled Plecker, some public health officials did express concern. Elsie Graham, a public health nurse in Bowling Green, asked the statistician about the existence of a blood test that might prove one's racial make-up. Plecker acknowledged that "there is no reliable test for such determination," and that for that reason, his office relied on "pedigree." He replied in similar terms to the superintendent of the Cumberland County Welfare Board who sought advice in determining the race of two illegitimate children of a "feeble-minded white woman." Plecker responded that "you and the sheriff and any other intelligent citizen of your community, are as capable of judging from the appearance of the child as the most learned

⁸ Walter A. Plecker to H. V. Fitzgerald, July 11, 1940, box 56, folder "1936-1942 Letters From Bureau of Vital Statistics," Powell Papers.

scientist. There is absolutely no blood or other test to determine that question--only the appearance of the children and the habits of the mother as to association with negroes."⁹

Plecker acknowledged to John Powell that in many cases throughout the years he had misrepresented suspicions as evidence and used threats to advance his agenda. Responding to a situation in the fall of 1942, Plecker told his old comrade that "in reality I have been doing a good deal of bluffing, knowing all the while that it could not be legally sustained. This is the first time my hand has absolutely been called." The statistician's comments referred specifically to a recent ruling from the Attorney General that prevented Plecker and his staff from writing extended pedigrees on the back of birth certificates. For years, the bureau had essentially attempted to amend birth certificates of persons suspected of being racially mixed. Plecker and his staff often received from doctors and midwives certificates listing a newborn's race as white, and only later, after accepting the certificate, would they discover information to call that designation into question. At that point, the bureau added the pedigrees to bolster their assertions. Plecker told Powell that the Attorney General's ruling "removes our last defense against those whose certificates have already been filed and accepted, and we are now compelled to declare them Indian or white as the case may be. This is the worst backset which we have received since Judge Holt's decision" in the *Sorrells* case.¹⁰

Ultimately only the passage of time ended Walter Plecker's crusade. In June 1946 the eighty-five-year old retired from office. In his final correspondence with John Powell, Plecker told Powell that over the years he had sent him a complete set of letters relating to his efforts on behalf of racial integrity. "In some cases no mixture was found, "

⁹ Walter A. Plecker to Elsie K. Graham, Aug. 9, 1940, box 56, folder "1936-1942 Letters From Bureau of Vital Statistics," Powell Papers; Plecker to Nancy S. Hundley, July 27, 1943, box 56, folder "1942-1946 Letters From Bureau of Vital Statistics," Powell Papers.

¹⁰ Walter A. Plecker to John Powell, Oct. 13, 1942, box 56, folder "1936-1942 Letters From Bureau of Vital Statistics," Powell Papers. In response to Plecker's frustration, the General Assembly passed a bill in 1944 which, in Plecker's words, "makes it my duty to write on the backs of the original certificates incorrect as to race, and any copies issued, a statement from public records as to the pedigree of the parents." Walter A. Plecker to M. L. Williams, April 17, 1944, box 56, folder "1942-1946 Letters From Bureau of Vital Statistics," Powell Papers.

acknowledged the statistician. "Such letters, if possible, should be eliminated."

Furthermore, Plecker surmised that his successor might not evince the same interest in racial integrity and "as this correspondence may ultimately be destroyed or lost, your copies would furnish a pretty good outline of the situation. If, however, you think it is not worth the trouble to preserve them, act upon your judgment and either keep or destroy them."¹¹

Plecker's farewell to Powell chillingly revealed the depth of destruction that the two men caused. Ignoring the fact that he had no business sending copies of official correspondence to a private third party, Plecker acknowledged without regret that he had falsely accused many innocent persons throughout the Old Dominion. He failed to reflect on the incalculable damage wrought on the lives of such individuals and families: committed loved ones prevented from marrying, children expelled from far superior schools for whites, and thousands of persons of Indian ancestry defined out of existence. In addition, neither man thought much of the staggering losses that their crusade inflicted on the commonwealth as a whole: an end to interracial cooperation in even the limited environs of an all-black college, the fostering of hatreds that would prove difficult to overcome, and perhaps most significant for future generations of Virginians, an end to limited mixed schooling which existed without incident despite state law.

Like most native Virginians, historians have treated Walter Plecker and John Powell as leaders of a small band of zealots who made a big fuss but never really enjoyed the support of most people. On one level, such a comforting assessment rings true. Some newspaper editors and private citizens did condemn their activities. But few who did so challenged the rightness of racial integrity. Governor E. Lee Trinkle warned Plecker to tone down his attacks, but neither Trinkle nor the six succeeding governors under whom Plecker served ever threatened to fire him.

¹¹ Walter A. Plecker to John Powell, June 29, 1946, box 56, folder "1942-1946 Letters From Bureau of Vital Statistics," Powell Papers. The copies that Plecker sent to Powell are apparently the only remaining trace of Plecker's activities. At some point in time, his records in the State Bureau of Vital Statistics were destroyed. This is perhaps one of the great ironies of the whole sordid affair.

Although the most extreme manifestation of white supremacy in Virginia, the activities of Walter Plecker and John Powell resonated with most white Virginians, who continued in their efforts to manage race relations in the 1920s and 1930s. White Virginians could not expect to deny to blacks a voice at the ballot box, a say in the distribution of public funds, and access to education, and then object sincerely to the ideological extremism of the Anglo-Saxons. Colgate Darden, the governor of Virginia during the Second World War, once acknowledged that "the weakness of the State of Virginia in defense of segregation is that it is not meant to separate, but to act as a shield for exploitation and oppression." Although the war-time governor recognized, and even regretted, the injustice inherent in segregation, he proved unwilling to reject segregation itself. After all, even Darden had resorted to racial demagoguery in his successful 1938 congressional campaign.¹²

Black Virginians recognized the absolute truth of Darden's remark long before he uttered the words. Tired of exploitation, oppression, and exclusion from civil society, black Virginians in the years after World War I increasingly exhibited their determination to win for themselves the rights of full citizenship. White Virginians, on the other hand, were not so willing to accommodate the desires of their black neighbors. Luther P. Jackson, a professor at Virginia State College in Petersburg, aptly remarked that "Negro Southerners may strike blows at the segregation laws forever, but final victory can never come until white Southerners unite with them." Such a day, however, remained in the future. White Virginians continued to imagine that they managed white supremacy in a manner that benefited both blacks and whites. They did not realize the error of their assumptions until forced to respond with massive resistance to black demands for civic equality.¹³

¹² "Governor Darden Raps Segregation As Abuse Cover-Up," *Pittsburgh Courier*, January 6, 1945, p. 1. For the most penetrating discussion of Darden's inability to free himself from the constraints of segregation and oppose that which he knew to be wrong, see Mark H. Hamer, "A Modest Forward Step: Colgate W. Darden and the School Desegregation Crisis" (B. A. thesis: University of Virginia, 1988).

¹³ Raymond Gavins, "Hancock, Jackson, and Young: Virginia's Black Triumvirate, 1930-1945," *Virginia Magazine of History and Biography* 85 (October 1977): 484.

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