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# White and Everything Else: Promotion the 1924 Virginia Racial Integrity Act

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White and Everything Else: Promotion the 1924 Virginia Racial Integrity Act

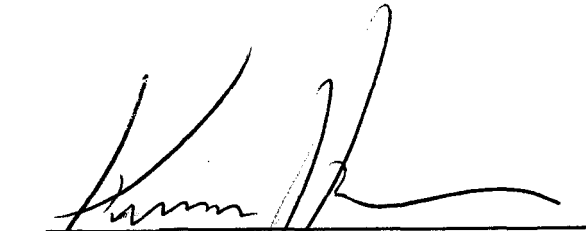
J. Casey Gilliam

**Senior Honors Project**

**Submitted in partial fulfillment of the graduation requirements  
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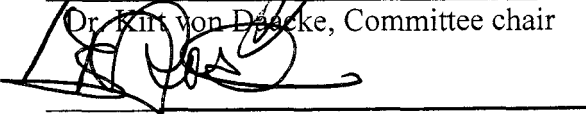
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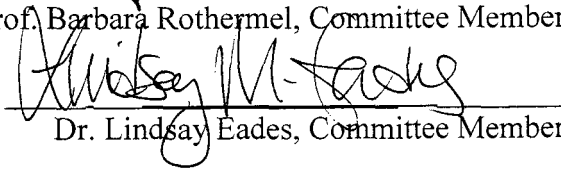
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During the early twentieth century, a movement influenced by the tenets of Social Darwinism took root in the United States. Members of the movement used its principles to “improve the American race” through selective breeding. The leaders of the movement adopted the name eugenics and the participants worked at strengthening genetics in two major ways: the sterilization of persons with so-called genetic defects and an effort to eliminate miscegenation. The Commonwealth of Virginia pursued both aspects of eugenics with great fervor. Under the leadership of Dr. Walter Ashby Plecker, Virginia took a radical stance against racial amalgamation through legislation defining race. The process of instituting the laws was fraught with successes and failures, but eventually created the most drastic race legislation of its time which attracted the attention of national eugenicists, like Harry Hamilton Laughlin. The effectiveness of the laws passed in Virginia led to interest in the greater American eugenics community, including efforts in other state legislatures and the national government, but eventually failed to create change in the policies outside of Virginia.

Virginia had a long history of segregation and institutionalized racism. In 1630, a white man, Hugh Davis, was publicly whipped for “abusing himself to the dishonor of God and shame of Christians by defiling his body in lying with a Negro.”<sup>1</sup> In 1662, the colony amended its anti-fornication statute placing heavier penalties on interracial mixing. In 1691, the British colony passed a law outlawing interracial marriage. In 1705, a law was passed that listed the “child, grand child, or great grand child of a negro” as black.<sup>2</sup> In 1787, the

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<sup>1</sup> Phillip Reilly, “The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence 1928-1930,” *American Journal of Medical Genetics* 16, (1983): 484.

<sup>2</sup> Jason Kuznicki, “Never a Neutral State: Relations and Government Power,” *Cato Journal* 29, no. 3 (2009), 425.

new state passed a law defining a person with one-fourth or more “Negro blood” as a mulatto.<sup>3</sup> In 1910, the state passed a law identifying a black person as someone with one-sixteenth or more “black blood,” which more accurately defined the earlier law by further defining race. Dr. Walter Ashby Plecker, director of the Virginia Bureau of Vital Statistics from its creation in 1912 to the time of his resignation in 1946, argued the 1910 statute did not help solve the negro problem in Virginia, citing the number of mulattoes in 1910 was 222,910 and the number of mulattoes in 1920 as 164,171. To Plecker, the decline in the number of Virginia mulattoes indicated more mulattoes passing into the white race.<sup>4</sup> Historian Joel Williamson argues the opposite: mulattoes were more than likely marrying into the black race, as there is no literature suggesting interest in the white race.<sup>5</sup>

In 1924, at the peak of fears about race-mixing, Virginia furthered the separation of races by passing Senate Bill 219, “An Act to Improve Racial Integrity,” more commonly known as the Racial Integrity Act, which defined a white person as a “person who has no trace whatsoever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed white persons.”<sup>6</sup> The clause including those persons with one-sixteenth or less American Indian blood was added to appease those “First Families” of Virginia who claimed to be descended from Pocahontas and has since been dubbed the “Pocahontas clause.”<sup>7</sup>

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<sup>3</sup> Ibid.

<sup>4</sup> J. Douglas Smith, “Campaign for Racial Purity and the Erosion of Paternalism in Virginia, 1922-1930: ‘Nominally White, Biologically Mixed, and Legally Negro’,” *Journal of Southern History* 68, no.1 (2002): 71, <http://www.jstor.org/>.

<sup>5</sup> Joel Williamson, *New People: Miscegenation and Mulattoes in the United States*, New York: The Free Press, 1980, 112-15.

<sup>6</sup> Phillip Reilly, “The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence 1928-1930,” *American Journal of Medical Genetics* 16, (1983): 491.

<sup>7</sup> “Racial Integrity Laws of the 1920s,” [Encyclopedia Virginia](http://www.encyclopediavirginia.org/Racial_Integrity_Laws_of_the_1920s), Virginia Foundation for the Humanities, [http://www.encyclopediavirginia.org/Racial\\_Integrity\\_Laws\\_of\\_the\\_1920s](http://www.encyclopediavirginia.org/Racial_Integrity_Laws_of_the_1920s).

“One-drop” arguments, such as the Racial Integrity Act, appeared in courts as early as the 1830s, but were rejected because it would call prominent heritages into question.<sup>8</sup> The act also provided that persons should register their race voluntarily, since a compulsory registration would be nearly impossible for the state given its limited resources.<sup>9</sup> The key to the law was not in defining “black,” rather the law became effective because it defined “white” and placed restrictions as such.<sup>10</sup> The voluntary registration system proposed would allow the state to begin the prevention of miscegenation in their generation and in generations to come.

Enforcement of the new act was the responsibility of the local authorities. The state expected midwives, school officials, physicians, health officers, local registrars, and clerks of the courts to abide by this new law by documenting and providing correct racial identification of all persons, and particularly in barring those who attempted to register their race fraudulently. Plecker wrote those placed in charge just days after the law was passed in the Virginia Senate.<sup>11</sup> Mrs. Mary Gildon, a midwife of Lynchburg, Virginia, received a letter from Plecker after a child that she helped deliver was registered as white; it then was determined to be colored by the local health department.<sup>12</sup> “[Mrs. Gildon] this is to notify you that it is a penitentiary offense to willfully state that a child is white when it is colored.

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<sup>8</sup> Jason Kuznicki, “Never a Neutral State: Relations and Government Power,” *Cato Journal* 29, no. 3 (2009), 425.

<sup>9</sup> An Act to Preserve Racial Integrity,” Virginia Center for Digital History, University of Virginia, [http://www2.vcdh.virginia.edu/encounter/projects/monacans/Contemporary\\_Monacans/racial.html](http://www2.vcdh.virginia.edu/encounter/projects/monacans/Contemporary_Monacans/racial.html)

<sup>10</sup> Phillip Reilly, “The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence 1928-1930,” *American Journal of Medical Genetics* 16, (1983): 485.

<sup>11</sup> J. Douglas Smith, “Campaign for Racial Purity and the Erosion of Paternalism in Virginia, 1922-1930: ‘Nominally White, Biologically Mixed, and Legally Negro’,” *Journal of Southern History* 68, no.1 (2002): 71, <http://www.jstor.org/>.

<sup>12</sup> For the purpose of this paper the following system will be used to define color: A mulatto is the mixture of a white person and a negro. The terms black, negro, and colored may be used interchangeably.

You have made yourself liable to very serious trouble by doing this..."<sup>13</sup> As evidenced in the case of Plecker's threats to Mrs. Gildon, failure to abide by the new law meant a possibility of up to one year in a state penitentiary.<sup>14</sup><sup>15</sup>

Historian Richard Sherman argues, "The campaign for racial integrity in Virginia was not the product of a great popular ground swell. Rather, it was primarily the work of a dedicated coterie of extremists who played effectively on the fears and prejudices of many whites."<sup>16</sup> Sherman's argument holds true: although Plecker was extremely persuasive, he worked with many other prominent Virginians to secure the legislation in his state. Dr. Walter Ashby Plecker helped construct and legislate the Virginia Racial Integrity Act.<sup>17</sup> Plecker saw eliminating amalgamation in Virginia and other states, particularly those in the South, as vital to the security of his home state. He sent "literature to the legislators of all of the States, appealing to them to join Virginia in a united move to preserve America as a White Nation. Major [Earnest Sevier] Cox (1880-1966) distributed a special Congressional Edition of *White America* to congressmen, and to the legislators of one or two states."<sup>18</sup> Major Cox, along with co-founder of the Anglo-Saxon Clubs of America, John Powell,<sup>19</sup> worked with Plecker petitioning the Virginia General Assembly to pass the racial integrity

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<sup>13</sup> Dr. Walter A. Plecker to Mrs. Mary Gildon, Correspondence, April 30, 1924.

<sup>14</sup> Dr. Walter A. Plecker to Local Registrars, Physicians, Health Officers, Nurses, School Superintendents, and Clerks of the Courts, Correspondence, January 1943, [LearnNC](http://www.learnnc.org/lp/media/uploads/2007/10/plecker_letter.jpg), [http://www.learnnc.org/lp/media/uploads/2007/10/plecker\\_letter.jpg](http://www.learnnc.org/lp/media/uploads/2007/10/plecker_letter.jpg).

<sup>15</sup> Phillip Reilly, "The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence 1928-1930," *American Journal of Medical Genetics* 16, (1983): 485. See also, J. Douglas Smith, "Campaign for Racial Purity and the Erosion of Paternalism in Virginia, 1922-1930: 'Nominally White, Biologically Mixed, and Legally Negro'," *Journal of Southern History* 68, no.1 (2002): 71, <http://www.jstor.org/>.

<sup>16</sup> Richard Sherman, "The Last Stand: The Fight for Racial Integrity in Virginia in the 1920s," *Journal of Southern History* 54, no.1 (1988), 69.

<sup>17</sup> Gregory Michael Dorr, "Racial Integrity Laws of the 1920s," *Encyclopedia Virginia*, Virginia Foundation for the Humanities, [http://www.encyclopediavirginia.org/Racial\\_Integrity\\_Laws\\_of\\_the\\_1920s](http://www.encyclopediavirginia.org/Racial_Integrity_Laws_of_the_1920s).

<sup>18</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, May 24, 1929.

<sup>19</sup> No birth and death dates available.

law in 1924.<sup>20</sup> Sherman further argues that the Anglo-Saxon Clubs believed the combination of the Virginia Racial Integrity Act and the Sterilization Act answered the Negro question in Virginia.<sup>21</sup> The Anglo-Saxon Clubs' mission preceded much of Plecker's work. "The fundamental purpose of the organization is the preservation and maintenance of Anglo-Saxon ideals and civilization in three ways: first, by the strengthening of Anglo-Saxon instincts, traditions, and principles among representatives of our original American stock; second, by intelligent selection and exclusion of immigrants; and third, by fundamental and final solutions of our racial problems in general, most especially of the Negro problem."<sup>22</sup> Even prior to its wide use among Nazi Germany publications, the phrase "final solution" seemed to exact unquestioned authority among readers interested in solving the Negro question.<sup>23</sup>

Historian J. Douglas Smith argues against Sherman's view that the Anglo-Saxon Clubs believed they had solved the Negro problem. "In addition to exposing a fundamental weakness in the system of managed race relations, the Anglo-Saxon Clubs unintentionally revealed the absurdity of the basic assumption that underlay their mission: it proved

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<sup>20</sup> In addition to his work in eugenics, Powell was an extremely accomplished musician and composer. His notoriety as a musician allowed him to socialize in elite Virginia social circles, as well as allowing him to more freely travel to other states to perform and speak. Powell was a close friend and confidant of Plecker. Over the course of his career, Plecker forwarded a copy of every letter he wrote relating to the new law to Powell for his records. Unfortunately, Plecker did not send copies of the letters he received, only his replies.

<sup>21</sup> See also Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (New York: Knopf, 1984).

<sup>22</sup> Article in Richmond News Leader quoted in J. David Smith, "Eugenics, Race Integrity, and the Twentieth-Century Assault on Virginia's Indians," Presented at Annual Meeting of the Organization of American Historians, Louisville, Kentucky, April 11, 1991 (Louisville: Organization of American Historians, 1991).

<sup>23</sup> See for instance Richard Sherman, "The Last Stand: The Fight for Racial Integrity in Virginia in the 1920s," *Journal of Southern History* 54, no.1 (1988); George Brown Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge, 1967); Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1880-1940* (New York, 1998); Joel Williamson, *The Crucible of Race: Black-White Relations in the American South Since Emancipation* (New York, 1984). To better understand the interaction between Plecker and the Anglo-Saxon Clubs of America, see also J. Douglas Smith, "Campaign for Racial Purity and the Erosion of Paternalism in Virginia, 1922-1930: 'Nominally White, Biologically Mixed, and Legally Negro'," *Journal of Southern History* 68, no.1 (2002): 71, <http://www.jstor.org/>.

impossible to divide the state, or the nation for that matter, into readily identifiable races.”<sup>24</sup> Smith’s assumption about the work of the Anglo-Saxon Clubs seems to fit better in the case of Virginia. The more the Clubs pushed to define Virginians in terms of race, the more apparent it became that race was impossible to define.

Plecker helped lead the fight in Virginia along with Major Cox and John Powell, but he needed someone with national connections to help him promote his cause in a larger forum. Through a mutual friend and benefactor, Madison Grant, a wealthy New York lawyer, eugenicist, and author of one of the definitive works on eugenics, *The Passing of the Great Race*,<sup>25</sup> Plecker found someone willing to actively help in his initiative. Grant forwarded a letter written by Plecker to Harry Hamilton Laughlin (1880-1943) thinking that Laughlin would be interested in contacting Plecker because, “he is very much in earnest about race mixture and is the author of important legislation in Virginia.”<sup>26</sup>

Laughlin was well-known in the national eugenics community. He successfully organized the works of other eugenicists through his position as the superintendent of the Eugenics Record Office (ERO) of the Department of Genetics of the Carnegie Institute of Washington, D.C., which was under the direction of famed biologist Dr. Charles Davenport, and later was a consultant on eugenics for the United States House of Representatives’ Committee on Immigration and Naturalization. Through Laughlin’s position of power and access to information, he helped Plecker spread the ideas of racial integrity beyond the

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<sup>24</sup> J. Douglas Smith, “Campaign for Racial Purity and the Erosion of Paternalism in Virginia, 1922-1930: ‘Nominally White, Biologically Mixed, and Legally Negro’,” *Journal of Southern History* 68, no.1 (2002): 69, <http://www.jstor.org/>.

<sup>25</sup> “Eugenics and Physical Anthropology,” RACE, American Anthropological Association, [http://www.understandingrace.org/history/science/eugenics\\_physical.html](http://www.understandingrace.org/history/science/eugenics_physical.html).

<sup>26</sup> Madison Grant to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, January 10, 1928.



borders of Virginia.<sup>27</sup> Laughlin was also well-known for his work on eugenical sterilization. In December 1922, during his research under Davenport, Laughlin authored “Eugenical Sterilization in the United States,” which includes a guideline for a standard state law that is extremely similar to guidelines of the Racial Integrity Act. “An Act to prevent the procreation of persons socially inadequate from defective inheritance, by authorizing and providing for the eugenical sterilization of certain potential parents carrying degenerate hereditary qualities” was the model law created by Laughlin outlining the methods by which sterilization should be applied to lesser groups. Determination of “socially inadequate” was extremely vague and included many groups of people such as,

feeble-minded, insane, criminalistic (including the delinquent and wayward), epileptic, inebriate (including drug-habitues), diseased (including the tuberculous, the syphilitic, the leprous, and others with chronic, infectious, and legally segregable diseases), blind (including those with seriously impaired vision), deaf (including those with seriously impaired hearing), deformed (including the crippled), and dependent (including orphans, ne'er-do-wells, the homeless, and tramps, and paupers).<sup>28</sup>

Under these guidelines, nearly anyone who had ever been sick, incarcerated, or was of lower-class status, could be sterilized against their will. Furthermore, under eugenics teachings, Negroes were genetically-criminalistic and therefore could be sterilized at any time. Virginia’s Racial Integrity Act was signed into law on March 20, 1924 complementing the signing of Senate Bill 281, “An ACT to provide for the sexual sterilization of inmates of State institutions in certain cases,” or “The Sterilization Act.” The two laws together represented Virginia’s adoption of Harry Laughlin’s “Model Eugenical Sterilization Law.”<sup>29</sup>

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<sup>27</sup> “Harry H. Laughlin,” Pickler Memorial Library, Truman State University, <http://library.truman.edu/manuscripts/laughlinbio.asp>.

<sup>28</sup> Laughlin, Harry Hamilton. “Eugenical Sterilization in the United States,” *Psychopathic Laboratory of the Municipal Court of Chicago*, December 1922, 446-7.

<sup>29</sup> Jason Kuznicki, “Never a Neutral State: Relations and Government Power,” *Cato Journal* 29, no. 3 (2009), 425.

Correspondence began between Plecker and Laughlin on 9 March 1926 when Laughlin wrote to Plecker requesting a full set of the Virginia Bureau of Vital Statistics's recently-published "New Family" pamphlets, written by Plecker, and asked for details on Virginia's "racial integrity" laws. The Bureau of Vital Statistics released the "New Family" series of pamphlets, which contain both medical and social reasons to prevent miscegenation, to Virginians in an effort to slow the "Mongrelization" of the state. In his reply, Plecker explained Virginia's only notable problem with the 1924 Act to Improve Racial Integrity came from its system of voluntary registration by race, which, in his opinion, created an influx of "near-white mixed breeds who we are trying to protect the race against" applying to be registered under a different race.<sup>30</sup> Plecker believed, "They invariably desire to be registered either as white or Indian, the latter giving them special privileges as it is possible for a person of only one-sixteenth Indian blood with no negro to be classed as white and to marry white persons. We believe that there are practically no native Virginia Indians unmixed with negro."<sup>31</sup> For this reason, Plecker said the office showed "interest" in the records of all its citizens, but only attempted to list "the mixed breeds that are endeavoring to pass over into the white race."<sup>32</sup>

Agencies associated with reporting birth, marriage, and death records also reported those with suspect racial standing. Persons with a questionable racial status, according to those in charge of reporting documentation, were subjected to thorough investigations by the

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<sup>30</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, March 11, 1926.

<sup>31</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, March 11, 1926.

<sup>32</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, February 25, 1928.

Bureau of Vital Statistics. To do this, the Bureau sought out witnesses in the area, checked “old birth, death, and marriage records...going back to 1853,” investigated tax records “back to 1800,” and checked previous census records dating as far back as 1830 indicating the race of heads of households, and a roster compiled by military authorities during Reconstruction listing all “free issues” in Virginia at that time.<sup>33</sup> The Bureau then flagged warnings, with references indicated, on the back of birth certificates of those found to be African-American by the new law’s definition, so that if the person applied, they were easily recognized and denied registration as white or Indian.

The records were labeled as “colored” when filed under the new system. Criticism arose from the interpretation of the word “colored” by Plecker. Previously in the state of Virginia the term covered both those “free issues,” along with Virginia’s Indian population, but Plecker reinterpreted the word to imply “black.” In a 1938 letter, Plecker wrote, “In reply to your note reminding me that at one time local registrars were authorized to register the “free issue” people who are trying to be known as “Indians” or “Mixed Indians,” I beg to advise that we did that as a compromise to prevent them being registered as white. After more careful study and consideration, we have determined that the word “Indian” should not be used at all in their registration. They are all mixed with negro blood and according to the law are classified as colored or Negro and not as Indians. Therefore, they should receive their correct legal classification as colored.” Critics had reason to be concerned – in years prior to the Racial Integrity Act, the term “colored” included both negroes and Virginia Indians.

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<sup>33</sup> Dr. Walter A. Plecker to E.B. Ford, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, March 22, 1939.

Plecker personally replied to most people who filed claims asking for reinstatement of white status. Many of the replies were insulting, implying inferiority and low morals. To a parent of a child that had been registered as white then found to be colored by the Lynchburg City Health Department, Plecker wrote, "...This is to give you warning that this is a mulatto child and you cannot pass it off as white... You will have to do something about the 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. Yours very truly, State Registrar."<sup>34</sup>

When the Bureau investigated an individual, they also thoroughly researched his or her whole family leading to rejection letters sent to entire families at once. Since Plecker investigated families rather than individuals, he compiled a list of surnames of persons he believed to be African-Americans attempting to register as white, such as the Branham and Adcock families of Amherst County.<sup>35 36</sup> In most cases, families remained in the same area, marrying into other nearby families and forming communities. This allowed state officials to easily enter into a community, determine the racial status of one or more individuals, and thus establish the racial status of all those living in the area.

While Plecker used the small communities to easily identify those with questionable races, they also created problems with his system on the national scale. Plecker was forced to refute the ruling of the United States Census Bureau after an incident involving a 1930 Census enumerator. After recording the races of a "group of mulattoes in Caroline, Essex,

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<sup>34</sup> Dr. Walter A. Plecker to Mrs. Robert H. Cheatham, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, April 30, 1924.

<sup>35</sup> Dr. Walter A. Plecker to William T. Adcock, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, December 26, 1929.

<sup>36</sup> Both families belong to the county's Monacan Indian tribe and continue to have problems obtaining Native American registration today because of the evidence obtained by Plecker's office.

and King and Queen counties” as Indian, Plecker contacted W. M. Steuart, Director of the U.S. Census Bureau. “[Hon. A. D. Latane, Clerk of Essex County] says the people of his county have not been fooled, evidently your enumerators have been, or more likely, as stated by... the enumerator for Caroline County, they were bulldozed by a mob of people... a mob of fifteen or twenty of them visited him in an effort to induce him to change their registration from negro to Indian.”<sup>37</sup> Plecker reemphasized the fact that his office had positively identified the “mob” of people as colored, despite their statements otherwise. “I wish to state as positively and emphatically as possible that these people are not Indians but are mulattoes and under no circumstances be given classification as Indians in the census records. Ample evidence can be produced to establish this fact in court if necessary. Your own records of previous registrations will show their families registered as colored.”<sup>38</sup> Plecker was referring to the Census Bureau’s registration of persons as free issues or colored, but when registered as “colored” by the census, it could mean Indian. Although the Census enumerator determined the racial status of the persons to be white, Plecker relied upon the testimony of county residents, such as the clerk of Essex County, who stated otherwise.

Plecker pled his case to Laughlin frequently in letters, “One of our chief desires is to influence legislation in other states. Virginia can do but little to protect itself when she is the only state attempting it.”<sup>39</sup> Plecker and Laughlin campaigned for other states to model their racial miscegenation laws after those practiced in Virginia. In addition, they spoke about

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<sup>37</sup> Dr. Walter A. Plecker to Hon. W. M. Steuart, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, August 4, 1931.

<sup>38</sup> Dr. Walter A. Plecker to Hon. W. M. Steuart, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, August 4, 1931.

<sup>39</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, May 24, 1929.

what they could do to make other states and even the federal government, see adopting policies similar to those of Virginia as a vital measure. "Our Governor E. Lee Trinkle has recently written a letter to all of the Governors of the country and has been referring to me their replies. A number of them are interested and say that they expect to recommend such measures to their legislatures."<sup>40</sup> The original focus of Plecker's self-promotion was North Carolina and Maryland, Virginia's border states. If those could be secured, Virginia's racial integrity had a much greater chance of survival.<sup>41</sup>

Sometimes Plecker even resorted to lying to promote his cause to other states. In an October 1924 letter to an Ohio judge, Plecker wrote, "When these [mixed marriages are called to my attention I immediately write to the head of the family giving him the facts as found in our office, and telling him that his family all be registered of one color. We tell him that if part of them are colored, they are all so. So far we have never received a reply from any of them, and we correct our records accordingly."<sup>42</sup> Plecker had, in fact, received several replies and complaints from those who received his letters. He replied to many of them indicating that others in their community correctly identified their races as colored. Near the end of his long campaign, Plecker wrote Powell, "In reality, I have been doing a great deal of bluffing, knowing all the while it could not be legally sustained..."<sup>43</sup> Plecker depended on the intimidation of refused applicants to keep his system afloat.

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<sup>40</sup> Dr. Walter A. Plecker to Rev. Wendell White, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, May 10, 1924.

<sup>41</sup> His effort in both states was primarily a failure.

<sup>42</sup> Dr. Walter Plecker to Hon. Harry Davis, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, October 4, 1924.

<sup>43</sup> Dr. Walter Plecker to John Powell, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, October 13, 1942.

Plecker's attempts to record vital statistics extended to the national level as well. He requested that the federal government create a building that would permanently protect the U.S. Census records, since he described their current location as a "fire trap," and the records remained of great importance to all those attempting to document vital statistics.<sup>44</sup> He suggested categorizing and creating a reference system so that a researcher could quickly find and use a record to streamline the process of racial identification. "These two things are desired in vital statistic records of each of the states and also in the census records of the federal government, especially when such records are made to include more data of eugenical importance – permanency of the record, and preparation in such a manner as to make individual returns accessible for reference."<sup>45</sup> Through this federalized system, Plecker hoped to make the racial identification process between states simpler and more efficient.

Laughlin was aware Plecker often felt beleaguered in his attempts to reach legislators at the federal and state levels: "You have made a great step in advance toward making the individual vital statistic records of your state accessible for reference, and have made an advance also in securing their permanence."<sup>46</sup> Plecker's persistence to register persons by race both on a state and a federal basis was promoted and encouraged by Laughlin as he too saw the information of great importance. "I am much interested in the plan which you outline

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<sup>44</sup> Surprisingly, Plecker was right. On January 10, 1921, the Commerce Department building in Washington caught fire destroying nearly the entire 1890 Census. Research today has been greatly affected by this gap in American history.

<sup>45</sup> Harry H. Laughlin to Dr. Walter A. Plecker, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, February 23, 1928.

<sup>46</sup> Harry H. Laughlin to Dr. Walter A. Plecker, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, February 23, 1928.

for permanently preserving marriage records in your state.”<sup>47</sup> Laughlin also recognized that Plecker’s system in Virginia was an effective way of keeping record of race in Virginia.

Plecker saw himself and his department battling alone in the fight to defend the white race in Virginia. Following the Virginia Senate’s 1928 defeat of a bill that would have expanded the 1924 Act to Preserve Racial Integrity by defining a “colored” person “as one with any ascertainable trace of colored blood,” because “at present, our law defines only a white person, and we find difficulty in prosecutions,” Plecker felt the work his office completed had been compromised and betrayed. He blamed “the remnants of our so-called ‘Indians’ who have in reality lost their identity by mixture with negroes and white but who are still recognized as Indians” for the defeat of the bill.<sup>48</sup>

By November, 1928, Laughlin further endorsed Plecker’s efforts by requesting a report from Plecker for publication in the journal he edited, *Eugenical News*, on the marriage laws in various states. Laughlin wrote, “Let me inquire whether you have any data concerning the definition of a white person listed in the laws of the several states. I have made a number of references to the Virginia racial integrity law which you have so well sponsored, and just now I am anxious to find the definition by states.”<sup>49</sup> The data presented by Plecker published in *Eugenical News* illustrated the ineffectiveness of the laws against miscegenation in other states, in addition to satisfying the growing interest in Plecker’s work that had arisen since Laughlin first began the promotion of his work.

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<sup>47</sup> Ibid.

<sup>48</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, February 25, 1928.

<sup>49</sup> Harry H. Laughlin to Dr. Walter A. Plecker, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, November 22, 1928.



To spread Plecker's cause, Laughlin wrote to him, "The eugenicists in different parts of the country are increasingly interested in this 'racial integrity' idea and would welcome any facts which we could publish concerning the growth of the Virginia idea and the exact definitions still maintained by the several states."<sup>50</sup> Plecker responded promptly with a chart based on "American Marriage Laws in their Social Aspects" published in 1919, but he amended the chart soon after as the foundation released a new study in 1929. Laughlin printed Plecker's revised compilation along with a paragraph, written by Laughlin, on the exciting work Plecker accomplished in Virginia in the August, 1929, volume of *Eugenical News* calling him the "principal leader in the recent movement to secure the enactment of the so-called Racial Integrity Laws."<sup>51</sup> <sup>52</sup>

Plecker's information showed the laws concerning interracial marriage in other states frequently lacked clear definitions if a law even existed. His report found that Georgia and Alabama were the only states to have instituted laws based upon Virginia's Racial Integrity Law defining a white person as one with "no trace of negro blood."<sup>53</sup><sup>54</sup> The chart compiled by Plecker, entitled, "Amount of Negro and other Colored Blood Illegal in Various States for Marriage to Whites: 1929" listed three states with laws allowing no colored blood when marrying whites: Alabama, Georgia, and Virginia; eight states with laws forbidding marriage between whites and those of "Negro descent": Arizona, Louisiana, Montana, Nevada,

<sup>50</sup> Harry H. Laughlin to Dr. Walter A. Plecker, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, November 22, 1928.

<sup>51</sup> Dr. Walter A. Plecker, "Amount of Negro and Other Colored Blood Illegal in Various States for Marriage to Whites: 1929," *Eugenical News* 14, no.8 (1929),

[http://www.eugenicsarchive.org/eugenics/image\\_header.pl?id=1442](http://www.eugenicsarchive.org/eugenics/image_header.pl?id=1442).

<sup>52</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, May 24, 1929.

<sup>53</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, November 24, 1928.

<sup>54</sup> Phillip Reilly, "The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence 1928-1930," *American Journal of Medical Genetics* 16, (1983): 486.

Oklahoma, South Dakota, Utah, and West Virginia; eleven states with laws forbidding marriage between whites and those of one-eighth or more Negro: Florida, Indiana, Maryland, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, South Carolina, Tennessee, and Texas; two states forbidding marriage between whites and those with one-fourth or more colored blood: Kentucky and Oregon; six states allowing marriage forbidding marriage between whites and those with one-half or more negro blood: Arkansas, California, Colorado, Delaware, Idaho, and Wyoming. Most disturbing to Plecker and those reading Laughlin's *Eugenical News* was that Plecker's research found that nineteen states (including the District of Columbia) without laws banning intermarriage whites and those of any negro descent.

Laughlin later promoted Plecker's management through the *American Year Book* by referencing his leadership in creating new racial integrity laws in the United States. Laughlin, so convinced of the effects of Plecker's work, even presented the idea of racial integrity laws at the International Conference of Eugenics in London. His 11 November 1930 letter to Plecker inquiring about statistics for his *Year Book* article also included a casual reference to his recent trip to Europe, during which Laughlin mentioned Plecker's racial integrity laws. Laughlin recounted the Europeans having interest in Plecker's work, but since European countries experienced few problems with miscegenation, they showed interest more in the laws' biological benefits and less for a model miscegenation law.<sup>55</sup> Laughlin also

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<sup>55</sup> Harry H. Laughlin to Dr. Walter A. Plecker, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, November 11, 1930.

suggested Plecker contact Statens Institut for Rasbiologi in Uppsala, Sweden, with samples of publications from the Bureau.<sup>56</sup>

A few of Plecker's ideas for advertising the law outside of Virginia may strike some as odd and unorthodox. To promote the law, Plecker went as far as commissioning a film on the issue. Plecker had begun contacting a sales manager for the National Motion Pictures Company, located in Indianapolis, to receive copies of two films, but also to begin discussions on creating a film on racial integrity in collaboration with a local Richmond filmmaker.<sup>57</sup> Although the film was never created, Plecker's interest shows the lengths he would go to encourage racial integrity. Plecker even wrote U.S. President Calvin Coolidge an appeal for the pardon of Marcus Garvey, the staunch advocate of Pan-Africanism and the resettlement of Africa, for his mail fraud charge. "One of Garvey's chief aims is to inspire his people with the desire to preserve their racial purity, and to teach them abhorrence of mongrelization as it is progressing in the South in spite of restrictions as to intermarriage, and in other sections at a rapid rate, because of the lack of such restrictions."<sup>58</sup> In the case of the film and his plea for the release of Marcus Garvey, Plecker sought to promote the law in more creative ways rather than just petitioning interested parties as was usually done.

The extensive advertisement of Plecker's efforts worked. Soon after his discovery by Laughlin, Plecker received requests from other states looking for information on his policies. In Plecker's letter to Laughlin on 12 December 1928, he stated that a member of the

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<sup>56</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, July 24, 1929.

<sup>57</sup> Dr. Walter A. Plecker to Leon Adler, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, February 9, 1925.

<sup>58</sup> Dr. Walter A. Plecker to the President of the United States, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, March 19, 1927.

Maryland Legislature contacted the Virginia Attorney General's office for a copy of the Racial Integrity Law and requested that someone from the Virginia office address the matter to the Maryland Legislature showing promise that Laughlin's promotions of Plecker to representatives of other states produced interest in the ideas of racial integrity.<sup>59</sup>

Following the publication of Plecker's chart in *Eugenical News*, John C. Box, a member of Congress representing Texas, contacted Laughlin requesting to receive more information on Plecker's compilation. Laughlin's secretary reported, "He seemed interested in lining Texas up with Virginia, Alabama, and Georgia, in having a model statute."<sup>60</sup>

Plecker, excited by the call, quickly addressed the congressman's request. He reiterated his idea of the Southern states united in a fight against miscegenation.

Being responsible for the enforcement of our new law, I can see now the dreadful error under which we formerly labored in permitting a person of one-sixteenth negro blood to marry a white person... I have been much distressed because ... most of the Southern States failed to realize the seriousness of the situation, particularly those states such as Texas who still allow persons of one-eighth negro blood to intermarry with whites. We cannot hope to stop the progress of racial amalgamation until every State, particularly the Southern ones, adopt absolutely rigid and uncompromising laws.<sup>61</sup>

Plecker's letter to Box was an adamant warning to all states – laws needed to be enacted to save the race from mixed-breeds.<sup>62</sup>

Plecker's reply further encouraged him to work on a measure in the Texas legislature, but to learn from Virginia's mistakes of voluntary registration and the lack of a "colored

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<sup>59</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, December 12, 1928.

<sup>60</sup> Secretary of H. H. Laughlin to Dr. Walter A. Plecker, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, August 15, 1929.

<sup>61</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, August 16, 1929.

<sup>62</sup> Phillip Reilly, "The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence 1928-1930," *American Journal of Medical Genetics* 16, (1983): 488-489.

person” definition. He also stated he believed most couples attempting interracial marriage were leaving the state to do so. “They usually go to Washington or other states, marry, and return to Virginia where they quietly live, unless the Commonwealth’s Attorney of the county gets after them.”<sup>63</sup> Issues like this prompted Plecker to continue writing to other states, and particularly the District of Columbia, to change their laws on interracial marriage.

He received other replies from states such as Indiana, which he identified as “the State which Major Cox has thought of making our first efforts in.”<sup>64</sup> From New Orleans, the Louisiana Club for Segregation requested one thousand copies of the Bureau’s pamphlet on racial integrity, which included a copy of the law.<sup>65</sup> He was further contacted by the State Health Officer of Arkansas inquiring into the law. From a member of the Ohio House of Representatives, Plecker received a copy of a proposed bill by which he was extremely pleased. When forwarding the bill to John Powell, Plecker noted, “I am impressed with his term ‘or have carnal knowledge’ which might be introduced in our amendment... I have not given it careful thought as of yet. His bill seems to include nearly as much as ours.”<sup>66</sup> The bill proposed by Congressman Roberts would have created a law similar to that in Virginia, but also including making carnal knowledge between races illegal.<sup>67</sup>

Consistently throughout his letters to various state representatives, Plecker writes about the problems voluntary registration created for the Commonwealth of Virginia. When

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<sup>63</sup> Dr. Walter A. Plecker to Harry H. Laughlin, Correspondence, Harry H. Laughlin Eugenics Collection, Pickler Memorial Library, Truman State University, August 16, 1929.

<sup>64</sup> Dr. Walter A. Plecker to A.W. Thompson, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, December 12, 1924.

<sup>65</sup> Dr. Walter A. Plecker to Louisiana Club for Segregation, John Powell Papers, Small Special Collections Library, December 19, 1924.

<sup>66</sup> Dr. Walter A. Plecker to Hon. George H. Roberts, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, February 25, 1925.

<sup>67</sup> In Powell’s papers, no copy of the proposed bill exists currently.

contacted by New York Senator J. Griswold Webb, Plecker encouraged him, when drafting a new bill, to exclude the registration component of the Virginia act. “The registration feature of [the present act], however, is a failure and we have now in the Legislature a bill amending our law which eliminates the registration. The objection to that is that it is chiefly the near-white undesirables attempting to register as white.”<sup>68</sup> In Plecker’s eyes, the voluntary registration process created an unnecessary hinderance for an otherwise efficient system of race documentation.

Plecker was even contacted by international representatives about his work on racial integrity. After his paper was read at the International Congress of Eugenics in New York, E.B. Ford, a London lawyer and the Honorable Scientific Secretary of the Bureau of Human Heredity, contacted Plecker for information on the law. Plecker outlined the scope of the law, how the Bureau accomplished its task, and encouraged Mr. Ford to continue to research in the field by contacting John Powell and Earnest Cox.<sup>69</sup> Despite interest from the international community following Laughlin’s presentation, little was done as a result. Europeans were primarily interested in the law for its implications in Virginia, not for its potential enactment in Europe.

After battling the problems of voluntary registration, Plecker was given the opportunity to write a bill that would remedy them in another area. A particularly exciting letter from Senator Morris Sheppard requesting the drafting of a bill for the District of Columbia set Plecker right onto creating an ideal revised racial integrity law. The new act

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<sup>68</sup> Dr. Walter Plecker to Sen. J. Griswold Webb, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, March 3, 1926.

<sup>69</sup> Dr. Walter A. Plecker to E. B. Ford, Esq., Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, March 22, 1939.

would draw upon the successes of the Virginia Racial Integrity Act, but also include the improvements suggested by Congressman Roberts in the Ohio bill. The proposed D.C. bill would be named “To preserve the integrity of the white race in the District of Columbia, and for other purposes,” to illustrate its purpose as the “protection of the white race.”<sup>70</sup> D.C. was of great value to Plecker, both because of its Virginia border allowed interracial couples to escape Virginia and marry in D.C., but also because D.C. laws are passed by the United States Senate, allowing Plecker to have his work formally proposed and brought to the full attention of the national government, which he had sought since his original legislation had passed over a year before. To recognize Sheppard’s part in promoting the potential legislation, Plecker named the proposition the Sheppard-Towner Bill, which he hoped would “serve as a Model law for all the states.”<sup>71 72 73</sup>

Throughout the letters, politicians from around the country indicated interest in creating bills modeled after that of Virginia to defend the white race in their home states. Nearly all of the interested parties were state representatives, but national representatives showed interest as well. The contacts were all given many copies of the pamphlets published by the Virginia Bureau of Vital Statistics, including a copy of the law, and Plecker suggested they all purchase and reference Cox’s *White America* to fully understand the absolute need for racial integrity laws in the United States. The law was Plecker’s primary concern, but self-advertising also played a part in his frequent correspondence. Although many delegates

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<sup>70</sup> Dr. Walter A. Plecker to Sen. Morris Sheppard, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, March 12, 1925.

<sup>71</sup> Ibid.

<sup>72</sup> Towner served as a state senator of New York and a supporter of Plecker’s work. He was succeeded in his position by J. Griswold Webb, who continued to correspond with Plecker.

<sup>73</sup> This Sheppard-Towner Bill is not to be confused with the Sheppard-Towner Act of 1921 which provided federal funding for maternity and child care.

contacted Plecker for more information on Virginia's new law, little correspondence appeared later, indicating those representatives had few questions later and laws in their states would not be enacted.

Plecker was criticized by some for his work, but met each criticism with deliberate response. His pamphlets, and particularly the speech he gave at the 1924 American Public Health Association conference, generated responses from as far as a student at Stanford, the Richmond-Times Dispatch, the APHA itself, and an article published by Survey Graphic.<sup>74</sup> Surprisingly, most of the country was supportive or passive at best towards Plecker's work.

In 1930, Plecker and Laughlin achieved a major legislative victory in Virginia with the passing of a second racial integrity law that redefined Native Americans as persons with one-fourth or more parts Indian blood and one-sixteenth or less black blood. It also stipulated that all persons classified as American Indian must live on a segregated reservation; otherwise they would be listed as colored. The 1930 expansion allowed Plecker's office to deny all persons attempting to register as Native American, unless they lived on a reservation, therefore eliminating many investigations conducted by the Bureau.<sup>75</sup> Although the law was passed, Plecker still questioned the effect of miscegenation on society and his concerns with "near-whites" potential to give birth to children with "negroid" characteristics.<sup>76</sup> With the passing of the 1930 expansion on the previous Act and its

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<sup>74</sup> Dr. Walter A. Plecker to Mr. Homer Calver, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, March 17, 1925.

<sup>75</sup> "Racial Integrity Laws of the 1920s," [Encyclopedia Virginia](http://www.encyclopediavirginia.org/Racial_Integrity_Laws_of_the_1920s), Virginia Foundation for the Humanities, [http://www.encyclopediavirginia.org/Racial\\_Integrity\\_Laws\\_of\\_the\\_1920s](http://www.encyclopediavirginia.org/Racial_Integrity_Laws_of_the_1920s).

<sup>76</sup> Phillip Reilly, "The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence 1928-1930," *American Journal of Medical Genetics* 16, (1983): 489.



implications for correcting all previous problems with the Act, most correspondence between Laughlin and Plecker came to an end.

Despite the extent of Plecker's work, he continually asserted that he was not a racist; in fact he held strong affection for negroes. In fact, he wrote a letter to the editor of *Survey Graphic*, a national magazine that had criticized eugenics work as racism. Plecker said,

Your March negro number comes as a distinct surprise and a quite a new departure for a magazine striving for nation-wide circulation... Those of us who have been reared with the negroes have attachment for them, at times very warm, even though we know them from every angle... My own recollection reaches back to the period during the War between the States, when as a young child I was largely under the control of a faithful servant who had been born in my mother's family and was early assigned to her as her personal maid, and went with her when she married and established her own home... When this maid, Delia, finally married, the ceremony being performed in the home of her colored friend, my young sister and I were present as interested witnesses... In my mother's last illness she sent for this faithful servant-friend to nurse her, and it was she who closed her eyes after death. When my mother's will was read we found that Delia was remembered, as executor the first check I drew was for her... As much as we held in esteem individual negroes this esteem was not of a character that would tolerate marriage with them, though as we know now to our sorrow much illegitimate mixture occurred.<sup>77</sup>

Little is actually known about Plecker's early life other than what he tells in this letter.

Although he does not see his position as racist, his statements illustrate the early paternalism often present in early Southern society. Later in the letter, Plecker even suggested that his work was to protect the Virginia negroes, similar to claims made by many men before his time.

If you desire to do the correct thing for the negro race join us in the effort to educate our young men as to the crime against the State and both white and colored races when they mix their blood with that of another totally opposite race. Inspire the negroes themselves with the thought that the birth of mulatto children is a standing disgrace. The fact that many negro females and particularly the near-white members of the race, willingly yield to the disgraceful proposals of lustful white men, is a

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<sup>77</sup> Dr. Walter A. Plecker to Editor, *Survey Graphic*, Correspondence, John Powell Papers, Small Special Collections Library, University of Virginia, March 13, 1925.

stigma which on its face mark their illegitimate off-spring as undesirable additions to the white race. That in spite of the fact that such offspring may inherit from the father forceful qualities which combined possibly with good ones found in many negroes, enable them to attain positions of prominence in various spheres of life.<sup>78</sup>

The response by Plecker was not atypical – very few white supremacists acknowledged their actions as racist and claimed their work was for the betterment of all, not just the white race.

The Virginia Racial Integrity Act of 1924 had a profound effect on Virginia life, despite the troubles Dr. Plecker may have found in instituting it. The definition of a negro as a person with a drop of “black blood” called the racial background of even the most distinguished families of Virginia into question. The effectiveness of the Act at the local level created a system of efficiency for the Bureau through which whole families could be denied white status, which then forbade them from marrying whites and attending white schools. The success of the system in registering Virginians by race drew the attention of already-established eugenicists, like Harry Laughlin. Although Plecker viewed his work as flawed and incomplete, it was unquestionably successful in affecting the lives of many Virginians.<sup>79</sup> Although the law succeeded in touching the lives of thousands of Virginians, particularly those Plecker’s office viewed as mixed-breeds, his many efforts to encourage legislation and policy changes outside of Virginia were ultimately failures due to the complications Virginia experienced in enacting the statute.

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<sup>78</sup> Ibid.

<sup>79</sup> Plecker resigned from his position as Registrar on June 30, 1946 at the age of eighty-five years-old. He sought to attain a new position with the Health Department as the state’s “Ethnologist,” as such he would receive no pay, but would allow him to continue, even further his work into the state’s racial problems. A little over a year later, Plecker was killed in an automobile accident when he was struck walking.

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