



Childress in Mind

Celebrating the 100th Birthday of Alice Childress

BY DONNETTA LAVINIA GRAYS

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NOTHER CELL PHONE VIDEO. Another hashtag. A peaceful protest. A sniper. More death. A counter hashtag. And then what?

There are artists whose voices you wish you could hear during times like these. Writer, actor, director and activist Alice Childress is one of those voices. Childress was no stranger to using her work as a platform for racial discourse.

And when her work is read or witnessed no audience member, regardless of race, is left unchallenged.

One need only revisit her stirring and biting drama *Wedding Band: A Love Story in Black and White* and her edgy comedy *Trouble in Mind* to understand why Childress' voice is as deeply relevant today as it was when

she first set pen to paper. These works also illuminate why Childress is one of the most important dramatists of the 20th century.

Set in "a city by the sea" (presumably her native Charleston, SC) in 1918, *Wedding Band* centers on Julia Augustine, a 34-year-old black seamstress, and her lover Herman, a poor 41-year old white baker on the occasion of their ten-year anniversary. Their would-be marriage is, of course, an illegal and wildly dangerous endeavor in 1918. Julia and Herman are shunned by both their communities and families. And yet, that romantic relationship serves only as a backdrop to a slew of ideas born from the racial tensions of the time. Topics range from segregation, the state of black soldiers in World War I, what it means to be poor and white in the South, feminism and sisterhood, the stereotype of the hyper-sexualized black woman, and, yes, even police brutality.

This tightly written play leaves no character—black

or white—off the hook. There are no characters inside which an audience member gets to hide safely. That's why Childress' work is so remarkable. In fact, Childress gives her weary lovers Julia and Herman a brilliant exchange by play's end. Herman counters Julia's tirade over slavery and racial exhaustion with, "My father labored in the street...liftin' and layin' down cobblestone...Great honor, working for the biggest families. That's who you slaved for. Not me. The big names...What's my privilege?" Later Julia retorts, "After ten years you still won't look. All-a my people that's been killed...It's your people that killed 'em." By any measure, this exchange leaps off the page as if it were meant for the socio-political moments of 2016!

Childress wrote with a central belief that the "black experience" or perspective is neither singular or monolithic and the varied voices in her work reflect that. But, she also tapped into, and this is true of most of her plays—especially her early work, that tipping point where anger rises from the core of a suffering and oppressed person and explodes into a pointed and fully articulated rage against that oppression. The beauty is that this unapologetic anger and clarity of voice is given to the black women who are central to her work. By doing so, she affirms these women's humanity and invites audiences to release claustrophobic stereotypes of them. And, as a piece of storytelling, she allows black women to have full agency over their own experience.

Insomuch that she would call the country to task on racial issues, she did not hold back from critiquing her beloved theater community as well. *Trouble in Mind* is a blisteringly funny heartbreaker of a play. It is a must read for any theatre maker who has questions around ownership of story across cultural lines. The play keenly exposes the undercurrents of racial bias within even the most liberal minded circles. This is a radical piece of theatre as it basically articulates the audience's culpably in owning and living with such biases despite their best intentions. All conversations still occurring in the theatre today.

The magic of the play lies in both its structure and setting—it takes place in 1957 in that "safe space" of rehearsal for the Broadway premiere of the fictional anti-lynching play "Chaos in Belleville." This fictional

drama is a play that, on its surface, is a call to action. One that would make any audience member or producer feel as though they are doing God's work by supporting it.

In the rehearsal room are black actors lead by the veteran Wiletta Mayer. There are the mainstays: the fresh faced newbie John Nevins, the seemingly dim-witted but stealthily powerful elder Sheldon Forrester and the flamboyant Millie Davis. And, of course, there are those who are set to play the heroes of "Chaos in Belleville," the white actors: the masterful Bill O'Wray and the young and hopeful Judy Sears.

Al Manners, the white director leading this cast, is passionate about the piece written by (white playwright) Ted Bronson. Manners says of the play, "when I read it bells rang. This is *now*, we're living this..."

The black actors, on the other hand, have varied amounts of difficulty finding connection with the piece; initially playing their roles as they have come to understand their task as actors of color over the years: play the trope. Though Manners insists on them playing the "truth" of the piece as he sees it, there is little in it for them to find. Sheldon struggles with the convoluted black southern dialect as written. And just before rehearsal begins, Wiletta and Millie make light of playing both "every flower in the garden" and every "jewel" only to be playing characters named Ruby and Petunia respectively in "Chaos of Belleville."

The play turns when Wiletta questions her character's third act choices. "Tell me," she says, "why this boy's people turn against him? Why we sendin' him out into the teeth of a lynch mob? I'm his mother and I'm sending him to his death. This is a lie...The writer wants the damn white man to be the hero—and I'm the villain."

In a heated exchange Manners later replies, "The American public is not ready to see you the way you want to be seen because, one, they don't believe it, two, they don't want to believe it, and, three they are convinced they are superior—and that, my friend, is why [the white characters] Carrie and Renard have to carry the ball!"

For her part, in the beginning Wiletta advises the young actor John on how to get by in the business.

"They want us to be naturals ...you know just born with the gift." "Don't be too cocky. They don't like that either." And "Laugh! Laugh at everything they say. Makes 'em feel superior."


But, as the rehearsal for "Chaos" deepens so does Wilett's courage and understanding of herself as an artist. She calls out Manners' prejudice, demands as a leading actor that the text be altered and ultimately cannot bring herself to continue with the piece. "I want to be an actress," she commands poignantly.

Both *Wedding Band* and *Trouble in Mind* were optioned for Broadway productions. Neither of them made it. In each case Childress was told that the work was either ahead of its time or that she needed to make major changes—a happy ending for *Trouble in Mind* and a move to make Herman the central character in *Wedding Band*—before they could move forward. She did not make those changes. She stayed true to her work and never received her day on Broadway.

Childress once said, "I feel that freedom pushes the pen of most black writers." And when encouraged to write about more accomplished African-Americans she said, "I continue to write about those who come in second or not at all...and the intricate and magnificent patterns of a loser's life. No matter how many celebrities we may accrue, they cannot substitute for the masses of human beings."

To say that Alice Childress has had a tremendous influence on me as a writer would be an understatement. I first learned of Childress' work as a student at the College of Charleston in South Carolina. My mentor Joy Vandervort-Cobb taught a course in African-American Theatre. In it I learned that Childress was a fellow South Carolinian, read her one-acts *Mojo* and *String*, and was hooked. I even directed her gorgeous short play *Florence* as assignment for a directing course. Her plays have given me permission to write humor into sadness, speak of ordinary folks' lives and place not only black women, but for me, black queer women at the center of my work.

In the past decade her plays have seen a sporadic resurgence with productions of *Trouble in Mind*, *Wedding Band* and *Wine in the Wilderness* getting a handful of notable productions in regional theaters across the country. Though, by and large, smaller and university

theaters have mostly championed her work. The fact that Childress' work is so inconsistently produced is a glaring disservice to her legacy since her work was always seen as ahead of its time. When, exactly, would the right time be for such work to catch fire? I say that time is now. 

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Childress v. Taylor

BY CHERYL L. DAVIS

There's one thing that a writer learns very very quickly: *everybody* has an opinion about your work. It becomes part of the writer's job to winnow through those various opinions to figure out which ones are actually helpful. But, by accepting someone's suggestions about your script, are you actually making them your co-author? "Survey says"—and the Courts say—"No".

In 1985, actress Clarice Taylor (who had portrayed comedienne Jackie "Moms" Mabley in a skit off-off Broadway ten years earlier) contacted playwright Alice Childress about writing a play about Moms Mabley.¹ Taylor, "in addition to providing the research material, which according to her involved a process of sifting through facts and selecting pivotal and key elements to include in a play on Moms Mabley's life, also discussed with Childress the inclusion of certain general scenes and characters in the play. Additionally, Childress and Taylor spoke on a regular basis about the progress of the play."² Childress wrote the play entitled *Moms: A Praise Play for a Black Comedienne*, which Taylor produced and starred in during the summer of 1986.

Although Taylor had paid Childress \$2,500 prior to production, there was no firm agreement between the two

¹The facts are as set out in the Court's decision in *Childress v. Taylor*, 945 F.2d 500 (2d Cir. 1991).

²945 F.2d at 502. The Court lists Taylor's contributions, which included such things as suggesting a character, minstrel and card game scenes, and co-interviewing Moms' housekeeper with Taylor.

artists. Taylor's agent sent a draft stating "The finished play shall be equally owned and be the property of both CLARICE TAYLOR and ALICE CHILDRESS",³ but Childress' agent rejected that draft, and Childress registered a copyright of the script in her name. More draft contracts were exchanged, but no agreement was reached.

The relationship between the two artists deteriorated, such that "Taylor decided to mount another production of the play without Childress. Taylor hired Ben Caldwell to write another play featuring Moms Mabley; Taylor gave Caldwell a copy of the Childress script and advised him of elements that should be changed."⁴ While the Caldwell play was produced without explicit reference to Childress or her script, advertisements referred to the play having been "presented earlier this season" (which was actually the production of the Childress play), and one ad quoted reviews that the Childress play had received.


Childress sued for violation of her rights under the Copyright Act and other statutes. Taylor responded by alleging that she was a "joint author" along with Childress, and was therefore entitled to share in (and jointly exploit) the rights to the Childress play. Under the U.S. Copyright law, "a 'joint work' is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole."⁵ Each author then has equal rights in the script and can each exploit it, as long as they provide the co-author with their share of the profits.

In *Childress v. Taylor*, the Second Circuit Court of Appeals considered whether the artists intended to combine their works into a "unitary whole." But the Court found that level of intent alone was not enough: "[A] writer frequently works with an editor who makes numerous useful revisions to the first draft, some of which will consist of additions of copyrightable expression. Both intend their contributions to be merged into inseparable parts of a unitary whole, yet very few editors and even fewer writers would expect the editor to be accorded the status of joint author, enjoying an undivided half interest in the copyright in the published work." The Court then looked to whether the parties *intended to be joint authors* in the work, and cautioned

that "[c]are must be taken to insure that true collaborators in the creative process are accorded the perquisites of co-authorship and to guard against the risk that a sole author is denied exclusive authorship status simply because another person rendered some form of assistance."⁷

The Court ultimately found that Taylor could not show that she was a joint author of the play. "Childress was asked to write a play about 'Moms' Mabley and did so. To facilitate her writing work, she accepted the assistance that Taylor provided, which consisted largely of furnishing the results of research concerning the life of 'Moms' Mabley. As the actress expected to portray the leading role, Taylor also made some incidental suggestions, contributing ideas about the presentation of the play's subject and possibly some minor bits of expression. But there is no evidence that these aspects of Taylor's role ever evolved into *more than the helpful advice that might come from the cast, the directors, or the producers of any play. A playwright does not so easily acquire a co-author.*"⁸

Just as Moms Mabley's legacy has lived on in ways she might not have envisioned,⁹ so too has the legacy of *Childress v. Taylor*. Ironically enough, despite the fact that Childress fought to keep her rights in the play from being inextricably intertwined with Taylor's (literally making a "federal case" out of the matter), their names are now bound together as a matter of law. This case has been cited by other courts in other circumstances, including *Thomson v. Larson* (better known as the "Rent" case), in which the Guild submitted a brief to the Court urging them to follow the reasoning set out in *Childress v. Taylor* and to find that a dramaturg had not become a joint author.

Childress v. Taylor also serves as a cautionary tale for playwrights. Before starting work on any project with another person (even if you have worked with each other in the past, as was the case with Childress and Taylor), make sure you're both on the same creative page—that page ideally being a written agreement between the two of you. The very act of making theatre promotes collaboration between artists but you, as the playwright, need to be clear where that collaboration begins and ends, lest you end up in a similar situation to Childress and Taylor. 

³945 F.2d at 503.

⁴945 F.2d at 503.

⁵17 U.S.C. 101.

⁶945 F.2d at 507.

⁷945 F.2d at 504 (emphasis added).

⁸945 F.2d at 509 (emphasis added).

⁹Such as in a documentary by Whoopi Goldberg Whoopi Goldberg Presents Moms Mabley that aired on HBO in 2013.