Evelyn Butts Challenged the Poll Tax, 1966

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[Headline: Va. Poll Tax Killed by Court]

"Victor Expects Another Fight"

By Bill McAllister, *Virginian-Pilot* Staff Writer

NORFOLK—For attorney Joseph A. Jordan Jr., a champion of lost causes, the taste of victory Thursday was sweet and strange.

Jordan, 41, who successfully argued against Virginia's poll tax before the U. S. Supreme Court, viewed the court's decision with a mixture of joy and apprehension.

"Of course I'm happy about it," he said. "It has given my state the way to get into the 20th century."

But Jordan, who has been confined to a wheelchair since being wounded in World War II, said he had no doubt that the state's political leaders will try to thwart the court's ruling.

"Certainly we must anticipate that the state officials who fought against this thing we call progress all these years will fight again," he said.

Mrs. Evelyn Butts, the 41-year-old grandmother whom Jordan represented, said she felt that the court's decision would have two immediate results.

"I think the impact will just be that we will have more registered voters," she said. And it will mean (See Norfolkians, Page 10) "better treatment" for potential Negro voters, she predicted.

The victory had special significance for Jordan, who has failed in several other civic causes. "This matter of the poll tax, I guess, has been with me all my life," he said.

"My father pointed it out to me as the key thing on which we could build a better state." In 1958, Jordan organized a group he called "Virginia's Third Force" to push for elimination of the poll tax and to help others register despite it.

Thursday Jordan said the force—the mass of Virginia voters disenfranchised by the tax—may become a reality. If it does, he said, its "potential will be unlimited."

"The only limit on its size will be the size of the electorate," he said. "I certainly anticipate a large increase in voters."

The case was the first Jordan argued before the high court. His arguments had been successively knocked down by a three-judge panel in Richmond and by the 4th Circuit Court of Appeals.

"You always hope you will succeed, but there is no way you can be certain your case will win with any court, including the Supreme Court.

"I never looked on the case as a certainty, but there never was any doubt in my mind that the (Virginia) law was wrong."

Jordan told the Supreme Court that the tax had effectively barred the Negro from political power in Virginia. Mrs. Butts' suit, the first in the state attacking the tax, was joined by a similar case brought by a group of Fairfax County domestics.

Jordan said he was a little surprised by how quickly the court acted in the case.

"When we argued the case in January, the experienced hands at the court had told us it would probably take about seven months for a decision," he said.

He filed the suit for Mrs. Butts in May, 1964, after a previous suit brought in her behalf was dismissed by the 4th Circuit Court of Appeals. Named as defendants in the suit were then Gov. Albertis S. Harrison Jr.; Miss Mary Dudley, Norfolk city election registrar; Alex H. Bell, Norfolk city treasurer, and William J. Prieur Jr., clerk of Corporation Courts.

It attacked the tax as violating four amendments of the Constitution. In addition to Jordan, Mrs. Butts was represented by Len W. Holt of Washington and Robert L. Segar and Max Dean of Flint, Mich.

In arguments before the high court, Jordan was joined by an impressive array of legal talent, including U.S. Solicitor General Thurgood Marshall, the former top lawyer for the NAACP. Also joining the case were attorneys for the American Civil Liverties [sic] Union representing Fairfax County women.

Jordan brought the suit for Mrs. Butts as a pauper. The mother of three, she is married to a disabled war veteran. She works as a seamstress at her home, 1070 Kennedy St.

"I was sewing this morning when a friend called me about the decision. I was very glad it was all over," she said. "It will help the state of Virginia to progress."

"No, I don't feel much different today," she said in response to a question. "All the decisions on civil rights make me feel better."

Jordan, whose political and legal life seems to have had more downs than ups, said the case was clearly "the largest…most important case" he had been involved in.

And he indicated that he would not think twice about renewing his court fight, if the state tries to block the impact of the ruling. "We don't intend to stand by and allow the decision's force to be dissipated."

Asked who would bear the cost of Mrs. Butts' court fight, he replied, "That's a contribution to the cause."

In early 1960, Jordan and Mrs. Butts were among a group of seven people permanently restrained by a court from picketing a Norfolk supermarket. They fought the order and lost.

Two years later, Jordan's efforts to halt construction of the MacArthur Memorial were dismissed by a circuit court judge. He claimed that the city's contract for the building was illegal.

In 1959, he was one of several lawyers who were unsuccessful in their attempts to intervene in a suit contesting a primary election.

That same year he announced as a write-in candidate for the House of Delegates and lost. Unstung by defeat, he immediately announced for the City Council and was defeated again.

Caption: Norfolk City Treasurer E. Vincent Wyatt looks over one of the city's poll tax books, which apparently will be consigned to the ash heap of history by Thursday's Supreme Court decision.

The *Virginian-Pilot* Editorial
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Even Dissenters Don't Mourn It
Death of the Poll Tax

There is merit in Justices Harlan's and Black's dissents to yesterday's Supreme Court decision voiding Virginia's poll tax, which the former viewed as "the final demise of state poll taxes." We subscribe wholly to the spirit, if not the tense, of Mr. Harlan's comment that "…the fact that the *coup de grace* was administered by this Court instead of being left to the affected states or to the Federal political process should be a matter of continuing concern to all interested in attaining the proper role of this tribunal under our scheme of government."

The pity is that the little handful of affected states, and Virginia especially, refused to face up to the iniquity and the senselessness of the poll tax. Virginia had opportunity enough and prodding enough to repeal it; no later than this month the General Assembly could have taken the big step, as a majority in the State Senate desired. But, out of mistaken pride within the old Democratic Organization's leadership, it held back.

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The poll tax was written into the 1902 Virginia Constitution to discourage Negroes from voting. The device was in high fashion in the South back then. Over the decades its effect in Virginia has been to keep the electorate small and manageable, not only because of the fee but the red tape as well. Bloc payment of poll taxes for political henchmen has been a near-scandal. The evil outlasted the design.

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One by one the Southern states began to remove the poll tax as a prerequisite to voting. But Virginia held on, until at last the tax existed only here and in Alabama, Mississippi, Texas, and Arkansas. In 1963-64 Congress and the necessary three-fourths of the states passed the 24th Amendment barring payment of poll taxes as a qualification for voting in Federal elections. Still Virginia clung to her anachronism.

Arkansas gave up the poll tax. Federal courts in recent months have held the Alabama and Texas versions to be unconstitutional. However, the Virginia case was the first to reach the Supreme Court. Even in their dissents, Justice Harlan and Black did not regret the tax's departure; "…I join the Court in disliking the policy of the poll tax," Mr. Black noted.

The ruling was 6-3. Justice Douglas in delivering it said that "today we've decided Breedlove was wrong." His reference was to the 1937 decision in which the Court unanimously validated Georgia's poll tax (leaving Georgia to kill it later).

Did the Court in its turn-about "freeze into the Constitution the political views of the moment" rather than rely on "the range of choice by reasonable-minded people acting through the political process"? Justice Harlan said it did and Justice Stewart agreed. Justice Black went further in rebuking the majority "for consulting its own notions rather than following the original meaning of the Constitution, as I would …" He saw "not only an attack on the great value of our Constitution itself but on the concept of a written Constitution which is to survive through the years as originally written through the amendment process which the framers wisely provided." He deplored the notion that "to save the country from the original Constitution the Court must

have constant power to renew it and keep it abreast with this Court's more enlightened theories of what is best for our society."

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Sadly, though, Virginia throughout this century has adjusted its reasons for keeping the poll tax as surely as the Court adjusted its thinking on the Constitutional issue. Discrimination was its original intent and nobody said it was otherwise. Yet in the end the Commonwealth found itself arguing that the virtue of the poll tax was to have the voter "demonstrate the capacity to order his own affairs" by meeting the $1.50-a-year requirement – a cynical and unworthy bit of fiction.

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