

Evelyn Butts Challenged the Poll Tax, *Virginian-Pilot* (Norfolk), 1966 (page 1 of 3)



Virginian-Pilot Photo by Clifton Guthrie

Mrs. Butts and attorney Joseph Jordan celebrate victory.

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)

Citation: "Victor Expects Another Fight," *Virginian-Pilot* (Norfolk), March 25, 1966, Library of Virginia.

Evelyn Butts Challenged the Poll Tax, *Virginian-Pilot* (Norfolk), 1966 (page 2 of 3)

Norfolkians Figured in Court Ruling

"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.

From Page 1

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 Liberties 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.

Citation: "Victor Expects Another Fight," *Virginian-Pilot* (Norfolk), March 25, 1966, Library of Virginia.

Evelyn Butts Challenged the Poll Tax, *Virginian-Pilot* (Norfolk), 1966 (page 3 of 3)

Fair and Colder
High Today 50
Low Tonight 33
NW, 15-25 m.p.h.
For current report call 594-1212

The Virginian-Pilot

Today, Editorially

- Death of the Poll Tax
 - Appeal to the French
 - Bravura Performance
- Page 4

101st Year

Norfolk, Portsmouth, Virginia Beach and Chesapeake, Virginia, Friday, March 25, 1966

70 Pages Price 10 Cents

Va. Poll Tax Killed by Court

A person . . . shall have the right to vote for all officers elective by the people, subject to the following conditions:

That . . . he shall, as a prerequisite to the right to vote, personally pay, at least six months prior to the election, all state poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote . . .

—Article II, Section 21, Constitution of Virginia



Justice Douglas

"We conclude that a state violates the equal protection clause of the 14th Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard."

—The United States Supreme Court

6-3 Decision Cites Equality

By JOHN I. BROOKS

Virginian-Pilot Washington Writer

WASHINGTON—Virginia may not use her 63-year-old poll tax as a prerequisite to voting in any election, the U.S. Supreme Court ruled Thursday in a 6-3 decision. The court majority held that the tax violates the provision of the 14th Amendment to the U.S. Constitution guaranteeing citizens equal protection of the laws. "Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax," Justice William O. Douglas wrote in the majority opinion.

Virginians in Congress Not Surprised
Page 10

The decision knocks out the poll tax as a requirement for participation in all state and local elections. Ratification of the 24th Amendment to the Constitution removed the tax as a barrier to voting in federal elections.

Two dissents to the majority opinion were filed. Both argued that the court lacks the power to strike down the poll tax. Justice John M. Harlan, joined by Justice Potter Stewart, said that while it is "entirely fitting" for state legislatures to change electoral laws to adjust to prevalent attitudes, the 14th Amendment does not impose on the nation "an ideology of unstrained egalitarianism."

Justice Hugo L. Black in his dissent assailed the majority view that the court must keep the Constitution abreast of the nation's "an ideology of unstrained egalitarianism." Black wrote, the court is without power to choose a new theory and is least qualified to do so than are the people themselves, acting through the normal process of constitutional amendment.

The language of the majority opinion seems broad enough to invalidate poll taxes in Texas, Alabama and Mississippi. Presumably Justice Department

suits attacking the tax in those states now will be dropped.

The Virginia decision resulted from two consolidated cases argued before the court in January. One case arose in Fairfax County, the other in Norfolk. Both were filed by Negroes, but racial discrimination was not the primary basis of the assault on the tax. Instead, the tax was hit mainly as a form of discrimination against the poor.

The majority decided the case without reaching an issue stressed by the Justice Department in a friend-of-the-court brief: Is the right to vote, as a form of political expression, covered by the 1st Amendment guarantee of free speech?

"We do not stop to canvass the relation between voting and political expression," Douglas wrote. "For it is enough to say that once the franchise is granted to the electorate, lines may not be drawn which are inconsistent with the equal protection clause of the 14th Amendment."

The majority opinion emphasized the view that there is no rational connection between the ability to pay a tax and the qualification to vote.

"We conclude that a state violates the equal protection clause of the 14th Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. . . . Wealth, like race, creed or color, is not germane to one's ability to participate intelligently in the electoral process," the opinion said.

The majority acknowledged that it was reversing in part a 1937 Supreme Court decision in a Georgia case involving the poll tax (Georgia has repealed its own tax). The earlier ruling specifically sanctioned use of the poll tax as a prerequisite to voting, and to this extent it was overturned.

Justifying the change, Douglas wrote that "the equal protection clause is not shackled to the political theory of a particular era. In determining what lines are constitutionally discriminatory, we never have been confined to historic notions of equality, any more than we have been restricted

(See Va. Poll Tax, Page 10)

State May Request Rights Act Exclusion

Voting Law Changes, Illiteracy Ban Possible

By GEORGE M. KELLEY

Virginian-Pilot Richmond Writer

RICHMOND—Virginia may try to capitalize on the U.S. Supreme Court's decision, which ended the poll tax in state and local elections, by using it as a basis for having itself excluded from the federal Voting Rights Act of 1965. As one of only seven states with all political subdivisions affected by the federal law, Virginia may contend that without the poll tax the Virginia requirements for voting are less stringent than in many states where the law is not applied.

Ramsey, Paul Split On Family

ROME (AP) — The Archbishop of Canterbury ended his historic Christian unity visit to Pope Paul VI with a parting complaint Thursday that Roman Catholic concessions on mixed marriage are inadequate. Archbishop Michael Ramsey, leader of the world's Anglican Communion, made the statement at a news conference after he and Pope Paul prayed together and signed an unprecedented joint declaration committing their churches to work together for unity.

He told newsmen that he expressed Protestant dissatisfaction with the Church's adjusted stand on mixed marriage to the Pope himself. "I have told everyone I've spoken to in Rome that the new instruction does not satisfy the consciences of Anglican Christians and other non-Roman Catholic Christians," Dr. Ramsey said.

He was referring to the recent easing of Roman Catholic regulations for both parties in a mixed marriage. It was announced by the Pope five days before Dr. Ramsey's arrival Monday for history's first official contact between a pontiff and Anglican primate.

The Pope lifted excommunication for Catholics married outside the Church. He also eliminated the written pledge

Virginia's exclusion would open the way for the state to:

- Renew its traditional ban on registration of illiterates. Registrars across the state have been forced to accept illiterates since the federal act became effective last year.

- Let the state for changing state voting laws without having to clear the changes with the Justice Department. States under the federal law must have the approval of the U.S. attorney general before changing voting requirements.

Newsmen learned that the state is considering a bid for exclusion from the law after politicians across the state, in reaction to the Supreme Court's ruling, seemed to agree that there will be no need for a quick special session of the General Assembly. The consensus was that if a special legislative session is needed, it can be held late this year.

Under the Voting Rights Act, a state may petition the U.S. District Court in Washington to be excluded from it. The requirements call for the state to show that there have been no instances of discrimination in registering voters in the past five years, and that no special literacy test is given prospective voters.

The apparent Virginia contention would be that its laws are non-discriminatory and that without the poll tax there is no bar to registration provided that a per-

(See Exclusion, Page 10)



Mrs. Butts and attorney Joseph Jordan celebrate victory.

Registrars Confused By Ruling

By STAGIE D. BLACKFORD

Virginian-Pilot Staff Writer

NORFOLK—While the Supreme Court's decision Thursday ended doubts about the constitutionality of Virginia's poll tax, it cast doubt about voter qualifications for upcoming councilmanic elections in Tidewater's four cities.

Chesapeake's City Council election is set for April 28. Virginia Beach and Portsmouth are slated to hold councilmanic primaries April 5. City Council general elections are scheduled June 14 in Norfolk, Portsmouth, and Virginia Beach.

Before Thursday's decision, voters were required to pay a poll tax to vote in these elections. The two principal questions confronting Tidewater registrars were these:

- When does the Supreme Court's decision take effect?

- Are the people registered to vote only in federal elections now eligible to vote in state and local elections as well?

For answers to these questions, area election officials were still awaiting clarification from State Atty. Gen. Robert Y. Patton in Richmond.

Dr. Benjamin R. Bell, secretary of the Chesapeake Electoral Board, said he talked to Patton Thursday afternoon.

"He (Patton) has no directive from Washington or anything," Bell said. "He hasn't seen an official copy of the decision, but he told me he expects to get one the first part of the week."

Bell said he was urging Chesapeake registrars to advise people seeking to register "to hold off a few days" until some word

(See Confusion, Page 10)

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)

Red Attack Fails 2 Miles From Saigon

Page 9

Amusements	44
Bridge	34
Business	45-46
Classified	57-67
Comics	38
Crossword	38
Editorials	4
Markets	47
Obituaries	41
Sports	49-56
TV-Radio	42
Weather	2
Wishing Well	44
Women	17-31

Citation: "Victor Expects Another Fight," *Virginian-Pilot* (Norfolk), March 25, 1966, Library of Virginia.