

2009 African American Trailblazers in Virginia History

“Death of the Poll Tax”
Editorial from the *Virginian-Pilot*
March 25, 1966

The *Virginian-Pilot* Editorial
Friday, March 25, 1966

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.

* * * *

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.

* * * *

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.”

* * * *

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.