

2009 African American Trailblazers in Virginia History

“Victor Expects Another Fight”

The Virginian-Pilot

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[Headline: Va. Poll Tax Killed by Court]

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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. Albert 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 [sic] Union representing Fairfax County women.

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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.