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# A political history of the poll tax in Virginia, 1900-1950

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# A POLITICAL HISTORY OF THE POLL TAX IN VIRGINIA, 1900 - 1950

BY

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# INTRODUCTION

The poll tax occupies a unique place in Virginia's suffrage history. Basically a twentieth century device ostensibly originated to provide revenue for the state by requiring payment of a fee before the exercise of the franchise, there was probably no other practice quite as foreign to the expanding suffrage traditions of Virginia's history as the poll tax. The only precursor to this tax was a capitation tax levied intermittently, the first such tax appearing in 1623 in the form of a levy of ten pounds of tobacco to meet the debt arising from defenses against local Indians. Free Negroes and whites were required by law to pay a capitation tax until 1787. In 1813, a capitation tax on all free Negroes and mulattoes not bound out as apprentices was imposed in an effort to pressure the state's black population to either become apprentices or leave Virginia. By 1816, the tax was abolished, not to appear again until 1850 when another tax was imposed on free Negroes between the ages of twenty-one and fifty-five to finance the colonization then underway in Liberia. During 1860, an eighty cent capitation tax on all free male Negroes and whites twenty-one years of age and over was imposed. The

following year, the discriminatory 1850 act was repealed, thus making capitation taxes uniform for whites and Negroes. Starting in 1876, a poll tax as a prerequisite to voting was levied in the state, but with the introduction of the Readjuster regime, the tax was removed, not having produced the anticipated revenues and not having become an effective controlling device.[1] Thus when the new state constitution of 1902 containing a poll tax provision, among other franchise restricting features, was proclaimed, the state was making a departure from its historical traditions of taxation and of a legally unrestricted franchise. There was little solid evidence beyond conjecture as to whether the results would be those that were desired.

In chronicling the political history of the poll tax from its adoption until 1950, it becomes evident that it is a story of two different views of government and of the degree of participatory democracy allowed by each. It must be admitted that most arguments did not reach such an abstract plane of discussion, often being nothing more than a demagogic appeal to the fears and prejudices

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[1]Tipton R. Snavely, The Taxation of Negroes in Virginia ("University of Virginia Phelps-Stokes Fellowship Papers," No. 3; Charlottesville, Va., 1916), pp. 9-14. Hereafter cited as Snavely, Taxation of Negroes.

of the electorate. But even in these instances, a careful examination of the argument reveals the views of popular participation held by the speaker. This can be illustrated by reference to two statements of position delivered at a time when the poll tax was gaining increased attention.

In May, 1939, Wilbur C. Hall, chairman of the State Conservative Commission and an intimate member of the state political organization directed by Senator Harry F. Byrd, delivered a speech over radio station WRVA in Richmond outlining the reasons for retention of the poll tax as a prerequisite to voting. The state constitutional convention of 1902, Hall said, had as its main objective the purification of Virginia elections. The great evils then existing had come to the state as a result of Reconstruction and a period of unlimited suffrage, which allowed "hundreds of thousands" of Negroes without education or political training to vote. The sole purpose of the convention became the elimination of the Negro from the electorate, putting politics again on a decent footing. All this resulted, he thought, in an immediate benefit for Virginia. Scandalous practices ceased, political stability replaced instability, the tone of public affairs improved, and tendencies of a "dangerously radical nature" disappeared. Most important to Hall was the fact that

Virginia politicians and officeholders had shown "a fine sense of honor and loyalty" as a result of the changes instituted in 1902.[2]

Aligned against the forces of order in this picture of political bliss was a liberal element of the population that desired to allow the looting of the state by "irresponsible, non-tax-paying voters" who would return Virginia to the system that had existed before the constitution of 1902. To Hall this meant that government would be turned over to the "most ignorant and irresponsible elements in the community," that taxes would be levied by people who paid no taxes, opening the doors of extravagance and waste and making those that proposed such programs "more dangerous than the carpet-baggers of the reconstruction period."[3]

Implicit in these statements by Hall is the belief that in order to be a responsible, intelligent voter, a person had to have a financial stake in the government that governed him. A sign of this stake and a way of showing one's interest in the community and a sense of

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[2]" 'Retention of the Capitation Tax as a Prerequisite to Voting,' An Address Delivered by Wilbur C. Hall Over Radio Station WRVA, Richmond, Virginia, May 3, 1939," pp. 1-2, Westmoreland Davis Papers, University of Virginia Library, Charlottesville, Va. Hereafter cited as Davis Papers. Hall ignored the fact that a limited electorate was also more manageable.

[3]Ibid., pp. 3-6.

civic responsibility was the payment of a small poll tax in advance of an election. Therefore, the suffrage system of Virginia was perfectly democratic in Hall's view, and the tax requirement seemed "a reasonable enough precaution against ignorance and irresponsibility."[4]

In contrast to the views expressed by Hall are those of tax repeal leader, Francis P. Miller, a member of the House of Delegates during the 1938 and 1940 sessions and an active anti-Byrd man for the rest of his life. In December, 1938, he addressed the Richmond Public Forum on the question of retention of the poll tax. Miller reminded his audience of the history of the suffrage in Virginia, and while acknowledging the widespread corruption characteristic of Reconstruction Virginia that led to the adoption of the new constitution in 1902, Miller declared that Virginians now lived in a different age with circumstances changed, which made it essential to reconsider the constitutional requirements regarding the suffrage in relation to the principles in which the democrat believes. For his own part, Miller said that he was a believer in the democratic theory of suffrage and sovereignity, requiring him to reject all theories that imply that some groups should rule while other groups be ruled. The people

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[4] Ibid., p. 5.

as a whole, therefore, constituted the sovereign and every literate adult should exercise the right of suffrage as evidence of his membership in the body politic. While the circumstances of history prohibited the realization of the pure democratic theory, the permanent goal of a democratic society should be universal adult suffrage.[5]

The distinct division of views exemplified by Hall and Miller were not always maintained during the controversy over the poll tax. Miller represented the minority opinion but was influential in forcing the exposure of the illogical defense of the system. Hall, on the other hand, voiced the opinions of the majority of the Byrd organization in Virginia which was using its efforts to maintain the existing suffrage system.[6]

It is obvious from the two preceeding statements by the opposing sides in the poll tax debate that it was not a statistician's argument. In the first place, it was difficult to obtain accurate figures of qualified

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[5]"'The Poll Tax and the Suffrage,' Speech of Francis P. Miller at the Richmond Public Forum, Monday evening, Dec. 19, 1938," box 95, Francis P. Miller Papers, University of Virginia Library, Charlottesville, Virginia. Hereafter cited as Miller Papers. Although both Miller's and Hall's statements are from the late 1930's, a similar division of views was present in 1902.

[6]See especially the letter of John S. Barbour to Francis P. Miller to which Barbour attached a copy of Hall's radio remarks and stated, "This address so nearly covers my views on the subject that I am taking the liberty of submitting it to you...." Barbour to Miller, Jun. 8, 1939, ibid.

voters from which to draw indisputable conclusions. Separate lists were maintained for poll tax payments and for registered voters. The situation was complicated further by the fact that many people paid the poll tax but failed to register, or registered to vote but failed to pay the tax. Therefore, this study has avoided dependence upon poll tax statistics, and when such statistics appear during the debates on the subject, they are at best rough estimates.

This study concerns the political and legal aspects of the poll tax in Virginia's suffrage history. Since the Virginia Negro was the object of the constitutional provisions adopted in 1902, attention is also given to the effects of the poll tax on the Negro and his efforts to regain a voice in politics. Other historians have examined the poll tax and its effect on the South as a whole and its relation to such things as changing economic conditions and its influence on the Negro population of the region.[7]

The opposition to Virginia's poll tax, commencing even before the adoption of the new state constitution in

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[7] See Donald R. Matthews and James W. Prothro, Negroes and the New Southern Politics (New York, 1966); Fredric D. Ogden, The Poll Tax in the South (University, Ala., 1958); V.O. Key, Southern Politics in State and Nation (New York, 1949), pp. 578-618, hereafter cited as Key, Southern Politics.

1902, continued until the adoption of Federal legislation in the form of the Twenty-Fourth Amendment in 1964. By 1950, however, the most important debates over the poll tax had come to an end. Especially after 1954, when the Old Dominion entered a period dominated by the doctrines of interposition and massive resistance, it became virtually impossible to raise the issue of poll tax reform to any level of calm and logical debate. The half century upon which this study focuses reveals an aspect of one of the most persistent debates in American history, the true relationship between the public and its government.

# CHAPTER I

## FORMING A LIMITED ELECTORATE, 1890-1902

"Discrimination! Why, that is precisely what we propose; that, exactly, is what this Convention was elected for," Carter Glass told the delegates to the Virginia constitutional convention in Richmond during 1902. He was speaking in favor of a proposed suffrage article for the constitution that would become the basis for voting in the Old Dominion for more than fifty years. Glass, and the majority of other members of the convention, believed that the plan before them would "eliminate the darkey as a political factor" in the state in less than five years, bringing "purified" politics and a strengthened public service.[1] The efforts by Glass and his fellow politicians to remove Virginia blacks from the political process were the culmination of years of

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[1] Report of the Proceedings and Debates of the Constitutional Convention, State of Virginia, Held in the City of Richmond June 12, 1901 to June 26, 1902 (2 vols; Richmond, 1906), II, pp. 3076-3077. Hereafter cited as Debates of the Convention.

discrimination and disfranchisement. The convention did not bring into being a new policy but merely gave the sanction of law to an already existing set of standards.

## DEMOCRACY IN THE OLD DOMINION

The process of disfranchising the Negro had been under way since the Conservatives, or Democrats, gained control of the state government from the Radicals. In 1874, the Underwood Constitution was amended to give the legislature the power to determine the form of city government, a maneuver designed to assure white control of cities in the black belt of the state. The constitution was again amended in 1876. To the list of offenses for which a person was excluded from voting was added petit larceny, an offense considered to be common among Negroes. A poll tax was also instituted, but its effect was limited since the tax could be paid any time prior to voting.[2] In 1882, after the Readjuster party under the direction of William Mahone gained control of state politics, the poll tax was removed, but the supervision of

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[2]William D. Sheldon, Populism in the Old Dominion, Virginia Farm Politics, 1885-1900 (Richmond, 1935), p. 53.

elections was centralized and control maintained through the electoral boards that appointed judges of elections.[3]

In Virginia, and throughout the South, further legal attempts at disfranchisement were delayed during the 1880's. There existed the fear that agrarian interests and emerging Populists would seize control of state constitutional conventions and write new organic laws that would be compatible with their own views. As long as there were two strong political elements within a state, the Negro became an important element in plans for victory and was wooed for an ally. The defeated Lodge Force Bill, which would have provided for Federal supervision of Congressional elections, also demonstrated that Congress was capable of action against Southern transgressions of Negro rights.[4] Perhaps most important in Virginia was the fear among Democrats that a Republican

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[3]Constitution of Virginia, 1876, Art. III, sec. I, par. 3, and Art. V, sec. 23.

[4]C. Van Woodward, Origins of the New South, vol IX of A History of the South, ed. Wendell H. Stephenson and E. Merton Coulter (10 vols.; Baton Rouge, 1951), p. 322. Hereafter cited as Woodward, Origins of the New South.

controlled Congress would not seat state representatives because of fraud and the throwing out of the Negro vote in elections.[5] The Negro, therefore, remained a potential threat in state politics unless some legal means could be devised to eliminate his vote. The memories of Mahoneism reminded Virginians that ambitious politicians could easily use the Negro vote.

In order to legally remove the Negro from the political process, the Underwood Constitution would have to be amended. Article three, section one, of this constitution enfranchised every twenty-one year old male citizen of the United States who had been a resident of the state for one year. Section three of the same article offered those who desired to be rid of the Negro vote a method for effecting such a change. This section provided that in 1888, and each twentieth year thereafter and at any time the General Assembly might provide by law, the question of calling a constitutional convention should be presented to the qualified voters. Such a proposal was presented to the electorate in 1888 but was defeated by a

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[5]Charles E. Wynes, Race Relations in Virginia, 1870-1902 (Charlottesville, 1961), p. 55. Hereafter cited as Wynes, Race Relations in Virginia.

vote of 63,125 to 3,698.[6] Neither Republicans nor Democrats made an issue of the call for a convention. The Republicans opposed a convention because they saw nothing to gain. The Democrats feared the return of Mahoneism if any attempt was made to alter the constitution.[7]

After 1888 the Negro vote ceased to be a determining factor in state elections due to the emergence of a powerful Democratic party, but remained an excuse for "a constant source of election frauds, trickery and irritation that threatened to corrupt the whole body politic of the Commonwealth."[8] The spectre of Negro domination was paraded before those who criticized these corrupt practices. As one observer remarked, "That many otherwise honest, upright and respectable men believed the end of Negro disfranchisement justified the means used to

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[6]Debates of the Convention, I, p. 211.

[7]Ralph C. McDanel, The Virginia Constitutional Convention of 1901-1902 ("Johns Hopkins University Studies in Historical and Political Science," Ser. ILVI, No. 3; Baltimore, 1928), p. 33. Hereafter cited as McDanel, The Virginia Constitutional Convention.

[8]Richard L. Morton, The Negro in Virginia Politics, 1865-1902 (Charlottesville, Va., 1919), pp. 161-62. Hereafter cited as Morton, The Negro in Virginia Politics.

obtain it cannot be doubted."[9] By 1894 these election frauds caused enough concern to result in the passage of the Walton Act in an attempt to improve conditions.

Up to this time the state had operated under what was known as the Anderson-McCormick election law.[10] This act provided for General Assembly selection of an electoral board composed of three members for each county and city in the state. The electoral boards were authorized to select all other election officials in their jurisdiction. With a Democratic controlled legislature and the retention of the open ballot, partisan operation of the electoral boards was assured. In practice, each party supplied its own ballots to voters outside or inside polling places. Party workers could accompany voters to the ballot box to ensure that they voted correctly.[11]

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[9]McDanel, The Virginia Constitutional Convention, p. 33.

[10]Acts and Joint Resolutions Passed by the General Assembly of the State of Virginia, 1883-84, pp. 146-47. Hereafter cited as Acts of the General Assembly.

[11]William C. Pendleton, Political History of Appalachian Virginia (Dayton, Va., 1927), p. 374. Hereafter cited as Pendleton, Political History of Appalachian Virginia.

The Walton Act was designed to eliminate the fraudulent practices under the Anderson-McCormick law and introduced a modified Australian ballot. The elector was to vote on a white paper ticket with the names of candidates printed in black ink below the office they were running for. The voter was to deliver to the election judge a single ballot with lines drawn three-quarters of the way through the names not voted for and was allowed two and one-half minutes to mark his ballot. A special constable was appointed by the electoral board to assist those voters who were physically or educationally unable to mark their ballot.

Special care was taken in regard to the ballots. In addition to the format specifications, the electoral board was to have the ballots printed. An oath of non-disclosure was required of the printer. The board then counted and marked with its seal and sealed the ballots. Unused ballots were to be "carefully destroyed" before the ballot boxes were opened.

An attempt was also made to make the electoral board more representative of the voting population. Provision was made for a minority election judge, but this feature was weakened by another provision of the act that

declared that no election could be voided if there was not a minority representative serving as an election judge. Willful failure to follow the provisions of the act was made a misdemeanor with a fine of $200.00 and imprisonment for one month.[12]

The Walton Act has been variously interpreted. An analysis of Virginia government made in 1912 concluded that the act had been "a great improvement upon the old system."[13] However commendable the objective of the act may have been, its actual effect seems to have been subverted by human nature and by fraud. The Walton Act retained the electoral boards instituted under the Anderson-McCormick law, thus insuring their control by partisan Democrats. During elections, the electoral judges invariably supplied a Democratic constable to assist those voters physically or educationally unable to mark their ballots.[14] Since the Republican party had proportionately

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[12]Acts of the General Assembly, 1894, pp. 862-67.

[13]F. A. Magruder, Recent Administrations in Virginia ("Johns Hopkins University Studies in Historical and Political Science," Ser. XXX, No. 1; Baltimore, 1912), p. 85.

[14]Pendleton, Political History of Appalachian Virginia, p. 375.

a much larger following among poor illiterate whites than the Democratic party, the new ballot provisions caused a greater number of Republicans to lose their votes. Negroes were afraid to ask Democratic election judges for assistance; whites were timid or hesitant to admit their ignorance before their friends. The result was that many voters, both black and white, stayed away from the polls and those who did vote often found a confusing ballot which they were not able to mark correctly.[15]

An attempt was made by the General Assembly in 1896 to improve the Walton Act. The use of a constable had proved so unacceptable that he was removed from the polling place. The amended act provided that the judges of election, or a majority of them, appoint one of their number to assist electors physically or educationally unable to mark their ballots. The judge was to enter the booth with the voter, read the ballot to him, and point out those names the voter wished to strike out.[16]

The amended law resulted in little change in election practice. A review of contested election cases in

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[15]Morton, The Negro in Virginia Politics, pp. 133-34.

[16]Acts of the General Assembly, 1896, pp. 763-70.

the House of Representatives reveals that almost every conceivable election fraud was used in Virginia at this time. In an election of 1896 contested by Jacob Yost, the Republican candidate for the seat won by H. St. George Tucker, evidence was presented that ballots were prepared in such a manner that the names of candidates were alternated in position to avoid a "smart Republican" who would vote early and then instruct less intelligent voters on the manner of voting. Further evidence was present that Negro voters were given instruction in recognizing just one name, and the election was reversed and Tucker lost his seat.[17]

There were numerous incidents of judges preparing ballots in James City, Princess Anne, Surry, and Warwick Counties. Democratic registrars refused to register Republican voters. An election judge in Isle of Wight County swore he allowed voters to vote improperly marked ballots. Another judge, when asked if he had read the Virginia election laws, replied, "Part of it - a very

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[17]U. S. Congress, House, House Reports, 54th Cong., 1st Sess., No. 1636.

small part; I don't believe in law nohow."[18] Democratic registrars admitted that many names appearing on poll books were not upon registration lists. Residents testified that although their names appeared on poll lists, they had not voted. Poll lists were so clumsily composed that "they show numbers of persons whose names begin with A voting together, followed by numbers whose names begin with B and C, and so on throughout the alphabet. Dead men were voted, and men known to be absent in the service of the United States."[19]

Abuse in the preparation of ballots is best illustrated by the highly contested election in the Ninth Congressional District between General James A. Walker and Congressman William F. Rhea in 1898. A Congressional investigation revealed that the ballots used were complicated and unfair and that any intelligent person would have had difficulty marking them in the required two and one-half minutes. The ballot used in Scott County was singled out for its unfairness. This ballot has to be

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[18]Richard A. Wise v. William A. Young, ibid., 55th Cong., 2nd Sess., No. 772.

[19]Richard A. Wise v. William A. Young, ibid., 56th Cong., 1st Sess., No. 186.

seen to be believed, and description is difficult. On three newspaper type columns were listed the names of six candidates for President and Vice President, the names of the electors for each, their residences, the names of Walker and Rhea, followed by the titles of the offices for which they were candidates. No form, order, or arrangement is apparent, and the names of the Congressional candidates appear in unexpected positions. The investigating committee concluded that the ballots "were necessarily very misleading and confusing."[20]

When Governor Charles T. O'Ferrall addressed the General Assembly at the end of 1897, he recommended "material changes" in the election laws. While contending that elections had become quieter and more orderly and that opportunities to purchase votes had been minimized, the Governor declared that existing legislation disfranchised many voters and opened wide the door for corruption and dishonesty. O'Ferrall offered as the best evidence for imperfections the "thousands" of improperly marked ballots that had been rejected and acknowledged that election judges had been appointed who were "so

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[20]House Reports, 57th Cong., 1st Sess., No. 1504.

ignorant as not to be able to read or write." The Governor proposed the adoption of an emblem ballot which would be displayed in exact replica in the press and at the polls prior to any election, a change that would have reduced the number of improperly marked ballots but would have done little to remedy the corruption and dishonesty O'Ferrall had discovered. Perhaps fortunately, the General Assembly took no action on his recommendations.[21]

It is apparent that by the mid-nineties the Negro and many whites had been practically disfranchised by corrupt election practices.[22] When the question of calling a constitutional convention was put to the people in 1897, it was once again rejected.[23] The defeat of the proposal can be attributed to Democratic confusion on the subject. There was no agreement within their ranks as to what changes in the constitution should be made, and opposition came from conservative Democrats who feared

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[21]Journal and Documents of the House of Delegates of the State of Virginia, 1897-98, pp. 39-40. Hereafter cited as Journal of the House.

[22]Morton, The Negro in Virginia Politics, p. 134.

[23]Debates of the Convention, I, p. 211. The vote was 83,435 for, 38,326 against calling a convention.

that state Populists might try to gain control of a convention and insert some of their more radical ideas.[24] In addition, there was still the perplexing problem of devising a method of disfranchisement that would withstand the test of constitutionality necessitated by the 14th and 15th Amendments. In 1890, Mississippi had produced a unique device to accomplish this end. The new constitution of the state required that a voter be twenty-one years old, sane, and a resident of Mississippi for two years and of his district for one year; he must not have been convicted of certain crimes, including theft and bigamy; he was required to pay a two-dollar poll tax eight months before elections; and he must be able to read a passage from the state constitution or understand it when read to him or give a reasonable interpretation of it.[25] Lack of any provisions for bipartisan or biracial representation on registration boards opened opportunities for discrimination. Mississippi's plan opened the door for disfranchisement of the Negro. South Carolina and Louisiana quickly adopted constitutions with

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[24]The Times (Richmond, Va.), Feb. 6, 1900.

[25]Woodward, Origins of the New South, p. 322.

similar provisions, but it was not until 1898 that there was assurance the Mississippi plan would pass the test of constitutionality.

The Supreme Court in 1898 upheld the voting provisions of Mississippi's constitution.[26] To restrict voting to those who are literate is within the power of the state, the Court said, and voting was thus subject to the state's definition of literacy. It was not shown to the Court's satisfaction that color played any part in the administration of the Mississippi tests. The Court's decision in Williams v. Mississippi marked the end of an era of disfranchisement of the Negro without sanction of law and opened the door to legal disfranchisement.[27]

By the mid-nineties the Negro had been eliminated from the political process of Virginia by fraud, cheating and bribery, but by the close of the 1890's, the corrupt practices used against the Negro had caused serious problems for the Democrats. It was becoming increasingly evident that the Democrats in power would go to any length,

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[26]Williams v. Mississippi, 170 U.S. 213 (1898).

[27]Woodward, Origins of the New South, p. 322.

even against fellow white Democrats, to maintain their position.[28] The real threat to the state was seen by those who viewed the evidence and results of contested elections in the House of Representatives. From 1874 to 1900 there were twenty contested elections from Virginia that reached the House. Sixteen of these cases dealt with alleged fraud. Eleven of the sixteen were decided by a Republican House and resulted in the seating of six Republicans.[29] Early in 1900 the Richmond Times described Virginia voters as countenancing election fraud to maintain white supremacy. But now the electorate, chafing under the system, had risen up to remove the pretext for fraud. "If the ignorant and vicious negro vote is the cause of corruption at the ballot box, then the cause must and shall be removed," a course more honorable and courageous and better for good government and public

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[28]Wythe W. Holt, "The Virginia Constitutional Convention of 1901-1902. A Reform Movement Which Lacked Substance," Virginia Magazine of History and Biography, LXXVI (Jan., 1968), 70-71.

[29]Chester H. Rowell, A Historical and Legal Digest of All the Contested Election Cases in the House of Representatives of the United States from the First to the Fifty-Sixth Congress, 1789-1901 (Washington, 1901), passim.

morals than making a pretense of letting the Negro vote and then cheating him at the polls.[30]

Undaunted by their defeats in 1888 and 1897, proponents of a constitutional convention continued to pressure for the meeting. With little opposition, the General Assembly passed a resolution in March, 1900, calling for a vote on the convention in May of that year.[31] Although the Democratic State Convention endorsed the calling of the convention, there was opposition from Republicans who realized, like the Democrats, that disfrancisement of the Negro also meant disfranchisement of illiterate whites.

In addition, opposition came from officeholders who feared elimination of their jobs as a result of changes in the constitution. Others feared the removal of the Negro would result in Republican political ascendancy in the state government. Some believed the Negro had been effectively removed and that there was no need for constitutional revision, and there were many illiterate whites who feared being disfranchised despite Democratic

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[30]Editorial in The Times, Jan. 27, 1900.

[31]Acts of the General Assembly, 1899-1900, p. 835.

assurances that such would not be the case.[32]

To insure that the vote on the convention received the most favorable consideration, the General Assembly had provided that ballots be printed with only the words "For Constitutional Convention." All unmarked ballots were to be counted as a vote for the convention.[33] The voter who favored the convention was therefore supplied with a ready-made ballot which he had only to deposit in the ballot box while those who opposed the convention were required to receive a ballot, enter a voting booth and mark through it and then emerge to deposit the ballot in the presence of Democratic election officials, their friends and associates. This method of voting prompted one contemporary from the western section of the state to conclude that "the will of the white people of Virginia was against the convention, but their will was defeated by the [Democratic] Machine," and, once the convention

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[32]McDanel, The Virginia Constitutional Convention, pp. 13-15. The Democratic pledge is printed in Debates of the Convention, I, p. 99.

[33]Acts of the General Assembly, 1899-1900, p. 835.

assembled, this trick was condemned by Republican members.[34]

Despite the opposition aroused by the convention question, Democrats had the support of the Democratic press.[35] The papers encouraged readers to vote for the convention and devoted large sections of their editions to the issues involved. Typical of the editorial comments is that of the Richmond Times shortly before the vote was to be taken. "Negro suffrage has become a curse to the South," the Times declared, and the time had come to remove the curse. The removal of the black was in the interest of both races, for it insured "peace and pure elections and good government." The paper revealed its conception of the duty of the white man to the Negro by declaring that "as he shows himself qualified he will be permitted to exercise the right of franchise."[36] While

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[34]Pendleton, Political History of Appalachian Virginia, p. 443; Debates of the Convention, I, p. 211; II, p. 3119.

[35]Herman Horn, "The Growth and Development of the Democratic Party in Virginia Since 1890" (unpublished Ph.D. dissertation, Dept. of History, Duke University, 1949), pp. 59-60. Hereafter cited as Horn, "Growth of the Democratic Party."

[36]Editorial in The Times, May 8, 1900.

holding out the possibility for future Negro participation in the electoral process, the Times made it increasingly difficult for a white Virginia politician to advocate the black franchise. After a review of the report of the Committee on Reconstruction which recommended the 14th Amendment, the paper concluded "they recommended the enforcement of negro suffrage as a means of humiliating the Southern Whites" in order to bring them into "a condition of repentant submission."[37] The persistence of such views opened the way for attacks on those who favored Negro voting or remained silent as carpetbaggers or scalawags, a label that no practical politician could endure.

Although powerless to stop the movement toward the constitutional convention and disfranchisement, the black press in Richmond waged a vigorous campaign against the convention. The Richmond Planet, edited by John Mitchell, Jr., waged its crusade in an indirect manner by indulging and catering to conservative Virginians for support, a tactic made necessary by Northern liberal

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[37]Editorial in ibid., Nov. 24, 1900.

indifference and Federal government neglect.[38] The "scarecrow" of Negro domination, Mitchell charged, was being used to divert attention from the true purposes of the convention.[39] The purposes, as Mitchell saw them, were the reduction of taxes for the rich, initiation of governmental reform to curtail corruption, revenge against a small but wealthy and independent segment of the Negro population, and degradation of the Negro. Mitchell rightly believed that if the Negro lost the vote, he would be denied the right to hold office. The next step was the denial of the right to labor and to earn money for his support.[40] "That any man could believe that political rascality can be ended by the excuse of constitutional rascality is a surprising thing to us," the Planet stated. "It is only polluting the source of all law and in this makes the situation worse instead of better."[41]

Mitchell's efforts and those of others opposed to

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[38]James H. Brewer, "Editorials from the Damned," Journal of Southern History, XXVIII (May, 1962), 225-226.

[39]Editorial in The Planet (Richmond, Va.), Apr. 28, 1900.

[40]Brewer, "Editorials from the Damned," 227-229.

[41]Editorial in The Planet, Apr. 28, 1900.

the calling of a convention were fruitless. When the votes were counted on May 23, the call for the convention was approved by a vote of 77,362 to 60,375.[42] The surprising aspect of the geographic distribution of votes was that the cities and black counties returned the majorities in favor of the convention that offset the anti-convention sentiment of the rural districts and white counties of the western section of the state. The pro-convention vote by the black counties is partially explained by the fact that Negro votes were simply not counted or that blacks were encouraged not to vote. Strong Republican feeling and the remains of sectional sentiment pushed the vote against the convention in the western part of the state.[43] It appears that the only real desire to disfranchise the Negro existed in the counties where he allegedly threatened white control by his numbers, or offered an excuse for election fraud. The irregularities in voting procedures, the size of the

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[42]Wynes, Race Relations in Virginia, p. 58; McDanel, The Virginia Constitutional Convention, p. 16.

[43]McDanel, The Virginia Constitutional Convention, p. 18.

vote, and the illogical nature of the returns led one historian to conclude that the constitutional convention of 1902 "was not the result of public demand."[44]

## RECONSTRUCTING SUFFRAGE

Delegates to the convention were not elected until May 29, 1901. Of the one hundred delegates chosen, eighty-eight were Democrats.[45] Since the Democrats had made the calling of the convention for the express purpose of removing the blacks from state politics a party issue, the course of the proceedings seemed set. The convention convened on June 12, 1901 and proceeded to the consideration of the problems before it, but it was not until late September that the Elective Franchise Committee submitted its proposals.[46]

The Elective Franchise Committee was the most important of all the convention committees and had the most difficult task to perform. Among its twenty-two members were some of the leading politicians in the

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[44]Wynes, Race Relations in Virginia, pp. 57-58, 62.

[45]McDanel, The Virginia Constitutional Convention, p. 19.

[46]Debates of the Convention, I, pp. 599-603, 620-628.

Commonwealth. John W. Daniel was the chairman. Walter A. Watson, J. W. Wysor, Henry D. "Hal" Flood, Henry C. Stuart, and two Republicans, A. P. Gillespie of Tazewell and Thomas L. Moore of Montgomery, were other leading figures whose task it was "to strike from the suffrage the alien and the enemy in Eastern Virginia and at the same time leave untouched the worthy but illiterate Anglo-Saxon of the mountain side and the west beyond."[47]

There was a wide divergence of opinion within the convention as to the purpose of the suffrage article. A. P. Thom, of Norfolk, expressed the view of many of the delegates from the counties with large Negro populations. The purpose of the article, in Thom's view, was not to secure white supremacy because Anglo-Saxons had the supremacy and would keep it regardless of the methods to which they might have to resort, but rather to remove the Negro completely from the electorate regardless of means and regardless of the number of poor whites that might be disfranchised.[48]

Another group, led by Chairman Daniel and Carter

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[47] Ibid., I, p. 598.

[48] Ibid., II, p. 2986.

Glass, favored disfranchisement of sufficient Negroes to insure white supremacy, but did not want to disfranchise any whites.[49] The Rev. Richard McIlwaine, of Prince Edward, and Judge Robertson, of Roanoke County, favored the disfranchisement of incapable whites as well as blacks. McIlwaine introduced statistics to show that there were two and one-half times as many felonies per voter in the white Ninth District as in the black Fourth District, and advocated the elimination of the "ignorant and vicious white element" of the western section as well as the ignorant Negro in the eastern part of the state.[50]

Another group of Democrats from west of the Blue Ridge was satisfied with the conditions as they were, according to statements by J. B. Richmond of Lee and Scott counties and George B. Keezell from Rockingham. But this group was not opposed to disfranchising the Negro. They were willing to assist Eastern Virginia in ridding the state of the black vote as long as no whites were removed.[51] Summers, of Washington County, and A. L. Pedigo, of Henry, expressing the Republican view, said that Negroes should have the right to vote.[52]

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[49] Ibid., p. 3076.

[50] Ibid., P. 2998.

[51] Ibid., p. 3008.

[52] Ibid., I, pp. 210, 213-214.

The Franchise Committee therefore divided into two general groups, according to Walter A. Watson. There were the "disfranchisers", like Watson, who were willing to "give up any and everything to disfranchise all the Negroes." The other group, "the whitewashers," were those members who would settle for less than total removal of the Negro from the electorate.[53]

With the committee divided along these lines, it is not surprising that both majority and minority suffrage reports were submitted to the convention. The primary conflict emerged as a question of the desirability of an "understanding clause." The majority report, submitted by Watson, maintained that such a provision was necessary to insure electorate purity, meaning the elimination of illiterates and the Negro, while the minority plan submitted by J. W. Wysor submitted that an understanding clause fairly administered would disfranchise thousands of whites and result in a property qualification for the right of suffrage.[54] One feature was present in both plans, however. Watson's prefatory explanation of the majority report stated the assumption upon which this provision was based; experience had demonstrated that

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[53]Walter A. Watson Diary, Feb. 7 and Mar. 21, 1902, Walter A. Watson Papers, Virginia Historical Society, Richmond, Va.

[54]Debates of the Convention, I, pp. 600-604.

those who participate in the government should contribute to its support. For that purpose, the report recommended the institution of a poll tax in the amount of one dollar and fifty cents, to be paid by those entitled to vote six months in advance of the election in which the voter intended to participate. The prepayment requirement was imposed in order to "prevent the corruption of the franchise by candidates for office on the eve of or during an election, and in order to confine the voting to those who value the privilege sufficiently to qualify themselves for it by their own individual and unaided act."[55]

The minority report reflected similar reasoning. The only prerequisite imposed upon the voter under the Wysor plan was payment, six months in advance, of a poll tax. Wysor believed the amount of the tax should properly be determined by the Finance Committee, but he suggested an amount not in excess of one dollar and fifty cents. The tax was to serve a two-fold purpose; it would provide revenue for the public schools and "purify and purge" the most "unworthy and trifling of that race" from the polls.[56] That both plans required prepayment of the poll tax on the grounds it would prevent corruption in elections is

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[55] Ibid., p. 600.

[56] Ibid., pp. 603-604. The Wysor plan also provided that no Negro was eligible for office in Virginia.

a not altogether startling admission of the part played by fraud in the elections that preceeded the convention.

There seems to have been no disagreement as to the future distribution of funds collected from the poll tax. Use of these revenues to finance public education was a part of Virginia history, as it was in the history of other poll tax states.[57] Specifically, the report of the Finance Committee provided for the collection of a tax of one dollar and fifty cents per annum on every male resident over 21 years of age except pensioners of the state for military service. One dollar of the tax was to be used exclusively for the free public schools. The remainder was to be paid by the state into the treasury of the city or county from which it was collected.[58] It is not altogether apparent whether there was an "educational lobby" at work during the convention pursuing the enactment of this particular provision.[59] Prior to 1876, sentiment

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[57]The Underwood Constitution of 1867-68 (Art. X, sec. 1 and 5) provided for equal and uniform taxes and a capitation tax of one dollar per year to be applied to aid public schools. Cities and counties were permitted a capitation tax of fifty cents to be used for all purposes.

[58]Debates of the Convention, I, p. 2646.

[59]Frank B. Williams found pressure by educators was important in having revenues diverted to schools in his study of the poll tax in Alabama, Mississippi, Tennessee and Kentucky. See, "The Poll Tax as a Suffrage Requirement in the South, 1870-1901," Journal of Southern History, XVIII (Nov., 1952), 469-496.

was growing to make payment of the tax a precondition for voting because of a high delinquency rate in capitation payment and the need for more school revenue.[60] The State Superintendent of Public Instruction in his 1873 report recommended doubling the tax and making it a voting requirement. The possibility that candidates might buy votes by paying the poll tax was accepted by the Superintendent as an argument in favor of the measure since "a vote buying candidate would take other and worse means for securing votes if he did not do this."[61] The proposal was repeated in the school report of 1875, and given force by the discovery that revenue paid in the form of coupons from state bonds was diverted to payment of the state debt and not available for school financing.[62] This was enough reason to assure passage in 1876 of the constitutional provision for payment of the tax as a precondition of voting.

Joseph W. Southall, Superintendent of Public Instruction at the time of the 1901 convention, does not appear to have been as presumptuous as his predecessor. While not calling for any specific revenue producing

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[60] Snavely, The Taxation of Negroes, p. 17.

[61] Report of the Superintendent of Public Instruction, 1873, (Richmond, 1874), p. 120.

[62] Ibid., 1875, p. 124; Snavely, Taxation of Negroes, p. 18.

measures, Southall did reflect upon the situation of the Negro in the Virginia educational system. In 1899, the Superintendent estimated that the Negro cost the state about one-half million dollars in excess of the amount of taxes paid into the treasury by him. "This is not an encouraging state of affairs," Southall concluded, offering no suggestion for the alleviation of the situation. As far as participation in government, Southall concluded "the granting of the elective franchise to these people without previous preparation was a colossal blunder, if not a crime." Evidently he was assured by a reading of the political picture of the time that the problems for state education would be corrected by the new constitution.[63]

Southall's concern over the proportion of funds collected from Virginia blacks and the money contributed by the state to their education surfaced during the debates of the constitutional convention and produced an almost unsolvable dilemma. Upon recommendation of the Franchise Committee, the Finance Committee inserted a provision in its report that the capitation tax was not to be considered a lien or collectable by legal process from the personal property exempted from levy or distress

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[63] Report of the Superintendent of Public Instruction, 1898/1899, pp. xxxiv-xxxvii; ibid., 1900/1901, p. xiv.

under the poor debtors law.[64] The provision was obviously designed to further discourage payment of the tax by Negroes. Collection of delinquent capitation taxes had always been a problem.[65] One method used to force collection was the placing of a lien upon personal property, but to continue such a practice would have worked against other provisions designed to remove the black as completely as possible from the political process, resulting in more rather than fewer Negroes qualified to vote. By removing the threat of forced collection, the Negro would find no compulsion to pay the poll tax. The premise was, of course, that the exemption would work in favor of the white population.

Support came from those members who desired to strengthen the franchise provisions. Other members of the convention supported the measure because they felt forced collection by levy was not a democratic principle. John C. Summers of Washington County related that he had seen "women barefooted, children barefooted, old men tottering with age, and these little despicable collectors

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[64] Debates of the Convention, II, p. 2862. The poor law exempted such items as a pair of horses, a mule, a wagon, or a small house and its furniture, meal and flour, amounting in value to not less than $150.00.

[65] See chart in Appendix A.

come round and levy upon the last thing in God's earth they have."[66]

Opponents to the exemption provision were vocal, and on March 5, 1902, T. W. Harrison of Fredrick County introduced an amendment to remove the exemption from the taxation article. Echoing the complaint of Superintendent Southall, Harrison noted that in 1899 the Negro paid $65,000 in capitation taxes while drawing from the Treasury over $250,000 in funds for education. To allow for non-payment would remove the largest source of revenue going to Negro public education and shift the burden of educating the Negro in large measure to the white population.[67] After stating his opposition to the payment of a capitation tax as a precondition of voting, Henry D. Flood voiced the resentment that the people of his section of Virginia felt. "They are tired of seeing their taxes appropriated to run negro schools," the Campbell County delegate said, "and of having none of those taxes gotten out of the negroes, except a paltry sum, beyond what comes from the capitation tax."[68] Other delegates questioned the intended result of the exemption provision, foreseeing that once the Negro realized that the provisions for

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[66] Debates of the Convention, II, p. 2650.

[67] Ibid., 2860-61.

[68] Ibid., pp. 2863-64.

prepayment were aimed at him, he would simply shift the burden of the tax to the candidate who was willing to pay it, thus opening the way for a greater chance of fraud.[69]

The convention was clearly on the verge of a deadlock over the purpose of the exemption provision. The delegates were being asked to view the section of the taxation article as a supplement to the franchise provisions of the constitution. To the majority of the Franchise Committee, exemption from payment by levy or distress reenforced other measures to disfranchise the Negro. But the revenue collected from the tax was to be used to support the public schools, and by not enforcing collection, the burden of support was shifted to the white population, a burden that Flood's comments indicate was not altogether welcome. The problem was that the section could not be considered as both a revenue measure and a franchise measure.

When the question was put to the convention, the Harrison amendment was defeated by a vote of 46 to 21.[70] The majority of the delegates realized the inconsistency

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[69] Ibid., p. 2862, remarks by O'Flaherty, and p. 2878, remarks by Kendall.

[70] Ibid., p. 2866.

of enforcing the prepayment provisions and then collecting the delinquent taxes, thus in effect extending the period of time during which the poll tax could be paid and offsetting the disfranchising result desired.[71] The vote on this amendment also demonstrated the delegates rejected the contention made by some members that the Negro would always pay his poll tax whether payment was compulsory or voluntary. The rates of delinquency cited during the consideration of the amendment bolstered the hope that voluntary payment would increase the rate of delinquency among the Negro population.

The convention still faced the problem of the black-belt counties that believed a disproportionate share of the school taxes they paid went to the support of Negro schools. In order to relieve the situation, the delegate from Dinwiddie, B. J. Epes, introduced an amendment to section six of the taxation article requiring the Negro to pay "a more equitable proportion of the burdens of the public school system, and of local expenses." The provision provided that the General Assembly could authorize county boards of supervisors or city councils to levy an additional capitation tax of not more than one dollar per year which would be applied

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[71] See Meredith's comments, ibid., pp. 2864-65. The black-belt counties were the south central Virginia counties.

to the aid of public schools, or whatever other purposes should be determined.[72]

The Epes provision was enthusiastically supported by delegates from the black-belt counties. Rev. Richard McIlwaine, Hampden-Sydney professor and delegate from Prince Edward, declared, "There is a great need of an amount...for school purposes, and if it can be gotten with the consent of the people, it seems to me that no movement could be carried through that would be more fraught with good."[73] Some support also came from the western part of the state. Roanoke delegate William J. Robertson believed there were two reasons why the amendment was a good one; the people of the black-belt had a legitimate cause of complaint that would be relieved by the amendment, and the amendment would inject the tax question into every local election campaign. Robertson submitted that the tax issue was just the issue needed by the people of Virginia.[74]

There was resistance to this concession to the black-belt counties from delegates who believed that the additional tax would disqualify as many, if not more, whites as colored voters. Even though in favor of a

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[72] Ibid., p. 2867.

[73] Ibid., p. 2872.

[74] Ibid., p. 2869.

capitation tax to disqualify white elements who "ought to be disqualified," R. L. Gordon of Louisa was certain that the tax would not disqualify any considerable number of blacks in his section of Virginia. In the opinion of Gordon and other delegates who opposed the additional tax, "if $1.50 does not keep a man from voting, $2.50 will not keep him from voting." The man who was willing to pay the amount imposed by the state to vote "is going to pay whatever tax is necessary in order to permit him to exercise that right."[75]

The vote on this amendment reveals that the convention recognized a concession was necessary to satisfy the black-belt counties on the school funding issue. By a vote of 44 to 27, the additional tax provision was adopted.[76] Besides Gordon, A. L. Pedigo from Henry County and J. M. Hooker from Patrick County, opposition came from the western and valley sections of Virginia, the area of Republican strength and a comparatively sparse Negro population.

No other amendments were added to the section of the taxation article dealing with the poll tax, although there were efforts to provide for further exemptions and

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[75] Ibid., pp. 2870-72.

[76] Ibid., p. 2873.

distribution of funds collected for the public schools to the counties in which they were collected.[77] The defeat of the second proposal fortunately saved the public education system from being reduced to a state of chaos.

It was not until March 31st that the convention again considered in detail the suffrage provisions of the constitution. Since the first presentation of the majority and minority reports in September, 1901, it had become increasingly evident to the Franchise Committee that the two plans contained differences that could stall the convention indefinitely if no attempt was made at a compromise. To resolve this problem, the Democratic members met in conference to disentangle the conflicts between the majority report and the Wysor report. The result was the Glass amendment, a compromise plan named for Carter Glass, delegate from Lynchburg.[78]

Convention members found that the most difficult compromises concerned what was known as the temporary understanding clause. When the original majority report was submitted, no educational test, reading, or writing prerequisites were placed upon citizens registering to vote prior to 1904. After that date, the majority report required the potential voter to make application

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[77] Ibid., pp. 2876-80.

[78] Ibid., p. 2943.

in his own handwriting and give a reasonable explanation of the general nature of the duties of officers for which he would vote. The Wysor report contained no temporary provisions for those persons registering prior to 1904 and required only that applicants be able to read the constitution in English and write their own name.[79] The Glass amendment retained the temporary provisions of the majority report, but after January 1, 1904, the prospective voter was to

> ...make application for registration in his own handwriting, without aid or suggestion or the use of memorandum, setting forth the names and residence of his parents, his own name, age, place and date of birth, his occupation and place of residence at the time for two years prior to the date of his application; and if he has previously voted, then to state in what State, County or City, and voting precinct he last voted; and he shall answer on oath, any and all questions propounded to him by the registration officer effecting his qualification as an elector, which said questions shall be reduced to writing; having done which and made oath to his statement, he shall be duly listed by the Registrar of Election.[80]

Debate on the understanding clause divided the convention along the lines of "disfranchisers" and "whitewashers." The concern, of course, was to make certain that the largest number of Negroes were disfranchised but to insure the enfranchisement of all whites. In

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[79] Ibid., I, pp. 600-605.

[80] Ibid., II, p. 2938.

answer to those who feared disfranchisement of as many whites as blacks by the provision, Carter Glass gave assurance that the article would "not necessarily deprive a single white man of the ballot, but will inevitably cut from the existing electorate four-fifths of the Negro voters." "Our politics will be purified," Glass told the delegates, "and our public service strengthened."[81] Despite efforts by Republicans and worried black-belt delegates to amend the understanding section, it emerged virtually unaltered.

Similar unanimity was shown when the convention considered sections of the suffrage article dealing with the poll tax. The original minority report contained no provisions for the accumulation of the poll tax, but the minority acquiesced in the cumulative feature. The Glass amendment required prepayment of all poll taxes assessed or assessable for the preceding three years six months in advance of the election in which the potential voter

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[81] Ibid., pp. 3076-77. Thom expressed the concern of those who believed the understanding clause would not keep Negroes from registering because of a growing literacy rate. "...It is this fleeting and disappearing qualification that we people are asked to accept as the solution of our trouble." Ibid., p. 2965. W. A. Watson believed the plan effectively removed the "old-time negro" but put in his place a new issue, "your reader, your writer, your loafer, your voter, your ginger-cake school graduate, with a diploma of side whiskers and beaver hat, pocket pistols, brass knucks, and bicycles..." Ibid., p. 3070.

intended to participate. Collection was not to be enforced by levy on personal property or otherwise until it had become three years past due.[82]

John W. Daniel, who had worked on the compromise measure with Glass, noted in his introductory remarks on the amendment that there had been disagreement among the Democratic conference over the accumulative provisions. When debate began, the nature of the disagreement became apparent. Henry Flood moved to reduce the period for prepayment from three years to one. This would have allowed the potential voter to vote if he had paid the tax prior to the election in which he desired to participate, regardless of whether he had paid the previous two year's tax. Evidently Flood's alternative had been thoroughly discussed in the Democratic caucus; his amendment was defeated with no discussion after Glass requested the section be allowed to remain unchanged. Quietly, quickly and without substantial opposition, the poll tax provision was adopted.[83] Final adoption of the suffrage article came in the closing days of the convention, and the article emerged largely as presented by Carter Glass.[84]

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[82] Ibid., p. 2943.

[83] Ibid., p. 2958.

[84] Ibid., p. 3080. The final vote was 59 to 20.

The convention had not labored in vain. Virginia had followed the path blazed by Mississippi and South Carolina with the avowed purpose of removing the Negro from the electorate. The franchise in Virginia was offered to every male citizen, twenty-one years of age, who had been a resident of the state for two years, of a county, city or town for one year, and of his precinct for thirty days, and who had properly registered and paid state poll taxes.[85]

To insure that the largest number of whites in the state were given the opportunity to register, the delegates provided a unique feature. During the years 1902 and 1903, there was to be a general registration in which male residents having the age and residence requirements were entitled to register if they, (1) had served in time of war in the army or navy of the United States, or Confederate States; (2) were a son of a soldier; (3) had paid one dollar in state taxes on property; or (4) were able to read any section of the constitution, or have it read to them, and give a reasonable explanation of that section. After January 1, 1904, permanent provisions required that the applicant have paid poll taxes for the preceding three

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[85] Constitution of Virginia, 1902, Art. II, sec. 18.

years, made application to the registrar in his own handwriting, without aid, suggestion or memorandum, stating his name, age, date and place of birth, residence and occupation at that time and for the previous two years. If the applicant had previously voted, he was also to list the state, county and precinct in which the vote was cast. Lastly, he was to answer any and all questions "affecting his qualifications as an elector."[86]

Other provisions provided for an annual registration of voters, voting by ballot, and a three-member electoral board in each city or county, in which representation was to be given "as far as possible" to each of the two political parties. The General Assembly was also given authority to prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county, city or town as a prerequisite for voting in any election for officers other than members of the General Assembly.[87]

The poll tax was set at one dollar and fifty cents. All poll taxes assessed or assessable were to be personally paid six months prior to the election in which the applicant desired to participate. Excluded from payment

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[86] Ibid., sec. 19 and sec. 20.

[87] Ibid., sec. 25, sec. 27, sec. 31, and sec. 30.

for the right to register and vote were former soldiers of the United States or Confederate States. Collection was not to be enforced by legal process until the tax had become three years past due.[88]

These provisions have little meaning until applied as qualifications to the potential electorate. According to the census of 1900, there were 301,379 white males and 146,122 colored males over twenty-one years of age in Virginia. With the exception of idiots, the insane, and persons convicted of certain crimes, all were eligible to vote under provisions of the Underwood Constitution, making the potential vote 447,501. The vote in the Presidential election of 1900 was 264,095.[89] Of the potential Negro vote of 146,122, over half, or 76,764, were illiterate and would be required to register under the new constitution as a former soldier, the son of a soldier, one who had paid one dollar in state taxes, or one able to understand and explain a section of the constitution. There were few Negroes who were soldiers or sons of soldiers, and according to a report furnished the convention, there were in the state only 8,144 Negro males

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[88] Ibid., sec. 20, sec. 21, and sec. 22.

[89] "Population of Virginia Classified by Color, and Literacy by Counties, 1900," Journal of the Constitutional Convention of Virginia (Richmond, 1902), document No. VII.

assessed for taxes on real estate valued at $300 or over, the amount that would produce one dollar in taxes.[90] In 1899, the amount collected from Negroes as tax on personal property was only $10,433.39.[91] Assuming that Negro owners of property worth $300 or more were literate, it is evident that few of the illiterate Negroes were able to register under anything but the understanding clause, and it is apparent from statements made during the convention that Virginia Negroes would not be subject to an impartial examination.[92]

Of the potential white vote, only 36,493 were illiterate. Although it is improbable that many of this number paid a dollar in state taxes, many could register under either of the soldier clauses, while others would receive more favorable consideration than the Negro when attempting to register under the understanding clause.

It is obvious that the convention did not leave the removal of the Negro from the electorate to one legal device

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[90] "Communication from the Auditor of Public Accounts, in Relation to the Number of Male Citizens of the Commonwealth Assessed for Taxes on Real Estate Valued at $300.00 and Over in the Year 1900," ibid., document No. VIII.

[91] "Communication from the Auditor of Public Accounts Showing the Amount of Taxes Paid on Real Estate, Personal Property, Polls, Etc. for the Year 1899," ibid., document no. IX.

[92] Debates of the Convention, II, pp. 2972-73.

such as an understanding clause. By the use of three different provisions, the convention hoped to assure the accomplishment of its task, but fears persisted that the Negro would remain a political factor. The most distressing feature of the poll tax provision was its unpredictability. There was no evidence sufficient to remove all doubts that the tax might bear more heavily on the whites than upon the Negroes. Further danger existed in making the tax cumulative and requiring its prepayment before election enthusiasm had been aroused. As one delegate observed, the white man regarded his suffrage as a right, while the Negro regarded it as a privilege and would do a great deal to preserve it that the white man would be "listless" about.[93] Finally, there was the matter of the organization of the Negro community. "They are organized everywhere and controlled everywhere through the power of the church," A. P. Thom submitted.[94] It would be an easy matter for the black churches to organize the Negroes six months in advance of an election and pay poll taxes in a larger proportion than whites. The poll tax alone was therefore not sufficient to remove the blacks from the electoral process, but when the Negro realized that he must make out his own application for registration, mark his own ballot, and pay

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[93] Ibid., remarks by Thom, p. 2979.

[94] Ibid.

the poll tax, and face people hostile to his vote, his removal would be accomplished.

One could speculate, then, that the effects of the constitutional provisions regarding voting were intended to be partly psychological. Once he learned that his disfranchisement was the object of the constitutional convention, the Negro would not attempt to meet the requirements necessary to vote. Since he did not participate in the electoral process, there would be no compunction in allowing the poll tax to become delinquent, and since the state made no effort to collect it, the Negro would take this to mean silent approval of his action, or at least a willingness on the part of the state to be rid of him.[95]

Some years after the convention, Carter Glass, by then a member of Congress, confirmed this aspect of the provisions. Glass termed the plan he had formulated an "automatic qualification which would effectively exclude negroes from registration." It would accomplish this end, Glass, declared, not on account of race, color or previous condition of servitude, but because "the poll tax requirement and the registration requirement were both on contrariety to the known characteristics of the negro. . . . [T]he Negro would not, in the abstract, set a high enough

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[95]Snavely, Taxation of Negroes, pp. 42-43.

value on the right of suffrage, nor was he sufficiently thrifty, to pay a poll tax six months in advance of the election."[96]

Glass and the other members of the constitutional convention had no positive assurances, of course, that their assessment of the character of the Negro voting population was correct. The future would reveal, however, that the psychological effect upon this segment of the population would be as effective as any restrictive feature the convention could have hoped to have written into law.

## CONCLUSION

With the final adoption of the new Virginia constitution, legal sanction was given to a policy of franchise exclusion that had begun after the Civil War. Corruption in politics, especially corruption involving the Negro voter, fostered the hope that removal of the majority of blacks from politics would end the venality that plagued the state. Once the source of corruption was removed, it seemed assured that whites could once again freely divide on the basic political issues and enjoy a renewed political life. The Negro would be forced to abandon his political hopes, hopes the white majority considered to be false

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[96]Carter Glass to Thomas W. Harrison, Feb. 25, 1921, box 226, Carter Glass Papers, University of Virginia Library, Charlottesville, Va.

and would be returned to his "place" and thus improve race relations.

Although there was disagreement among members of the convention over the form and substance of the understanding clause, there was unanimity upon the principle that those citizens who participated in the government should contribute to its support. The convention turned to a practice that would tax the individual for the privilege of casting his ballot. The poll tax, it was hoped, would not only provide additional revenue to a growing state educational system, but, more importantly, purify and purge the electorate of that unworthy element that had been the cause of recent corruption and fraud. Thus the poll tax became a vital part of the franchise section of the new constitution. But there were those who warned, like a member of the Virginia convention in 1902, "I tell you now, gentlemen, while I know it is a hopeless thing to argue against a poll tax prerequisite in the State of Virginia, that thing will rise up to give us trouble in the years to come."[97]

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[97] Debates of the Convention, II, 2865, remarks by George K. Anderson.

# CHAPTER II

## POLITICAL LIFE UNDER THE NEW CONSTITUTION, 1902-1935

No one could know for certain what the result would be of the suffrage system designed by the constitutional convention delegates. As a result, there was a degree of anticipation as Virginians waited for registration reports, figures on poll tax payments and assessments by their political leaders. When voter registration began in September, 1902, the Richmond Dispatch carried daily reports of registration figures from around the state. In Richmond, 1,268 whites and fifty-eight Negroes registered during the first two days of registration.[1] In Chatham, fifty-eight out of fifty-nine whites registered while only three of fourteen Negroes registered. In Front Royal, 134 whites registered while the eleven Negro applicants who appeared were rejected.[2] The Dispatch reported Negro registration in Amherst as "a great falling

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[1]Richmond Dispatch, Sept. 17, 1902.

[2]Ibid., Sept. 16, 18, 1902.

off" since they had previously almost equaled the number of whites registered.[3] It was also reported in Hampton and Front Royal that Negroes were registered under the property qualification and a few under the soldier clause of the new constitution.[4]

Some idea of the manner in which Negroes were confronted by local registrars can be gained from a report from Blackstone carried by the Dispatch. In attempting to register under the understanding clause, one old Negro was asked if he knew what the General Assembly was. The Negro replied that he thought it was some type of military gathering. Another Negro was asked what punishment he would inflict upon a man who had committed suicide. The reply by the Negro was that he would send the man to jail for twelve months, an answer that brought obvious enjoyment to onlookers.[5] But it was not only the Negro that had to endure such humiliation. Whites, particularly Republicans, suffered the same fate. W. C. Pendleton reported that it was "painful and pitiful" to see the horror and dread in the faces of Ninth District whites as they waited to take their turn before "the inquisition."[6]

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[3] Ibid., Sept. 18, 1902. [4] Ibid., Sept. 17, 1902.

[5] Ibid., Sept. 16, 1902.

[6] Pendleton, Political History of Appalachin Virginia, p. 458.

Many had seen their neighbors turned away because they were not able to answer the registrar's questions, and it took earnest persuasion to get them to submit to the same ordeal.

> This was horrible to behold, but it was still more horrible to see the marks of humiliation and despair that were stamped upon the faces of honest but poor white men who had been refused registration and who had been robbed of their citizenship without cause. We saw them as they came from the presence of the registrars with bowed heads and agonized faces; and when they spoke, in many instances, there was a tear in the voice of the humiliated citizen.[7]

To bar Negroes and whites from registering under the understanding clause of the new constitution was thus a simple matter. There were parts of the document that even intelligent whites could not explain, and if there was doubt in the registrar's mind, he could always ask for an explanation of an ex post facto law.[8] Even after the understanding clause expired in 1903, there remained in the constitution the clause requiring the applicant to "answer on oath any and all questions affecting his qualifications" which allowed the registrar to ask how many historical flags the United States had, or who discovered the Rocky Mountains, or whether a minor could

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[7] Ibid., pp. 458-59.

[8] McDanel, The Virginia Constitutional Convention, p. 48.

hold office in Virginia.[9] These questions were asked where the Negro population was large, where the Republican vote was large, and also to the voters of the state who opposed the dominant organization.[10] That local registrars were given considerable discretion is undeniable. When asked if there were many ordinary respectable citizens who were unable to comply literally with the law, one official replied, "Oh, if I see they are decent and respectable citizens, I can give them a little hint" to help them complete their registration.[11]

Soon after the new state constitution went into effect it was obvious to Negroes and certain white elements that the chief obstacle to be overcome on the way to suffrage was the registrar. As a result, the poll tax, except for few instances, did not emerge as a point of immediate attention. Especially among the Negroes of the state, efforts were directed at securing the registration of as many qualified voters as possible. The poll tax was taken care of for the "faithful" white voter, but

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[9]Henry W. Anderson, "Popular Government in Virginia," University of Virginia Record Extension Series, XI (Jun., 1927), 20-21; Paul Lewinson, Race, Class and Party (New York, 1932), pp. 117-18. The catch in the last question was that notaries public need only be eighteen years old.

[10]Anderson, "Popular Government in Virginia," 21.

[11]Lewinson, Race, Class and Party, p. 115.

the Negro was forced into a state of neglect with no allies to look to for assistance until the 1930's.

## FRAUD, VENAL VOTERS AND THE BLACK SATCHEL

The improvement in state elections failed to materialize. Fraud continued and new deceptions were introduced. In some instances registered prospective voters were merely not placed on the tax lists and local treasurers thus refused to accept payment of the poll tax.[12] In other instances both Democrats and Republicans resorted to the use of guide or "educational" ballots, which had all candidates except those of the party marked out.[13]

Probably the worst, and certainly the most expensive, outcome of the new constitution was the creation of a class of venal voters that emerged because of the poll tax requirement. These venal voters, called "floaters" by the politicians, were arranged in lots as Democrats, Republicans, or doubtfuls. There were also groups of voters who, for a fee, could be persuaded to stay away from the polls on election day. Another group, described by one politician as "the cheapest and most contemptible

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[12]Norfolk Virginian-Pilot, Dec. 2, 4, 1903. The paper reported 231 registered voters out of 700 not on the Berkley tax list.

[13]Pendleton, Political History of Appalachin Virginia, p. 470.

of the venal voters," were those with property who became delinquent in payment of the poll tax and required party managers to pay the tax for them in exchange for their vote.[14] Almost immediately then the size of the party purse became more important to election campaigns. One county chairman wrote the head of the State Democratic Central Committee, J. Taylor Ellyson, that it had cost him "between One & Two Hundred Dollars" to produce Democratic majorities in a 1905 election.[15] The ante was raised considerably when the election was in a highly contested district such as the Republican Ninth. The Democratic chairman of Wise County wrote that money was urgently needed for a 1906 election. "Nothing will do this County any good now," the chairman wrote Ellyson, "BUT CASH, as the Republicans have all they can use and we cannot combat CASH with WIND."[16] Other reports from the Ninth indicated that the Republicans had made collections from all over the state and had concentrated the money in the district, while the Democrats made a

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[14] Ibid., pp. 470-71.

[15] T.L. Clark to J. Taylor Ellyson, Oct. 22, 1906, J. Taylor Ellyson Papers, University of Virginia Library, Charlottesville, Virginia. Hereafter cited as Ellyson Papers.

[16] W.J. Snodgrass to J. Taylor Ellyson, Oct. 26, 1906, ibid.

desperate struggle to raise $7,000 within the district and $1,000 outside.[17] After district Democrats lost the election, the defeated candidate wrote Chairman Ellyson that "we had about 2,700 democrats who had not paid their poll tax, and had at least I think $30,000 money to run against." If the district Democrats could have voted, the candidate said, he could have won, not withstanding the odds.[18]

In order to assure that the money paid resulted in a correct vote, Republican and Democratic politicians had the assistance of loyal election judges who could enter the polling booth. The vote buyer would inform the voter which friendly judge to select, the judge would enter the booth and see that the ballot was correctly marked and then signal the buyer to pay the voter. Another practice, known as the "Tasmanian dodge," was also employed to assure the vote was delivered. Party workers obtained, either through a loyal ballot printer or election judge, a number of ballots which they marked for their voters. The voter would then deposit his prepared ballot and return the unmarked ballot to the

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[17]A.A. Campbell to J. Taylor Ellyson, Oct. 29, 1906; W.H. Bond to J.T. Ellyson, Oct. 30, 1906; A.A. Campbell to J.T. Ellyson, Nov. 3, 1906, ibid.

[18]R.P. Bruce to J. Taylor Ellyson, Nov. 12, 1906, ibid.

party worker to be marked and given to another venal voter.[19]

The importance of the bountiful political campaign fund is well illustrated by the 1910 effort by Democrat Henry C. Stuart to oust Ninth District Republican Representative C. Bascom Slemp. "Never before in the district's history," one historian wrote, "had there been a campaign in which such vast sums of money were spent by both sides," with some estimates as high as a total of $500,000 spent by the two parties.[20] The Democrats realized they must make a concerted effort to pay the poll tax if they hoped to wrest control of the Ninth from Slemp. One local politician from Bland wrote Democratic Committee Chairman Ellyson, "We are in better shape in the way of having our poll taxes paid than we have ever been. We looked after that matter as close as it possibly could be."[21] Another politician claimed that Ninth District Democrats were better organized

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[19]Horn, "Growth of the Democratic Party," pp. 197-98.

[20]Ibid., p. 192; Guy B. Hathorn, "Congressional Campaign in the Fighting Ninth: The Contest Between C. Bascom Slemp and Henry C. Stuart," Virginia Magazine of History and Biography, LXVI (Jul., 1958), 337-344.

[21]George T. Byrd to J. Taylor Ellyson, Aug. 16, 1910. Ellyson Papers.

because of the new constitution and poll tax requirement and reported, "Our condition as to payment of the poll tax is encouraging.... The Republicans have made small, if any, gains in this direction because they have been in the habit of keeping their men paid up all the while."[22] The Democrats worked hard, but as the election drew closer, requests for more money flowed in to Chairman Ellyson and one Democrat pleaded for $2,000 to $3,000 as a "life saving act."[23]

Balloting in the Ninth District contest was close with the unofficial vote count giving Slemp a lead of 217 votes. Henry C. Stuart refused to concede the election and called for an investigation, implying that the Republicans had been able to vote unqualified voters. Subsequently, Stuart did not push for the investigation and Slemp retained his seat.[24]

The Republicans were able to maintain control of the Ninth through a costly, depleting use of campaign

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[22]S.B. Quillen to J. Taylor Ellyson, Aug. 20, 1910, ibid. See also W.D. Smith to J.T. Ellyson, Aug. 15, 1910, ibid.

[23]J. Murray Hooker to J. Taylor Ellyson, Sept. 30, 1910; C.B. Willis to J.T. Ellyson, Aug. 25, 1910; Claude Swanson to J.T. Ellyson, Sept. 8, 15, 1910. J.T. Ellyson to E. Peyton Turner, Sept. 19, 1910, ibid.

[24]Hathorn, "Congressional Campaign in the Fighting Ninth," 344.

funds, a tactic that could not be employed across the state. And they began to learn the price they and their electorate had to pay as a result of the poll tax even prior to the Slemp-Stuart contest.

One of the first publicized accounts of block payment of poll taxes had occurred in Russell County in May, 1905. Two Democrats allegedly paid the tax for 107 loyal party members the day after the expiration date for tax payments. The Republican commonwealth's attorney threatened prosecution but there is no report that any further action resulted.[25]

In 1906, J.P. Royall from Tazewell, leader of a small Republican minority in the House of Delegates, introduced measures that would have provided for elimination of the poll tax requirement from the constitution.[26] The bills were never reported out of committee, but the editorial response of the Times-Dispatch reveals some interesting aspects of what one element of the state thought the purposes, advantages, and results of the poll tax were.

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[25]Andrew Buni, The Negro in Virginia Politics, 1902-1965, (Charlottesville, 1967), p. 29. Hereafter cited as Buni, The Negro in Virginia Politics.

[26]Journal of the Senate, 1906, pp. 52, 58. Journal of the House, 1906, pp. 75, 167.

To abolish the payment of the poll tax as a prerequisite to voting would be, the newspaper declared, "a public misfortune," throwing down the bars at the polls to "negroes and bummers." The tax had eliminated a large number of objectionable voters, the Negro was no longer a factor in elections, and "shiftless whites" no longer had to be paid for their vote because of the poll tax. The result was, the newspaper concluded, that the state had the best electorate since the Civil War.[27] Recalling the issuance of tax receipts to the "faithful" during the Readjuster period, the Times-Dispatch submitted that the payment provisions of the tax prevented vote buying and left nothing to the discretion of the election officials, thus minimizing opportunities for "improper practices."[28] "The man who is unwilling to pay such a tax for the privilege of voting," the paper declared, "is not a desirable voter, and the State is better off without his vote than with it."[29] It was just such arguments that tax repeal forces would find themselves arguing against for many years to come.

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[27]Editorial in Times-Dispatch, Jan. 25, 1906.

[28]Editorial in ibid., Jan. 31, 1906.

[29]Editorial in ibid., Jan. 25, 28, 1906.

By 1916, another source of possible election fraud had been introduced into the state's political system. In an effort to make it possible for more people to participate in elections, the General Assembly adopted a measure providing that any voter "who was absent from city, county, or precinct on regular business or habitual duties on the day of election" could vote by mail, provided he applied for a ballot by registered mail and had the marked ballot properly witnessed.[30] State politicians soon discovered that these absentee voting procedures could produce Democratic majorities in close counties.[31] Victories that were won by use of the absentee ballot were attributed to the "black satchel" vote, a term derived from the method in which absentee ballots were delivered.

Subsequent amendments to the absentee voting law furthered its use in buying votes. In 1922, the application by registered mail feature was removed and the voter was allowed to apply for a ballot up to fifteen days prior to an election, instead of thirty days prior

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[30] Acts of the General Assembly, 1916, pp. 636-37.

[31] Key, Southern Politics, p. 454. Key discusses the importance of absentee voting in a chapter on the conduct of elections in the South, ibid., pp. 443-462.

as the 1906 law required.[32] Another amendment in 1924 allowed application to be made from five to sixty days before the election by any voter who may be absent from his precinct. In addition, the local registrar was required to forward ballots by registered mail, but the voter could either hand his ballot to the registrar or return it by mail.[33] In 1926 the General Assembly removed the requirement that absentee ballots be forwarded by registered mail. All that was now required was that a absentee voter present an application to the local registrar, obtain a sealed ballot in return, and then mark his ballot before a notary public, a highly convenient system.[34]

Political workers were quick to realize the opportunities the absent voters system afforded. Local voters often received unsolicited absentee ballots with postage, a sample ballot properly marked, and money, while other party workers would arrive at the front door of venal voters with the local registrar and notary public.[35] Even though the constitutionality of certain sections

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[32] Acts of the General Assembly, 1922, p. 268.

[33] Ibid., 1924, p. 644. [34] Ibid., 1926, p. 391.

[35] Times-Dispatch, Aug. 4, 1917; Horn, "Growth of the Democratic Party," p. 201.

of the law were eventually challenged, and the General Assembly acted in an effort to improve the law, fraudulent use of the absent voter law continued to be a part of Virginia politics into the 1940's.[36]

All of the features of Virginia politics just described were at work in one of the few instances in the early part of the twentieth century when the poll tax became a political campaign issue, the 1921 campaign for governor. Although Virginia Republicans were well aware of the abuses of state election laws, and especially the poll tax provisions, no real effort to present reform as a political issue was made until this time. Part of the explanation of the Republican position is that the party was certainly on the defensive, trying to avoid the "race issue" that the election laws necessarily evoked, thus trying to avoid raising a bogus issue that might cloud any real issues at stake.[37]

The man chosen by the Republican convention meeting in Norfolk to run for governor was Henry W. Anderson, a successful Richmond corporation lawyer. In his acceptance speech, Anderson launched a broad

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[36]Moore v. Pullem, 150 Va. 174 (1928); Acts of the General Assembly, 1930, p. 5.

[37]Arthur S. Link, "The Negro as a Factor in the Campaign of 1912," Journal of Southern History, XIII (Feb., 1947), 82.

attack against state Democrats, charging them with extravagance, failure to administer state affairs in the public interest, excessive taxation, and with providing unsatisfactory education facilities.[38] He specifically criticized Corporation and Circuit Court judges for their partisan electoral board appointments, attacked registration requirements as severe and strictly enforced against the Republican minority and blasted the poll tax as a repressive measure. Anderson proposed as remedies to these problems a pledge of prompt and complete revision of the constitution which would include removal of election machinery from the hands of local judges, creation of bipartisan electoral boards, simplification of registration requirements and the ballot, and that "the iniquitious poll tax as a prerequisite to voting ... be abolished."[39]

Well aware that the Democrats could turn his proposals against him and charge that he was attempting to return the state to pre-1902 conditions, Anderson set forth what he termed an open minded approach to the race

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[38] Times-Dispatch, Jul. 15, 1921; Henry W. Anderson, Freedom in Virginia. An Address by Henry W. Anderson, Esq., Nominee of the Republican Party for Governor, Delivered Before the Republican State Convention at Norfolk, July 14, 1921 (n.p., n.d.), pp. 1-10. Hereafter cited as Anderson, Freedom in Virginia.

[39] Anderson, Freedom in Virginia, pp. 10-11, 25-26.

question. After a Republican review of Virginia political history, Anderson concluded that justice to the people of both races demanded the continuance of white supremacy.

> ...The white people of Virginia, constituting over two-thirds of the population and owning 95 per cent of the property of the State, with their long experience in self-government, are morally charged with the duty to present and future generations to see that the State and local governments of Virginia are conducted and administered in accordance with the principles stated ....[40]

The Republican candidate obviously believed that this exposition would allow him to conduct his campaign solely on the issue of good or bad management of state affairs, and thus began his active campaign by attacking the Democratic "officeholders trust."[41] But the Democrats were not willing to let the Republicans escape so easily.

Democratic gubernatorial candidate E. Lee Trinkle opened his attack on the Republicans at Clintwood in September. Trinkle countered the G.O.P. charges by attacking the continuing Reconstruction policies of the party and the Republican treatment of Woodrow Wilson. If the Republicans were to succeed with their planned constitutional revision, Trinkle warned, it would mean

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[40] Ibid., pp. 19-23; Times-Dispatch, Jul. 15, 1921

[41] Ibid., Sept. 6, 1921; Henry W. Anderson, Address of Henry W. Anderson, Esq., Opening the State Campaign, Delivered at Lexington, Virginia, Monday, Sept. 5, 1921 (n.p., n.d.), pp. 18-24.

that in a few years the doors would be open for the Negro, with the Negro once again holding the balance of power in the state. The promised repeal of the poll tax was a sop to catch the Negro vote and a demonstration of the "cheap expediency" of the Republican party. After Virginia had repudiated the Republicans, the Democratic candidate declared, the G.O.P. labored to regain control by Negro aid. Then in an attempt to reform, they had cast the Negro out again, hoping in the process to win favor.[42] The obvious implication was that the Republicans had not really changed, that there still existed the threat of Negro resurgence aided by the Republicans.

Anderson attempted to assert again that the question at issue was one of good management of state affairs, saying that 800,000 white voters would ensure that there was no threat to white supremacy, and he attacked the Democrats for their handling of the race issue. To demonstrate Democratic inconsistency, Anderson claimed an illiterate Negro was made an election judge over the protest of Republicans, and the G.O.P. candidate asserted that there were twenty-five other Negroes serving as judges across Virginia.[43]

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[42] Times-Dispatch, Sept. 28, 1921.

[43] Ibid., Oct. 16, 1921.

The Democrats were relentless however. Shortly before the November election, newspapers in Richmond and Roanoke published letters to Democratic Chairman Henry Flood from Senators Swanson and Glass. Carter Glass claimed that Anderson was trying to change horses in mid-stream by first advocating just treatment of the Negro and then complaining about their appointment as election judges. In addition, Glass told Flood that by eliminating the poll tax, the G.O.P. Candidate proposed "to tear down the barriers ... and thus clear the way to the ballot box for every shiftless and ignorant darkey who may desire to exercise an unrestricted right to participate in the government of the State ...."[44] Senator Swanson's letter to Chairman Flood followed the same lines, saying that Democrats stood for white supremacy while Republicans stood for political equality among the races. Swanson singled out that portion of the Republican platform calling for removal of the poll tax, calling it their "cloven hoof." "The plea for unlimited suffrage made by the republican [sic] party," Swanson wrote, "is an insidious way of bringing the negro back to politics."[45]

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[44] Ibid., Nov. 1, 1921.

[45] Roanoke Times, Nov. 4, 1921.

In the closing days of the campaign, Chairman Flood could confidently predict an overwhelming Democratic victory, while the only thing Henry Anderson could do was again insist that the real issue of the campaign was the management of state affairs.[46]

On election day the Democratic victory was complete. Anderson lost his own precinct to Trinkle. The Negro vote was judged to be "negligible" with the majority of blacks standing by their regular Republican affiliations. Bascom Slemp blamed the resounding defeat on industrial depression and the raising of false issues by the Democrats.[47] But perhaps Carter Glass correctly brought the issues into focus for most Virginians. The Republican platform, Glass stated, reduced the contest to the issue of repeal of the constitutional safeguards against "effective participation of the black man in the politics of the State," and Glass offered the fitting epitaph for the gubernatorial contest. "Colonel Anderson has been buried," the Senator stated, "in the same grave in which the people of Virginia in 1902 buried unrestricted suffrage."[48]

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[46] Times-Dispatch, Nov. 6, 1921.

[47] Ibid., Nov. 9, 1921; Roanoke Times, Nov. 10, 1921.

[48] Roanoke Times, Nov. 10, 1921.

The 1921 election effectively demonstrated that to campaign for electoral reform, especially repeal of the poll tax, meant certain political defeat. With no one to force this issue, the Democrats, controlling the election machinery, had no trouble maintaining their superiority. Yet careful observers saw that something was happening to the electorate. Just three years after the Anderson defeat, the Richmond News Leader, alarmed at the waning electorate, called for the creation of a new opposition party at any cost, believing that it was because the Republican opposition had disappeared that Virginia had become negligent in the franchise.[49] After a review of the voting records of Democratic Pittsylvania County, with a 40 per cent black population, with that of Republican Augusta County, with only 14 per cent of its population Negro, the newspaper concluded that whites in Pittsylvania no longer went to the polls because they knew there was no chance of a Negro victory, while in Augusta County, white Democrats did not go because they knew other parts of the state would bring up the necessary Democratic majority. "In state and national politics," the News Leader observed, "they have yielded with the

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[49]Editorial in News Leader, Dec. 26, 1924.

rest to the lethargy the present constitution so temptingly provides."[50] While the newspaper was primarily concerned with admonishing the citizenry for its lack of political consciousness, the editorials laid to rest the contention that the decline in voting was due to the disfranchisement of the Negro by pointing out that the actual decline was more than the percentage of the Negro population in the state.[51]

The 1921 election in which repeal of the poll tax was advocated by Virginia Republicans and the 1924 pleadings by the Richmond News Leader for an aroused voter consciousness are indicative of the increasing attention being given to the condition of the suffrage in Virginia. The quest for poll tax repeal by the Republicans contributed to the overwhelming victory of the Democrats in 1921, but if the advice given in 1924 to create a new opposition party at any cost was taken seriously, it might be expected that the issue would once again come before the electorate. In the meantime, it was largely left to the Negro population to do what was possible

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[50] Editorial in ibid., Nov. 22, 1924.

[51] Editorial in ibid., Nov. 19, 1924. See also editorial in ibid., Nov. 8, Dec. 2, 1924. The News Leader discovered that prior to 1902 voting in Richmond averaged 126 per 1,000 population. Between 1902 and 1920, the average was 44 per 1,000 population. From 1920, when women were granted suffrage, to 1924, the average vote was 79 per 1,000 population. Editorial in ibid., Nov. 7, 1924.

to regain a voice in politics. Their voice was understandably weak at first but gained in strength as time progressed.

## THE NEGRO'S FIGHT FOR SUFFRAGE

Negroes and white Republicans soon realized that the chief obstacle to the franchise was the local registrar. The Negro could not look to local Republicans for assistance since the party was attempting to disassociate itself from the Negro. This became evident shortly after the new constitution went into effect. Angered by the removal of a Negro bailiff of the Circuit Court of Appeals, several vocal Richmond and Henrico white Republicans observed that Negroes "had almost been forced out of the party under the present organization and year by year were finding themselves more and more in disfavor with the white leaders," the majority of whom acquiesced in Democratic disfranchisement of the race.[52] The process of exclusion continued until it culminated in the "lily white" and "lily black" Republican parties during the 1921 election for governor.

As a result, the Virginia Negro's fight to recover political influence proceeded along two parallel lines of

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[52] Ibid., May 19, 1904. Outside of positions in the post office, Negroes had received no recognition in appointment to Federal positions except one department collector for the Internal Revenue, two or three court messengers and several janitors.

effort, one legal and the other political. The largest effort by Negroes to regain the franchise after 1902 was directed to action in the courts.

Virginia Negroes desired to test the legality of the new constitution even before registration under its provisions began. In August, 1902, the Virginia Educational and Industrial Association, continuing plans begun a year earlier, met in Richmond to decide how to raise funds to test the legality of the new constitution. Three thousand dollars had already been raised and the organization had assurances of support from former Virginia politician and lawyer John S. Wise and Richmond judge L.L. Lewis.[53] Shortly thereafter the publication of the Negro Advocate was announced to serve as an organ of opinion for those favoring the defeat of the new constitution.[54] The announced resistance by Negroes aroused the Richmond Dispatch to declare the effort "ill advised, wild and foolish" because it would bring whites closer together. "The white in Virginia will not allow themselves to the thwarted"in maintaining political control, and if the Supreme Court should throw obstacles in the path, the newspaper declared that "a new and safe path will be

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[53] Dispatch, Aug. 16, 1902.

[54] Ibid., Sept. 16, 1902.

found," and warned that a new convention would not treat the Negro as "leniently and liberally."[55]

Unfortunately, no copies of the Negro Advocate exist from which to judge the response of the black community to this threat of harsher action if the Negro should continue his pressure. But it is obvious that those opposing the constitution were not deterred. In November, 1902, William H. Jones, John Hill, and Edgar Lee, all represented by John S. Wise, filed in the U.S. Circuit Court a petition for a writ of prohibition to prevent a canvass of the votes cast in a House of Representatives contest. The three men claimed to have been refused registration in the Third Congressional District and argued that the new constitution had not been submitted to the people for ratification and that the purpose of the Democratic party that controlled the convention had been disfranchisement of the Negro voters of Virginia. The petitioners therefore asked that the election be held null, void and of no effect. The Circuit Court denied the petition on the grounds of lack of jurisdiction, and the case was brought to the Supreme Court.[56] In its opinion, the Court denied the requested

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[55]Editorial in ibid., Aug. 21, 1902.

[56]Jones, et al. v. Montague, et al., 24 S.C. 611 (1904).

petition on the grounds that the election sought to be prohibited had already been concluded. Justice Brewer, writing the majority opinion, declared that any action the Court might take would only be ineffectual. "Under the circumstances there is nothing but a moot case remaining," the justice declared.[57]

Those who had hoped for gains in suffrage through the courts were sadly disappointed by the decision. In Wise's view, the Negro was a "friendless institution politically" and the Supreme Court and Congress were passing the question of Negro suffrage back and forth in a game "amusing to everybody, except the Negro."[58] Unfortunately for the Negro, the state and Federal courts made no attempt to change their viewpoint on the question and continued to disclaim jurisdiction in cases concerning suffrage provisions in state constitutions.[59]

One further Virginia case illustrates the attitude of the courts in regard to these contests testing the validity of the suffrage provisions. In November, 1908, the United

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[57] Ibid. Selden v. Montague, 24 S.C. 613 (1904), 194 U.S. 153, was a suit in equity seeking an injunction against the canvass in the 1902 election brought to the Supreme Court at the same time. John S. Wise was also the petitioner's lawyer. The case was dismissed on the same grounds as Jones v. Montague.

[58] News Leader, Jun. 8, Dec. 16, 1904.

[59] Carter G. Woodson, "Fifty Years of Negro Citizenship as Qualified by the United States Supreme Court," Journal of Negro History, VI (Jan., 1921), 37-43.

States Circuit Court of Appeals heard the case of Brickhouse v. Brook et al. Brickhouse claimed damages of $5,000 because of the refusal of his vote during the November, 1902 election. John S. Wise, representing Brickhouse, again argued that the Virginia constitution was invalid because the document was not framed by authorized delegates and because it had been proclaimed rather than submitted to a vote. In its opinion, the Circuit Court skirted the question of the legality of the constitution. After noting that the task of the courts was only to decide the rights of the people under adopted constitutions, the Circuit Court declared that the question of whether or not the people of Virginia had duly adopted the constitution was a political question to be decided by the legislative and executive departments of the government. "Those departments having recognized and promulgated that Constitution, having declared it valid and in force," the opinion stated, "it consequently is the fundamental law of Virginia . . . ."[60]

The efforts by Negroes and their allies to have the 1902 Virginia constitution overturned in the courts thus came to an end. One historian has noted, however, that although the Negro was disfranchised, none of the cases during the period tested the real issue involved. The

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[60] Brickhouse v. Brook et al., 165 F.R. 534 (1908).

real question was whether the constitutional convention of 1902 had the right to proclaim the new constitution contrary to the provisions of the Underwood Constitution.[61]

As far as the poll tax was concerned, the Virginia courts encouraged irregularities in its use. In a case before the State Supreme Court in 1908, it was declared that treasurers should include in their poll lists only the names of persons who had personally paid their poll taxes.[62] What constituted personal payment was not decided until the following year when the court declared that the poll tax need only be paid out of a person's estate and not the estate of another. In addition, the payment need not be by the voter in person, the court declared, but could be made by any authorized agent or clerk or "in other ways."[63]

Subsequently, the only other cases to reach the State Supreme Court touching upon the payment of the poll tax occurred in 1939. A Virginia resident in that year made application to the Commissioner of Revenue in Richmond for a license to practice law. A section of the Tax Code

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[61] McDanel, The Virginia Constitutional Convention, 145.

[62] Tazewell v. Herman, 108 Va. 416 (1908).

[63] Tilton v. Herman, 109 Va. 503 (1909); Allen W. Moger, Virginia, Bourbonism to Byrd (Charlottesville, 1968), pp. 195-98.

of Virginia required as a prerequisite prepayment of poll taxes. The lawyer certified that he had not paid his poll tax for 1937 and was refused the necessary license. The resulting suit stemmed from the fact the state constitution prohibited enforced collection by legal process until the poll tax had become three years past due, and the State Supreme Court overturned the portion of the tax code requiring the prepayment. The Court declared that the imposition of the poll tax was "not intended primarily for the production of revenue, but to limit the right of suffrage to those who took sufficient interest in the affairs of the State to qualify themselves to vote."[64] Obviously, the decision had no great impact on Negro voting since it allowed continued non-payment of the poll tax rather than making tax payment mandatory.

The first serious challenge to the existing suffrage system came as a result of the United States Supreme Court decision in Nixon v. Herndon which declared the rules barring Negroes from the Texas Democratic primary constituted a denial of equal protection of the law under the Fourteenth Amendment.[65] However, when Richmond Negroes attempted to vote in a 1928 primary, Democratic party officials asserted that the Texas decision did not apply because the Virginia

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[64] Campbell v. Goode, 172 Va. 463 (1939).

[65] Nixon v. Herndon, 273 U.S. 536 (1927).

statute on party primaries gave the party the right to make its own regulations.[66] When a suit was instituted to resolve the question, however, the district judge found that the 1924 Democratic party rule limiting voting to whites was a violation of the Fourteenth Amendment. The state legislature, having once undertaken to regulate primary elections and having authorized them to be held at public expense, could not, the court ruled, do indirectly what the more direct Texas statute had done.[67] Appropriately, portions of the Virginia Negro population greeted the decision as a great breakthrough.[68]

An even more important ruling was handed down by the State Supreme Court in 1931. In October, 1929, W. E. Davis tried to register to vote in Hampton. The registrar, Thomas C. Allen, refused to register Davis on the grounds that he had failed to make application in proper form and had failed to answer to the satisfaction of the registrar certain questions affecting his qualifications as an elector. In the resulting suit, evidence was presented as to Davis's responses to questions asked.

> Question. When is payment of Poll Tax Not Requared
> Answer. After a Pearson have obtaine the age of sixty years.

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[66] Times-Dispatch, Mar. 23, 1928.

[67] West v. Bliley et al., 33 F. (2d) 177 (1929), 42 F. (2d) 101 (1930).

[68] Planet, Jun. 21, 1930.

Question. What are the Requisites to enable one to Register in Va
Answer. he will have to Be 21 years of age and a citizen -- of the State for one year in the City Town or county for 6 month Precinct in which he ofers to vote 30 Days and Pay all State Tax for 3 years Back say for 1926, 27 & 28 . . . .[69]

While admitting that the application and answers to questions filed by Davis showed he had comparatively little education, the Court noted that the state constitution provided for no test of knowledge or understanding other than that the applicant make application in his own handwriting, without aid, suggestion or memorandum. The questions asked by the Hampton registrar obviously elicited no information from Davis which he was required by the constitution to have in order to vote, seemingly being designed instead to test his understanding or knowledge of the law. As a result, the State Supreme Court declared that the registrar was not authorized to refuse Davis registration because of his failure to correctly answer these questions.[70]

As might be expected, the court's decision was greatly applauded by the Negro community. The local registrar had long remained an obstacle to Negro voting, especially in the Hampton area where they had turned down professors at Hampton Institute and numerous professional and business

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[69] Davis v. Allen, 157 Va. 84 (1931). This passage is duplicated as it appears in the text of the decision.

[70] Ibid.

men.[71] The Norfolk Journal and Guide declared that the Davis decision was "perhaps the most important decree of a State Court bearing upon the exercise of the suffrage" since enactment of suffrage restrictions, and noted the significance of having leadership that was capable of bringing the issue to a just conclusion "in such a hostile political environment."[72]

Opposition to Negro registration and voting remained despite court rulings on the white primary and allowable application procedures. But now the Negro had an ally in the courts. When Negroes were refused ballots in an August, 1931 primary vote in Jefferson Ward in Portsmouth, the city circuit judge ordered their registration.[73] In 1933, the Democratic Committees in Elizabeth City County and Portsmouth attempted to require an oath from primary voters and ruled that only whites could vote in the primary. It was estimated that the oath alone would slow voting at any polling place to 1,000 a day.[74] When a suit for damages

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[71] Journal and Guide, Oct. 10, 1931.

[72] Editorial in ibid.

[73] Ibid., Aug. 8, 1931.

[74] Ibid., Apr. 29, May 20, 1933. The Journal and Guide also reported that Suffolk election officials sought to ban Negro voting but were prevented by the Attorney General by threat of prosecution. Ibid., Aug. 13, 1933.

resulting from the denial of registration to a local business man and the head of the biology department of Hampton Institute reached the state courts, Negroes won a clarification of the earlier decision regarding primary elections. The Democratic party could not, the decision said, deny its privileges to those who subscribed to its principles and tenets, nor could it lawfully discriminate because of race, color or previous condition of servitude.[75]

At this point, the Negro community could turn its attention to organizing to make its potential strength felt and also to attack the major obstacle remaining in the path to suffrage - the poll tax. As was noted, after adoption of the disfranchising constitution of 1902, the Virginia Negro found himself in a political limbo, unwanted by Republicans and despised by Democrats. But the portion of Virginia Negroes who still were able to vote clung to the Republican party. Henry W. Anderson's campaign in 1921

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[75] Ibid., Aug 26, Oct. 14, Nov. 4, 18, 1933. Some Democratic elements persisted in their attempts to deny the Negro access to the party primary. During the 1934 General Assembly, House Floor Leader Ashton Dovell and Senator Harry Holt introduced a resolution to establish a party financed and controlled primary system. After passing the House, the measure was defeated in the Senate, but only after pressure was reportedly applied by Senatory Byrd and Governor Peery. One reason for the defeat, according to the Journal and Guide was that party leaders did not want the primary stripped of its legal safeguards which saved it from manipulation. Ibid., Mar. 17, 1934.

not only saw the poll tax emerge as a campaign issue but also saw the creation of a "lily black" Republican faction out of frustration with party attitudes toward the Negro. The black Republican movement began shortly after the Republican convention nominating Anderson and produced a ticket headed by John Mitchell, editor of the Richmond Planet, for governor, Theodore Nash for lieutenant governor and J. Thomas Newsome for attorney general. With a platform stressing equal rights as voting citizens of Virginia, the Negro Republicans avoided the poll tax issue that was to damage white Republicans.[76]

In addition to the lack of voting strength, the lily blacks found dissension in their own ranks. The opposition was led by P. B. Young, editor of the Norfolk Journal and Guide, who had been offered the position of lieutenant governor on the black ticket but had declined. Young asserted that the black movement was badly timed and that the bitter speeches of Negro Republicans aroused white and Negro race hatred.[77] As a result, the two factions fell to bickering among themselves, undoubtedly hurting whatever slim chance they had of being any influence in the election. The 16,000 votes for Mitchell predicted by the Planet turned

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[76]Planet, Aug. 20, Sept. 10, 14, 1921; Journal and Guide, Sept. 3, 16, 1921.

[77]Ibid., Jul. 30, Oct. 22, 1921.

into 5,046 at the polls. To P. B. Young, this was both an indication that Negroes would not countenance Mitchell's type of "radical leadership," and also a message to white Republicans that they could not win in Virginia by erecting barriers against the political rights of Negroes within the party.[78] To the Planet, the failure was due to 36,000 eligible Negroes who failed to meet registration requirements and make poll tax payments.[79]

One result of the Negro's experience in this election was the beginning of a gradual shift of Negro voters to the Democratic party.[80] However, even after the court decisions permitting the Negro to vote in the white Democratic primaries, black participation increased ever so slowly. The Journal and Guide discerned three reasons why the Negro did not immediately rush into Democratic primaries. First was the fact that some Negroes still remained Republicans. Secondly, the past history of Negro disfranchisement gave the impression that the law would be circumvented and his vote would be cast out. Finally, the newspaper observed

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[78] Planet, Nov. 5, 1921; Journal and Guide, Nov. 12, 1921.

[79] Planet, Nov. 26, 1921.

[80] Buni, The Negro in Virginia Politics, pp. 90-123, described in detail the Virginia Negro's move to the Democratic party during the years 1922 to 1940, and the continued exclusion of the race from the Republican party.

that there was a movement underway to make more politically mature decisions. Many Negro leaders were beginning to urge the members of their race to vote for the candidate of the party which promised them most in return, and the rank and file were slowly coming over to this view. "It may be that a decade or two hence we shall see the Negro participating in large numbers in the Democratic primaries in Virginia, and exercising potent influence upon the outcome," the Norfolk paper estimated.[81]

The decade of the 1930's was therefore marked by an effort to organize in order to become a political force. While there was some criticism of the poll tax requirement, most of the attention was directed toward stressing the importance of poll tax payment. The main force behind this drive was the various Negro organizations that began to emerge to enable Virginia Negroes to make the more politically mature decisions referred to by the Journal and Guide.

The organization that could offer the most statewide influence was the National Association for the Advancement of Colored People, organized in Richmond and Falls Church in 1915.[82] Prior to 1935, the number of state branches

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[81] Journal and Guide, Sept. 12, 1931.

[82] Annual Report of the N. A. A. C. P. for the Years 1917 and 1918 (New York, 1918), p. 85.

belonging to the organization was only twenty, but after formation of the State Conference of Branches in that year, increasing interest resulted in the organization of over sixty local branches.[83] The N. A. A. C. P. Legal Committee supplied much of the expertise necessary to prosecute cases such as the aforementioned case of W. E. Davis against T. C. Allen and the elimination of the understanding and educational questions asked by local registrars was a major goal of the organization in Virginia.[84]

Working to assist the N. A. A. C. P. in voter registration and payment of poll taxes were various local organizations. Groups such as the Norfolk Civic League, Nonpareil Literary, Social and Beneficial Association and Bachelor Benedicts, although social in nature, admitted only registered voters. Other organizations, such as the Young Men's Progressive League, set aside money for payment of the poll tax for members not able to pay. In addition, large city Independent Voter Leagues provided a medium for promotion of interest and action in all political matters affecting the Negro and worked particularly hard to get registered voters to pay their poll taxes. Activity by these groups was supplemented by Negro Citizen Voter

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[83] N.A.A.C.P.: Virginia Conference of Branches, Twenty-Fifth Anniversary Issue, 1935-1960 (Richmond, 1960), pp. 14-15.

[84] Journal and Guide, Jun. 21, 1930.

Leagues, which conducted "gum-shoe" campaigns at election time and sent letters to registered voters reminding them of tax payment deadlines, and by city Democratic clubs. Often these organizations had backing from other Negro groups and churches.[85] Negro college students participated making a house to house canvass in Negro districts and carrying signs reading, "A Voteless People Is A Defenseless People - Pay Your Poll Taxes By May 4, at the Court House." Too often, however, reports from the local canvass indicated Negro indifference and the opinion that voting was "white folks business."[86]

One attempt to organize the various social, fraternal and civic groups on a statewide basis to stimulate the exercise of suffrage by the Negro was made in 1932. The call for such a nonpartisan group was instituted by A. W. E. Bassette, a Hampton attorney, and Portsmouth attorney Thomas H. Reid, and resulted in the creation of the United Civic League of Virginia, with Bassette serving as president. The league vowed not only to prepare its members for the exercise of the duties of citizenship but also promised to protect and defend its members against "injustice and discrimination in the administration of government, and

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[85] Ibid., Dec. 19, 26, 1931, Mar. 5, 1932, Aug. 5, 1933, May 4, 1935.

[86] Ibid., May 4, 1935.

against enactment of laws which retard their progress as citizens of Virginia." The league would supply background information on candidates for public office and inform its members of happenings of a public nature affecting the Negro. A legal committee was to provide its services free, and plans were instituted to form local civic leagues in every town, city and county.[87] Editor P. B. Young of the Norfolk Journal and Guide keynoted the organizational meeting stressing the importance of Negro action to improve the Negro's position.[88]

Evidently, the organization stimulated activity. The Journal and Guide credited the United Civic League with aiding the high political enthusiasm prior to the 1932 primaries. Large crowds appeared to listen to President Bassette explain the function of the United Civic League, and in Covington, a group associated with the league was able to secure the appointment of a local school principal who advocated increased attention to the needs of local county training schools.[89]

The United Civic League undoubtedly achieved only limited success, for by 1941, an active member of the league organized the Virginia Voters' League in an effort to band

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[87] Ibid., Mar 12, 19, 1932.

[88] Ibid., Mar. 19, 1932.

[89] Ibid., Apr. 2, Jul. 16, 1932.

together local voters leagues and civic associations under one head that could coordinate their activities. The director of the new league, from 1941 to the time of his death in 1950, was Luther P. Jackson, history professor at Virginia State College, secretary of the Virginia Teachers Association and long-time participant in N. A. A. C. P. activities in Virginia.[90] The slogan of the Virginia Voters' League became "Pay the poll tax in order to abolish the poll tax."[91]

Jackson saw a number of reasons for non-payment of the poll tax. First there was the great delinquency among Negroes in the payment of all taxes. This was complicated by an ignorance of the final date for payment of the poll tax and the belief that the tax could only be paid at the time when other taxes were paid. There was also a lack of interest in politics among Negroes caused by the prepayment requirement, ignorance of the fact that the funds from the tax went to support the public schools, and the escape offered by the no lien provisions of the state constitution.[92] To remedy at least some of these

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[90] Times-Dispatch, Apr. 13, 1950; Dorothy B. Porter, "Luther P. Jackson Bibliographical Notes," Negro History Bulletin, XIII (Jun., 1950), 213-215.

[91] Annual Report of the Virginia Voters' League, The Voting Status of Negroes in Virginia, 1943 (Petersburg, 1944), p. 1. Hereafter cited as Annual Report of V.V.L.

[92] Ibid., 1944, p.8.

conditions, the Virginia Voters' League published an annual report that summarized the advances made in Negro registration, listed procedures and requirements for registration, supplied a registration application and gave information on Negro candidates for public office in Virginia. There is no accurate estimate of the eventual size of the league available. While 10,000 copies of the first annual report of the league were published, a letter to a poll tax repeal advocate in 1949 indicates that Jackson, through the Virginia Voters' League, was "in touch" with only 900 persons.[93] But Jackson undoubtedly reached a wider audience by means of his weekly "Rights and Duties in a Democracy" column, begun in 1942, that appeared in the Journal and Guide. Writing on subjects such as "Intricacies of the Poll Tax," "Failing to Register," and "Paying the Poll Tax, but Failing to Register," Jackson stressed the importance of Negro participation in politics if the race was to have a part in its own future.[94]

Jackson's efforts coincided with those of the Journal and Guide, the leading Negro newspaper in Virginia. Especially after the Davis v. Allen decision, the newspaper

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[93] Ibid., 1943, p. 1.; Luther P. Jackson to Francis P. Miller, Nov. 4, 1949, box 76, Miller Papers.

[94] Journal and Guide, Oct. 24, Nov. 7, Dec. 1942.

reported both the ease with which registration was now possible and the increased Negro registration figures, along with reports of new registration drives undertaken by local organizations. Notification of poll tax payment deadlines was a prominent and continuing practice, as was criticism of the Democratic party efforts to continue the limited primary. "Good sense," the newspaper said, demanded that Democrats give up the rattling of "the sabre in the tents of a mythical white supremacy" before they forced Negroes and whites into the Communist party.[95] Nor did the paper let the Democrats escape with other "political tricks" such as the mailing of poll tax bills to whites only. The Journal and Guide caught the Richmond city treasurer, who claimed that no tax bills were sent out for less than five dollars, in a prevarication by producing serial numbers of bills sent to white voters for one dollar and fifty cents, and exposed the practice of treasurers that made Negroes believe they owed two years poll tax when in fact they owed three.[96]

Another politically informative device used by the Norfolk paper was a questionnaire sent to candidates for

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[95]Editorial in ibid., May 27, 1933. See also ibid., Apr. 2, Oct. 8, 1932, May 13, Aug. 5, 1933.

[96]Ibid., Dec. 9, 16, 1933; Times-Dispatch, Dec. 5, 8, 1933.

public office at election time. The newspaper faithfully published the answers by the candidates to such questions as their views on jury service for Negroes, the salary scales for Negro teachers, equal pay for blacks in public works projects, and whether they favored repeal or modification of the poll tax law as a prerequisite to voting. While some candidates responded in a manner unique to politicians, the Journal and Guide was impressed by the liberal tone of many responses and reported that the questionnaire had definitely had a "very evident" effect.[97]

The Norfolk newspaper, however, never lessened its attack on the poll tax. While attempting to communicate to its readers that payment of the tax was a responsibility of citizenship, the newspaper stressed the political expediency of voting. Very few groups of any race who did not take the pains to make themselves of some importance politically received any consideration at the hands of those who control the government, the paper observed. "A voteless people is a helpless people politically and have no influence with anybody," therefore it was necessary for the Negro to take the first step himself if he wished

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[97] Journal and Guide, Jul. 29, 1933, Aug. 3, 1935. The paper also faithfully reported the names of politicians who failed to reply to their questionnaire.

to remedy his own disabilities. At present, the poll tax was "merely a subterfuge to keep certain people from voting," but with increased effort from the Negro population, the hold of the dominant political machine could be broken, resulting in the removal of the "last illegitimate descendent of the original disfranchisement devices, and ... the return of the government to the people."[98] The Journal and Guide, like the Virginia Voters' League, believed it was necessary to "Pay the poll tax in order to abolish the poll tax."

## CONCLUSION

Virginia's attempt to reform her suffrage system in 1902 undeniably did not bring the good government that was desired. Resourceful politicians resorted to the use of political fraud in elections, found a willing class of venal voters, and circumvented election procedures with the widespread abuse of an absentee voters law. Since state election machinery was controlled in most areas by the Democratic organization, the losers in the process were Virginia Republicans and the Negro. The Republicans discovered in 1921 that to campaign on the election reform issue, especially to advocate removal of the poll tax, was to raise cries of endangering white supremacy and to court

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[98]Editorials in ibid., May 20, 1933, Sept. 29, Oct. 20, Nov. 3, 1934, Jan. 5, 26, 1935.

political disaster. Unwanted by the Republicans and ignored by state Democrats, the Negro learned early that the only chance for a voice in his own future rested with Negro political action. But the 1921 lily black experience illustrated effectively the great distance it was necessary to travel before the Negro could gain the control he desired.

Long perserverance in state and Federal courts eventually resulted in the slight opening that was necessary, first the admittance to the South's white primary, and then the escape from the capriciousness of the local registrar. This accomplished, the Virginia Negro could turn to what the Journal and Guide described as the last illegitimate descendant of the original disfranchising devices, the poll tax. Once the way was open, the Negro community proved amazingly resourceful, perhaps even more so than whites. With the assistance of the N.A.A.C.P., the United Civic League of Virginia, the Virginia Voters' League, newspapers, and other social, fraternal and religious groups, a campaign was undertaken to stress to the Negro the importance of participation in the political process. It was a slow process. But a new political awareness emerged, recognizing the political importance of placing even its comparitively small support in the right place. At a Norfolk Civic League meeting in 1933 initiating a drive for 1,000 voters as new members,

the league members agreed upon the necessity of working with Virginia Democrats if they hoped to achieve anything.[99]

The Virginia Voters' League and the editorials of the Norfolk Journal and Guide reflect the Negro's attitude toward the poll tax during this period. If the Negro was to be of consequence politically, it was necessary to register and pay the poll tax. Once the Negro was of consequence politically, he could use his influence in an effort to abolish the poll tax. But the Virginia Negro needed further assistance in the fight against the tax. That assistance emerged from several unlikely sources during the late 1930's.

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[99]Journal and Guide, Jul. 22, 1933.

# CHAPTER III

## "RESPECTABLE" OPPOSITION APPEARS, 1936-1945

In 1942, Virginius Dabney, editor of the Richmond Times-Dispatch, observed that "From the crags above Harper's Ferry to the Mesas fringing the Rio Grande, a revolt is brewing against the poll tax."[1] The poll tax had persisted, Dabney believed, because a portion of the population viewed it as still necessary for "white supremacy," because politicians with power saw the status quo and their own existence threatened by its removal, and because the attitude of the disfranchised whites was indifferent or inarticulate. The political and social consequences of retention of the levy were burdensome: the tax tended to encourage corruption and contributed to the partial atrophy of the democratic process while placing obstacles in the way of needed social and labor legislation in the states where the beneficiaries of such legislation could note vote.[2]

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[1] Virginius Dabney, Below the Potomac, A Book About the New South (New York, 1942), p. 106. Hereafter cited as Dabney, Below the Potomac. Dabney's "Shall the South's Poll Tax Go?" New York Times Magazine, Feb. 12, 1939, pp. 9, 20, expresses essentially the same ideas relative to the poll tax.

[2] Ibid., pp. 113-114.

Dabney's comments reveal that the poll tax had finally emerged as a respectable issue of debate, not just a subject to be relinquished to carping Republicans and Negroes. By 1942, a number of events had transpired that brought the matter to increased public attention. Of particular importance are the activities of Virginia governors Westmoreland Davis, the state's chief executive from 1918 to 1922 who had left the Governor's mansion to edit an agricultural journal, and James H. Price, a Democratic organization man who had come out publicly for poll tax repeal in the gubernatorial campaign of 1938 and pursued his efforts once he entered the statehouse.

From 1942 until 1949, the tempo of activity of the poll tax repeal forces appeared to increase geometrically. Public discussion of the poll tax led to legislative discussion, which was stimulated further by the consideration of Federal action to eliminate the tax as a prerequisite to voting in national elections. Then, in trying to deal with a situation created by Congress's declaration of war, Virginia politicians were forced to face a test of strength between poll tax repeal forces and those elements that considered retention of the levy essential to good government. Finally, Virginia was reminded of the abuses possible under its election system in a contested election for lieutenant governor late in 1945.

Ultimately these events led to a situation discussed in the following chapter. Between 1938 and 1945, the revolt

against the poll tax was brought from the point of brewing to the point of boiling and confirmed the prediction of that Constitutional Convention delegate of 1902 who foresaw that the poll tax prerequisite would "rise up to give us trouble in the years to come."[3]

## THE SOUTHERN PLANTER ATTACKS THE TAX

In 1942, Virginius Dabney credited the Richmond published Southern Planter with the "first important contribution made to poll tax literature during the past several decades."[4] This is a somewhat unusual and surprising claim on two counts. First of all, the Southern Planter had been established in 1841 as a non-political agricultural monthly publicizing the advantages of the new scientific farming procedures. Secondly, the editor of the magazine at the time Dabney wrote was a former governor, Westmoreland Davis.

Davis, a Democrat in the gentleman-farmer-aristocrat tradition, had been governor of Virginia from 1918 to 1922, a period of Virginia government marked by a central theme of economy and efficiency. As governor, he had centralized state budgeting under the executive, issued the first executive budget in 1920, established a state purchasing agency and had instituted prison reforms. After leaving

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[3]Debates of the Convention, II, p. 2865, remarks by George K. Anderson.

[4]Dabney, Below the Potomac, p. 108.

the governorship, he was defeated in 1922 for a Senate seat by Claude Swanson.[5] While remaining politically aware, Davis devoted the majority of his energies until his death in 1942 to the Southern Planter.

There is nothing in Davis's life or activities prior to the late 1930's to suggest that he ever questioned the rigid voter qualifications placed upon the Virginia electorate. Instead, it appears that Davis's concern for poll tax repeal grew out of the Depression and its effect upon the farmer. During the Roosevelt era, Davis, through the Southern Planter, appealed for direct relief of the farmer, thus becoming "one of the New Deal's foremost friends in the upper South."[6] Being a defender of the New Deal policy meant attacking the foes of the Roosevelt program, and in Virginia this meant attacking Harry F. Byrd and the state Democratic organization. So with "a spirit of liberal criticism" in the air, Davis became, as his biographer notes, "the first significant white Democrat in the Old Dominion to step forward and frontally assault the poll tax."[7]

The attack on the tax began in July, 1936, and continued until March, 1941, a period during which the

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[5]Jack T. Kirby, Westmoreland Davis: Virginia Planter-Politician, 1859-1942 (Charlottesville, 1968), pp. 75, 97.

[6]Ibid., pp. 185-86.

[7]Ibid., p. 193.

circulation of the Southern Planter in six states reached the 300,000 level.[8] In a series of editorials and articles, the magazine focused its attention upon the effect of the poll tax on Virginia politics and upon the farmer. The election laws of the state had diminished interest in government in Virginia, the Planter declared, and had "enabled a political organization to grow up that is unequaled in ruthlessness anywhere in this country."[9] The cumulative and prepayment features were "a tremendous hardship on our citizens of low incomes - the farmer, the workingmen and their wives."[10] If anyone doubted that the farmer was eager to vote, Davis offered the evidence provided by recent Agricultural Adjustment Administration tobacco referenda in which the farmer vote exceeded the total vote for President in the Virginia tobacco growing regions.[11]

The Southern Planter and Davis were especially active as the 1938 session of the General Assembly approached.

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[8] Ibid., p. 191.

[9] "Government by the People," editorial in Southern Planter, XCVII (Jul., 1936), p. 4.

[10] "The Virginia Poll Tax," editorial in ibid., XCVII (Oct., 1936), p. 20.

[11] "The Right to Vote," editorial in ibid., XCVIII (Jan., 1937), p. 4; "The Right to Vote," editorial in ibid., C (Mar., 1939), p. 6.

After urging that women's clubs, the Grange, the Virginia State Farm Bureau Federation, and all other rural groups work to get the poll tax paid,[12] letters were sent by the Planter to various leaders of farmer organizations in the state. "If we need the revenue, which the poll tax affords," one letter declared, "let's assess it generally and collect it without any relation to voting," thus not allowing people to escape taxation by surrendering a voice in the government.[13] To the president of the Agricultural Conference Board, the Planter recommended that the Grange urge the General Assembly to pass an enabling act permitting the people of the state to change the constitution.[14] Once the legislature convened, letters were sent to all members of the General Assembly with reprints of three articles from the Planter on the poll tax.[15]

Some idea of the course, and effectiveness, of the Southern Planter's attack on the poll tax is offered by one of its more ambitious editorials, "The Poll Tax - A Burden Upon Education."[16] One shibboleth of poll tax

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[12] "The Right to Vote," editorial in ibid., XCVIII (Jan., 1937), p. 4.

[13] P. D. Sanders to Mark Turner, Nov. 29, 1937, box 122, Davis Papers.

[14] P. D. Sanders to C. Nelson Bech, Nov. 29, 1937, ibid.

[15] Letters to members of the Virginia General Assembly from the Southern Planter, Feb. 14, 1938, ibid.

[16] "The Poll Tax - A Burden Upon Education," editorial in Southern Planter XCIX (Jan., 1938), pp. 5, 25.

defenders was that the tax was necessary to secure revenue for the public school system of the state. Accompanied by a careful compilation of statistics, the Planter revealed that two-thirds of the adult population of Virginia escaped making any poll tax payment, thus robbing the state school system of $1,315,528 in 1935 alone. Further investigation revealed that from one-fifth to one-third of all persons assessable with capitation taxes were never assessed, and that often from one-third to one-half of the assessments made were actually never paid. "Hence," the Planter declared, "we . . . picture the voter poll tax as an arch-enemy of education . . . ."[17]

Other editorials attacked the absentee voting ballot as the "little brother" of the poll tax allowing the prostitution of the spirit and letter of the law by "politicians eager for personal advantage."[18] When Federal action to eliminate the tax was being considered, the Planter added its voice in support.[19] And as world war became more of a possibility, the magazine declared that "double-barrelled democracy demands that the responsibility to

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[17] Ibid.

[18] "Menace of the Mail Ballot," editorial in ibid., C (Feb., 1938), 8.

[19] "The Poll Tax Must Go," editorial in ibid., CI (May, 1940), 4.

defend the country in time of war carries with it the right to vote in time of peace."[20] One informative article by a member of the Virginia Department of Taxation traced the suffrage history of the state from the colonial period, demonstrating that up until the beginning of the twentieth century, Virginia's suffrage had been an expanding one and concluded that citizens of the state should demand an amendment to remove the poll tax, "the vicious limitation framed for Negroes but crucifying the white voters . . . ."[21]

The intensity of discussion of the poll tax was definitely raised by the appearance of the Southern Planter articles. The Richmond Times-Dispatch reprinted one of the Planter's editorials against the tax, and Virginius Dabney used the delinquency rate argument to support tax modification in his book on the South.[22] Other publications gave the information supplied by Davis exposure outside of both Virginia and the farmer audience.[23] Local Democratic

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20"Double-Barrelled Democracy," editorial in ibid., CII (Mar., 1941), 8.

21John H. Russell, "Highlights of Virginia Suffrage History," ibid., XCIX (Feb., 1938), 5, 21-24.

22Times-Dispatch, Nov. 23, 1937; Dabney, Below the Potomac, p. 117.

23Clipping from Louisville Courier-Journal, Apr. 9, 1939, box 95, Miller Papers; George C. Stoney, "Suffrage in the South, Part I, The Poll Tax," Survey Graphic, XXIX (Jan., 1940), 5-9, 41-43.

organizations debated the question of whether the tax should be retained and requested information from the Planter.[24] State politicians reported to Davis that there was sentiment among influential members of the Senate of Virginia to repeal or modify the tax and to remove many of the iniquities of the absentee ballot.[25] The Virginia Young Democrats considered the poll tax enough of a political question to authorize a committee to study the possibilities of changes in the election laws. Unfortunately, the committee report made no suggestions for modifications but offered an insight into the thinking any subsequent efforts at repeal would have to overcome. As long as a sizeable portion of the electorate participate, the committee declared, "good government is not dependent upon a universal and wholesale representation at the polls." These Young Democrats feared that removal of the poll tax "would tend to place in the hands of any demagogue the power to destroy the very objects of good government," allowing persons with "no sense of responsibility" to be cajoled into going to the polls and "voting for all types of proposals and candidates."[26]

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[24]Mrs. W. P. Elmore to Westmoreland Davis, Apr. 3, 1939, box 122 Davis Papers.

[25]Representative Norman R. Hamilton to Westmoreland Davis, Nov. 30, 1937, ibid.

[26]"Report of the Committee on the Study of the Capitation Tax as a Pre-requisite to Voting," Virginia

While the Young Democrats studied and debated, the General Assembly of 1938 considered possible changes in the election law relative to the poll tax. Early in the session, it became apparent that outright repeal of the tax was an impossibility when the Senate defeated such a proposal.[27] But two other resolutions with more limited objectives did receive the attention of the House Committee on Privileges and Elections. One measure, introduced by Washington County delegate, William N. Neff, sought changes in the law that would have allowed the General Assembly to handle poll tax regulations and stipulated payment any time from one to three years.[28] The second resolution was submitted by Richmond delegate A. O. Boschen and sought to reduce the tax to one dollar, require only one year's payment, and allow payment up to thirty days prior to an

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Democrat, V (Jul., 1939), 4-6, box 95, Miller Papers. Members of the committee were Mrs. John Marshall, Charles R. Fenwick, Daniel Weymouth, R. L. Anderson, Richard S. Wright, and M. Raymond Doubles. Doubles, chairman of the committee, did submit a minority report in which he generally agreed with the majority but recommended that a city or county provide for one day's work as a substitute for payment of the poll tax.

[27] Times-Dispatch, Feb. 23, 1938. Senator Vivian Page introduced the proposal.

[28] "House Joint Resolution B, 1938 Session," series 1, box 10, Robert Whitehead Papers, University of Virginia Library, Charlottesville, Va. Hereafter cited as Whitehead Papers.

election.[29] The two resolutions were supported by such independent Democrats as former State Senator C. O'Conor Goolrick, Francis P. Miller, Robert Whitehead and former delegate Melvin B. Nunnally from Richmond but failed to win the approval of committee chairman, George A. Massenburg.[30]

The proposal by Neff was presented as an indirect result of the articles appearing in the Southern Planter and the direct efforts of Francis P. Miller, General Assembly member from Fairfax County. Miller was a member of the Virginia Policy Committee, a non-governmental organization studying problems of state interest. The policy committee had adopted resolutions in late 1937 proposing, among other things, the reduction of the poll tax to one dollar and the creation by the Governor of a study commission to eliminate election law abuses.[31] After reading the articles appearing in the Planter, Miller wrote several prominent and influential Virginians, including Neff, praising the articles and the resulting coverage and asking if they agreed that the first step toward liberalization would be

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[29]"House Joint Resolution No. 1, 1938 Session," ibid.; Francis P. Miller to Charles Picket, Apr. 7, 1941, box 95, Miller Papers.

[30]Times-Dispatch, Feb. 23, 1938.

[31]"Virginia Policy Committee Resolutions, Oct. 9-10, 1937," box 95, Miller Papers. The Virginia Policy Committee was the affiliate of the National Policy Committee.

removal of voting regulations from the constitution in order that the General Assembly have final authority over the matter.[32] Neff responded that such a proposal would "command a great deal of support", and Miller urged Neff to introduce a resolution to accomplish the result during the forthcoming General Assembly session.[33]

It is unfortunate that the General Assembly did not give more consideration to the proposals presented in 1938, but the efforts by Neff, Boschen and Miller amply illustrate the effect of the Southern Planter articles on the poll tax discussion. With few exceptions over the preceeding third of a century, criticism of the poll tax had been the domain of Virginia Negroes and Republicans. The articles appearing in the Planter assaulting the poll tax helped give respectability to the revolt against the tax. The Planter was white, Protestant and Democratic, which guaranteed a hearing by an audience larger than state Republicans and Negroes could appeal to. The manner in which the argument was presented and the underplaying of the Negro's grievances to those of the poor white made the attack more acceptable to some Virginians threatened by

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[32]Francis P. Miller to Virginius Dabney, Dec. 3, 1937; F. P. Miller to W. N. Neff, Dec. 7, 1937; Howard B. Bloomer, editor of the Arlington Sun, to F. P. Miller, Dec. 7, 1937, ibid.

[33]W. N. Neff to Francis P. Miller, Dec. 9, 1937; F. P. Miller to W. N. Neff, Dec. 17, 1937; W. N. Neff to F. P. Miller, Dec. 23, 1937, ibid.

the loss of "white supremacy." Again, as Virginius Dabney noted, the poll tax was under fire, and that fire was getting hotter.[34]

## GOVERNOR PRICE AND THE GOOCH REPORT

After the failure to secure election law reform during the 1938 General Assembly session, poll tax repeal forces resorted to a more oblique approach, and found a powerful ally in State Controller LeRoy Hodges, long time advocate of poll tax reform. Hodges estimated that $1,200,000 in state revenues were lost annually through the failure to collect poll taxes and revealed that only forty percent of the amount due the state had been collected over the past three years. As a result, the State Controller's office desired to initiate stronger measures to enforce collection.[35] This tactic was designed to stir a popular rebellion against the tax, and Hodges admitted privately that "if the people do not want the poll taxes enforced, then I think the next General Assembly should nullify the statutes."[36] Hodges's effort met with little success, however, probably because it would have

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[34]Dabney, Below the Potomac, p. 126.

[35]Press release from LeRoy Hodges, Jan. 30, 1939, box 95, Miller Papers.

[36]LeRoy Hodges to Francis P. Miller, Feb. 2, 1939; clipping from Louisville Courier-Journal, Apr. 9, 1939, ibid.

required the cooperation of local tax officials, loyal organization men.

New enthusiasm emerged and the possibility for poll tax reform increased the following year when Governor James H. Price advocated such in an address to the General Assembly. Repeal forces had contacted Price prior to his assuming office in 1938 and found him receptive to the proposals of the Virginia Policy Committee and willing to submit the poll tax problem to a governmental study.[37] In his 1940 message, Price referred the study to the Virginia Advisory Legislative Council, requesting revision and codification of all election laws.[38] It was generally recognized, the Governor declared, that the state's election machinery was in need of repair. Many citizens were disfranchised because of "mistakes" in records; block payment of the poll tax had become a "racket", and the absentee voter's law was "openly violated." Addressing himself directly to the matter of the poll tax, Governor Price said,

> The poll tax has become, in the last analysis, an instrument of fraud and vicious practices. . . If this form of tax is to be continued, it should be safeguarded and possibly reduced in amount so that more people would individually become interested in its payment. . .Conditions have changed

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[37] C. O'Conor Goolrick to Francis P. Miller, Dec. 18, 1937, ibid.

[38] Journal of the Senate, 1940, document no. 1, p. 22.

> since 1902 , and I believe that our attitude should be more liberal. . .Personally, I feel that it [the tax] should be retained, a smaller tax imposed, and a more earnest effort made to collect it.[39]

As a result of Price's recommendations, a bill making the block payment of poll taxes a felony was introduced in the General Assembly. The debate on the measure reveals much about the existing abuse of Virginia's election laws. Delegate V. C. Smith of Buchanan County stated that "if you put this law into effect, you won't have half the people in the Ninth district voting," while a Hanover County delegate reported that one prominent man had told him that "if you don't pass this bill, you are going to break another man of this town and myself because we have to get up money to pay the poll taxes for all the people." The effort at reform apparently appeared futile to some delegates for, as one Virginia legislator remarked, "if you make the block buying of poll taxes a felony, no jury will ever convict the accused person."[40]

Despite the fact that the proposed legislation had the direct support of Governor Price and the indirect approval of Senator Byrd, the measure was defeated.[41] In

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[39] Ibid., pp. 27-28.

[40] Times-Dispatch, Mar. 1, 1940.

[41] The Winchester Evening Star, a newspaper owned by Senator Byrd, endorsed the bill as being in the cause of good government. Editorial from the Winchester Evening Star, quoted by ibid., Mar. 2, 1940.

an effort to claim some credit for reform of the election laws, the General Assembly did pass a bill supposedly designed to prevent block buying. The act required that local treasurers report to the commonwealth's attorney any payment of poll taxes for political purposes, but the measure was emasculated by imposing no penalty for failure to report such payments.[42] The effect of the legislation, as the Portsmouth Star pointed out, would be to "merely legalize the present practices" because candidates frequently had their political workers collect authorization coupons from assessed voters allowing someone else to pay their poll taxes. The candidate for office then gave the collected slips and the necessary money to the treasurer in exchange for the poll tax receipts.[43]

Even though the General Assembly stumbled in its attempt to revise the election laws, the Virginia Advisory Legislative Council acted to carry out the study recommended by Governor Price. Late in March, 1941, Senator Leonard G. Muse of Roanoke, a member of the Council, authorized the creation of three subcommittees to investigate and report changes which should be made to the constitutional, absent voters, and statutory voting

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[42] Acts of the General Assembly, 1940, p. 390.

[43] Editorial from the Portsmouth Star, quoted by the Times-Dispatch, Mar. 3, 1940.

procedures. The three members appointed to the subcommittee investigating constitutional voting procedures were Robert K. Gooch, a University of Virginia professor, Radford attorney Ted Dalton, a Republican, and Col. James P. Woods of Roanoke, a traditional Democrat.[44] The principal matter of concern for this subcommittee, Senator Muse told the members, was the question of retention of the poll tax.[45]

The subcommittee held two hearings, one in Richmond, the other in Roanoke. At the Richmond hearing in July, there were six speakers against the poll tax while only one person, Capt. Nathaniel Ewell of Charlottesville, appeared in defense. Moss Plunkett of Roanoke, then running in the Democratic primary for lieutenant governor, attacked the tax as violating the spirit and letter of the Virginia Bill of Rights and asked that legislative action be instituted to allow the voters to decide if the levy

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[44]Robert K. Gooch, The Poll Tax in Virginia Suffrage History: A Premature Proposal for Reform (Charlottesville, 1969), pp. 7, 11-12. Hereafter cited as Gooch, The Poll Tax in Virginia Suffrage History. This book is a reprint of the 1941 report. The 1941 report of the subcommittee, which became known as the Gooch report, entitled "Report of the Subcommittee for a Study of Constitutional Provisions Concerning Voting in Virginia" can also be found in the Hutchinson Papers, box 18, and the Byrd Papers, box 179.

[45]Leonard G. Muse to Robert K. Gooch, Mar. 26, 1941, quoted in ibid., p. 12.

should be retained. Senator Hunsdon Cary of Henrico, also running in the primary race for Governor, asserted that repeal of the poll tax would awaken the electorate and thus cure some of the state's ills. In defense of the tax, Ewell could only say that he believed "the bulk of the people we get rid of (as voters) are those not mentally qualified."[46] The same forces, led by Plunkett, attacked the tax at the subcommittee hearing in Roanoke on August 23. Once again there was but a single defender, local attorney James C. Martin.[47]

After collecting a mass of information at the hearings and from other sources, the subcommittee prepared and submitted its report to the Virginia Advisory Legislative Council in early November, 1941. The subcommittee report advocated two changes in the election laws of the state. After noting that registration was often the final factor preventing voter participation in elections, the majority of the subcommittee concluded that the fundamental defect

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[46] Times-Dispatch, Jul. 6, 1941. Other people advocating repeal were David G. George, chairman of the Virginia Electoral Reform League, Ray Thomason, regional director of the C. I. O., R. H. Wilton of the Virginia Federation of Labor, Howard Davis of Richmond and Howard Carwile of Charlotte.

[47] Ibid., Aug. 24, 1941; Roanoke Times, Aug. 24, 1941. Others present attacking the tax included Virgil Goode of Rocky Mount, a member of the House of Delegates and Robert C. Jackson, former Roanoke city attorney.

in the registration system was the discretionary authority of registration officials. To remedy the defect, a fairly and impartially administered literacy test was recommended. The second recommendation was that the poll tax be eliminated as a prerequisite to voting.[48]

The Gooch report is unique among government sponsored studies because of its brief eloquence and the force of its logic. This is illustrated by the discussion of the evidence considered before reaching the conclusion that the poll tax should be removed. The subcommittee recognized the difficulties presented by its recommendation. First, there was the problem of amending the state constitution, and then there was the historical fact of a restricted suffrage for the previous half century. The result, as the majority assessed it, was that suffrage restriction "has entered into the people's habits of thought; and a consequent inertia exists" taking the form of unquestioning acceptance and unreasoned hostility to change.[49] Despite the obstacles to be overcome, "advocacy of retention of the poll tax and genuine belief in political democracy are basically irreconcilable," leading the subcommittee to conclude that the principal, if not the only, argument to be made concerning the effect

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[48]Gooch, The Poll Tax in Virginia Suffrage History, pp. 15, 26, 29.

[49]Ibid., pp. 15-16.

of liberalizing the suffrage in Virginia was that "the government of the State would be placed upon a democratic basis -- the only basis worthy of the best tradition of the Commonwealth."[50]

Addressing directly the questions raised by those who advocated retention of the tax, the Gooch report stated that the assertion that more people paid the poll tax than voted in the elections was a canard. Such a charge implied that the poll tax did not operate as a limitation upon the elective franchise. If the supporters of retention believed this to be true, they could not consistently object to the removal of the tax. "If the poll tax provisions do not serve the purpose of restricting the suffrage," the report declared, "they do not serve any purpose at all."[51] The contention that payment of the tax was a desirable test of interest in government was, the subcommittee found, simply an unsupported assertion whose opposite was equally as plausible. From all the evidence and testimony, the only logical conclusion that could be reached was that no test or penalty was justifiable.[52]

When the final report of the Virginia Advisory Legislative Council was presented to Governor Price in December, 1941, the changes recommended in Virginia's

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[50] Ibid., pp. 18-19, 22. [51] Ibid., p. 22.

[52] Ibid., pp. 25-26.

election laws were that the absentee voting procedures be amended, the time during which the polls were open be lengthened, that provisions be made for special primaries, and that a three judge court be authorized to hear contested election cases. The only indication of other subcommittee findings was the statement that "several subcommittees made other recommendations upon which the Council did not find it possible to agree. . . ."[53] The only existing evidence of the Council meeting of November 7, at which the Gooch report was discussed, indicates that evidently no interest was aroused by the Gooch report recommendations.[54]

Thus the Gooch report remained hidden from public attention. It is now evident that the Advisory Council intended for it to remain hidden, for the Gooch report was unusually ordered filed "under lock and key" in the office of the Legislative Reference Bureau.[55] It would have remained hidden had it not been for the efforts of Moss Plunkett, now head of the Virginia Electoral Reform

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[53]"Report of the Virginia Advisory Legislative Council, Dec. 12, 1941," box 17, Governor James H. Price Executive Papers, Virginia State Library, Richmond, Va.

[54]Gooch, The Poll Tax in Virginia Suffrage History, pp. 33-34.

[55]E. R. Combs to Harry F. Byrd, Nov. 16, 1942, box 133, Harry F. Byrd Papers, University of Virginia Library, Charlottesville, Va. Hereafter cited as Byrd Papers. It is interesting to note that even Senator Byrd did not know about the existence of the report until November, 1942. See, Harry F. Byrd to E. R. Combs, Nov. 10, 1942, ibid.

League organized in June, 1941, to fight for the elimination of the poll tax as a prerequisite for voting.

In February, 1942, a joint Senate and House Privileges and Elections Committee was to hear testimony on Senator Vivian Page's bill to abolish the poll tax prerequisite.[56] The pending hearing prompted the Times-Dispatch to editorially ask what had happened to the Gooch report. "Thunderous silence has enveloped the whole matter since early last fall," the newspaper noted, and the silence could only be interpreted to mean that "the report contained a minimum of whitewash and a maximum of forthright criticism of the status quo, and that its contents did not find favor with the political powers that be."[57] At the hearing on the Page bill, Moss Plunkett produced a copy of the Gooch report and proceeded to read it to the members of the House and Senate present "for fear that they had never seen or heard of the report."[58] The exhumation of the report prompted the Times-Dispatch to state that it "must have been a first-magnitude bombshell for those who had kept this documentary dynamite under wraps for several

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[56] Times-Dispatch, Feb. 13, 1942.

[57] Editorial in ibid., Feb. 12, 1942.

[58] Ibid., Feb. 13, 1942; U. S. Congress, Senate, Subcommittee of the Committee of the Judiciary, Hearings, on S. 1280, Poll Taxes, 77th Cong., 2nd Sess., 1942, p. 72. Cited hereafter as Senate Subcommittee of the Judiciary, Hearings on S. 1280, 1942.

months," and declared the poll tax a "relic of a by-gone era" and called for its repeal along with substantial changes in the registration laws.[59]

The revelation of the Gooch report did not aid the passage of Senator Page's bill, for it was never reported out of the Privileges and Elections Committee. But the Gooch report, an examination of the poll tax question undertaken by a division of the state government at the request of the Governor, had surfaced, and its conclusions were a contribution to the growing argument against retention of the levy as prerequisite to voting. Moss Plunkett concluded his testimony in support of Page's bill by stating, "the day of final reckoning is almost at hand, even in Old Virginia."[60]

## THE PRESSURE FOR REPEAL CONTINUES

Despite General Assembly inaction on Senator Page's proposal, the pressure for modification of state election laws was maintained. Additional legislation was introduced by Robert Whitehead to enforce collection of delinquent poll taxes.[61] In fact, Whitehead's arguments in support of his resolution are reminiscent of the 1902

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[59]Editorial in Times-Dispatch, Feb. 14, 1942.

[60]Ibid., Feb. 13, 1942.

[61]"House Joint Resolution No. 27, Feb. 16, 1942," series 1, box 10, Whitehead Papers.

debates of the constitutional convention. The objects of attack were the two sections of the state constitution prohibiting collection of the poll tax by legal process until it had become three years past due and prohibiting the placing of a lien upon personal property exempted under the poor debtors law.[62] Several delegates to the constitutional convention objected to the provisions allowing these exemptions on the grounds that the state school system would be robbed of badly needed revenue.[63] Whitehead estimated that the state lost one million dollars per year that could be used for the schools because of the exemption provisions.[64] If the two provisions were removed, Whitehead believed that the electorate would be increased and the revenue collected would also increase. The poll tax had become "a mere fee, payable or not at will" for admission to the ballot box.[65] The result was that the people of Virginia had become "content to go their own way and let the other people pay the taxes and and do the voting."[66] Like Senator Page's bill,

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[62] Constitution of Virginia, 1902, sec. 22 and 173.

[63] Debates of the Convention, II, pp. 2860-61, remarks by T. W. Harrison.

[64] Robert Whitehead to A. Willis Robertson, Nov. 24, 1944, series 1, box 10, Whitehead Papers.

[65] Robert Whitehead to Howard H. Davis, Jul. 15, 1941, ibid.

[66] Robert Whitehead to A. Willis Robertson, Nov. 24, 1944, ibid.

Whitehead's effort failed to gain the approval of the Privileges and Elections Committee and the 1942 General Assembly session passed without seeing any changes in the election laws.

At this point attention turned to events unfolding in Washington as the Senate considered a measure introduced by Senator Claude Pepper of Florida that would have removed the poll tax requirement to voting or registering to vote in primaries or general elections for national office. First, however, mention should be made of a brief controversy that demonstrates the anamolies that could be expected from the position taken by the Byrd organization in Virginia on the payment of poll taxes. In February, 1942, it had come to light that the Federal Security Administration, a New Deal agency making small household budget loans, had included in its calculations for loans going to families in southern states provisions for funds with which the poll tax could be paid.[67] President Roosevelt approved of the procedure, considering the tax a legitimate liability of the individual, and reaffirmed his life-long opposition to the poll tax, but Senators from the poll tax states immediately exploded. Senator Byrd was perhaps most vocal, as he was the chairman of a Senate committee considering the possibilities of continuing the Federal Security Administration. "Such loans,"

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[67] New York Times, Feb. 14, 1942.

Senator Byrd declared, "are in direct violation with the constitutions and laws of States which prohibit the payment of poll taxes by any one other than the prospective voter."[68] It seems that Senator Byrd was not willing to countenance Federal action similar to the political facts of life in Virginia.

The debate over the Federal Security Administration had barely subsided when the Senate began hearings on Senator Pepper's poll tax repeal measure. Testifying before the subcommittee holding the hearings were various members of the Virginia repeal effort. Moss Plunkett, appearing as the chairman of the Virginia Electoral Reform League, introduced the subcommittee to the contents of the Gooch report and testified to his observations of block payment of poll taxes.[69] David G. George, director of the Southern Electoral Reform League, also testified concerning the procedures used to secure the absentee vote in Virginia.[70] Dr. Frederick K. Beutel, a professor of law

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[68] Ibid.

[69] Senate Subcommittee of the Judiciary, Hearings on S. 1280, 1942, pp. 72-78. Plunkett testified that during his recent campaign for lieutenant governor he was told "there would be no possibility of my matching the 85,000 votes which the poll tax crowd has in its vest pocket in Virginia, . . .and that it would take over $100,000 to finance the necessary campaign in the State." Ibid., p. 78.

[70] Ibid., pp. 90-93.

from the College of William and Mary, told the subcommittee that, because of the necessity of frequent moves and the differing poll tax requirements in the states where he had lived, he and his family had voted in only two elections since 1928. The poll tax, Dr. Beutel contended, was thus disfranchising a large portion of the professional population who, like himself, found it necessary to change residency often.[71]

Perhaps most enlightening of all was the testimony given by Virginia Attorney General Abram P. Staples. Staples's testimony reveals the legal argument constructed by those opposed to enactment of Federal legislation abolishing the poll tax as a prerequisite to voting, and can be taken as the position of the state political organization he represented relative to the power of Congress to establish restrictions upon the poll tax. Briefly, Staples asserted that the Federal Constitution reserved to the states the exclusive power to determine the manner of choosing its electors to vote for President and Vice President, and conferred no power on Congress to legislate on the subject. Certain sections of the

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[71] Ibid., pp. 110-14.

Constitution reserved to the states the exclusive power to prescribe the qualifications of the electors for members to the Senate and House, and this power was not modified by the power delegated to Congress to regulate the time, place and manner of holding elections.[72] The requirement of poll tax payment, the Attorney General contended, was a "qualification" of an elector and not subject to Congressional modification. Even if it was not considered a qualification, the poll tax fell within the reserved powers of the states over suffrage, as well as within the taxing powers. Finally, the Virginia Attorney General told the subcommittee that since the Federal Constitution protected the right to vote of only those qualified under state statutes, the question of whether a state had exercised its constitutional power to prescribe qualifications of electors in an unconstitutional manner was a question for the courts to decide.[73]

The testimony by the repeal forces during the hearings

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[72]The sections of the Constitution referred to by Staples are Article I, section 2, and the 17th Amendment. Ibid., p. 359.

[73]Ibid., pp. 359-81. For supporting views, see the statements submitted by J. Tom Watson, attorney general of Florida, John M. Daniel, attorney general of South Carolina, and Arthur J. Edwards, ibid., pp. 404-28. For opposing views, see the statements submitted by the American Civil Liberties Union and the C. I. O., ibid., pp. 185-88, 330-35.

elicited replies from other Virginia officials. The State Auditor of Public Accounts, the Comptroller of the Commonwealth, and Senator Byrd's political lieutenant E. R. Combs, who was Clerk of the Senate and chairman of the State Compensation Board, replied to the charges made by Virginia poll tax repeal forces.[74] Combs was so outraged by Dr. Beutel's statement that he went to the president of the Virginia Bar Association to request a counter statement, and informed Senator Byrd that he considered it "outrageous" for William and Mary to keep Beutel on its payroll in view of his testimony.[75]

The pressure eased somewhat when the Senate subcommittee issued its final report rejecting Federal legislation in favor of a constitutional amendment.[76] However, Southern Senators were quickly forced to mobilize the following month to oppose consideration of a House approved bill outlawing the poll tax as a prerequisite to voting.[77]

While major attention during the next year was directed to contemplated Federal repeal action, the Virginia General Assembly of 1944 was again presented with election law modification proposals. Robert Whitehead

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[74] Ibid., pp. 428-31

[75] E. R. Combs to Harry F. Byrd, Apr. 15, 1942, box 133, Byrd Papers.

[76] New York Times, Oct. 3, 1942.

[77] Ibid., Nov. 10, 1942.

again introduced a bill to provide for the elimination from the state constitution of the two provisions restricting collection of the delinquent poll taxes, but the measure died in committee. Whitehead did succeed in getting approval for legislation requiring local treasurers to send out notices for all taxes assessed, not just for amounts over five dollars as the existing law required.[78] The measure gave the delinquent poll tax voter the opportunity to at least know the status of his tax. The General Assembly in addition passed legislation creating an "Armed Forces poll tax fund." This was a patriotic gesture designed to facilitate voting by Virginia residents serving in the armed forces which established a fund for the payment of poll taxes and outlined a system for absentee registration and voting by soldiers and sailors.[79]

By late August, 1944, the Times-Dispatch noted that the "snowball" of poll tax repeal was gaining strength.[80] And it did appear that a growing number of Democratic organization men were announcing their opinions on the subject. Representative David E. Satterfield declared that the time had come for elimination of the tax and also proposed revision of the registration system in order to

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[78]Robert Whitehead to A. Willis Robertson, Nov. 24, 1944, series 1, box 10, Whitehead Papers.

[79]Acts of the General Assembly, 1944, pp. 408-25.

[80]Editorial in Times-Dispatch, Aug. 31, 1944.

make it a "fair and impartial test of literacy."[81] Probably the strongest voice to emerge at this time was that of L. Preston Collins of Marion, administration leader in the House of Delegates and the 1940 manager of the State Democratic campaign. Collins declared that he favored the poll tax but believed "a nominal poll tax should have nothing to do with the right to vote." Significance was attached to his statement, of course, because of the position he held in Democratic party councils.[82]

Any speculation, and hope on the part of the repeal forces, that Collins's statement indicated a shift in viewpoint by the Byrd organization toward abolition of the poll levy was quickly dashed as a result of the Virginia Supreme Court of Appeals decision on the constitutionality of the recently established "Armed Forces poll tax fund." In declaring the act unconstitutional, the Court noted that it lacked uniformity because the amount to be paid could vary from zero to four dollars and fifty cents. The Court's opinion also concluded that the poll tax was not "personally" paid as was required and that the system of temporary or absentee registration introduced by the legislation was not a situation contemplated by the state constitution.[83]

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[81] Ibid., Aug. 30, 1944. [82] Ibid., Sept. 8, 1944.

[83] Ibid., Nov. 20, 1944; Staples v. Gilmer, 183 Va. 338 (1944).

As a result of the Supreme Court's opinion, there was an immediate announcement by Governor Darden in favor of calling a constitutional convention to give the servicemen the right to vote. As might be expected, there was also an immediate declaration that the disfranchised at home were entitled to the same consideration as Virginia's servicemen.[84] Quickly then a controversy had emerged as to whether a constitutional convention should be called restricted to the sole issue of giving the servicemen the vote, as Darden desired, or whether the convention should be an open one able to consider the possible abolition of the poll tax.

While Darden polled General Assembly members on their opinions, forces favoring an open convention emerged. The Southern Electoral Reform League, the Virginia Electoral Reform League, the A. F. L. and the C. I. O. added their voices for an unrestricted convention, while the Times-Dispatch reported that the leading press of the state favored letting the voters decide if the convention was to be open.[85] Darden, however, remained adamant and called a special session of the General Assembly to convene December 15th, saying that his only consideration was the

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[84] Times-Dispatch, Nov. 25, 1944.

[85] Ibid., Nov. 30, 1944; editorial in ibid., Nov. 26, 1944, quoted the Norfolk Virginian-Pilot, the Roanoke Times and the Portsmouth Star as favoring a voter's decision on an open convention.

war voters and that he had no intention of submitting anything else for consideration.[86]

The administration bill providing for a limited constitutional convention met a storm of debate in the special session of the General Assembly, but the Governor had polled the assembly well and he had the necessary votes to secure passage of his legislation. The House and Senate passed identical bills providing for a referendum on a constitutional convention limited to enfranchisement of service personnel in what the Times-Dispatch called a "raw performance" during which the people were gagged.[87] But the controversy was not yet over. Moss Plunkett announced that he would seek an injunction to stop the referendum, while John Locke Green, Republican treasurer of Arlington, filed a suit to force the removal of the "informatory," or restricting, statement from the referendum ballot. This was followed by an announcement that Attorney General Staples and State Comptroller Gilmer would institute a "friendly" test case on the legislature's action.[88]

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[86] Ibid., Dec. 5, 6, 1944.

[87] Editorial in ibid., Dec. 15, 1944. The vote in the House was 84 to 6, while the Senate voted 33 to 2 for Darden's proposal. Ibid., Dec. 16, 1944, and News Leader, Dec. 16, 1944.

[88] Times-Dispatch, Dec. 17, 21, 1944; Lynchburg News, Dec. 19, 1944.

The question hung in balance until mid-January, 1945, when the State Supreme Court heard the merged petitions of Green and Gilmer. On January 19th, the decision was upheld by a six to one vote by the Court.[89] No formal decision was issued, however, until late February. It is interesting that the dissenting justice in the case was Chief Justice Clarence J. Campbell, a member of the constitutional convention of 1902 who had voted for the poll tax and who also acknowledged his subsequent long affiliation with the Byrd organization in his dissenting opinion. Chief Justice Campbell said that since the 1902 convention never intended the use of informatory statements on referenda, it was his "conscientious conviction that the act in question is subversive of my every concept of democratic principles."[90]

The restricted constitutional convention eventually convened and revised the state constitution to give Virginia's servicemen the vote without having to pay the poll tax.[91] There was one more incident the following year which illustrated that the opportunity for fraud in state elections was still very much an issue. The Democratic primaries in August, 1945, saw the poll tax

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[89] Times-Dispatch, Jan. 19, 1945.

[90] Staples v. Gilmer, 183 Va. 613 (1945).

[91] Acts of the General Assembly, special session, 1945, pp. 3-7.

emerge only mildly as an issue. The successful gubernatorial candidate, William Tuck, said he would ask the General Assembly to submit the matter to the people in a referendum, but announced no personal position on the poll tax.[92] The real controversy of the election grew out of the narrow victory given Charles R. Fenwick, from Arlington, for lieutenant governor over L. Preston Collins of Marion, both Byrd machine stalwarts. The state-wide vote gave Fenwick 572 more votes than Collins, but there was such a disparity in the Ninth District Wise County returns that Collins's friends urged him to press for a recount.[93]

After a speedy investigation, Collins filed suit in the Circuit Court in Richmond charging vote count irregularities in Pound and Broad Mill precincts of Wise County. The brief filed by Collins quoted the Pound registrar as saying only one hundred votes were cast while 418 votes for Fenwick were reported. Collins also charged that no election was held in one precinct and that "certain election officials" had enclosed sample ballots and instructions to vote for Fenwick with mailed absentee ballots.[94]

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[92] Times-Dispatch, Aug. 8, 1945.

[93] Ibid., Aug. 10, 15, 17, 1945. The Wise County vote was 3,307 for Fenwick, 122 for Collins while the total Ninth District vote was 5,466 for Fenwick, 4,117 for Collins.

[94] Ibid., Aug. 22, 1945.

Circuit Judge Julian Gunn ordered the poll books, ballots, and applications for mail ballots opened for Collins as Fenwick's campaign manager Willis E. Cohoon criticized Collins's action as a "disservice" to himself and his party and hinted the Fenwick forces would be interested in the counties where Collins received similar majorities.[95] The Fenwick forces did eventually file counter charges, but a grand jury investigation subsequently concluded that what errors there were were the result of honest mistakes and no evidence of fraud existed.[96]

The seriousness of this political controversy became more apparent when Preston Collins arrived in Wise County to find that all twenty-six of the county's poll books were missing from the clerk's office.[97] J. A. Gardner, clerk of the Circuit Court in Wise, theorized that the poll books were apparently stolen while he was enjoying a post-primary vacation. One poll book was eventually found, but the investigation of available officially certified returns revealed that the returns for Pound contained only 101 ballots instead of the 400 listed, that some ballots exhibited a similarity in markings and

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[95] Ibid., Aug. 23, 24, 1945.

[96] Ibid., Aug. 27, 30, Sept. 1, 2, 5, 6, 11, 29, 1945.

[97] Ibid., Aug. 25, 1945.

that many were not "strung" as required by law. In the meantime, the Wise Commonwealth Attorney started an investigation to find the lost poll books.[98]

State Republicans relished the discomfort caused the Democrats, going so far as to offer the Governor the assistance of six "widely known" Republican commonwealth's attorneys to assist in investigating the case, and took advantage of the dirty linen by asserting that since there were voting irregularities, state Democrats were removed from the obligation of voting for Tuck in the upcoming race for governor.[99] State Democrats, on the other hand, were deeply embarassed by the disclosure of how political business was conducted in their organization. Governor Darden said that Virginians were "shocked and humiliated" by the events, while the head of the Democratic State Central Committee promised strong party action to prevent similar fraud in the future and "unequivocally" condemned the theft of the election records. Even candidate Tuck, who had avoided a clear stand on election law reform during the primaries, emerged with a promise to strengthen the election laws and even suggested making the act of alteration of election records a felony.[100] Even Senator

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[98] Ibid., Aug. 26, 28, Sept. 3, 4, 14, 15, 1945.

[99] Ibid., Sept. 11, 13, 15, 1945. Darden refused the generous offer of help from the Republicans.

[100] Ibid., Aug. 29, Sept. 14, 18, 24, 1945.

Byrd seemed to place no restraint upon the scope of the investigation. "The gravity of the charges made," Byrd announced, "demands a searching investigation without the suppression of any of the pertinent facts or the protection of any person or persons who may be involved."[101]

The climax of the Wise County episode came when Judge Gunn ordered that Preston Collins's name be placed on the ballot as the official party nominee for lieutenant governor. In his opinion, Gunn declared that he was certain neither Fenwick or Collins were cognizant of the violations of the law by Wise County officials because both were men of high character, not associated with the "political crooks and ballot thieves."[102] But the judge, in reviewing the entire incident, found much to be puzzled with. "In broad daylight," Gunn stated, "someone went into the clerks office, into the vault,. . .took the poll books and walked out without the deputy clerk or anyone else seeing him or them -- 'tis strange, 'tis passing strange."[103]

## CONCLUSION

During the period from 1936 to 1945, Virginia poll tax repeal forces did not achieve their objective on either the Federal or state level, but there was a measure of

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[101] Ibid., Aug. 29, 1945.

[102] Ibid., Sept. 30, Oct. 2, 1945.

[103] Ibid., Sept. 30, 1945.

success obtained. Consideration of the questions surrounding removal of the tax had been extended by the efforts of the Southern Planter and Westmoreland Davis. At least one state Democratic leader, Governor James Price, recognized that the poll tax had seriously effected the conduct of state politics, that changes were necessary and took action. The Senate subcommittee hearings that took place in 1942 focused the attention of the rest of the country on the local political practices of Virginia and other poll tax states, increasing the pressure for some action. Finally, the voter scandals in Wise County in 1945 effectively demonstrated to state political leaders that the time had passed when election frauds would be silently countenanced, even within the Democratic party.

Two other observations can be made about this period. State Democratic leaders were not yet ready to undertake any drastic change regarding the poll tax. The study commissioned by Governor Price that recommended elimination of the poll tax and modification of the literacy test to make it fair and impartial was placed under lock and key and treated only as a matter with which the supervising committee could not agree. When an opportunity was afforded whereby the state political leaders could have made modifications of the state constitution if they had seriously desired to do so, they decided that it was better to secure only the vote for Virginians in the armed forces

rather than to extend the same consideration to those who remained on the homefront.

Secondly, the period from 1936 to 1945 saw the gradual erosion of the basis for support of the poll tax as a prerequisite to voting. Articles appearing in the Southern Planter and other publications portrayed the poll tax requirement as running against the historical tradition of Virginia, and even against the cherished beliefs of the founders of the Democratic party. Through the efforts of Westmoreland Davis and LeRoy Hodges, the disclosure was made that Virginia was losing hundreds of thousands of dollars by insufficient efforts to assess and collect the poll tax, thus weakening the argument that the levy was essential to the financial continuance of the state school system. The Gooch report also brought into question another tenet of supporters of the poll tax. If it could be argued in defense of the tax that more people paid it than eventually voted, thus implying there was no restriction of suffrage in the process, the Gooch committee asked what the poll tax requirement did accomplish. Their conclusion was that if the tax did not restrict, then it did not do anything and supporters could not consistently argue for retention. Lastly, there was the Fenwick-Collins episode. Many Virginia Democrats obviously believed, as the Young Democrats' study of 1939 suggests, that the removal of the tax would allow persons with no sense of

responsibility to be cajoled into destroying the objects of good government. The question to be asked after the Collins investigation revelations was just what aspects of good government were preserved by election laws that would allow such fraud to take place.

There was still one argument that supporters of retention of the poll tax could use. If left alone, it was argued, the poll tax states would work out their own solutions to the tax question, probably even considering the complete removal of the tax, as North Carolina and Florida had done. But the seriousness of the intentions of organization political leaders who proposed changes on their own was open to question.

# CHAPTER IV

## THE FIGHT FOR AN ALTERNATIVE, 1946-1949

The agitation of the ten previous years was but a prelude to the events that transpired between 1946 and 1949. Strangely, however, the major positions that had developed during the early 1940's were reversed. The State Democratic organization led by Senator Byrd could no longer ignore the strong demands for poll tax reform. Opinion for reform crested with the disclosure of the Wise County primary frauds in 1945, and public pressure for repeal increased due largely to the educational efforts of groups such as the Virginia Electoral Reform League. Also, there was the fear that there would be national action to repeal the poll tax. In early 1945, Byrd had received a subpoena from an organization known as "Parents and Wives of Fighting Americans" to appear in a contested election case instituted by Moss Plunkett in an effort at yet another test of the constitutionality of the tax.[1] At about the same time, the Southern Electoral Reform

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[1]Arthur Dunn to Harry F. Byrd, Feb. 9, 1945, box 192, Byrd Papers.

League outlined its new attack on the tax. Contending that the poll tax abridged the right to vote, the League was prepared to demand that the poll tax states either give up the tax or face the possibility of reduced representation as provided for in Section 2 of the Fourteenth Amendment to the Constitution.[2]

Political necessity demands that an organization such as the one that existed in Virginia respond to public pressure if it has the intention of maintaining control. Thus, the Byrd organization found it necessary to yield a bit on the poll tax question, but it carefully attempted to guarantee its continued mastery over state elections. The former organization antagonists suddenly found themselves aligned with the force that had for so long been able to maintain that which they despised. The alliance, however, proved to be an exceedingly short one.

## THE CAMPBELL AMENDMENTS

Poll tax repeal forces in Virginia had gained increased momentum by late 1944. The Richmond Times-Dispatch observed that the tax issue was one of two issues that had

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[2]Arthur Dunn to Harry F. Byrd, Feb. 21, 1945; clipping from New York Post, Jan. 10, 1945, ibid. Byrd and the other Congressmen summoned did not appear at the hearing of the case on the advice of Rep. Hatton W. Sumners (D-Tex.), chairman of the House Judiciary Committee.

brought criticism to the Virginia Democratic leadership. While a governmental study had undertaken to recommend changes in the state's school systems, the primary source of criticism, there had been no serious attempt to institute suffrage reform.[3] Even among the members of the Byrd organization support for some sort of reform was emerging. The first top-flight member of the Byrd machine to advocate repeal of the poll tax was T. McCall Frazier, former director of the Division of Motor Vehicles and member of the Alcohol Beverage Control Board from the Ninth District. Frazier blamed the poll tax for much of the state's ills, charging that the tax not only restricted the electorate "in order that it may be more easily controlled by small cliques," but also that it placed "the dollar mark on public office" putting it "beyond the reach of the man of modest means." Although there was speculation that word had been passed down "the line" for the statement, Frazier maintained that he spoke only for himself, stating that the situation he described was a "recognized fact" in the Third District.[4] Since Governor Darden had been publicly represented as favoring abolition, and since there had been no repudiation of the stand, the Governor and the organization were urged to back Frazier

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[3]Editorial in Times-Dispatch, Aug. 31, 1944; clipping from Times-Dispatch, series 1, box 10, Whitehead Papers.

[4]Times-Dispatch, Aug. 24, Sept. 3, 1944.

and press for repeal, but they remained silent.[5]

The course of the controversy over the proposed constitutional convention to give servicemen the vote revealed that Darden and the organization were not yet prepared to present a plan of reform, but this did not lessen the attacks by proponents of reform. The election scandals could not be easily dismissed.

Pressure for the abolition of the poll tax and suffrage reform had become so strong that the General Assembly, upon recommendation from the Governor, passed a joint resolution at the special session in 1945 to create a commission to study and report changes in the suffrage laws to the next session of the legislature.[6] Senator Stuart Campbell was selected as chairman of the nine member committee, which became known as the Campbell Committee. Robert C. Vaden, W. L. Prieur, Vernon C. Smith, and J. Frank Wysor were also appointed to serve as members.[7] While Vaden had previously sponsored proposals to change the suffrage laws, none of the other members were particularly noted for their reform activity.

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[5]Editorial in ibid., Aug. 24, 1944.

[6]Journal of the Senate, special session, 1945, pp. 20, 32, 80-81, 109. The joint resolution was passed by the Senate on March 23rd by a vote of 38 to 0. The House approved the measure the following day.

[7]Ibid., 1946, document no. 8, p. 1.

Commissioned studies and reports have numerous political advantages. They give the appearance of activity when, in fact, there may be very little. They consume time which allows public attention to be diverted to other matters. In addition, studies often result in reports that effectively avoid the major question. This last point is illustrated by a report issued by the Democratic State Central Committee on December 1, 1945, just two weeks before the Campbell Commission submitted its report to the General Assembly. The Democratic commission, headed by Horace Edwards, considered no changes that would require a constitutional amendment, thus continuing the constitutional poll tax provisions. To insure "fairness and honesty," the commission recommended measures to stop block payments of poll taxes, insure personal payment of the tax, and provide for certification of voting lists by local treasurers.[8]

The Campbell Commission could have pursued a similar course of action if it had chosen. The General Assembly resolution establishing the suffrage commission instructed that it "study and report" changes in the suffrage laws.[9]

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[8]Democratic State Central Committee, "Recommendations for Revision of Election Laws, Dec. 1, 1945," pp. 1, 14-17, box 192, Byrd Papers. The other members of the committee included Virginia G. Jeffereys, John B. Spiers, Gardner Booth, and Lawarence Peyton.

[9]Journal of the Senate, special session, 1945, p. 20.

The majority of the committee was aligned with the Byrd organization and could have effectively skirted the poll tax question and have been assured of organization support. Instead, commission members chose to consider poll tax repeal the main issue and real reason for the study. There were several reasons for assuming this position. First was the seemingly imminent repeal of the poll tax as a prerequisite to voting either through Federal legislation or by constitutional amendment. This would have left Virginia without a major portion of its franchise requirements, thus opening the door to increased registration and threatening the life of the Byrd organization and possibly producing hastily conceived legislation. It might also threaten seats in Congress. Secondly, the action of the General Assembly that had exempted veterans from the payment of the tax made the continuance of the tax difficult. It was estimated by a member of the commission that 200,000 soldiers would return to the Old Dominion by 1947 who would not have to pay to vote. An incidental result of the veterans exemption was that it played havoc with the assessment and collection of the poll tax, not an ideal situation since cries persisted for increased vigilance in the collection of revenue from the tax.[10]

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[10]J. F. Wysor to Harry F. Byrd, Apr. 28, 1945;

Although he made no public statement, Senator Byrd, concerned over the course the commission might take, wrote to E. R. Combs that "if the commission recommends the repeal of the poll tax, it will have a very great effect and will make it more difficult to get a proper alternative."[11] In order to assure that the "proper alternative" was considered by the commission, Byrd turned to one of his associates, J. Frank Wysor, Democratic treasurer of Pulaski County and Campbell Commission member. Byrd and Wysor met at Mountain Lake, near Blacksburg, in early July to consider the plan and recommendations the study commission would make. Wysor described the resulting outline as the "answer to a maiden's prayer," and informed Byrd that "the more I have worked over it, the better I am pleased with it."[12]

The plan that emerged was strikingly similar to the final report the Campbell Commission issued five months later. The section of the state constitution providing for the General Assembly levy of a capitation tax would be repealed. In its place would be a "State School Head Tax"

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Wysor to Byrd, Nov. 11, 1945; Wysor to E. R. Combs, Feb. 1, 1948, box 195; Wysor to Watkins Abbitt, Jun. 29, 1949, box 202, Byrd Papers.

[11]Harry F. Byrd to E. R. Combs, Apr. 30, 1945, box 185, ibid.

[12]J. F. Wysor to Harry F. Byrd, Jul. 11, 1945, box 195, ibid.

of one dollar and fifty cents with the legislature given the right to raise the tax to three dollars. The tax was to be assessed against each person 21 years of age, with no exemptions, and collected as other taxes were with the revenue being racially segregated as to source and also distributed to the schools on a segregated basis. Article II of the state constitution, the franchise article, would be rewritten to exclude all references to the poll tax. The application procedure for registration would remain unchanged, but Wysor believed "it would seem advisable to make this more difficult."[13]

Upon implementation of the Byrd-Wysor plan, central registrars under state supervision would take over all registration books and administer an annual registration. Two classes of voters were created; persons registered prior to January 1, 1904, and persons registered after that date. The first group was the "permanent" class, not subject to the annual reregistration. Persons in the second group, those required to register annually, would be automatically reregistered if they paid their state school head tax. Otherwise, reregistration application

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[13]"Study Of the Right Of Suffrage: Skeleton of a suggested plan to take the place of the present laws, including the State Capitation Tax -- on a referendum," p. 1, enclosure to letter from Wysor to Byrd, Jul. 11, 1945, ibid.

was required to be submitted to the central registrars.[14] Although registration books were to be kept open during the entire year, closing dates for registration to participate in a forthcoming election were set at least three months in advance.[15]

It is not hard to see how this plan offered the "proper alternative" to the poll tax. The main features of the proposal were the annual registration requirement and the closing dates for registration. Under the existing system, the potential voter had to register but once and then see that he maintained his poll tax payments. The Byrd-Wysor plan would have forced the voter to register annually, or pay a school tax that might be as high as three dollars. While the existing system allowed registration up to 30 days prior to an election, the new proposal closed registration books at least 90 days prior to an election. Thus, in order to relinquish the grip of the poll tax, the Byrd organization was prepared to present a program that placed the electorate under increased registration requirements and the possibility of a higher financial obligation in order to vote.

Stuart Campbell readily accepted the Byrd-Wysor

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[14]Wysor suggested a color-coded card system to differentiate between the different rolls, sex and races.

[15]"Study Of The Right Of Suffrage," pp. 2-4, ibid.

plan, suggesting only that the new tax be called a "State School Tax" and that the closing dates be pushed further back. It was decided that during the public hearings held by the commission, proposals should be made by political friends somewhat along the lines of Wysor's outline.[16] Therefore, fully five months before the committee submitted its report, and before any public hearings had been held, Byrd and Wysor had reached their own conclusions as to what form any new suffrage proposals regarding the poll tax should take and had gained approval of the plan by the committee chairman.

But what Wysor had failed to tell Campbell was that he and Senator Byrd had decided to limit the action of the committee so that no definite plan would be submitted until the 1948 General Assembly convened. What was desired was a general outline of proposals with no specific recommendations for legislation until 1948. This approach was designed to delay "controversy", in Wysor's words, and to avoid the possibility of an immediately discredited proposal resulting from adoption of Federal legislation.[17]

The first public hearings by the Campbell Commission

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[16]J. F. Wysor to Harry F. Byrd, Jul. 11, 1945, ibid. Wysor added a postscript that he and Campbell agreed not to say anything about the proposals to Governor Darden until "a little later."

[17]J. F. Wysor to Harry F. Byrd, Nov. 11, 1945, ibid.

were held in Richmond on August 14, 1945. It appears that the public proponents of poll tax repeal were not prepared to present a specific plan for legislation at the hearings, being satisfied with merely restating their objections to the existing election laws. Wysor was elated that this first hearing was "a perfect flop" and speculated that subsequent hearings would be little different.[18] This proved to be true, and as a result the Campbell Commission was allowed to follow its own course of action.

While Wysor tried to delay consideration of a fixed plan, the majority of the commission decided it was charged, by virtue of the resolution establishing it, with the study of the election laws and preparation of a plan to be submitted to the Governor with statutes drawn up to put the recommendations into effect, and, by early November, there were three plans under consideration by the commission.[19] The first plan was that of Chairman Campbell, and was essentially the July outline by Byrd. The second was a proposal by W. L. Prieur that agreed with the abolition of the poll tax but separated the payment of taxes in any form from the right of registration and

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[18] J. F. Wysor to Howard W. Smith, Aug. 28, 1945, ibid. Wysor told Congressman Smith that "only Plunkett and a few labor leaders were there," and that they did not have much to contribute. See also, Times-Dispatch, Aug. 15, 1945.

[19] J. F. Wysor to Harry F. Byrd, Nov. 11, 1945, ibid.

franchise, and did not provide for a state electoral board.[20] A compromise measure was also considered, but the Campbell plan was subsequently revised to include a part of Prieur's plan providing that reregistration be accomplished by voting in the previous general election. When the final vote on the two plans was taken on November 10th, the Campbell proposal carried by a vote of 6 to 3.[21] Although Wysor had not been able to prevent the commission from presenting draft legislation, he concluded that the resulting proposals were "a good plan and well worked out."[22]

When presented to the Governor on December 15, 1945, the Campbell proposal closely followed the outline composed in July, and is interesting in several respects. Of primary importance is the acknowledgement by the commission of the motivation of pending Federal action to amend the Constitution to prohibit the poll tax. Although the report contained the recommendation that payment of

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[20] Journal of the Senate, 1946, document no. 8, pp. 27-28.

[21] J. F. Wysor to Harry F. Byrd, Nov. 11, 1945, box 195, Byrd Papers. Wysor voted for the Prieur plan and described his action as "a rather inconsistent vote." The other vote against the Campbell plan probably came from Vernon C. Smith.

[22] Ibid. Campbell had sent Byrd a draft copy of the commission's proposals on November 7th, and seemed certain there was no threat to the plan. Stuart Campbell to Harry F. Byrd, Nov. 7, 1945, box 185, ibid.

taxes be equivalent to renewal of voter registration, the members believed that this would not conflict with any Federal action to be taken. Since such a possibility would have jeopardized the entire plan, it was decided to have these specific recommendations incorporated into the statutory recommendations, which the General Assembly could then change as it saw fit.[23] The effect of such a scheme would have been to remove the definition of who could vote in elections from the state constitution and place it securely in the hands of the General Assembly.

The second interesting feature of the report was that there were six of the nine members who were not in complete agreement with its recommendations. John Paul, W. R. Shaffer, and Charles J. Smith issued concurring reports that recommended repeal of the Absent Voters law. Vernon C. Smith and Wysor dissented from that much of the plan recommending elimination of the poll tax, while W. L. Prieur issued a minority report that agreed with the abolition of the tax but believed there should be a complete separation between the payment of taxes and the right of registration and franchise.[24]

Finally, the report implied an unchanged attitude in regard to the poll tax even though its elimination was

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[23] Journal of the Senate, 1946, document no. 8, p. 14.

[24] Ibid., pp. 26-41.

recommended. In the words of the commission report, an "impartial review" of the facts had disclosed that "there is no definite relation between the number of poll taxes paid and the number of votes cast."[25] Repeal proponents had been arguing just the opposite since the inception of the tax, but their point was not that there were voters who did not vote even after having paid the tax but that the total size of the electorate was being diminished as a result of the tax. Protests against the tax seemingly had little effect upon the attitude of the Campbell Commission.

Besides discontinuance of the poll tax as a prerequisite to voting, there were five major features to the suffrage plan. Periodic renewal of registration was to substitute as evidence that the voter continued to be a resident of his district and was qualified to vote. A newly created State Board of Elections was to supervise and bring uniformity to the application of election laws. Administration of absentee voting was to be conducted by the electoral board rather than by local registrars. To compensate for the loss of revenue from the poll tax, a school tax was instituted. An important conclusion of the commission was the recommendation that no change be made in registration requirements.[26]

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[25] Ibid., p. 4.

[26] Ibid., pp. 6-10. Other provisions provided for

The three member, bipartisan Board of Elections was to be appointed by the Governor. In turn the State Board would appoint bipartisan local boards who would appoint both the clerks and local judges of elections and conduct registration.[27] The division of voters into two classes, as recommended in the Byrd proposal, was maintained. Persons registered after 1904 were required to renew their registration periodically. The Commission proposed annual registration in the belief it would "cause less confusion. . .and. . .furnish annually a complete, authentic and current list of all persons entitled to vote in any precinct."[28] Registration could be accomplished by any one of three methods: personal application to the local board; payment of all taxes, except real estate taxes, assessed for the preceeding year against the individual; or voting in the preceeding year's election. Such alternatives, the Commission believed, would have the two-fold result of encouraging voting by "rewarding" those who voted with the privilege to vote the following year and by making citizens conscious of their responsibilities and

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secured election ballot boxes, prepublication of ballots, instruction of election officials, final resolution of contested elections before a three judge court, and standardization of penalities for violation of election laws.

[27] Ibid., pp. 12-14, 16-19.

[28] Ibid., pp. 11, 21.

thus aid in the prompt collection of taxes.[29]

One of the taxes to be collected was the new school tax. This tax was to be collected as any other personal tax, but it was suggested collection be facilitated by requiring school tax payment as a condition for the issuance of any license or permit. The tax was not to exceed three dollars per year but the commission recommended one dollar and fifty cents as an appropriate amount. The resulting tax revenue was to be applied exclusively to the aid of public schools. The General Assembly could authorize any city or county boards of supervisors to levy an additional one dollar for local purposes.[30] Conceivably then, a young couple wishing to be married might have to pay eight dollars for their license in addition to the license fee.

## THE OPPOSITION ORGANIZES

When Governor Darden presented the Campbell report to the General Assembly in January, 1946, he expressed his general agreement with its recommendations. The poll tax should be eliminated, Darden declared, because "in a free society the ballot should rest in the hands of all persons of demonstrated competence who evidence an attachment

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[29] Ibid., p. 21.

[30] Ibid., pp. 14-15.

to and an interest in the welfare of the State." The Governor also agreed with the recommendation for a State Board of Elections but believed that local boards should be chosen locally and that re-registration be required only every three or four years because of the expense involved in the proposed annual registration. Darden supported the idea of a school tax and suggested adoption of the three month closing date for registration books proposed in the Prieur minority report.[31]

The General Assembly's evaluation was not as kind as the Governor's, and attacks on the Commission's report were led by both stalwarts of the Democratic organization and Independents. Delegate C. G. Quesenbery argued that the changes suggested would "restrict us more than the poll tax does."[32] Subsequently Quesenbery was joined by Delegate Spiers of Radford, and offered a substitute resolution providing for the repeal of the poll tax without the other provisions of the Campbell plan. The public would only be confused and intimidated by the Campbell plan, Spiers maintained, and they were not willing "to put on their wrists any newly forged shackles of more power and restraint than the poll tax."[33]

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[31] Ibid., document no. 1, pp. 6-7.

[32] Times-Dispatch, Feb. 21, 1946.

[33] Ibid.

In the Senate, Senators Breeden and Tyler of Norfolk offered an amendment to the Campbell plan, based upon the minority report of W. L. Prieur, that provided for the abolition of the poll tax as a requirement for voting and substituted in its place a literacy test. The senators proclaimed that their resolution would give the people an opportunity to vote on the abolition of the tax "in as clear and simple a manner as possible" and at the same time provide a method for having an "intelligent and enlarged electorate."[34]

The Campbell plan passed the House of Delegates by a vote of fifty-seven to thirty-seven on February 20th and the Senate shortly approved the joint resolution proposing amendments to the sections of the state constitution regarding suffrage by a vote of thirty-four to three.[35] J. F. Wysor reported to Senator Byrd that he was relieved that Stuart Campbell had been able to get the suffrage laws through without amendments. "Getting this fixed as it is will keep it from being made an issue of this year," Wysor told Byrd, "unless the would-be repealers actually analyze what the proposals really mean."[36] But the

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[34] Ibid., Feb. 16, 1946.

[35] Ibid., Feb. 21, 1946; Journal of the Senate, 1946, pp. 529-541. The three votes against the resolution were those of Senators Hillard, Neff and Robinette.

[36] J. F. Wysor to Harry F. Byrd, Feb. 22, 1946, box 195, Byrd Papers.

constitution of Virginia required that proposed amendments be passed by two successive sessions of the General Assembly before being submitted to the voters, and this afforded ample time for poll tax repealers to analyze what the proposals would really mean.[37]

There was no session of the General Assembly in 1947 and therefore no podium for views on the Campbell amendments for most state politicians. But the poll tax issue remained in the national and state limelight because of other events. In Washington in June, Harry S. Truman pledged his support for positive safeguards of civil rights in a speech to the National Association for the Advancement of Colored People at the Lincoln Memorial.[38]

During the first two weeks in July, the Committee on House Administration held hearings on House Resolution 29 and seven other resolutions that made unlawful the requirement of a poll tax as a prerequisite for voting in a primary or other election for national officers. The committee heard the Treasurer of Arlington County, John Locke Green, deliver two long statements in support of the anti-poll tax legislation. Green had filed suit in Federal Court on the grounds that Virginia election procedures violated the Fourteenth and Fifteenth Amendments and

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[37] Constitution of Virginia, 1945, sec. 196.

[38] New York Times, Jun. 5, 1947, p. 1.

sought to enjoin assessment of poll taxes.[39] The committee also heard John S. Barbour, prominent Virginia attorney and member of the 1902 constitutional convention, defend suffrage restriction. Citing the case of Minor v. Happersett, decided by a unanimous Supreme Court in the 1870's, Barbour submitted that when the Constitution conferred citizenship, it did not confer the right of suffrage.[40]

While Federal action was still being considered, the President's Committee on Civil Rights issued its report. Committee Chairman Charles Wilson, president of General Electric Corporation, declared the time had come to create a permanent, nation-wide system of guardianship for the civil rights of Americans, and to assure affirmative action by Federal and state organs, the Committee made thirty-five specific recommendations. High on its list was abolition of the poll tax. President Truman promised a close and careful study of the report.[41]

Reaction to the report of the President's committee in Virginia was negative. The Committee on Civil Rights had rolled into one report practically every piece of

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[39]U. S. Congress, House, Subcommittee on Elections of the Committee on House Administration, Hearings, on H. R. 29, H. R. 7, H. R. 66, H. R. 225, H. R. 230, H. R. 668, H. R. 1435 and H. R. 4040, Poll Taxes, 80th Cong., 1st Sess., pp. 1, 92-94. Green's suit was eventually dismissed as a moot question.

[40]Ibid., p. 154.

[41]New York Times, Oct. 30, 1947, pp. 1, 14-15.

legislation which the majority of Southern senators had opposed in recent years. The Times-Dispatch, while doubting the constitutionality of some of the measures if passed, warned that "the results in the Southern States would be even worse than those in the nation under prohibition" because the commission tried to deal with the "explosive" issue of race relations.[42]

The Committee on Civil Rights' report brought to a head a situation that eventually led to the creation of the States Rights Democratic Party in Birmingham, Alabama. In February, 1948, President Truman announced his endorsement of the Committee's findings and proposed to Congress a ten point program of action, part of which urged greater protection of the right to vote through statutory protection and the abolition of the poll tax.[43] At the Democratic National Convention in Philadelphia in July, there was the dramatic walk-out by the Mississippi and Alabama delegations as the convention approved a civil rights platform calling for the abolition of poll taxes in Federal elections, a national anti-lynch law, creation of the Fair Employment Practices Commission and a system of non-segregation in the armed forces.[44] The organization of the

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[42]Editorial in Times-Dispatch, Oct. 31, 1947.

[43]New York Times, Feb. 3, 1948, p. 22.

[44]Ibid., Jul. 15, 1948, p. 1.

Dixiecrat party quickly followed and at the end of the month, the President's anti-poll tax move in Congress was stopped by a filibuster by Southern senators.[45]

The President's action in regard to his civil rights program caused open hostility in Virginia. Late in February, 1948, the Byrd organization and Governor Tuck introduced a proposal in the General Assembly that would allow the state party convention to determine for whom the state Democratic electors would be instructed to vote. Although the proposal had Senator Byrd's endorsement, the General Assembly refused to go along and the organization had to accept an "anti-Truman" proposal that placed the names of Truman's electors near the bottom of the November ballot.[46] Nevertheless, Truman's actions resulted in a strong response from supporters of the Thurmond-Wright Dixiecrat ticket. Speaking to a States Rights group at the University of Virginia, Richmond attorney Collins Denny, with the characteristic venom that marked much of the campaign, described the situation in which many Southerners found themselves. "The Truman people would give us two choices," Denny told his audience of about 150 people. "They say we must either accept the rot and filth

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[45] Ibid., Jul. 18, 1948, p. 1; Jul. 30, 1948, pp. 1, 3.

[46] Ibid., Mar. 21, 1948, sec. IV, p. 7, and Key, Southern Politics, p. 336.

that has soiled the house of our fathers, or else we must leave the house and vote for Dewey." There was a third choice and that was to support the States Rights Democratic Party.[47]

It was against this background of developing events that the second vote on proposing the Campbell amendments came in the closing days of the 1948 General Assembly session. There was little, if any, discussion on the matter. The House passed the measure by a vote of 74 to 15 while the Senate voted unanimously for submission.[48] When Robert C. Vaden brought the measure to the floor of the Senate, one Senator asked for an explanation. There was a long silence, then Vaden yielded the floor to Senator Robert O. Norris for the explanation. Again, there was silence until Norris said, "I have not been advised what the resolution is about." The Lieutenant Governor then explained the measure and the vote was taken "in some confusion."[49] Almost as an afterthought, Senator Edward Breeden noticed that there was no legislation providing for a referendum on the measure. The referendum

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[47] Times-Dispatch, Sept. 29, 1948; see also ibid., Sept. 24, 25, 1948.

[48] Ibid., Mar. 13, 1948. The Times-Dispatch reported the vote as 35 for, one against, with Lloyd Robinette casting the dissenting vote. The Senate Journal, however, reports the vote as 28 to 0. Journal of the Senate, 1948, pp. 1034-1035.

[49] Times-Dispatch, Mar. 13, 1948.

legislation was subsequently given speedy consideration by both chambers and Tuesday after the first Monday of November, 1949, was set as the date for the referendum on the amendments.[50]

The General Assembly could have set the date for the referendum any time during 1948, but chose instead November, 1949, and it appears that the Byrd organization was instrumental in having the vote delayed. The reported reason for the delay was that proper attention and consideration would not have been given to this state proposition because of the Presidential election in the fall of 1948.[51] However, a more valid explanation would be that Democratic stalwarts were not entirely pleased with the possibility of an expanded electorate, especially if Congressional action on poll tax repeal did not materialize. "If Congress takes no action," J. Frank Wysor informed E. R. Combs, "I doubt if the plan will carry unless we make a very strong effort to put it over."[52] Considering the possibility that if Congress took no action, there was the probability of any action being deferred for several years, Wysor argued that the referendum be postponed until

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[50] Ibid., Mar. 15, 1948; Acts of the General Assembly, 1948, p. 1062.

[51] Times-Dispatch, Mar. 13, 1948.

[52] J. F. Wysor to E. R. Combs, Feb. 1, 1948, Feb. 4, 1948, box 195, Byrd Papers.

1949 or 1950.[53] As a result, Byrd advised that the referendum be postponed until after the Virginia gubernatorial primary in 1949.[54] But Wysor also recognized the danger in a delay of the vote. "These people who have been demanding abolishment of the poll tax are not going to be enthusiastic about this proposal when they find that it will continue to keep the electorate curtailed."[55]

Considered as a political move, the delay of the vote offered advantages. The anti-Truman sentiments of the state organization were evident by February, 1948, and a referendum on the poll tax prior to the Presidential election, if successful, would have placed on the registration books a large number of voters who could be expected to show their appreciation by voting for Truman. A favorable vote on the Campbell amendments in November, 1948, on the other hand, would have presented the possibility of a real Republican threat in the upcoming gubernatorial election in 1949. In fact, it did not take the Republicans long to seize the delay as an issue in the 1948 contest. Robert H. Woods, the Republican candidate for the U. S. Senate, charged in October that the Democratic machine had not wanted the poll tax collected properly because it would

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[53]J. F. Wysor to Harry F. Byrd, Feb. 1, 1948, ibid.

[54]Harry F. Byrd to J. F. Wysor, Feb. 3, 1948, ibid.

[55]J. F. Wysor to E. R. Combs, Feb. 1, 1948, ibid.

have put too many persons on the voting rolls and therefore had delayed the vote on tax repeal out of consideration for the gubernatorial primary. "To carry out its purpose," Woods told his radio audience, "the Byrd-Robertson-Tuck machine had its legislative puppets defer the vote on the constitutional amendment until November, 1949."[56]

Although it was never openly acknowledged, there is also another reason why the delay could have worked to the advantage of the state organization. A part of the strategy of the Dixiecrat Party was to deny the South's 127 electoral votes to the other national parties, thus throwing the election into the House of Representatives where each state had one vote. In such a situation, it would have been impossible for any candidate to receive a majority without the eleven votes from the South. This placed these states in a position to extract promises from those they would back. One of these promises would have been that no Federal action be taken to repeal the poll tax in the seven states where it still existed.[57] The major motivation for repeal in states like Virginia would thus have been removed. The Byrd organization could then give

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[56] Times-Dispatch, Oct. 3, 1948, sec. 2.

[57] Sarah M. Lemmon, "The Ideology of the 'Dixiecrat' Movement," Social Forces, XXX (Dec., 1951), 167; New York Times, Oct. 30, 1948, p. 1.

a sigh of relief, withdraw its support from the Campbell plan and watch as it died, with no fear that there was a need for such an alternative.

The Campbell amendments took a backseat to national issues during the remainder of 1948 and did not emerge again until after the Presidential election had passed and campaigning for the gubernatorial primary in August of 1949 began. The gubernatorial race was as furious and wide open as the November election and saw four Democratic candidates competing for the voter's favors. John S. Battle was the Byrd organization candidate, being chased by Horace H. Edwards, Francis P. Miller, and Remmie L. Arnold. Edwards was the former State Chairman of the Democratic State Central Committee, while Miller represented the respectable progressive element of the state and was a Roosevelt New Deal advocate. Arnold, a fountain pen manufacturer, was described as being somewhat to the right of Battle.[58] As might be expected, it was Miller who injected the Campbell amendments into the campaign.

The gubernatorial primary was the most bitter political contest the state had seen in some time. In the closing days of the campaign, there were charges that the Alcohol Beverage Control Board was exerting pressure on its

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[58]Cabell Phillips, "New Rumblings in the Old Dominion," New York Times Magazine, Jun. 19, 1949, pp. 10, 34-35.

employees to vote for Battle, and Arnold's campaign manager reported that he had been offered $10,000 to desert his candidate.[59] Edwards and Arnold attacked the fiscal situation of Virginia and "the old machine" and its professional politicians who forgot their promises to the people, while the real contest developed between Miller and Battle.[60] Being the machine candidate, Battle hailed its responsibility for good government in Virginia and attacked Miller as "definitely nailed as the candidate of out-of-state CIO and labor league organizers."[61] Miller called the Byrd organization "the old man of the sea on Virginia's back," blaming it for inadequate state services because of its backward-looking, unimaginative and undemocratic leadership. The contest gained nationwide attention to see if the progressive tide that had carried Truman back to the White House would sweep Virginia also.[62]

The proposed Campbell amendments might well have become the major issue in the contest had it not been for Battle's charge that Miller was backed by out-of-state labor groups. Battle charged Miller with being a CIO candidate set on changing Virginia's labor laws because of a letter the Battle camp had secured that was sent to

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[59] Times-Dispatch, Jul. 31, Aug. 1, 1949.

[60] Ibid., Aug. 2, 1949. [61] Ibid.

[62] Ibid., Jul. 30, 31, 1949.

state union members by James C. Petrillo, Musicians Union czar, that urged support of Miller.[63] Miller branded the charges as a "tissue of lies" but nevertheless spent most of the campaign attempting to counter its influence.

At first Miller merely attacked the evils of the poll tax, blaming it for the elimination of the Republican party and the increase in voter apathy. The tax had survived, Miller said, because it was in the design of the Byrd organization which had "become completely insensitive to the democratic way of doing things."[64] Later, Miller pointed to the Campbell amendments and the anti-Truman legislation passed by the General Assembly as evidence of the intent of the Byrd organization to deprive Virginians of the benefits of progressive programs being enjoyed by other states.[65] Battle gave his support to the pending proposals, although he doubted their "propriety", and favored any reasonable literacy test and method of annual registration devised by the General Assembly, but was opposed to the appointment of local boards by judges and the three dollar school tax.[66]

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[63]The "Petrillo letter" was eventually published by the Battle forces. See the political advertisement in the Times-Dispatch, Jul. 20, 1949, p. 11.

[64]Newspaper clipping from the Alexandria Gazette, box 95, Miller Papers; Times-Dispatch, Dec. 2, 1948.

[65]Ibid., Jul. 22, 23, 31, 1949.

[66]Ibid., Jul. 26, 1949. Arnold and Edwards joined

The vote in the primary approached the 300,000 mark and Battle emerged the victor by a margin of 24,000 votes over Miller. While the Campbell amendments were not the central campaign issue in this gubernatorial primary, the campaign did arouse a more careful consideration among the liberal elements in the state of the actual effect of the pending proposals. In January, 1949, Virgil H. Goode, Franklin County Commonwealth Attorney and former General Assembly member, announced a personal state-wide campaign against the amendments, which he described as a "political wolf in sheep's clothing." Goode claimed the support of several members of the General Assembly and various liberal groups and organizations in the state but did not name them. Attacking the amendments as "unnecessarily complicated, cumbersome and. . .not easily understandable," Goode predicted more discouragement for voting in elections if the amendments were approved. "I don't believe in the poll tax as a voting requirement," Goode said, "but I don't think this is the way to abolish it -- by substituting something worse."[67]

The ensuing controversy centered around the wording of the referendum to be submitted to Virginians in

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Miller in opposing the amendments but all three favored approval of a referendum to repeal the poll tax altogether.

[67] Ibid., Jan. 13, 14, 1949; News Leader, Jan. 13, 1949

> Question: Shall Sections 18, 19, 20, 21, 22, 23, 25, 28, 31, 35, 38, and 173 of the Constitution of Virginia, which sections relate to the elective franchise, and, among other things, provide for the elimination of the poll tax as a prerequisite to voting, registration and renewal of registration of voters, the establishment of a State Board of Elections, and the levying of a school tax in lieu of the present capitation tax, be amended; and shall the Constitution be further amended by adding Section 31-a, providing for local boards of elections, and 38-a, prescribing the effective date of these amendments?[68]

The problem was that the sections of the Constitution referred to did not provide for the elimination of the poll tax and the other features of the Campbell plan but merely said which sections would be amended. A more precise wording would have included the phrase "so as to provide" after the list of the sections affected and before the list of changes desired. This small point was sufficient to raise the question of how the changes were to be made. Upon investigation, one soon discovered that the General Assembly was invested with the authority to effect the changes. In other words, the General Assembly could determine the qualification for state voters and change them as they saw fit, with no constitutional limitations. This discovery was enough to stimulate the state's liberal forces to action.

Robert Whitehead raised this issue shortly after the

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[68]See Virginia Right to Vote League broadside in appendix.

gubernatorial primary in August in a letter to Attorney General J. Lindsay Almond. Whitehead asserted that the wording of the question submitting the amendments to the people did not do what it said and was "false" and "misleading", and asked for Almond's opinion. The Attorney General replied that the confusion could be blamed on "an inadvertence which went unnoticed by the members of the Legislature," but maintained that the referendum question validated by a majority vote would repeal the poll tax, provide for new registration and annual re-registration, and allow for a three dollar school tax if the General Assembly so provided. "The otherwise misleading effect of the form of the question is overwhelmed by the known and obvious," Almond declared.[69]

Almond's opinion aroused the political independents and poll tax repeal forces. Organized local opposition had already begun to appear by the end of September. At a meeting at the YWCA on September 26, the Richmond Committee Against the Proposed Amendments to the Constitution was organized with Democratic, labor and Negro support. In a letter to prospective members, the committee declared that it desired to see the poll tax repealed, but that its members believed the Campbell plan

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[69]Newspaper clipping, unidentified, box 95, Miller Papers; Times-Dispatch, Sept. 14, Oct. 5, 1949.

"could become a severer burden on voters than the poll tax ever was."[70] On October 6, twenty-three people met in Richmond in an effort to organize to promote discussion of the Campbell amendments and inform the public of their deficiencies. The group was composed of individuals from several sections of the state but most prominent were former Miller backers -- Whitehead, Beecher Stallard, and Louis Spilman, publisher of the Waynesboro News-Virginian -- and followers of Horace Edwards and Remmie Arnold.[71] The result was the formation of an organization consisting of Democrats, Republicans, Independents and labor forces, with the design of defeating the Campbell amendments, to be known as the Virginia Right to Vote League.[72]

Virgil Goode was selected as chairman but the fight was led by Miller, Whitehead and Martin Hutchinson. Both

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[70]Mimeographed letter from the Richmond Committee Against the Proposed Amendments to the Constitution, Sept. 30, 1949, box 18, Martin A. Hutchinson Papers, University of Virginia Library, Charlottesville, Virginia. Hereafter cited as Hutchinson Papers. People attending the organizational meeting included Hutchinson, Charles C. Webber of the C.I.O. Political Action Committee, Dr. J. M. Tinsley of the NAACP, Dr. Leon Reid of the Richmond Civic Council, Marvin Caplan of the B'nai B'rith, and Adele Clark of the League of Women Voters. "People attending the anti-voting amendment meeting at the YWCA on Sept. 26, 1949," ibid. The letter to prospective members was signed by Tinsley, Clark, Caplan, and Howard H. Davis of the Richmond Committee for Civil Rights.

[71]Times-Dispatch, Oct. 6, 1949.

[72]Ibid., Oct. 9, 1949.

Miller and Whitehead attacked the pending proposals as confusing and misrepresenting, calling the amendments "a cockeyed jack-in-the-box," and declared the amendments a matter that concerned all members of both parties in the state. The League adopted resolutions calling for the defeat of the referendum in November and the summoning of a constitutional convention in 1950 to end the poll tax and establish a literacy test as the only requirement for voting.[73]

Specifically, the anti-amendment forces feared the discretion given to the General Assembly in determining voter qualifications. If the amendments were passed, it would be impossible to say what the essential qualifications of a voter would be until after the legislature took action. The League would rather have seen the fundamental qualifications fixed in the state constitution.[74] The fear was that the question of voter qualification would become a political issue in future elections and result in an unacceptable degree of instability. In addition, since no limitation was placed upon the power of the legislature in fixing qualifications, anti-amendment forces feared the abuse of any literacy test requirement that might be devised

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[73] Ibid.

[74] "Notes on Proposed Amendments to the Constitution," undated, p. 3, box 18, Hutchinson Papers.

and desired that this also be incorporated into the constitution rather than be subject to change by the legislature. Finally, the requirement that voters re-register 120 days prior to an election was deemed unreasonable since the present system allowed voters to register thirty days prior. This single feature of the Campbell plan was "highly objectionable" to League members and reason enough by itself to call for defeat of what Hutchinson termed a "hand-me-down constitution."[75] Dr. Luther P. Jackson, Negro professor of history at Virginia State College who had studied Negro voting since 1940, estimated that the periodic registration requirement alone would reduce the number of voters by ten to fifteen percent, while other Negro and labor leaders were especially fearful of the literacy requirement because of the proportionately higher percentage of illiteracy among their organizations.[76]

To the already existing organizational structure of the labor unions, League of Women Voters, NAACP, and the Virginia Civil Rights Organization, the defeated gubernatorial candidates brought their state-wide organizations of supporters. Miller opened an office in Charlottesville to coordinate these activities in an effort to "rebuild

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[75] Ibid., pp. 4-5; Times-Dispatch, Oct. 18, 1949, Voice of the People letter from Howard H. Davis.

[76] Ibid., Oct. 9, 17, Nov. 7, 1949.

the Democratic party in the State and to broaden the inalienable right of the franchise." Part of the plan, in addition to stimulating public discussion of the amendments, was to secure poll workers on election day to explain the reasons for the defeat of the Campbell amendments.[77]

The fears of the Byrd organization that the poll tax repeal forces would analyze the Campbell plan and discover that Virginia's electorate would continue to be curtailed if the amendments were adopted had been realized. This had happened even before the primary vote. J. F. Wysor confided to Senator Byrd that "it is going to be difficult to explain these proposals to the people," finding that those he talked to merely threw up their hands and said "too complicated."[78] Wysor and Senator Byrd believed, however, that the majority of voters were willing to follow the advice of leaders in whom they had confidence and encouraged state leaders to convey their confidence in the measure to the public.[79]

Machine stalwarts took to the stump throughout the

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[77]J. Deering Danielson to Luther P. Jackson, Oct. 10, 1949; Francis P. Miller to Luther P. Jackson, Oct. 31, 1949, box 76, Miller Papers.

[78]J. F. Wysor to Harry F. Byrd, Jun. 29, 1949, box 202, Byrd Papers.

[79]J. F. Wysor to E. R. Combs, Sept. 27, Oct. 16, 1949; J. F. Wysor to Watkins Abbitt, Jun. 29, 1949, ibid.

state. Stuart Campbell, who was now out of the General Assembly, enumerated the advantages and improvements his plan offered. Bipartisan control of every step in the election process, adequate safeguards to prevent fraud and criminality, fixed electoral responsibility, elimination of the poll tax, and "indisputable" voter lists were all benefits that he concluded would come from passage of the referendum.[80] Proponents of adoption faced opponents on radio forums broadcast across the state. On one such broadcast, John J. Wicker charged his opponent, Beecher Stallard, with being associated with anti-organization men who had deliberately fomented and disseminated false information and with being allied with the NAACP and the Communist party, while Stallard attacked the amendments as giving the General Assembly a "blank check" for action.[81]

To this point the strongest statements of support for the Campbell plan had come from Attorney General Almond. As a cue for other members of the Democratic organization to step forward and voice their support, Governor Tuck broke his usual silence to announce his support for the the plan, calling it a "forward step of lasting benefit to

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[80] Times-Dispatch, Oct. 2, 1949.

[81] Undated clipping from Times-Dispatch, series 1, box 10, Whitehead Papers.

the people of Virginia."[82] Senator Byrd followed Tuck in announcing support, declaring that the amendments represented the "patriotic judgment, first of the bi-partisan commission appointed to make the recommendations, and secondly, the judgment of two sessions of the General Assembly. . . ." Byrd charged the amendment opponents with confusing the actual effect of the amendments by asserting that certain recommendations would be written in, when, in fact, such provisions were to be left to future action by the General Assembly.[83]

At a meeting in Richmond on October 23rd of 150 Democratic committee chairmen and members of the Third District, organization heirarchy turned out in force to support the amendments and attack the opposition for false and misleading propaganda. Noting that the amendment opponents had in the past fought for poll tax repeal, Attorney General Almond concluded that this group now did not "want Virginia to get credit for bringing about the reform they've cried for--they want the alleged reforms to emanate from Washington." Lieutenant Governor L. Preston Collins and Richmond Congressman J. Vaughan Gary predicted congressional action if the state did not act, while

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[82] Times-Dispatch, Oct. 23, 1949; News Leader, Oct. 24, 1949.

[83] "Statement -- Oct. 24, 1949 on the Amendments to the Virginia Constitution," box 405, Byrd Papers; News Leader, Oct. 24, 1949.

gubernatorial candidate John S. Battle promised the audience that a statement was forthcoming listing the reasons for his support. The meeting adjourned after the committeemen reported the expectation of a big "quiet" vote for the amendments in November.[84]

The fire from the Byrd organization was returned in kind from the anti-amendment forces. Martin A. Hutchinson charged that Almond's judgments about the wisdom, patriotism, and purity of purpose of anti-amendment forces were much like his legal opinions, "more notable for their political expediency than for the ennunciation of wise and sound legal principles."[85] Asking rhetorically why the chief supporters of the amendments were the long-time officeholders, Hutchinson concluded that the group must recognize that the Campbell amendments would make it easier to control the legislature by limiting and restricting the right to vote. And if there were still those who did not fear the arbitrary nature of the legislature, Hutchinson reminded them of the recent attempts to keep Truman's name off the Presidential ballot and to vest in the Democratic State Central Committee the power to cast the electoral vote of Virginia for whomsoever it desired.[86]

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[84] Times-Dispatch, Oct. 24, 1949.

[85] Undated typescript replying to charges by Almond, p. 1, box 18, Hutchinson Papers.

[86] Ibid., pp. 2-3.

Since amendment proponents predicted confusion and chaos in the event Congress outlawed the poll tax as a prerequisite for voting and Virginia did not adopt the Campbell plan, anti-amendment forces saw the proposals as a "loaded package" being forced on citizens of the state in the name of political expediency. "That is the real reason back of the submission of these amendments," Hutchinson declared.[87]

Although the Democratic machinery in the state attempted to deny that the poll tax question was a campaign issue and stressed the bipartisan formulation of the Campbell proposals, the amendments had quickly overshadowed the gubernatorial campaign. The Republican candidate for governor in the upcoming election, Walter Johnson, made what use he could of the Campbell amendments controversy, attacking the amendments as a good example of the Byrd organization philosophy of government and characterizing it as "a bold effort to deprive [Virginians] of your inherent right to vote."[88] The anti-repeal forces also attacked the Democratic organization's bipartisan claim by attacking its use of party meetings, such as that in Richmond on October 23rd, as springboards for mounting a campaign for the amendments.[89]

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[87] Ibid., p. 1.

[88] Times-Dispatch, Nov. 6, 1949.

[89] "Statement of Martin A. Hutchinson and Robert Whitehead, Richmond, Nov. 4, 1949," box 18, Hutchinson Papers.

The Virginia Right to Vote League and the other forces allied with it had conducted a successful campaign. As election day approached, more and more voices were raised against the Campbell plan. Non-metropolitan newspaper editorials voiced rejection of the plan either because of the vagueness of the power given the General Assembly or because of the belief that the effect of the amendments would be to further restrict or retard voting.[90] Usually non-political groups, such as the Virginia Council of Churches, voiced their disapproval of the plan because of its general vagueness.[91] Negro organizations, such as local black Democratic clubs, non-partisan leagues and biracial citizens committees, stirred opposition to the amendments because of the provisions giving the legislature control over standards to be met for registration.[92] Perhaps the attitude of Negro leaders is best expressed by the Virginia Voters' League letter to its members. "We want the poll tax abolished," the League director wrote, "but we want it done in another way and as soon as possible."[93]

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[90]Editorials from the Blue Ridge Herald (Purcellville, Va.), Dickensonian (Clintwood, Va.), Bristol Herald Courier, and News-Virginian (Waynesboro, Va.), box 95, Miller Papers.

[91]Times-Dispatch, Oct. 25, 1949.

[92]Journal and Guide, Nov. 5, 12, 1949.

[93]Luther P. Jackson to Francis P. Miller, Nov. 4, 1949, box 76, Miller Papers.

Surprisingly, the Campbell amendments did receive support from an important source. The proposed plan gained the approval of the state's two largest newspapers, the Richmond Times-Dispatch and the Norfolk Virginian-Pilot. However, the approval of these newspapers came only reluctantly at best. Both papers saw danger in allowing the General Assembly to determine the qualifications for voters; both recognized that annual registration could curtail the electorate; and both admitted that the wording of the proposal to be submitted in the referendum could not have been more confusing if a determined effort had been made to make it so. The poll tax had played such havoc with the state's political system, however, that the best judgment of both newspapers demanded that its removal be accomplished. Even with its flaws, the Campbell amendments did provide for the removal of a greater flaw.[94]

Despite the heated debate that accompanied the coming referendum and election, there were still some voters who did not know which way to turn. Three weeks before the election, Wysor informed Senator Byrd that "the people don't know what to do about the amendments." "They don't understand definitely what is proposed and there is no hope of enlightening them."[95] One correspondent to the

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[94]Editorials in Times-Dispatch, Oct. 6, 13, 17, Nov. 6, 1949; Virginian-Pilot, Oct. 12, Nov. 6, 1949.

[95]J. F. Wysor to Harry F. Byrd, Oct. 16, 1949, box

Times-Dispatch offered a bit of poetry entitled "Voters Soliloquy."

> To vote for, to vote against, that is the question.
> Whether 'tis better in the State to suffer
> The slings and arrows of outrageous poll tax:
> Or to embark amid a sea of sections
> That by amending ends it. . . .[96]

Despite such lingering confusion, Virginia had probably not experienced such political debate in over twenty years, and local sources predicted a voter turnout of 200,000 to 250,000 due to the attention given the Campbell amendments.[97]

When the polls closed on November 8th, the extent of the success of the anti-amendment forces became apparent. The referendum results in state districts ranged from two to six votes against the Campbell plan for every favorable vote for it.[98] No city or county was carried for the proposals, and in Nelson County, home of Robert Whitehead, the amendments were defeated by a vote of 127 to 1118.[99] The statewide final tally revealed that the Campbell amendments had been defeated by a margin of almost four to one,

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202, Byrd Papers.

[96]Times-Dispatch, Oct. 18, 1949, Voice of the People letter from Adele Clark.

[97]Ibid., Nov. 7, 1949.

[98]Vote tally, by districts, Nov. 9, 1949, box 95, Miller Papers.

[99]Times-Dispatch, Nov. 29, 1949.

and that over 250,000 Virginia voters had participated.[100]

## CONCLUSION

Careful consideration of the events of 1949 leads to the conclusion that the chief motivation for formulation of the Campbell amendments was the fear on the part of the state Democratic organization of Federal action to repeal the poll tax as a prerequisite to voting in Federal elections. The fear was a justifiable one, for if Congress acted, Virginia would have been forced into either maintaining a cumbersome system of dual registration books or resorting to the existing system of election laws minus the poll tax provision. It was difficult to ignore the belief of Senator Byrd and other state political leaders that Federal legislative action would soon force repeal.[101] In this light, the charge by the anti-amendment forces of political expediency does not seem realistic. The point of difference between the two groups, however, was that while the state poll tax repeal forces saw the levy as an impairment of the inherent right to vote in elections, the Byrd

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[100] Ibid. The final vote count was 56,687 for the Campbell plan, 206,542 against it.

[101] Ibid., Oct. 7, 1949. Senator A. Willis Robertson, a supporter of the Campbell plan, predicted Federal action in early 1950, and was fearful for state elections if the plan did not pass. See also the letter by Representative Burr Harrison, News Leader, Jun. 21, 1949.

forces could draw no connection between the payment of the poll tax, the number of votes cast and the size of the electorate, thus opening themselves to the charge of expediency.[102] Throughout the pre-election debates, the anti-amendment forces stressed that the features of the Campbell plan were directed at "creating and maintaining government of the few in place of representative democracy."[103]

Two reasons appear as the cause for the ultimate defeat of the Campbell proposals. Arguments by critics that the changes contained in the Campbell plan implied worse restrictions on the electorate than the poll tax were never effectively answered. This led naturally to an examination of possible motives behind the proposals, and in a state where the General Assembly had only recently attempted to remove the Democratic Presidential nominee from the ballot and also give Democratic electors a carte blanche, the organization's stated motives were clearly open to question. Even at best, Democratic stalwarts had difficulty explaining the confusion of the wording on the referendum, attributing it to legislative "inadvertence" and contending that it was overcome by the

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[102] See especially, Journal of the Senate, 1946, document no. 8, p. 4.

[103] Times-Dispatch, Nov. 4, 1949, remarks by Miller at the William and Mary Voters League meeting.

"known and obvious."[104] Secondly, it appears that the Byrd organization did not send "the word" down the organizational line in time, or with enough force, to be convincing. This means that the courthouse, or rural faction, did not give its wholehearted support. Even in the southside districts, where the Byrd machine was strongest, the referendum returns ran heavily against the amendments. Ignorance of the lack of support in the rural sections cannot be pleaded, for in mid-October the Times-Dispatch called attention to the necessity of applying "the heat" to the conservative courthouse faction and stirring enthusiasm among the Governor elect, state legislators, and the man who had drafted the plan, if the militancy of the opposition was to be overcome.[105]

It is doubtful that the vote on the Campbell plan was in any way a true test of the strength of the Democratic state organization. The lines of conflict over the amendments were not necessarily drawn along pro- or anti-machine lines. The reluctance on the part of the courthouse faction to accept and endorse the amendments stemmed from the fact that a large number of the group saw definite advantages to retention of the poll tax, despite impending Federal action. In mid-October, Armistead L. Boothe of

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[104] Ibid., Oct. 5, 1949.

[105] Editorials in ibid., Oct. 17, Nov. 9, 1949.

Alexandria, a supporter of the Campbell proposals, predicted defeat because "a great many conservatives, who do not want the poll tax repealed, will vote against the amendments."[106] Privately, some organization Democrats said they would get out of politics if the "rabble" were allowed to vote without paying the poll tax.[107]

For the opponents of the Campbell amendments, the defeat carried important implications. Perhaps most important to this group was the belief that the vote indicated the degree of trust given the General Assembly by the electorate. In a post-referendum statement, Martin Hutchinson declared that the people of Virginia had shown by their convincing rejection of the Campbell plan "that they know the difference between constitutional government and government by the legislature."[108] In addition, the fight over the Campbell amendments brought together by means of the Virginia Right to Vote League on the local level those elements of the electorate that had proved such a powerful force in national politics, increasing the contact between independent Democrats, labor forces and Negro organizations. The unanimity and strength of

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[106] Ibid., Oct. 18, 1949.

[107] Horn, "Growth of the Democratic Party," p. 243.

[108] Typescript statement, Nov. 9, 1949, box 18, Hutchinson Papers.

the Negro opposition to the Campbell amendments is especially noteworthy and is evidenced by the fact that in the predominantly black precincts of Norfolk, the balloting on the referendum ran 1,231 votes against the plan with 62 votes for it.[109] After the results were tabulated, the Negro Norfolk Journal and Guide warned those in political control to read the returns correctly and make the necessary changes or they themselves would be overwhelmed as the Campbell amendments had been.[110] In attempting to combat voter apathy, nothing is more vivid than a demonstration that the individual voter does indeed make a difference.

The Virginia referendum also had its national implications. Using states such as North Carolina as an example, some Southern Senators had argued against Federal poll tax legislation by stating that if left alone the Southern states would solve their own problems, probably by action to repeal the poll tax levy.[111] The Virginia vote appeared to be a denial of this claim and weakened one of the arguments for Federal inaction.

The task ahead of the poll tax repeal forces seemed to be a clear one: capitalize upon the momentum generated

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[109] Journal and Guide, Nov. 12, 1949.

[110] Editorial in ibid.

[111] New York Times, Nov. 10, 1949, pp. 1, 5.

by the discussion of the Campbell amendments and the organization of forces that brought its defeat. To repeal leaders like Miller, Hutchinson and Whitehead, possibility of removal of the tax never appeared closer to reality, and they accepted the challenge. "The fight to reform the franchise provisions of our constitution must and will be continued," Hutchinson declared, "until the people have been given a fair and just opportunity to vote upon the repeal of the poll tax. . . ."[112]

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[112]Typescript statement, Nov. 9, 1949, box 18 Hutchinson Papers.

# CHAPTER V

## CONCLUSION

Poll tax repeal forces acted quickly to capitalize on the momentum generated by the Campbell amendments. The day following the defeat of the proposals, Martin Hutchinson, Francis Miller and Robert Whitehead called for a state constitutional convention to consider removing the poll tax. To the anti-amendment forces, the vote against the Campbell plan was not a vote against repeal of the tax but rather a vote against a "specious and indefensible plan to further restrict and encumber the right to vote put forward by a political leadership which mistrusts the people."[1]

The call for a constitutional convention immediately raised questions. The Campbell commission had made statutory recommendations relating to the suffrage system that could be enacted by the General Assembly. Was it therefore necessary for a constitutional convention to be called? The Richmond Times-Dispatch, a supporter of the

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[1]Typescript statement, Nov. 9, 1949, box 18, Whitehead Papers.

amendments, believed that it was time for the state political organization to find a solution to the suffrage problem, but did not favor calling a convention because of the time and money involved.[2] The most important people, the top members of the Byrd organization, sealed the fate of Hutchinson's proposal with their silence. Governor-elect Battle would make no comment, while Tuck as the outgoing governor refused to make any recommendations. The Byrd organization had decided to let the electorate "stew in its juices" for awhile.[3]

Early in the 1950 General Assembly session, bills were introduced in both chambers by Whitehead and others to eliminate the poll tax and other restrictive suffrage laws, along with resolutions calling for a constitutional convention. The House passed the poll tax repeal measure by a vote of 73 to 20, but the Senate Privileges and Elections Committee killed it with a five to four vote. State Senator Harry F. Byrd, Jr., said the Senate committee had too little time to consider the measure.[4]

Efforts to repeal the tax during the 1952 session also met defeat. After defeating amendments recommended

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[2]Editorial in Times-Dispatch, Nov. 11, 1949.

[3]Ibid., Nov. 10, 11, 1949.

[4]Journal of the House, 1950, pp. 246, 366, 494, 1049; Journal of the Senate, 1950, pp, 87-88; New York Times, Mar. 13, 1950, p. 2.

by the House Privileges and Elections Committee to raise the tax to three dollars, the House passed a repeal measure introduced by Walter A. Page by a vote of 60 to 38. When the bill reached the Senate, it, along with all other poll tax repeal measures, was killed by the Privileges and Elections Committee. One General Assembly member defended the session's action by saying the people had settled the poll tax question by defeating the Campbell plan in 1949. Ignoring the House vote, the Senate committee said it killed the measure because there was "no demand" for such legislation. Their action meant that there was no possibility for repeal until 1957.[5]

During the 1954 General Assembly session, poll tax repeal supporters could not win approval of their plans in the House. The House Privileges and Elections Committee killed a repeal measure with the clear backing of the Byrd organization, with Democratic Floor Leader Edmund T. DeJarnette and House Democratic Caucus Chairman John Warren Cooke taking the lead. DeJarnette's objection was that if approved by the 1954 and 1956 General Assembly sessions, the repeal measure could possibly be voted on in the November, 1956 general election for president. "I do not believe the questions should be submitted to the people

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[5]Journal of the House, 1952, p. 27; Times-Dispatch, Feb. 22, Mar. 4, 1952.

during a presidential election year," DeJarnette said in a statement reminiscent of earlier arguments on the same issue. And by the time the 1954 General Assembly ended, the attention of state politicians was directed to the Supreme Court and its decision in the case of Brown v. Board of Education of Topeka. Subsequently, the debate over the poll tax was replaced by a more heated debate over massive resistance and interposition.[6]

It would be a mistake to view the failure of poll tax repeal forces to remove the tax as a complete defeat. There were gains incidental to the campaign against the tax that were of lasting value. This is in no case truer than for the Virginia Negro. The political frustration of this group, as exemplified by the futile legal attempts to regain the suffrage immediately after the constitution of 1902 went into effect and the abortive lily black Republican effort in 1921, eased when the national courts began to grant admission to the white primary and clarified registration procedures. Negro attention in Virginia turned to the problem of the poll tax, first in efforts to ensure that blacks paid the tax, and then to organized efforts to have the tax repealed. At the beginning this organization was local, being encouraged by religious, social and fraternal groups. Coordination was given when

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[6]Ibid., Feb. 20, 1954; New York Times, Dec. 15, 1955, p. 18.

the Virginia Conference of Branches of the NAACP was organized, when A. W. E. Bassette established the United Civic League of Virginia, and when Luther P. Jackson organized the Virginia Voters' League. Individuals such as Bassette, Jackson and P. B. Young, Jr., of the Norfolk Journal and Guide, spoke out effectively against the poll tax, and began to work effectively with white organizations with similar goals.

The cooperative organization of Negroes and whites produced results, as evidenced by the campaigns in Richmond by Oliver W. Hill for a General Assembly seat in 1945 and 1947. Hill was not successful in his first two attempts, but the coordination developed as a result between blacks and the white political powers, especially the white labor group, set the pattern for later political unity and revealed to the Democratic organization that as the strength of the Negro vote increased, it would be necessary to seek out their leaders in an effort to gain support.[7]

Organized Negroes and whites also tested the sincerity of states' rights politicians of Virginia who claimed that enactment of civil rights legislation belonged

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[7]News Leader, Aug. 6, 1947, and Times-Dispatch, Aug. 7, 1947, discuss the outcome of the 1947 effort by Hill, a Richmond attorney. See also, Henry L. Moon, Balance of Power: The Negro Vote (Garden City, N. J., 1949), pp. 164-165.

not to the Federal government but to the states. In February, 1948, the Virginia Civil Rights Organization, a federation of all bodies working for the attainment of civil rights, submitted bills to the General Assembly to repeal state statutes on the separation of the races on common carriers and in public assembly. Challenging the line of argument that Federal action was an outside interference with Southern affairs, members of the Virginia Civil Rights Organization went to the General Assembly, not as outsiders, but as native born Virginia citizens. The failure to secure the desired legislation demonstrated that the arguments against outside Federal interference were at best specious, that the states' rights group did not want civil rights legislation regardless of where it was presented or by whom it was presented.[8] When one considers that this attack was followed by the attack on the Campbell amendments in 1949, it is apparent that the traditional political forces in the state were on the defensive both locally and nationally.

The effects of these coordinated efforts in various areas, not just the poll tax, appeared in such ways as a change in registrar attitudes. Luther Jackson reported in April, 1949, that "among the thousand or more [registrars]

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[8]Luther P. Jackson, "Virginia and Civil Rights," Virginia and the Civil Rights Program (Charlottesville, Va., 1950), p. 47.

in Virginia the overwhelming majority are receptive to colored applicants and draw no color line," and that in scarcely no instance would a registrar hold out permanently against a Negro "if he shows a spirit of determination to become a qualified voter."[9] As a result, Negro registration was increasing. And there were signs of Negro political consequence -- Oliver Hill was elected to the General Assembly in 1948 -- and by 1950, the Virginia Voters' League pamphlet recorded longer lists of Negro candidates offering for public office.[10]

The campaign against the poll tax also had consequences for white Virginians. With the emergence of respectable opposition to the tax, Virginians witnessed the slow challenge to the assumptions upon which the levy was based. Westmoreland Davis through the Southern Planter, and later Virginius Dabney through his books and as editor of the Times-Dispatch, emphasized the effects of the tax upon the population of the state, the loss of school revenue each year because of governmental inefficiency, and the tardiness of Virginia in the field of progressive social legislation. The Gooch report, commissioned at the insistence of Governor James Price, effectively

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[9] Ibid., p. 43.

[10] Annual Report of the V. V. L., 1948/1949, p. 6; 1949/1950, pp. 5, 14.

demonstrated the illogical nature of the argument for retention of the tax as a voting prerequisite. The scandals in Wise County in 1945, occuring at a time when the political organization was expounding the virtues of Virginia's good government, pointed up dramatically the corruption that was still possible under the existing election system. Even the debate and the vote on the Campbell amendments proved helpful. After years of hesitation, the Byrd organization finally presented a suffrage reform plan to the electorate, albeit an imperfect one designed to assure their continued control, demonstrating that they were at least capable of some action. In addition, the anti-amendment forces could look to the defeat of the Campbell plan as a victory. They were given a forum to educate Virginia voters on the evils of the poll tax and were able to get over 250,000 people to the polls to vote, no small feat in itself. The rejection of the Campbell plan, much as the rejection a year earlier of the plan to end segregation on public carriers, weakened the Southern claim in Congress that if left alone, the Southern states would take action to remove suffrage restrictions. It was becoming increasingly evident by 1950 that Federal action was the best hope of forcing some sort of state action.

Much of the debate over the poll tax between its inception and 1950 was a struggle to change public opinion.

Dr. Luther P. Jackson pointed out in 1949 that the changes brought about in regard to Negro civil rights had come as a result of a change in public opinion. Public opinion also sustained the advances and backed the victories won in the courts. "It does not seem likely," Dr. Jackson said, "that the clock of time will be turned back to the very inferior position in society the Negro occupied a half century ago."[11] In some respects, Dr. Jackson was correct, but the advances made by the Negro and whites against the Virginia poll tax were not fully rewarded until 1964 with the enactment of the Twenty-Fourth Amendment to the Constitution.

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[11]Jackson, "Virginia and Civil Rights," p. 49.

# APPENDICES

# APPENDIX A

The following figures were collected by Tipton Snavely to illustrate the rising delinquency percentages for poll tax payment by Negroes and whites in Virginia from 1903 to 1914. For the three years prior to the adoption of the state constitution of 1902, white delinquencies were 26.4%, while Negro delinquency rose from 47.7% to 52.7%.[1]

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[1]Snavely, Taxation of Negroes in Virginia, p. 35.

| Year | Assessments | | Delinquencies | | % Delinquent | |
|---|---|---|---|---|---|---|
| | Whites | Negroes | Whites | Negroes | Whites | Negroes |
| 1903 | $398,507 | $186,330 | $ 99,597 | $106,401 | 25.0 | 57.1 |
| 1904 | 413,408 | 186,934 | 109,865 | 106,714 | 26.6 | 56.7 |
| 1905 | 423,210 | 189,579 | 119,526 | 112,015 | 28.1 | 59.1 |
| 1906 | 424,822 | 188,257 | 119,278 | 114,162 | 28.1 | 60.6 |
| 1907 | 439,334 | 188,674 | 125,050 | 113,568 | 28.5 | 60.2 |
| 1908 | 456,557 | 192,371 | 132,094 | 117,468 | 28.9 | 61.1 |
| 1909 | 469,226 | 194,592 | 132,634 | 118,613 | 28.3 | 60.9 |
| 1910 | 467,987 | 195,024 | 136,791 | 124,371 | 29.2 | 63.9 |
| 1911 | 474,449 | 196,300 | 144,595 | 123,342 | 30.5 | 62.9 |
| 1912 | 482,388 | 194,090 | 146,915 | 122,402 | 30.4 | 63.1 |
| 1913 | 488,855 | 191,865 | 149,481 | 119,669 | 30.5 | 62.4 |
| 1914 | 495,817 | 193,941 | 152,893 | 125,116 | 30.8 | 64.6 |

# APPENDIX B

The following charts were prepared by Dr. R. N. Latture of the School of Commerce and Administration at Washington and Lee University for Francis P. Miller in 1934.[1] It is interesting to note that it was not until the 1920's that the actual vote for President and Governor reached pre-1902 levels, and that the average percentage actual vote after 1902 was 17.6% as compared to 56.8% prior to adoption of the new constitution. The adoption of the 15th Amendment, while increasing the number of potential voters, did not appear to have effected the percentage of votes cast in Virginia.

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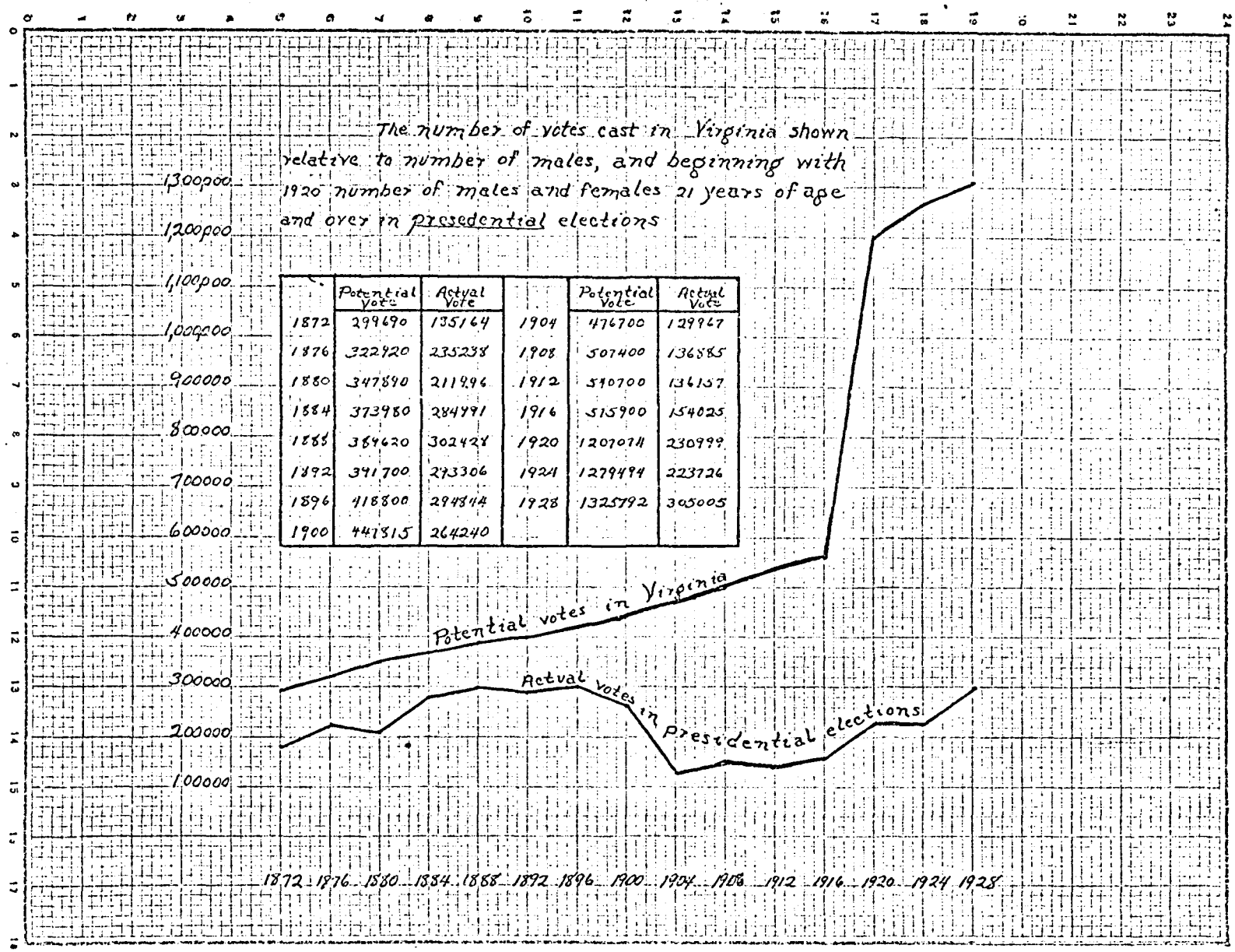
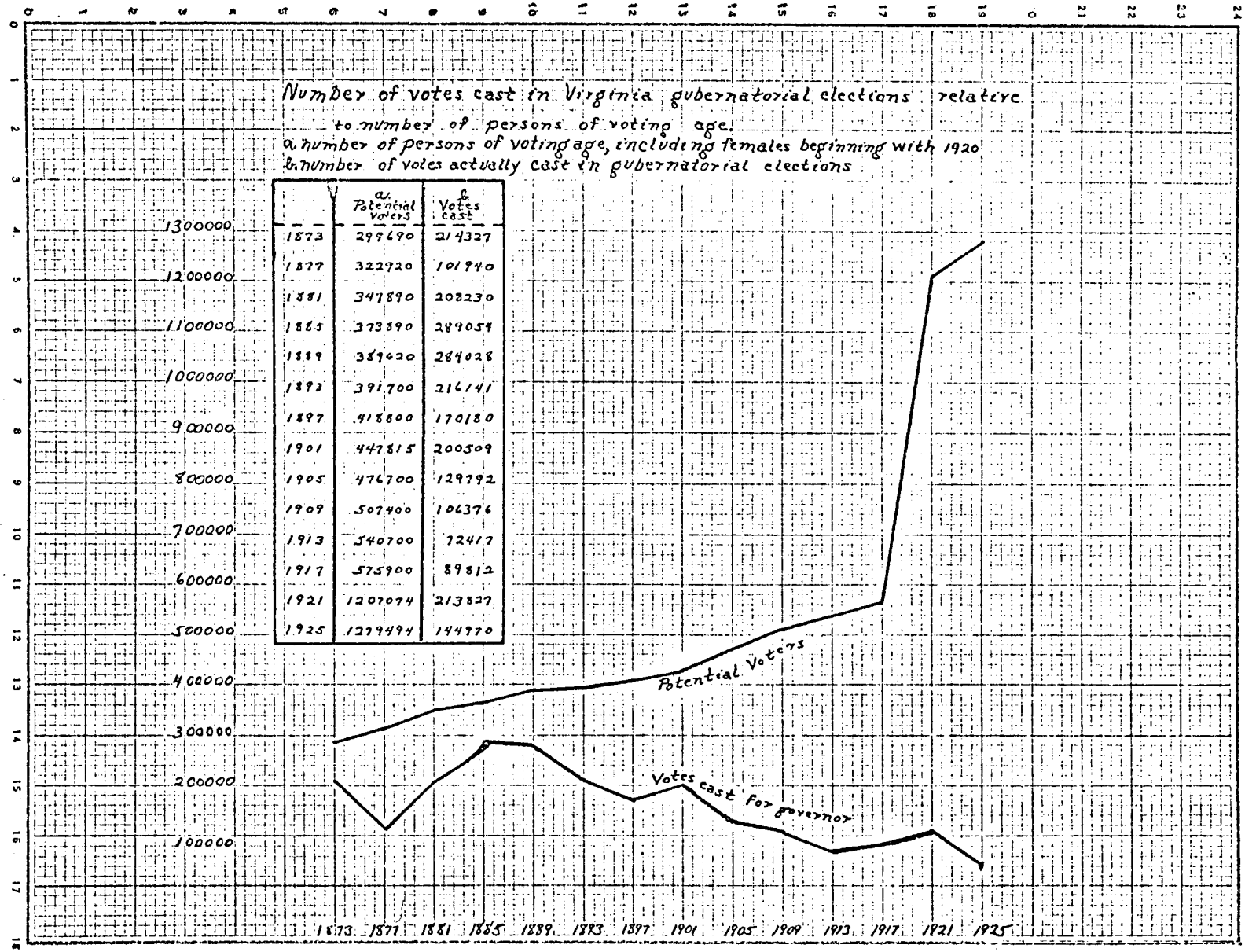
[1] R. N. Latture to Francis P. Miller, Mar. 5, 1934, box 95, Miller Papers.

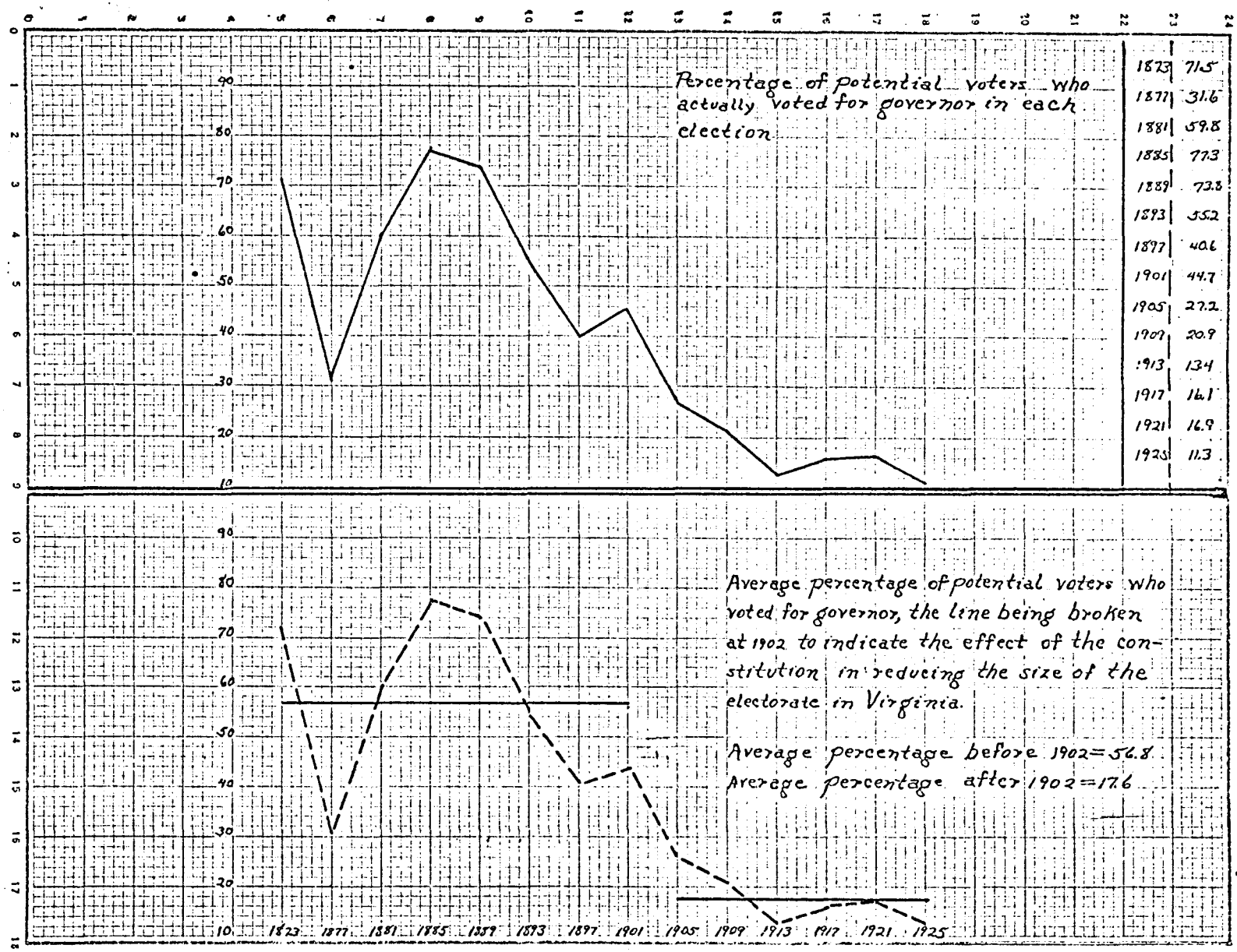
The number of votes cast in Virginia shown relative to number of males, and beginning with 1920 number of males and females 21 years of age and over in presedential elections

| | Potential Vote | Actual Vote | | Potential Vote | Actual Vote |
|---|---|---|---|---|---|
| 1872 | 299690 | 135164 | 1904 | 476700 | 129947 |
| 1876 | 322920 | 235238 | 1908 | 507400 | 136585 |
| 1880 | 347890 | 211996 | 1912 | 540700 | 136157 |
| 1884 | 373980 | 284991 | 1916 | 575900 | 154025 |
| 1888 | 369620 | 302424 | 1920 | 1207074 | 230999 |
| 1892 | 391700 | 273306 | 1924 | 1279494 | 223726 |
| 1896 | 418800 | 294844 | 1928 | 1325792 | 305005 |
| 1900 | 441315 | 264240 | | | |

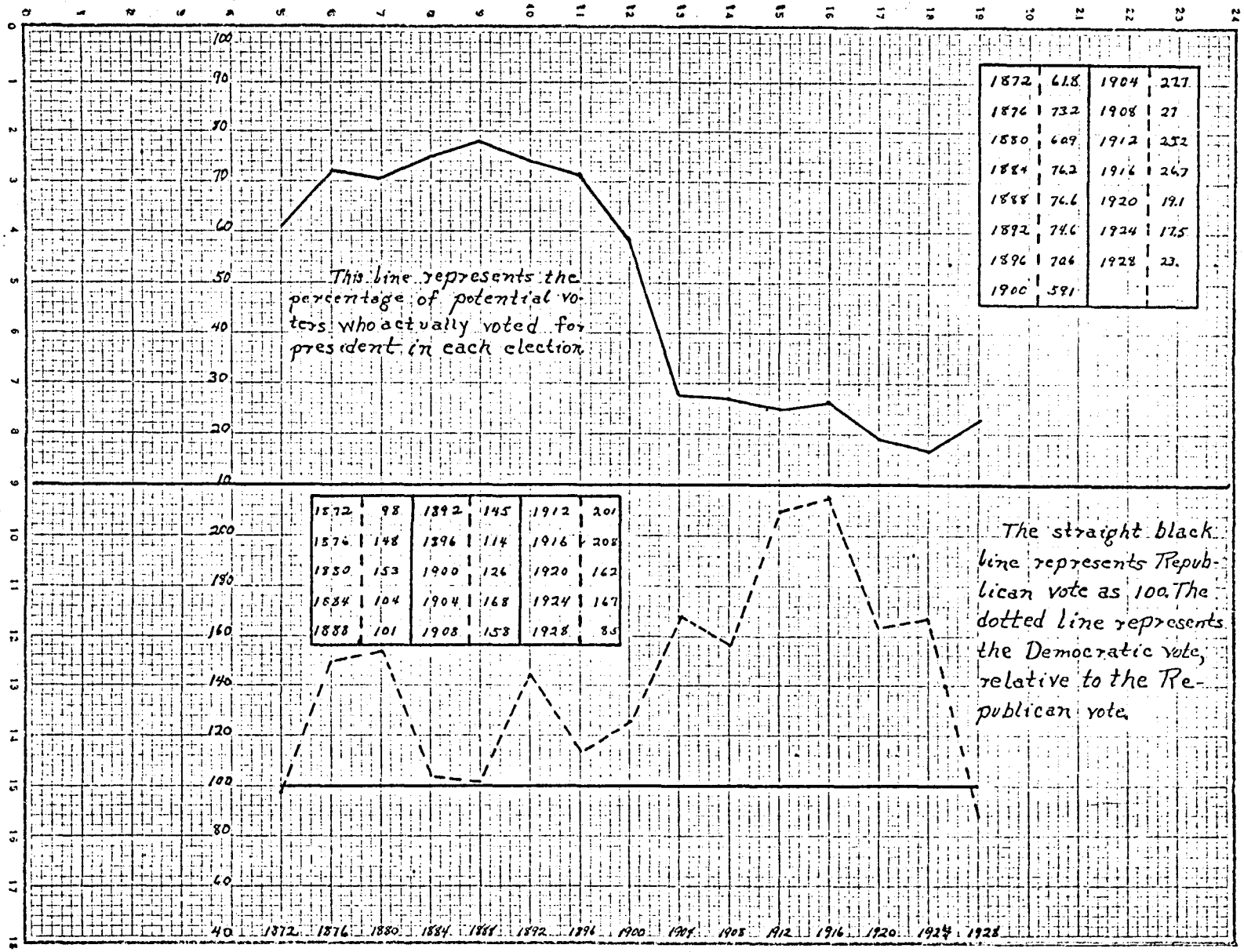





| | a Potential voters | b Votes cast |
|---|---|---|
| 1873 | 299490 | 214327 |
| 1877 | 322920 | 101940 |
| 1881 | 347890 | 203230 |
| 1885 | 373390 | 289059 |
| 1889 | 389420 | 284028 |
| 1893 | 391700 | 216141 |
| 1897 | 418800 | 170180 |
| 1901 | 447815 | 200509 |
| 1905 | 476700 | 129792 |
| 1909 | 507400 | 106376 |
| 1913 | 540700 | 72417 |
| 1917 | 575900 | 89812 |
| 1921 | 1207074 | 213827 |
| 1925 | 1279494 | 144770 |


Percentage of potential voters who actually voted for governor in each election
1823 71.5
1877 31.6
1881 59.8
1885 77.3
1889 73.8
1893 55.2
1897 40.6
1901 44.7
1905 27.2
1909 20.9
1913 13.4
1917 14.1
1921 16.9
1925 11.3
Average percentage of potential voters who voted for governor, the line being broken at 1902 to indicate the effect of the constitution in reducing the size of the electorate in Virginia.
Average percentage before 1902=56.8
Average percentage after 1902=17.6
1823 1877 1881 1885 1889 1893 1897 1901 1905 1909 1913 1917 1921 1925


180000
170000
160000
150000
140000
130000
120000
110000
100000
90000
80000
70000
60000
50000
40000
30000
20000
1872
1876
1880
1884
1888
1892
1896
1900
1904
1908
1912
1916
1920
1924
1928
For President
The dotted line represents
votes cast for Democratic nominee.
The black line represents
votes cast for Republican nominee.


This line represents the percentage of potential voters who actually voted for president in each election.
The straight black line represents Republican vote as 100. The dotted line represents the Democratic vote, relative to the Republican vote.
1872 61.8
1876 73.2
1880 60.9
1884 76.2
1888 74.6
1892 74.6
1896 70.6
1900 59.1
1904 22.7
1908 27
1912 25.2
1916 24.7
1920 19.1
1924 17.5
1928 23.
1872 98
1876 148
1880 153
1884 104
1888 101
1892 145
1896 114
1900 126
1904 168
1908 158
1912 201
1916 208
1920 162
1924 147
1928 85

The black line represents the percentage of potential voters who actually voted in the presidential elections.
The dotted line represents the average of the above percentages, taken in two parts to show the effect of the new constitution adopted in 1902.
The heavy straight black line below represents the Republican vote as 100 in each presidential election. The shifting black line represents the Democratic vote relative to the Republican vote. As above, straight dotted line represents the average broken in two parts at 1902.
1872 61.8
1876 73.2
1880 60.9
1884 76.2
1888 76.6
1892 74.6
1896 70.6
1900 59.1
M 68.3
1904 22.7
1908 27.
1912 25.2
1916 24.7
1920 19.1
1924 17.5
M1 23.9
1872 98
1876 148
1880 153
1884 104
1888 101
1892 145
1896 114
1900 126 M
1904 168
1908 158
1912 201
1916 205
1920 162
1924 187 M
M 125
M1 177
1872 1876 1880 1884 1888 1892 1896 1900 1904 1908 1912 1916 1920 1924

# APPENDIX C

The following tabulation of poll tax payments by month of collection was prepared by LeRoy Hodges for Robert Whitehead.[1] The largest amounts collected for omitted poll taxes, those taxes left off the poll books for some reason or another, were made in May, the last month for payment to qualify to vote in the August primaries.

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[1]LeRoy Hodges to Robert Whitehead, Aug. 21, 1941, series 1, box 10, Whitehead Papers.

CAPITATION TAXES
BY MONTHS OF COLLECTION

| | July | August | September | October | November | December | January | February | March | April | May | June | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1940-41 | | | | | | | | | | | | | |
| Omitted | 715.50 | 935.00 | 1,736.50 | 3,561.00 | 6,010.50 | 4,486.00 | 1,464.00 | 1,123.50 | 1,597.50 | 6,885.50 | 15,000.00 | 843.00 | 44,351.00 |
| Regular | 4,978.09 | 3,964.50 | 5,724.62 | 60,659.45 | 395,542.93 | 53,942.05 | 23,133.46 | 17,430.68 | 22,389.03 | 55,024.54 | 88,164.73 | 26,234.61 | 767,088.59 |
| Total | 5,693.59 | 4,899.50 | 7,460.12 | 64,220.45 | 401,553.43 | 58,430.05 | 24,597.46 | 18,554.08 | 23,986.53 | 61,911.04 | 103,164.73 | 27,077.61 | 801,449.59 |
| 1939-40 | | | | | | | | | | | | | |
| Omitted | 3,049.50 | 1,759.50 | 1,759.50 | 2,879.00 | 7,674.00 | 8,466.00 | 1,321.50 | 1,676.50 | 2,193.00 | 7,557.00 | 25,955.32 | 936.00 | 64,926.82 |
| Regular | 4,017.37 | 3,860.40 | 6,081.57 | 52,694.44 | 406,146.97 | 52,495.01 | 16,992.68 | 16,721.50 | 20,492.32 | 50,629.62 | 105,859.95 | 3,864.50 | 739,866.33 |
| Total | 7,066.87 | 5,619.90 | 7,841.07 | 55,573.44 | 413,820.97 | 60,961.01 | 18,314.18 | 18,398.00 | 22,685.32 | 58,186.62 | 131,825.27 | 4,800.50 | 804,793.15 |
| 1938-39 | | | | | | | | | | | | | |
| Omitted | 1,832.50 | 1,479.00 | 1,822.50 | 2,034.00 | 5,844.00 | 6,462.00 | 2,331.00 | 3,702.00 | 6,368.00 | 34,822.50 | 83,693.50 | 1,849.50 | 151,378.50 |
| Regular | 7,225.07 | 5,264.51 | 7,040.58 | 65,362.44 | 361,373.69 | 49,957.55 | 23,100.31 | 18,327.27 | 30,313.07 | 76,940.44 | 152,324.74 | 19,719.09 | 816,749.96 |
| Total | 8,808.57 | 6,843.51 | 8,863.08 | 67,396.44 | 367,217.69 | 56,419.55 | 25,431.31 | 22,029.27 | 36,679.07 | 111,462.94 | 236,006.24 | 21,568.59 | 968,128.46 |
| 1937-38 | | | | | | | | | | | | | |
| Omitted | 2,142.00 | 1,702.50 | 1,366.50 | 1,725.00 | 6,111.00 | 9,708.00 | 1,641.00 | 1,347.00 | 1,872.00 | 4,248.50 | 17,980.50 | 1,252.50 | 51,094.50 |
| Regular | 8,414.61 | 4,947.97 | 6,368.00 | 59,576.17 | 373,291.57 | 54,686.54 | 18,666.81 | 13,808.75 | 19,742.79 | 88,233.79 | 88,085.99 | 25,211.10 | 710,531.09 |
| Total | 10,556.61 | 6,650.47 | 7,734.50 | 61,301.17 | 379,402.57 | 64,394.54 | 20,307.81 | 15,152.75 | 21,614.79 | 42,480.29 | 106,066.49 | 26,463.60 | 761,625.59 |
| 1936-37 | | | | | | | | | | | | | |
| Omitted | 1,930.00 | 1,446.00 | 3,081.00 | 4,239.00 | 5,668.00 | 6,514.50 | 1,848.00 | 1,491.00 | 2,118.00 | 13,355.00 | 13,762.00 | 1,152.00 | 56,284.50 |
| Regular | 8,413.43 | 7,460.67 | 7,529.31 | 82,274.03 | 331,321.23 | 47,001.64 | 22,270.39 | 15,333.37 | 22,180.37 | 86,551.69 | 74,419.06 | 26,051.09 | 730,806.18 |
| Total | 10,003.43 | 8,906.67 | 10,610.31 | 86,543.03 | 336,979.23 | 53,516.14 | 24,118.39 | 16,824.37 | 24,298.37 | 99,906.69 | 88,181.06 | 27,203.09 | 787,090.68 |
| 1935-36 | | | | | | | | | | | | | |
| Omitted | 2,461.50 | 3,390.60 | 3,644.60 | 3,793.60 | 5,617.00 | 10,878.00 | 1,702.50 | 1,708.50 | 2,721.00 | 14,668.50 | 24,844.60 | 837.00 | 76,067.00 |
| Regular | 8,951.76 | 4,592.11 | 6,156.52 | 68,641.91 | 344,780.46 | 50,498.22 | 18,568.38 | 15,675.88 | 23,010.85 | 73,109.84 | 109,286.42 | 13,622.85 | 730,785.18 |
| Total | 3,413.26 | 7,982.61 | 9,701.02 | 69,335.41 | 350,297.46 | 61,376.22 | 20,270.88 | 17,384.38 | 25,731.85 | 87,778.34 | 134,130.92 | 14,459.85 | 806,852.18 |
| 1934-35 | | | | | | | | | | | | | |
| Omitted | 807.00 | 949.50 | 1,215.00 | 2,032.50 | 5,436.00 | 8,055.00 | 1,536.00 | 1,902.00 | 4,006.50 | 26,905.50 | 69,970.00 | 1,215.00 | 121,033.00 |
| Regular | 7,360.90 | 6,366.22 | 10,169.22 | 83,673.05 | 325,132.19 | 45,734.74 | 22,826.25 | 18,434.99 | 26,472.53 | 93,380.04 | 155,102.29 | 16,038.76 | 779,776.48 |
| Total | 8,167.90 | 7,315.72 | 11,384.22 | 85,710.55 | 330,568.19 | 50,789.74 | 24,362.25 | 20,336.99 | 30,479.43 | 120,285.54 | 225,072.29 | 17,306.76 | 900,709.48 |
| 1933-34 | | | | | | | | | | | | | |
| Omitted | 2,253.00 | 984.00 | 1,297.50 | 1,482.00 | 4,690.50 | 5,994.00 | 1,727.50 | 1,071.00 | 1,659.00 | 3,591.50 | 10,024.50 | 819.00 | 34,383.50 |
| Regular | 9,087.43 | 6,361.04 | 6,876.95 | 46,097.66 | 405,829.72 | 57,616.39 | 25,798.78 | 18,774.62 | 17,291.61 | 40,364.79 | 96,622.75 | 26,411.66 | 756,193.20 |
| Total | 11,340.43 | 7,345.04 | 8,174.45 | 46,579.66 | 410,520.22 | 43,010.39 | 27,126.28 | 19,845.62 | 18,950.61 | 43,746.29 | 106,647.25 | 26,230.66 | 789,576.70 |
| 1932-33 | | | | | | | | | | | | | |
| Omitted | 967.50 | 885.00 | 1,545.50 | 3,190.50 | 4,914.00 | 2,719.50 | 1,092.50 | 901.50 | 990.00 | 4,282.50 | 16,684.50 | 982.50 | 39,159.50 |
| Regular | 5,364.33 | 8,217.76 | 42,556.73 | 4,485.39 | 320,567.57 | 24,916.26 | 20,531.11 | 14,715.26 | 15,752.71 | 45,292.61 | 127,736.46 | 22,344.17 | 637,610.50 |
| Total | 6,331.83 | 9,102.76 | 40,761.23 | 7,676.89 | 325,481.57 | 27,635.76 | 21,624.61 | 15,619.76 | 16,742.71 | 49,575.11 | 144,420.96 | 23,326.67 | 696,772.40 |
| 1931-32 | 1,707.00 | 2,764.00 | 2,223.00 | 2,034.00 | 6,456.00 | 6,301.00 | 1,506.00 | 1,306.50 | 1,578.50 | 4,2 5.00 | 16,231.50 | 1,015.50 | 47,467.00 |
| Omitted | | | | | | | | | | | | | |
| Regular | 19,739.68 | 28,384.13 | 12,248.41 | 45,767.43 | 428,380.06 | 89,196.46 | 24,021.79 | 12,858.03 | 24,023.68 | 44,626.75 | 130,947.40 | 16,179.29 | 826,273.10 |
| Total | 21,446.68 | 31,138.13 | 14,471.41 | 47,801.43 | 434,836.06 | 45,497.46 | 25,527.79 | 14,164.53 | 25,600.18 | 48,762.75 | 147,178.90 | 17,194.79 | 873,730.10 |
| 1930-31 | | | | | | | | | | | | | |
| Omitted | 1,182.00 | 1,290.00 | 1,377.00 | 1,858.50 | 4,860.00 | 4,398.00 | 2,262.00 | 1,843.50 | 2,973.00 | 22,402.00 | 32,315.50 | 4,278.00 | 81,559.50 |
| Regular | 14,216.68 | 10,454.32 | 3,728.87 | 32,704.05 | 349,942.08 | 117,867.10 | 27,622.57 | 7,681.42 | 25,505.08 | 79,364.76 | 93,826.96 | 42,972.86 | 810,232.64 |
| Total | 15,386.68 | 11,744.32 | 10,105.87 | 34,562.55 | 354,802.08 | 122,265.10 | 29,884.57 | 9,404.92 | 28,478.08 | 101,816.76 | 126,144.45 | 47,250.86 | 891,648.14 |



FOLD

# APPENDIX D

The following broadside was issued by the Virginia Right to Vote League, headed by Virgil Goode, prior to the referendum on the Campbell amendments in 1949. The broadside summarizes the objections of the League and other anti-amendment forces to the Campbell plan and illustrate the confused wording of the ballot question.

# *Virginians—*

## Protect Your Right to Vote by Voting

## ☒ Against

## The Proposed Amendments to the Constitution.

If you want to protect your right to vote as now established by the Virginia Constitution, go to the polls on November 8th and vote *against* the proposed amendments.

You are now a qualified voter in Virginia; after November 8th, you may not be unless these amendments are defeated.

We now *know what the qualifications are* to vote in Virginia.
We now have permanent registration.
We now register before our Local Registrar for life.
We now close the registration books 30 days before election day.
We now have our right to vote guaranteed by the constitution.

* * * * * * * * * * * * * * * * *

Why take a chance?
Why exchange a certainty for an uncertainty?
Why exchange our system of permanent registration for annual renewal of registration 120 days before any election or primary?
Why surrender your constitutionally guaranteed right to vote for a right yet to be determined and fixed by the legislature?
Why give a State Board of Elections at Richmond the power to make rules and regulations and to supervise all elections?
Why exchange a $1.50 capitation tax for a possible $3.00 to $4.00 tax under the amendments?
Why give up these known and constitutionally established rights for unknown, uncertain and undetermined rights, yet to be fixed by the Legislature?

WORK AGAINST — TALK AGAINST — VOTE ☒ AGAINST THE AMENDMENTS

VIRGINIA RIGHT TO VOTE LEAGUE
VIRGIL H. GOODE, *Chairman*
HOTEL RICHMOND, RICHMOND, VA.

### FORM OF BALLOT
on the 14 proposed amendments

QUESTION: Shall Sections 18, 19, 20, 21, 22, 23, 25, 28, 31, 35, 38, and 173 of the Constitution of Virginia, which sections relate to the elective franchise, and, among other things, provide for the elimination of the poll tax as a prerequisite to voting, registration and renewal of registration of voters, the establishment of a State Board of Elections, and the levying of a school tax in lieu of the present capitation tax, be amended; and shall the Constitution be further amended by adding Section 31-a, providing for local boards of elections, and Section 38-a, prescribing the effective date of these amendments?

☐ For

☒ Against

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Conley Lee Edwards, III, was born in Richmond, Virginia, on November 3, 1944. He was graduated from Brandywine High School in Wilmington, Delaware in June, 1963, and entered Hampden-Sydney College, Hampden-Sydney, Virginia the following fall. Majoring in history and political science, he was also active as a member of the college newspaper staff and as a participant in other college programs. Upon graduation, he was inducted into the United States Army, serving two years of active duty at Fort Knox, Kentucky. He entered the history department of the Graduate School of the University of Richmond upon discharge from the Army in 1970. He is married to Carole Raymond Edwards, also from Wilmington, Delaware.