

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Harper v. Virginia State Board of Elections

240 F. Supp. 270 (E.D. Va. 1964) · No. Civ. A. Nos. 3253, 3346 · Decided November 10, 1964

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed consolidated challenges to Virginia's poll tax and exclusion of paupers from voting, holding that the Supreme Court's decision in Breedlove v. Suttles foreclosed the plaintiffs' Fourteenth Amendment arguments. The court found no racial discrimination in the poll tax's application and deemed the pauper exclusion claim academic because the plaintiffs had not shown they were designated as paupers.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia
WRITING FOR THE COURT	Per curiam; Bryan, Circuit Judge; Lewis, District Judge; Butzner, District Judge
JURISDICTION	Virginia
DECIDED	November 10, 1964
DOCKET	Civ. A. Nos. 3253, 3346
DISPOSITION	dismissed
PROCEDURAL POSTURE	Two consolidated federal actions challenging Virginia's poll-tax requirement and pauper voting exclusion under the Fourteenth Amendment.
STANDARD OF REVIEW	The court applied controlling precedent governing constitutional challenges to Virginia's poll-tax requirement; no separate standard of review was articulated.
PRECEDENTIAL VALUE	Published federal district court opinion; persuasive authority outside the Eastern District of Virginia and subject to controlling appellate precedent.
PARTIES	Annie E. Harper et al., Mrs. Evelyn Butts v. Virginia State Board of Elections et al., Albertis Harrison, Governor, et al.

TOPICS

voting rights

election law

equal protection

fourteenth amendment

constitutional law

PRACTICE AREAS

election law

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether Virginia's requirement that voters pay a poll tax violated the Fourteenth Amendment's no-abridgment and equal protection commands when indigent citizens were unable to pay.
2. Whether Virginia's constitutional exclusion of paupers from voting was unconstitutional on the record presented.

HOLDINGS

1. The court rejected the challenge and dismissed the complaints because the constitutionality of Virginia's poll-tax requirement had been squarely resolved against the plaintiffs by controlling Supreme Court precedent, which the district court was not at liberty to depart from.
2. The court declined to reach the constitutional meaning or validity of the pauper exclusion because the plaintiffs did not show that they or anyone in their class had been designated paupers under the Virginia Constitution; the challenge was therefore academic.

KEY QUOTATIONS

"We are not at liberty to deviate from that precept." (240 F. Supp. at 270)

"Therefore, an expression by us upon the meaning the implications of that term would be entirely academic and without place here." (240 F. Supp. at 271)

FACTUAL BACKGROUND

The plaintiffs alleged that they were financially unable to pay Virginia's poll tax, which required payment of \$1.50 for each of the three preceding years for which an elector was assessable. They argued that the requirement deprived them and similarly impoverished citizens of the right to vote solely because of poverty and denied them a privilege available to wealthier citizens. They also challenged Virginia's constitutional exclusion of paupers, but did not show that they or anyone similarly situated had been designated paupers under the Virginia Constitution.

PROCEDURAL HISTORY

Plaintiffs brought two actions challenging Virginia constitutional and statutory provisions requiring payment of a poll tax as a prerequisite to voting and excluding paupers from voting. The three-judge district court considered the actions together and dismissed both complaints, relying on controlling Supreme Court and Fourth Circuit precedent and concluding that the pauper-disqualification challenge was academic on the record presented.

DISPOSITION

dismissed

CASES CITED

- Breedlove v. Suttles, 302 U.S. 277, 283 (1937)
- Butler v. Thompson, 97 F. Supp. 17, 21-22 (E.D. Va. 1951), aff'd per curiam, 341 U.S. 937 (1951)
- Saunders v. Wilkins, 152 F.2d 235, 237 (4th Cir. 1945), cert. denied, 328 U.S. 870 (1946)
- Hamm v. Virginia State Board of Elections, 230 F. Supp. 156 (E.D. Va. 1964), aff'd, 379 U.S. 19 (1964)

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