

The Poll Tax And Odell Waller's Conviction

The Fifteenth Amendment gave Black men the right to vote in 1870. This did not sit well with people in the South who, at that time, still felt that Blacks were less than human and had little intelligence and integrity. Blacks, it was thought in states which had owned slaves before the Civil War, were incapable of the complex thinking needed to make a political choice on who should lead the town, the state, or the country. These states set out to deny Blacks from primaries and by instituting a poll tax. ⁱThese taxes were amounts which seem small now, but at the time, would keep a Black man from voting, especially when it was required that a person pay the taxes for three years or back to the institution of the law, before he was able to vote. Often these poll taxes were also used to exclude Blacks from jury service. If there were no Negroes on a jury, the fate of a person of dark skin was exclusively in the hands of whites ignorant of Blacks' plight. In Spotsylvania County, Virginia, where Odell Waller was tried, a poll tax was required for voting, but there was no law that required the paying of the poll tax to serve on the jury. However, the laws did not prohibit the administrators of the courts from using the payment of poll taxes as a way of excluding jurors by basing the jury pool from voter roles. In the case of Odell Waller, the jury that tried him was picked, expressly, from a pool of jurors who had paid the poll tax. The jury was rigged so that no person of dark skin would sit in judgement of Odell.ⁱⁱ [Graphic which could be included: By State, showing Slave Holding states and State which had not held slaves before the Civil War: Voting-age Black men registered after the Fifteenth Amendment was passed and number of registered voting-age Blacks by 1910. Pictures of the trial may be available. Picture of a poll tax receipt.]

ⁱ <http://americanhistory.si.edu/brown/history/1-segregated/white-only-1.html> Poll tax receipt

ⁱⁱ Sherman, p. 96 I believe that this is a book that I have I need to look for the name of the source.