

= Odell Waller =

Odell Waller ( 1917 ? July 2 , 1942 ) was an African American sharecropper from Gretna , Virginia executed for the fatal shooting of his white landlord , Oscar Wheldon Davis , on July 15 , 1940 . Waller unsuccessfully maintained at his trial that the killing had been in self @-@ defense , but was convicted of a jury of white citizens who had paid the poll tax , a measure that effectively barred blacks and poor whites from jury service .

The Workers ' Defense League , a socialist labor rights organization , began a national campaign calling for the commutation of Waller 's sentence , and was supported in its efforts by novelist Pearl S. Buck , philosopher John Dewey , and First Lady Eleanor Roosevelt . President Franklin D. Roosevelt also made a private appeal on Waller 's behalf to Virginia Governor Colgate Darden . Though the campaign won several postponements of the sentence , Waller was finally executed on July 2 , 1942 . The case failed to overturn the poll tax , but led to reform of Virginia 's penal system and motivated Pauli Murray to begin her career in civil rights law .

= = Killing of Oscar Davis = =

= = = Background = = =

Odell Waller was born in 1917 to Dollie Jones and an unknown father , who died shortly after his birth . Jones gave the boy to her sister Annie Waller and Annie 's husband , Willis Waller , to adopt , and Odell considered Annie his mother . Odell completed three years of high school , but was later forced to leave school to work on the farm . From 1935 to 1938 , he was convicted of seven offenses , including assault , reckless driving , bootlegging , and carrying a concealed razor . In January 1939 , he married a woman named Mollie .

During the Great Depression , the Wallers fell behind on the mortgage for their farm , and after Willis died in 1938 , the bank foreclosed . Annie and Odell then agreed to become sharecroppers for a white landlord , Oscar Davis . The relationship quickly soured . Davis was also a sharecropper , and when his own landlord reduced Davis ' land allotment , Davis reduced that of the Wallers to only 2 acres ( 0 @. @ 81 ha ; 0 @. @ 0031 sq mi ) . The Wallers accused Davis of failing to pay Annie an agreed \$ 7 @. @ 50 for taking care of Davis ' ill wife for three weeks ; when the Wallers subsequently refused to work in Davis ' fields , Davis evicted them . Following the eviction , someone on the Davis farm mutilated one of the Wallers ' dogs . After Annie 's cousin Robert helped her harvest the farm 's wheat , Davis took the whole crop rather than give the Wallers their share . In April 1940 , Odell had taken a job constructing electrical lines in Maryland , but he returned on the weekend of July 13 ? 14 to investigate the worsening situation .

= = = The shooting = = =

At 6 : 30 AM on July 15 , 1940 , Odell drove to Davis 's farm to get the wheat with Annie , relatives Archie Waller and Thomas Younger , and a friend named Buck Fitzgerald . He brought a .32 caliber pistol .

The subsequent events remain in dispute . Henry Davis , a teenage black employee of Oscar Davis , maintained that Odell Waller had fired at Oscar Davis without provocation or warning , hitting him four times . Oscar Davis 's sons testified that their father had stated before he died that Waller had shot him without cause . One son added that Davis had said Waller had continued to shoot after Davis had already fallen to the ground . The testimony of other witnesses , including Waller 's relatives , was inconclusive , as they were too distant to hear the conversation between Waller and Davis . Waller stated that Davis had refused to let him take the Waller family share of the wheat , and had reached for his pocket as if to draw a gun ; Waller then fired on Davis .

Davis escaped through the cornfield after being shot and was taken to the hospital , where he died of his wounds on July 17 . Afraid he would be lynched , Waller fled to Columbus , Ohio , but was

arrested there at the home of an uncle on July 24 after a manhunt involving police and the Federal Bureau of Investigation .

= = Trial = =

During Waller 's trial , which began on September 19 , 1940 , he was represented by Thomas H. Stone of the small communist splinter organization Revolutionary Workers League ( RWL ) . The RWL 's members had been expelled from the Communist Party USA in 1934 for their Trotskyist beliefs , and the organization was unpopular due to its opposition to World War II . The group compared the trial to that of the Scottsboro Boys , nine African @-@ American young men accused of rape in Alabama under suspicious circumstances , and began to criticize the racism and economic conditions of Waller 's rural Virginia county . Historian Richard B. Sherman argues that the group brought negative publicity to Waller 's trial from the start by creating the perception that " radical outsiders " were behind his defense . A socialist labor rights organization , the Workers ' Defense League ( WDL ) , offered to take over the defense and public campaign to avoid the stigma of communism from influencing Waller 's case , but was rebuffed by the RWL .

Stone and another defense attorney , J. Byron Hopkins , were given only three days to prepare Waller 's defense . After an all @-@ white jury was selected , composed only of citizens that could pay the poll tax , Stone moved that the case be dismissed on the grounds that Waller was " deprived of a trial by a jury of his peers " . However , Stone failed to submit evidence that this was the case , a factor that would prove crucial in later unsuccessful appeals . The judge dismissed the motion , as well as a tactically questionable motion by Stone that the judge himself was prejudiced in the case and should withdraw .

The testimony of Henry Davis and Oscar Davis 's sons proved damning , and several witnesses also testified that they had heard Waller declare he would come home with his wheat or kill Oscar Davis . In an analysis of the transcript , Sherman proposes that the phrasing of these witnesses was so similar that they may have been coached by prosecutors , but the defense counsel did not pursue this possibility . On September 27 , 1940 , after less than an hour 's deliberation , the jury found Waller guilty of first degree murder and sentenced him to death , a verdict praised by the Virginia press covering the trial . His execution was scheduled for December 27 of that year .

= = Campaign for commutation = =

After the trial , the RWL agreed to pass responsibility for the public campaign and legal appeals to the WDL , provided that the case continue to be handled " on a class struggle basis " , with attention to national issues as well as Waller 's specific situation . Eager to help Waller , the WDL reluctantly agreed to the terms . The organization assumed control of the case in November 1940 and immediately began fundraising on Waller 's behalf . Pauli Murray , a young woman new to the organization , was dispatched on a national fundraising tour , accompanied at times by Annie Waller .

The National Association for the Advancement of Colored People ( NAACP ) joined the case the same month , as did the Brotherhood of Sleeping Car Porters , giving the case national publicity . The groups hoped that the case would lead the US Supreme Court to rule that the poll tax was unconstitutional . In December , Virginia Governor James H. Price granted Waller his first stay of execution , this one for three months , giving the new defense additional time to study the case .

On March 28 , 1941 , philosopher John Dewey joined the cause , sending Murray \$ 5 @.@ 00 for Waller 's defense and giving permission to use his name in further fundraising . Dewey later co @-@ signed an open letter comparing Waller to Dred Scott , a slave who had unsuccessfully sued for his freedom before the US Supreme Court . One of Dewey 's letters to the New York Times about the case caught the attention of Nobel Prize for Literature laureate Pearl S. Buck , who also became involved in the case . She wrote in an open letter of her own that Waller " has ceased to be an individual , he has become a personification of all those to whom democracy is denied in our country " .

US First Lady Eleanor Roosevelt also worked on Waller 's behalf . Historian Richard B. Sherman states that she became involved after receiving a letter from Murray , which prompted her to write Governor Price requesting that he investigate whether Waller had received a fair trial and delay the execution . Roosevelt biographer Doris Kearns Goodwin , in contrast , holds that the First Lady intervened after receiving a handwritten note from Waller himself saying " I have heard lots of people speak of what a nice lady you are and what I can hear is that you believe in helping the poor ... Please write to the Governor and get him to have mercy on me and allow me a chance . " Whatever its beginnings , Roosevelt 's involvement in the case caused her to be widely criticized in the white Southern press .

= = Execution = =

On June 1 , 1942 , the US Supreme Court denied two of Waller 's petitions for appeal , and the defense was soon left without further legal options . In a final attempt to win a pardon or commutation from the governor , activists staged events around the country , including a two @-@ hour blackout of the lights in the primarily African @-@ American neighborhood of Harlem in New York City . Governor Price 's successor , Colgate Darden , received over seventeen thousand letters about the case .

On the eve of Waller 's execution , Eleanor Roosevelt appealed to her husband , President Franklin D. Roosevelt ; Franklin agreed , sending a private letter to Darden urging that the sentence be commuted to life imprisonment , signing it , " an old friend who just happens to be president " . Darden held a ten @-@ hour clemency hearing and , after hearing arguments from both sides , decided to proceed with the execution . Pauli Murray , the Brotherhood of Sleeping Car Porters ' A. Philip Randolph , and the NAACP 's Walter White traveled to Washington in an attempt to lobby the president personally , unaware that he had already secretly appealed on their behalf . The president 's apparent refusal to act damaged his relationship with civil rights leaders ; Murray , in an open letter on behalf of the movement , called it a " stab in the back " . Murray and Eleanor Roosevelt , however , would remain friends until the latter 's death two decades later .

Waller wrote a ten @-@ page " Dying Statement " before his execution , admitting he had made mistakes but insisting that he had acted in self @-@ defense :

I haven 't lived so upright and I have asked God to forgive me and I feel he has ... I accidentally fell and some good people tried to help me ... In my case I worked hard from sun up to sun down trying to make a living for my family and it ended up in death for me . You take big people , as the presidents , governors , judges , their children don 't never have to suffer , they has plenty money . Born in a mention nothing ever to worry about . I am glad that some people are lucky . The penitentiary all over the United States are full of people ho was pore tried to work and have something , and couldn 't so that maid them steel and rob .

He was executed by electric chair on the morning of July 2 , 1942 . At the time of his execution , Waller had been on death row for 630 days , then the longest death row stay in the state 's history . His funeral was held on July 5 and was attended by 2 @,@ 500 people . Only one white person , WDL Secretary Morris Milgram , attended . Other whites had been asked not to come ; a reporter wrote of the exclusion that " [ the black community ] did not want ' Odell Waller 's murderers ' to look on his face in death " .

= = Impact of the case = =

Despite the uproar over the poll tax as a factor in jury selection , the tax remained in Virginia until the ratification of the Twenty @-@ fourth Amendment to the United States Constitution outlawed it in 1964 . Pauli Murray was deeply affected by her experience working on the case and was inspired to pursue her career in civil rights law . Governor Darden , influenced by the popular sentiment that the case had evoked , began a reform of the Virginia penal system , including the creation of an official Pardon and Parole Board with the authority to commute sentences .