

## THE BACK PAGE

# Chesimard jury all white but not by design

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The jury that will decide the fate of black activist JoAnne Chesimard is all white — but not because of any design to preclude nonwhites from jury service.

Although defense lawyers for other defendants have raised the issue of underrepresentation of blacks and Hispanics on Middlesex County jury lists, the courts have found no scheme to pass over nonwhites.

In testimony given by representatives of the Middlesex County Jury Commission at several such proceedings in the past 10 years, any lack of nonwhites called for jury service always has been attributed to the source of those summoned for jury duty — the rolls of registered voters.

In a 14-page opinion on a challenge to the makeup of a Middlesex County grand jury impaneled in January 1968, Superior Court Judge Joseph Halpern wrote that there is no exclusion of any group from jury service, and that the jury commissioners properly exercise

judgment in formulating the jury lists.

Halpern also supported the process of obtaining the names of prospective jurors from the county's voting lists. He said it was constitutionally sound because there is "no opportunity for discrimination."

There have been subsequent cases in which the county courts have relied on Halpern's ruling.

Experience has shown the jury commissioners that nonwhites do not register to vote in the same proportion as do whites. Thus, there are more whites available for service on juries than nonwhites, blacks and Hispanics.

The 1970 U.S. Census disclosed that Middlesex County's population was 583,813 persons and that 37,088 — or about 6.3 per cent — were nonwhite.

Neither the voter registration rolls nor jury lists provide any information as to the individual's race.

Therefore, there is no recorded information as to the racial background of the 408 persons called for potential service on the jury that is currently hearing murder and other charges against Mrs. Chesimard.

Most of the 408 persons were questioned in the chambers of Superior Court Judge Theodore Appleby, where the press was not permitted. However, The Home News was told that about 13 or 14 persons were either black or Hispanic.

That would mean that of the total 408 persons interrogated about 3.1 per cent were nonwhite — a percentage roughly half of the nonwhites in the county.

Appleby conducted the closed-door questioning to weed out those individuals who could not sit on the jury — the majority either because they had formed opinions about Mrs. Chesimard's guilt or innocence or because service on a sequestered jury would cause them financial hardship.

From the original 408 persons questioned, 86 were placed in a pool for questioning in more detail. And it was from this group that the current 15-member jury panel was selected.

Of those in the pool, six were black.

Five women were excused, four for cause and one challenged by the state. The sixth black, a man, was still a member of the pool at the time the jury panel selection was completed.



Home News photo

JOANNE CHESIMARD  
...faces all-white jury