

MEMO ON THE RELATIONSHIP BETWEEN FEDERAL REGISTRARS

AND THE JURY SYSTEM IN SOUTHERN STATES

This brief memo will point out the relationship between the use of federal registrars and the meaningful functioning of the jury systems in ten Southern States. The general conclusion is that in five of the ten States, the jury system is intimately and directly tied to the right to vote. In other words, a person must be registered to vote before he is eligible to serve on a jury. In a sixth State, Alabama, the Governor directly appoints the county jury commissioners, who select the jurors. In the remaining four States, selection of jurors is not dependent upon voter registration. However, in these four states, as is generally true throughout the country, various elected officials are responsible for the selection of jurors. Therefore, it is quite clear that the administration of justice, and hence fair and impartial criminal (and civil) trials, is directly related to the prompt and efficient large-scale use of federal registrars. In other words, the Attorney General's refusal to enforce the Voting Rights Act through the appointment of federal registrars in sufficient numbers is becoming a major factor in maladministration of justice in the South.

The relevant conditions in specific Southern States are as follows:

ALABAMA: There is no requirement that one be a voter in order to be a juror, but under Alabama law the Governor has sole discretion to appoint all three members of every county jury commission in the state. (Ala. Code, Tit.30, Sec.10)

ARKANSAS: One must be a registered voter to serve on a jury. (Ark.Code, Secs. 39-101 and 39-208) The jury commissioners are judicially appointed.

FLORIDA: All jurors must be qualified voters. (Fla.Cod, Sec.40.01) The county commissioners select the jurors.

GEORGIA: Jurors do not have to be qualified to vote; and they are selected by judicially appointed jury commissioners.

LOUISIANA: One does not have to be a voter to serve on a jury. The jurors are selected by jury commissioners appointed by a judge.

MISSISSIPPI: One must be a qualified voter (or a freeholder) to serve on a jury. (Miss.Code, Sec.1762) The county board of supervisors selects jurors.

NORTH CAROLINA: Registration to vote is not a requirement to serve on a jury. Jurors are selected by a county jury commission or the county commission.

SOUTH CAROLINA: Only qualified voters may serve as jurors. (S.Car.Code, Sec.38-52) Free elected county officers serve as ex officio jury commissioners to select jurors. (S.Car.Code, Sec.38-51)

TEXAS: One must be a qualified voter (including poll tax payment unless insufficient persons in the entire county have paid poll tax) in order to serve on a jury. (Tex.Civil Code, Tit.42, Ch.7, Art.2133) Jurors are selected by court appointed jury commissioners.

VIRGINIA: Qualification to vote is not a prerequisite to jury service. Jurors are selected by court appointed jury commissioners.

(Note: This memo was quickly prepared and there may be some omissions and minor errors. But the over-all picture is a correct one.)

Lawrence Guyot
507½ North Parish Street
Jackson, Mississippi
948-4038

Washington Human Rights Project
William Higgs, Director
12 Tenth Street N.E.
Washington, D.C.
543-8699