

A jury in Wales without Dai Jones

Duncan Campbell writes: Further curiosities about the manner in which juries are selected have been highlighted by the recent conspiracy case involving two members of the Welsh Language Society. An improbably large number of English surnames appeared at all stages of jury selection.

Carmarthen is in the centre of a strongly Welsh area. Yet none of the first twelve jurors called to serve in the case bore a Welsh surname: Andrews, Carlisle, Pringle, Hanson, Allen, Hinner, Birdwood, Adams, John, Day, Kirkwood and Brooks. The southwest Wales telephone directory shows that at least 60 per cent of the population bear distinctive names like Jones, Evans or Davies. Figures for the districts from which the Carmarthen jury came range from 70 to 84 per cent Welsh names. The odds against such a selection in a *random* sample of the population are about three thousand to one.

Juries are chosen in a way which few social scientists would recognise as 'random'. The electoral register for the appropriate district is scrutinised by county court officials who may select any names they wish, omitting only on grounds of age. They are told to choose the names 'at random' but given no guidance as to methods for doing this properly. In these circumstances some degree of imbalance is inevitable. A summoning officer may or may not get an even balance between men and women, or between young and old, but is unlikely to get all factors fairly represented. Sometimes a deliberate bias of a harmless sort is evident: in a recent case the entire jury was distinguished by odd surnames like Smelly and Nut.

The bias in the Carmarthen case was less innocuous, as the subject was a quasi-political trial centring on the Welsh language. A previous trial – with an almost totally Welsh and Welsh-speaking jury –

had resulted in no verdict and this was the retrial. Forty jurors were summoned in the 'panel' for the new trial: of these, only 40 per cent had Welsh surnames. The odds against such a low percentage being selected purely at random are about ten thousand to one.

After ten members of the panel were excused, some thirty jurors, ten of them with Welsh surnames, appeared at court. They were called into court individually – again supposedly at random. Even with the highly biased sample, the odds against no Welsh surnames in the first twelve was over one thousand to one.

The Wales and Chester Circuit office in Cardiff denies issuing any 'special directions' to jury sum-

moning officers on this occasion, although they acknowledge that their selection procedures are 'not scientific'. They did assure the defence lawyers that the jury would not be vetted but this seems to have meant only that there would be no central vetting. As the jury was called in, a Special Branch detective from Carmarthen advised the prosecution on the suitability of each juror. Two were rejected. After challenges from the defence, the final twelve did include a minority of Welsh and Welsh speakers. But all but two had to use simultaneous translation facilities to understand the proceedings which were conducted in Welsh.

It is certainly remarkable, in a case of considerable political sensitivity, to find jury selection in the hands of people who would be millionaires if they applied their powers of overcoming lengthy odds to the turf.

Times workers wait for the crunch

Patrick Wintour writes: Developments in the next two or three weeks will determine whether Times Newspapers will be suspended from publication for a very long time. It is generally agreed that if one side does not concede something very important soon, there will be a stalemate for several months. The management's two concessions so far (the fortnight's delay of dismissal notices and the withdrawal of tough financial penalty clauses in the disputes procedure) were largely expected and have merely prolonged the phoney war. There are still far too many individual chapel negotiations to be completed than is possible in a fortnight. The only chance of a major turn-around would seem to be either the National Graphical Association or the management altering its position on the principle of editorial input being keyed-in directly by non-NGA members. If the management were to insist on

