

# Case of the Month: The Case Of Juror Integration

## Cause No. 84507 - State of Texas v. George Moses

Judge Mark Davidson



**Former Harris County District Attorney Dan Walton**

Serving as a juror is seen as an obligation, a burden, and a privilege. Regardless of how any one individual may view it, it is an essential part of our justice system. The rights of parties in all cases, civil and criminal, depend on citizens appearing to serve. Beyond that, every American should savor the right to participate in cases, because it gives all of us a powerful voice in how our nation advances to achieve the dream of justice for all.

Sadly, for much of our history, the selection of jurors was discriminatory. In Harris County, a “gentlemen’s agreement” existed in which all people of color were stricken from jury service for cause. The exclusion was automatic and enforced when any party to a case chose to object, which always happened. That tradition ended in 1958 during the case of State of Texas v. George Moses.

The background of the case is tragic. On a summer evening in 1958, Mr. Moses was sitting in his home and was suddenly raided by the Houston Police Department. He claimed that he had no idea that the persons breaking into his house were law enforcement officials, and gunshots ensued. In the melee, HPD officer Noel Ray Miller was shot and killed. Capital murder charges were brought against Mr. Moses.

The newly elected District Attorney of Harris County, Dan Walton, announced that he would try the case himself, notwithstanding a number of very capable assistant District Attorneys in his office. His goal was only secondary to get Mr. Moses convicted. He chose this case to make a statement in support of equal rights for all Harris County residents to serve as jurors. When the case went to trial on August 28, 1959, Walton announced to the court that the State would not be making any objection to Jury Panelist Number 176, Mr. C. H. Nelson.

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In an interview given many years later, Walton said that Judge Frank Williford fell back in his chair from surprise. Mr. Nelson was African American, as was the defendant George Moses. When the judge sequestered the jury during the trial, Walton said he got a note from the bailiff saying that the hotel the county used to house jurors would have to admit a Black person as a guest. Walton replied that he had no objection, and that he was sure the hotel would comply unless they wanted to lose the county's business. He was correct. Nelson became the first Black guest of the previously segregated hotel.

After a four-day trial, the jury convicted Mr. Moses and assessed the death penalty. Any claim that putting African Americans on juries would result in hung juries was instantly dispelled. Sadly, Mr. Nelson paid a price for his jury service. His business, a grocery store in Independence Heights, was vandalized two nights after the verdict.

In 1998, when Harris County started digitizing historic records, the District Clerk's Office sent out letters and press releases asking for suggestions of any file that anyone thought should be saved in its original form. The President of the Houston Bar Association, D. Gibson "Gib" Walton –son of Dan Walton– said his father would have wanted the Moses case to be saved from being shredded. The case was saved and preserved, serving as a continuing monument to a juror who served and a district attorney that wanted to end an invidious system of racial discrimination. Every citizen that has had a fairer jury since 1959 have Mr. C. H. Nelson and District Attorney Dan Walton to thank.

61	176.	C. H. Nelson		1801 Thompson	27 <sup>th</sup> IX
62	177.	T. G. Callison	SEP 17 1958	111 S. Signal	Highlands
63	178.	A. Bertone		5008 Harrisburg	
64	179.	Earl M. Dodt		718 Birdsall	
65	180.	Ralph Edwards		Box 87	Cypress
66	181.	Clarence Barton		902 Kittenhouse	
67	182.	Paul W. Chmanrt		4017 Winfree	Secs. 9, 15, 17 only
	183.	John Branch		5209 Market	
	184.	N. J. Simmons		312 Gulf Bldg.	
	185.	C. L. Garner		615 Oglvie	
68	186.	H. N. Hughes		5751 Belasath	
	187.	Ed T. Bars		409 Hurres	
	188.	G. Castro	SEP 2 1958	Box 1044	Baytown
	189.	Mrs. Ethel Sampson		212 N. 2nd	La Porte
	190.	Elnora Taylor		2003 Hamilton	
	191.	Beatrice L. Johnson		3239 E. Alabama	
	192.	Beatrice Yagok		1911 Volker	
	193.	Walter Andree		1308 W. Webster	

Jury panel roster listing Mr. Nelson's name