
"The reason a negro was not selected was not because we discriminated; I only appointed those that I personally knew to be qualified".

Obviously, we cannot go into all of the ramifications of why these three commissioners did not place any Negroes on this Grand Jury Panel. We pass only on the Constitutional issue by applying the uncontrovertible facts to the ultimate issue of discrimination. The uncontroverted facts are that each of the Commissioners was well acquainted in the community. While the record does not show the length of the residence of one, another was a native of the county and had resided there continuously for 38 years. The third was the manager of a furniture store and had lived continuously in the county for 28 years. Each knew negroes but did not suggest one for service, although one attempted to secure a negro who was not available. If these commissioners had not known the negroes of the community their limitation of selection to the citizens they knew to be qualified would imply a purposeful exclusion. This is the rationale of Hill but here they all knew negro citizens and considered them in their deliberations according to the record. To attach some sinister motive to these long time residents who served as commissioners because no negroes were selected would certainly disrupt the Grand Jury system that this court has approved. There is no fact in the record from which any such inference might be deduced.

I therefore think that the case should be affirmed.