

END GRAND JURY REPRESSION

THE COMMITTEE

The Committee to Stop Grand Jury Repression formed in response to the repressive and arbitrary manner in which grand juries are now being used. The Committee was not formed in support of any particular group.

HISTORICAL ROOTS

The roots of the Grand Jury can be traced back as far as 12th Century England. Historically, the grand jury has had two distinct functions. First, it was to independently evaluate the evidence gathered by the prosecutor to determine whether the state or government was justified in bringing a person to trial. Second, it was to investigate independently of the King's (government's) prosecutor, offenses committed or aided by public or former public office holders.

Originally the grand jury acted as a "people's panel," shielding the innocent from unjust prosecution or investigating government authorities misuse of their positions for private gain or public harm. Prior to the American Revolution, grand juries refused to indict colonists accused of violating British laws such as the Stamp Act or seditious libel laws when they, the jurors believed such laws to be unjust. At other times, however, grand juries have been a compliant instrument of the prosecutor. In recent history, (especially since the late 60's) this aspect has been dominant.

GRAND JURIES TODAY

In the May 1973 issue of Harper's Magazine former Senator Charles Goodell stated that, "Over the years, the complexion of grand juries has changed, their anti-authoritarian tradition has become diluted, and they have become subservient to the interests of the prosecuting authorities."

In many cases, the prosecutor now bypasses preliminary hearings before a judge where the defendant's lawyer can cross examine the state's witnesses. This is done in favor of grand jury indictments where the defendant or witness is not allowed to have a lawyer present.

The entire grand jury proceedings are now run by the prosecutor, for the government, and against the people. Even when grand juries are used to investigate the government or the rich, the prosecutor is able to manipulate things in their favor. Because of demands by the people there were two grand jury investigations into the police murder of Tyrone Guyton and each time there were no indictments returned. Another example of the total control of this process by the prosecutor is the Watergate Grand Jury handing down an un-indictable co-conspirator charge against Nixon, rather than an indictment.

In relationship to this type of activity, William Campbell, a federal judge in Chicago recently wrote: "Any experienced prosecutor will admit that he can indict anybody at any time for almost anything before any grand jury."

1970 - REACTION TO ANTI-WAR MOVEMENT

Beginning in 1970, the Justice Department, its Internal Security Division in particular, convened a series of Special Grand Juries. A wide variety of people were subpoenaed. Many of them were associated with the anti-war movement and some of the people had only incidental ties with anti-war activists.

These witnesses were forced to choose between testifying about their friends, relatives, and political associates or going to jail for contempt of court. Dozens of people were jailed for refusing to testify. Others, unwilling to be jailed for a principle when they knew nothing to incriminate anybody, were forced to tell the government about the private lives of their friends and relatives.

"USE IMMUNITY" - CATCH 22

The prosecutor decides who to subpoena, what questions to ask, and the general nature of the investigation. But the tool which has been most crucial to the prosecutor in this misuse of grand juries has been the ability of the prosecutor to obtain court orders of immunity.

(OVER)

This immunity is called "use immunity," and it "protects a witness against self-incrimination," but it does not protect the witness from being incriminated by the testimony of others. The prosecutor in fact, has turned "use immunity" into a game of heads I win, tails you lose. You are forced to testify against your friends and your friends are forced to testify against you thus making a mockery of the Fifth Amendment.

Since 1970, these grand jury attacks have continued even up to this day. They have been aimed at people who have been active in various social movements on the left such as friends of the alleged Weatherunderground, IRA supporters, the Black Panthers in New York, VVAW and most recently, friends of people believed to be part of the SLA.

The government's traditional methods of law and order have failed to curb the growing people's movement against the oppressive and exploitative nature of the capitalist-imperialist system which the government represents.

The FBI has found it increasingly difficult to infiltrate the movement and even in cases where they have been able to do so, they were quickly exposed. The tactic of using conspiracy charges to pick off leaders of the movement has also backfired. The government, realizing its

loss of credibility and the ineffectiveness of FBI investigations, see the present manner in which grand juries are used as another method to coerce and intimidate the movement.

DON'T MOURN, ORGANIZE!

Organizing against grand jury repression is essential for the movement's survival, yet we must recognize its limits and not allow it to divert our attention away from organizing against U. S. imperialists and its oppression of poor and working people throughout the world.

You need not have the remotest connection to any "crime" to be a grand jury witness. We urge you to join our effort. The Committee meets every Tuesday at 7:30 P.M. For more information call or write us at:

COMMITTEE TO END
GRAND JURY REPRESSION
c/o 2222 GROVE STREET
BERKELEY, CALIF. 94704

848-7200

PROGRAM

In our opposition to grand jury repression, we maintain the following program:

★ 1. We will build support for victims of grand juries, especially grand juries which are aimed at stifling dissent against the government.

a. We will support any witness who chooses to resist grand jury repression, who may be sent to jail for civil contempt.

b. We will raise funds, have support demonstrations, and use all other available means of publicizing the resister's actions.

c. We will attempt to educate the people through our propaganda about the repressive manner in which grand juries are now being used.

★ 2. Even though we have no illusions about reforms, we will support all attempts by the people to return the use of grand juries back to their original purpose such as:

a. The independence of grand jury investigations.

b. The elimination of "use immunity."

c. That witnesses be allowed to have legal counsel present in the grand jury room.

d. That grand juries be allowed to investigate on their own initiative crimes committed by government or former government officials, and that they have the power to hand down indictments if necessary. (Presently, there is a bill before congress, H. R. 13912. If passed, this bill would establish certain rules with respect to the appearance of witnesses before grand juries in order to protect the constitutional rights and liberties of witnesses under the fourth, fifth, and sixth amendments. It would also provide for independent inquiries by grand juries.)

★ 3. We support all demands of the people for grand jury investigations of crimes committed by the government and police such as Watergate, the Kent and Jackson State incidents, the murder of Tyrone Guyton, and Alberto Terrones (Union City). We support these demands with the understanding that it will become even more clear to the people through such support, that present grand jury investigations are run by the government, for the government, and mainly against the people. In other words, reforms must be seen only as a means not an end in relationship to obtaining the democratic rights of a people.