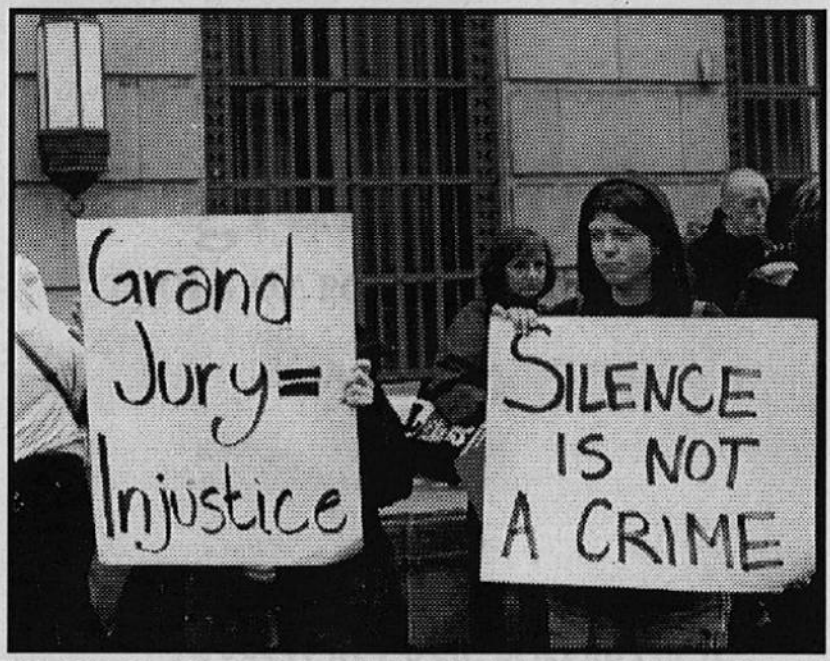
grand juries



TOOLS OF POLITICAL REPRESSION

CRAIG ROSEBRAUGH

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AN ESSAY BY CRAIG ROSEBRAUGH

Liberation Collective • 1998 • Portland

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It is a commonly held thought that the constitution of the United States of America guarantees certain rights and liberties to citizens of the country. Contained in this list of entitlements are protections thought to be universal in the court system. Yet, a closer look into a particular section of the justice system reveals to many what is often a shocking reality; there is an institution within both state and federal governments which operates in secrecy and strips individuals of basic fundamental rights.

The particular clause below contained in the Fifth Amendment to the U.S. Constitution is widely overlooked or clearly unseen;

> No person shall be held to answer for a capitol, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or pubic danger (National Lawyers Guild, 1997, p. vii).

The line *unless on a presentment or indictment of a grand jury* contains an important and perhaps hidden message of absolute power and exemption from process law. Historically, this meant and on the federal level still means that an individual may not be brought to trial for a serious crime unless a grand jury has heard enough evidence to return an indictment (Frankel and Naftalis, 1977).

Grand Juries, often referred to as the strong arm of the court system, thrive off public ignorance, working behind closed doors where they continue to operate under seemingly little regulations. Often working in accordance with the Justice Department, the grand jury system has been and continues to be used for intelligence gathering and suppression against groups and organizations considered radical or in opposition to current policies.

Two of the most controversial aspects of the grand jury process involve the fifth amendment with its provisions dealing with protection against self incrimination and right to counsel in addition to the sixth amendment's right to counsel provision. Citizens in the U.S. are generally taught that the Constitution guarantees protection against self incrimination and the right to counsel during *all* court proceedings. While these notions are somewhat correct, they do not apply to individuals involved in a grand jury process.

This essay will examine the grand jury system and its surrounding mystery in order to effectively make a recommendation

towards its complete abolition. I will begin by taking a look at the historical origins of grand juries and why exactly they came into existence. Next, a summary of the grand jury evolution will be given which will lead to an examination of their current validity in the United States. Finally, a conclusion will be drawn as to the future of grand juries and what should come of them. I will draw of my own personal experience with grand juries combined with a small library on the subject to present an accurate representation designed both to educate and hopefully alarm the bulk of individuals still unaware of the absolute power of the grand jury system.

Grand Juries...A Historical Perspective

Grand Juries originated in England in 1166 which according to historians was the year of King Henry II's Assize of Clarendon. The purpose of the "Grand Assize" was to employ "a body of knowledgeable local gentry as the King's investigative arm" (Frankel and Naftalis, 1977, p. 6). At this time the grand jurors were drawn from the actual neighborhood to report on things they knew firsthand or had heard.

There was no real concern for the protection of an individual from the state during these early proceedings. "The Grand Assize was established to enable the king to wrest the administration of justice from the Church and the feudal barons" (P. 7). The grand jury was basically a weapon for the King to enforce his law. This is in contrast to today's grand juries which in theory serve to create a shield between a citizen and her/his dealing with the state.

Another clear difference in the early grand jury system is that the same grand jury could and often did serve as a trial jury once an indictment was found. Today, a target of the grand jury who is facing an indictment has the right to a separate trial jury thus allowing a second nature of opinions to judge the case.

In the middle of the fourteenth century, the procedures in England progressed to the point where the accused could strike from the trial jury any member of the grand jury that had helped to decide on an indictment. Close to this same time period, the grand jury began to hear testimony in private. It was this initial practice which would eventually give rise to the secrecy aspect of the grand juries today.

The first instance on record of grand jury independence from the King occurred in 1681 with the cases of Anthony, Earl of Shaftesbury, and Stephen Colledge. Both of these men were vocal

Protestants opposed to King Charles II's attempt to re-establish the Catholic Church in England. In these cases the grand jury "refused to accede to the King's wishes that a public rather than private hearing be held" (Emerson, 1983, p. 9). After hearing the evidence, the grand jury refused to indict. Unfortunately, the King simply found another grand jury panel who were a bit more compliant. The cases of Shaftesbury and Colledge have traditionally been credited with marking the beginning of the grand jury's role as a shield for the innocent against government oppression.

The English colonists brought many institutions to the new land and among them was the grand jury. The first grand jury was established in Massachusetts in 1635 and by the year 1683 some form of the grand juries was present in all of the colonies (Clark, 1975). At this time grand juries not only served to initiate prosecutions, but often served as spokesmen for the people, proposed new laws, and protested government abuse.

One of the most famous early examples of a grand jury protecting an individual from governmental oppression came in 1743 with the case of John Peter Zenger. As a New York newspaper publisher, Zenger had "criticized the colonies governor, who sought to have him prosecuted for criminal libel" (Frankel & Naftalis, 1977, p. 11). In this case two grand juries refused to indict Zenger. Afterwards, the royal authorities then prosecuted him by information which was a written accusation drawn up by a prosecutor. When this was presented before a trial jury they too refused to convict.

As the relationship between the American colonies and Great Britain became more tense, grand juries began to increasingly serve those who opposed British rule. In 1765, for example, a Boston grand jury refused to indict leaders of protests against the Stamp Act. In addition, four years later a Boston grand jury "indicted British soldiers quartered in the town for offenses against the populace, while at the same time refusing to indict persons charged by the royal authorities with inciting these soldiers to desert" (p. 11).

Throughout the Revolution, grand juries continued their broad scope of activities. One important function the grand juries served during this time period was to block criminal proceedings begun by royal officials. By refusing to find a true bill, the American colonists could prevent the enforcement of criminal statutes, in particular the laws regulating trade.

A grand jury in Philadelphia in 1770 "refused to indict colonists and proposed a program of protest against the British tax on tea"

(Younger, 1963, p. 31). In addition, the jurors themselves pledged to work for a united colonial program of non-consumption of British goods.

Politics increasingly played a role in shaping grand jury policy. In 1800, Jefferson's Administration sought to have Aaron Burr, a political enemy, prosecuted for treason. The initial grand jury refused to indict and like the Shaftesbury and Colledge cases, an additional panel heard the case and indicted Burr. He was eventually acquitted and there remains much skepticism as to whether there was sufficient evidence in the first place to justify the prosecution.

Before and during the civil war grand juries were ever-present with their political divisions. In the South, grand juries eager to uphold slavery practices gave indictments against abolitionist leaders and related newspapers. Grand juries served to pressure activists and newspapers throughout the country into submission. This notion is revealed in the following example taken from the book The Grand Jury: An Institution on Trial 1977, "In New York City, a grand jury publicly warned three newspapers, including the *New York Daily News* and the *Brooklyn Eagle*, that they were encouraging the rebels. This public criticism was followed by federal action banning these newspapers from the mails because of disloyalty" (Frankel & Naftalis, p. 14).

After 1776, the idea of the grand jury was included into many state constitutions and into the U.S. Constitution as well. Adopted into the Fifth Amendment, grand juries made their way into the Constitution as a result of their key role in the Revolution and also due to the fact that many colonists were fearful of creating a powerful centralized government that could easily use the criminal process against political enemies.

During the Reconstruction period, whites gained control of the state grand juries and used them as their weapon in their fight against "negro rights and radical Republicans" (p. 14). In the South, white grand juries refused to indict members of the Klu Klux Klan in addition to others who openly practiced hatred toward blacks. It took federal legislation to override the abusive state grand juries and to begin to uphold civil rights.

As the grand jury system progressed, it began to more and more reflect the local or national bias with respect to various issues. Pressure from the Executive Branch also influenced grand juries to take a strong stance against groups labeled dangerous.

In 1948, during the time of the "Red Scare", a grand jury in

New York indicted Communist Party officials for violation of the Smith Act which "prohibited advocating and teaching the legitimacy of overthrowing the government" (Clark, 1975, pp. 24-25). In both Denver and Los Angeles, grand juries also called members of the Communist Party as witnesses. They were told that they were not facing any charges and that being a Communist Party member was not a crime. Some members attempted to use their Fifth Amendment privilege to not incriminate themselves and were jailed on contempt charges. As many of these same witnesses were later indicted, their use of the Fifth Amendment was well founded.

During the 1960's there is ample evidence showing the close relationship the U.S. Justice Department had with grand juries. A glance at the Nixon administration illustrates this very point. Nixon is reported to have said in 1968 at a private meeting of Republicans prior to his election that he was personally going to "take charge of the Justice Department and run it" (p. 32). Using the Justice Department and grand juries as his tool, so-called enemies of the government were often indicted and information was gained about these perceived threats to the nation state.

The Justice Department has also has used grand juries in order to enable indirect illegal wiretapping (p. 42). According to the law, a defendant cannot object to evidence that was seized in violation of the constitutional rights of another individual. An objection can only be made when the defendant has evidence seized in violation of her/his own constitutional rights. The government wanted witnesses who did have their rights violated to give testimony against others. The use of the grand jury was a way to get this accomplished.

There have been charges by many that a chief objective of grand juries is to disrupt organizations deemed anti-American or a threat to national security. This has not only occurred by jailing people on contempt charges but also by disrupting the cohesiveness of groups by instilling fear which prevents them from effectively opposing governmental policies.

The presence of grand juries in combating social movements in this country is apparent in various avenues. "Grand jury activities and investigations have targeted political dissenters, escaped slaves in the 1850s, movements involving causes deemed anti-American, and, more recently in the 1970s, the Vietnam Antiwar and Women's Movements" (National Lawyers Guild, 1997, p. viii). The American Indian Movement (AIM) has been another target of government repression through grand juries. In 1973, government agents created

some 316,000 investigative file classifications on those involved with the Wounded Knee incident. A government report stated,

> The events gave [immediate] rise to approximately 562 arrests, Federal grand juries indicted 185 persons and there was a total of 15 convictions, a very low rate considering the usual rate of conviction in Federal Courts, and a great input of resources in these cases (Churchill & Wall, 1990, p. 176).

The scope of investigations undertaken by grand juries continues widen. White Collar crimes and political corruption continue to be two targets the system loves to boast about. Yet, as history has shown the reality of grand juries today may be far from what was originally intended in their inclusion into the Fifth Amendment years ago.

What Constitutes a Grand Jury?

In federal courts the grand jury is a panel of twenty-three citizens that can operate with a quorum of sixteen. For an indictment to be returned there needs to be twelve votes. The number twenty three dates back to the time of the Grand Assize where twenty three individuals were first picked for service from the county.

In state grand juries, the number of jurors can greatly differ but none exceed twenty three. In Oregon, Iowa, Montana, and Utah for example, seven members make a valid jury. Yet, in Virginia the number drops to five and in Tennessee twelve citizens are needed for a grand jury panel.

All grand juries have one common function which is "to determine if there is sufficient evidence to warrant putting the subject of an investigation on trial, where the question of guilt or innocence can be determined" (Frankel & Naftalis, 1977, p. 19). The power that is enjoyed by a grand jury is far beyond that which occurs in a normal trial. The grand jury is allowed to compel testimony of witnesses and the production of physical evidence. Grand juries must not be used only to gather evidence for a civil lawsuit. A civil action may be brought by the government but it must be in accordance with criminal measures.

An individual who is called to testify before a grand jury is required to answer all questions without the Fifth Amendment privilege. Individuals who choose to take the Fifth Amendment and remain silent during questioning to avoid self incrimination may at any

time be given immunity. At this time the individual is taken before a judge in an immunity hearing. Once the immunity is given, individuals may not refuse to answer any questions by the grand jury or be subject to imprisonment on contempt charges for up to the remaining length of the grand jury.

The grand juries are run by the United States attorney and assistant U.S. attorneys, local state attorneys, or state attorney generals and their staffs. It is up to the prosecutors to decide what will actually be the focus of investigation as well as who will be brought before and even indicted by the grand jury. In theory the grand jury can refuse to indict, but as standard practice grand juries usually follow the views and recommendations set forth by the prosecutors.

Grand juries operate largely behind closed doors in secrecy unknown to the public. The reasons for this were summarized by the Supreme Court,

> (1) To prevent the escape of those whose indictment may be contemplated; (2) to insure the utmost freedom to the grand jury in its deliberations, and to prevent persons subject to indictment or their friends from importuning the grand jurors; (3) to prevent subordination of perjury or tampering with the witnesses who may testify before [the] grand jury and later appear at the trial of those indicted by it; (4) to encourage free and untrammeled disclosures by persons who have information with respect to the commission of crimes; (5) to protect [the] innocent accused who is exonerated from disclosure of the fact that he has been under investigation, and from the expense of standing trial where there was no probability of guilt" (Frankel & Naftalis, 1977, pp. 23-24).

Witnesses for the most part are not allowed counsel inside the grand jury room. This is due to the proceedings being considered "nonadversarial" and "the witness is deemed to have the maximum protection that he needs because he can invoke his right not to give testimony that is incriminating" (Clark, 1975, P. 70). Yet this reasoning is a bit deceiving since the Fifth Amendment right to silence can be challenged at any point. While the law against counsel is absolute in federal cases, there are a few states that do allow representation inside. Witnesses are allowed however to consult with an attorney outside the grand jury room at reasonable occurrences regarding the

questioning.

There are two main components to be considered when determining if someone is to be indicted. The first is whether or not a crime has been committed. The second asks if there is "probable cause" to believe the individual under investigation committed the crime. As simple as these two may be, the area of grand jury investigation may be extremely scattered.

As far as the selection of the grand jury goes, before the Federal Jury Selection and Service Act of 1968, most juries were formed by the "key-man" system. This process consisted of the clerk of the court or jury commissioner in a particular district or state who would contact men who had a high status in the community and request that they recommend possible jurors. Obviously with this sort of method in place, juries were hardly an accurate representation of the people at large.

The Jury Selection and Service Act of 1968 states "the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes" (p. 41). Voter registration lists are used to randomly select jurors in these federal cases.

Traditionally, grand juries may convene for up to eighteen months and their meeting occurrences may vary from weekly to monthly. Once a grand jury term has expired and the investigation has not concluded, a new grand jury may be convened to continue.

Attempts at Abolition

On September 1, 1933, grand juries were formally abolished in England. After years of rejection both from members of the legal system as well as common laypersons, this structure which served as a model for U.S. grand juries now was thought of as ineffective and largely useless. The London *Times* was in support of this move printing that the grand juries were expensive and inefficient. English citizens realized the tax saving they could have if the grand juries were gone and naturally then supported the ban.

Efforts during this time were also underway in the United States but without the same success. The American Judicature Society in 1920 advised delegates at the Illinois constitutional convention that grand juries were of little value and that they delayed the courts. The State's Attorney's Association of Illinois was in support of this notion and also recommended that the grand jury system be

abolished.

Opposition to the grand juries was fought by an ever increasing force largely headed by the Grand Juror's Association of New York which published *The Panel*, a pro-grand jury periodical. The purpose of this publication was to try to explain the importance of grand juries to the general public. Public sentiment for grand juries began to increase as propaganda related to crime and national security suggested they were the right tools for the job.

Today grand juries are no less common, investigating corruption in the political structure as well as perceived threats to the stability of the status quo. The use of them as tools of harassment is ever present in various issues still considered by many to be anti-American. Opponents of the grand jury in the U.S. still argue they are costly and extremely inefficient. Whereas prosecutors and other supporters will defend the grand jury system as a necessary part of the justice system.

Abolishing the grand jury would definitely eliminate some financial costs such as the payment of grand jurors, witnesses and personnel who run the system. It would also reduce the time that prosecutors and law enforcement spend going through the motions to present the case to a grand jury before getting approval.

The main loss to the prosecutor would be the subpoena power. Yet there is an extreme amount of criticism regarding whether prosecutors should have this much power in the first place. Obviously prosecutors will defend the role of grand juries and the related subpoena power at the same time others may well question this entire system.

Grand Juries...An Inside Look From Personal Experience 1997/1998

I was first subpoenaed to testify as a witness before a federal grand jury in Portland, Oregon in September 1997. At that time I had spoke out in support of two acts of eco-sabotage committed in Oregon by an underground organization known as the Animal Liberation Front (ALF). The organization I worked with at the time, Liberation Collective, had received two communications from the ALF claiming responsibility for these occurrences. After many visits by the F.B.I. and the Bureau of Alcohol, Tobacco, and Firearms, a subpoena was finally issued to me to give information to aid in the investigation of the crimes.

The subpoena issued to me commanded my appearance in Federal Court less than a week later. After realizing this I immediately

called the Assistant U.S. Attorney in Portland and asked to have the date delayed so I could have time to obtain and consult an attorney. My request was granted and the proceedings were delayed for a month.

Early on an October morning, on my way to the U.S. Courthouse, I delivered a formal letter of objection to the U.S. Attorney's office on the grounds that I was being harassed. A protest against the grand jury was held outside the courthouse and attended by forty or so individuals angry at the secret government proceedings which were about to occur inside.

At 11:00 I went inside confident that the grand jury, being members of my local community, would be able to see I had done nothing wrong and that the U.S. government was simply grasping at extremely small straws. U.S. Marshals immediately led me into a waiting room filled with F.B.I., A.T.F., and other government agents. Shortly thereafter I was taken into another room and led up to the front where I was told to sit. In front of me were twenty-three members of the grand jury. To my left was the Assistant U.S. Attorney, to my right the Court Reporter and three forepersons of the grand jury.

As soon as I sat down the questioning began from the Assistant U.S. Attorney. By the time the third question was asked I began to take the Fifth Amendment and use my right to protection from self incrimination knowing full well that this could be challenged at any time. After an hour or so questions began to come from the grand jurors themselves.

The first thing I noticed about the grand jury was that it was entirely white, hardly a accurate representation of the Portland area. (Compared to other cities, Portland is an extremely white town but definitely not to the extent represented by that jury). Secondly, each individual seemed to be over the age of forty and many quite older than that. I had no knowledge of what was said about me prior to my appearance but it was clear by the tone of the grand jurors questions that they considered me guilty of some sort of serious crime before I ever walked into that room.

To roughly seventy-five percent of the questions I took the Fifth Amendment and remained silent. The questions I did choose to answer related directly to the philosophy of the social movement and information about my organization, both of which were already public knowledge.

The grand jury seemed more interested in arguing with me over the ethics of a particular social movement rather than focus on

their task at hand, investigating the two crimes that had occurred. I was frequently cut off when trying to answer ideological questions and often snickered at when offering my viewpoint on a given issue. It became extremely frustrating especially when I noticed two jurors dozing off in the back row. It was comforting to know that tax dollars were spent to have these individuals sleep during a court proceeding.

Frankel and Naftalis in The Grand Jury; An Institution on Trial, comment on the possible atmosphere inside the grand jury room, "The opportunity to bully, to harass, to intimidate is surely present in the grand jury room, and it has surely been exploited on too many occasions" (1977, p. 53). This statement which should be unthinkable, was a definite reality where I was concerned.

After an hour and a half of questioning, I was led outside the room and told to wait in the hall while the Assistant U.S. Attorney spoke with the grand jury to determine if there was any interest in asking more questions. I was soon taken back inside where I sat through another fifteen minutes of questions, again exercising my Fifth Amendment right.

At this point I was told that I was finished for the day and reminded that I could be called back at any given time to face more questions. A U.S. Marshal then escorted me down the elevator and out of the building. I did not expect to be released that day or really for a length of time as I figured my Fifth Amendment protection would be challenged and I would be held in contempt. As I walked out the doors of the courthouse my mind was in a complete daze. The psychological stress that was invoked in that hostile atmosphere was simply unimaginable, especially from individuals who consider themselves to uphold the law.

Two months later, on December 12, I received two more subpoenas at my personal residence. One was for me to testify again and the second was for the production of materials and/or objects belonging to Liberation Collective that relate in any way to the now three incidents listed on the subpoena; (1) The November 29-30, 1997 trespass, burglary and fire at the U.S. Bureau of Land Management Wild Horse Corral in Harney County, Oregon; (2) The July 21, 1997, trespass, burglary, and fire at the Cavel West, Inc., facility in Redmond, Deschutes County, Oregon; and (3) The May 30, 1997, trespass, burglary and "mink release" at the Arritola Mink Farm, in Mt. Angel, Marion County, Oregon. These three incidents alone totaled over $1.5 million in damages.

Once again the date for my appearance was less than a week

away so I called the Assistant U.S. Attorney and asked for a delay to obtain counsel. I was denied this delay without hesitation over the phone. After putting my request in writing, I faxed it to the U.S. Attorney's office again asking for a delay. This too was denied.

On December 16, one day before I was commanded to testify, I put forth a motion to the court to disclose illegal electronic surveillance and to quash the subpoena. My interest in doing this was to attempt to learn whether or not illegal electronic surveillance had been used to gather information for the subpoenas. Early the next morning, the Court Clerk called and told me my motion had been denied by a Judge that very morning and I was still commanded to appear.

The same day, another demonstration was held outside the U.S. Courthouse in Portland. I had made up my mind that I would not even go into the courthouse due to the continued harassment I was feeling from the situation. At 11:00am, a ATF agent came outside and asked me if I was planning on going up to testify. I said I was not. He went back in only to reappear ten minutes later when he informed my that the Assistant U.S. attorney had commanded me to testify. The ATF agent then asked me again if I was going to testify. I told him I was not. The agent went back in the courthouse and almost immediately came back out with a U.S. Marshal. Together they proceeded to arrest me, placing me in handcuffs claiming I was going to be held in contempt of court.

I was taken to the second floor and into a large room where the Assistant U.S. Attorney, U.S. Marshals, an ATF agent and a court reporter were all present. Soon a Judge entered the room and still in handcuffs I was told to sit down at a table near the Assistant U.S. Attorney. The Judge then asked me why I was refusing to testify. I told him that I had three reasons which I felt were more than adequate for my refusal. The first was that I had only been given five days, two of which were on the weekend, to obtain and consult and attorney. Secondly, I had put forth a motion the day before asking for disclosure of illegal electronic surveillance and I felt that should be dealt with before proceeding. Finally, I had been in the hospital a week and a half prior with paracarditis and I was in no condition to sit through another grand jury inquisition.

Needless to say, the Judge did not find any of these reasons valid enough to excuse me from testifying. He ordered the U.S. Marshals to take me down to the grand jury room where I would be forced to sit through more questioning. They led me into the room, sat

me down, and took off my handcuffs. In front of me once again was the grand jury. This time to my right was the Assistant U.S. attorney and to my left was the Court Reporter and the three forepersons of the grand jury.

Immediately I noticed that the atmosphere seemed worse than the first time. Not only was I back in front of this group of people that had been led to dislike me, but the lighting was unbelievably oppressive. I was in what felt like a spotlight with the Assistant U.S. attorney while the grand jury sat in wrap around audience style seating with dim light. It was a spectator sport and unfortunately I was the unwilling subject at hand.

The questioning began once again from the Assistant U.S. attorney. This time to just about all of the questions I took the Fifth Amendment as I felt I was going to be held anyway for contempt. An hour later the Assistant U.S. Attorney asked where the materials and objects were that were subpoenaed from Liberation Collective. I replied that the only items Liberation Collective had were copies of press releases that were already in possession of the court. The Assistant U.S. Attorney then told me that I had been commanded to bring all copies of any relevant materials. In addition he said that if I was willing to and get the copies and be back in a couple of hours, I would be free to leave.

At this point I did not know whether to believe him or not. I figured that there would be no harm in giving copies of documents to the U.S. Attorney's office which the Court already had. So I was released to go and get the press releases.

Upon returning I was led back into the grand jury room where I sat through another fifteen minutes of questioning and then sure enough I was told I was done for the day. Both to the disbelief of myself and my support committee outside I walked out the front doors of the courthouse after being handcuffed just hours earlier.

In January, 1998, I received a fourth subpoena from an FBI agent. This time it commanded me to submit to fingerprinting by the Federal Bureau of Investigation on or before January 28. I began working on a motion to quash this subpoena based on my belief that giving my fingerprints would be in violation of my Fifth Amendment protection against self incrimination.

On January 26, I put forth this motion in Federal Court hoping to quash the given subpoena. I received word from the court the next day that once again my motion had been denied and I was still commanded to give my fingerprints or be subject to contempt charges.

At 9:00am on January 28, I was fingerprinted by agents of the FBI in the U.S. Marshals office in the U.S. Courthouse. Many states already had my prints on file and I figured if I was arrested for contempt the FBI would get a new full set anyway so I agreed to the fingerprinting. An hour later I walked out of the courthouse and so far that is the last I have heard from the grand jury. However, government agents continue to attempt to question me regarding new and past actions.

I included my personal experience with grand juries in this paper to attempt to give the reader an accurate representation of a political grand jury and the atmosphere inside the court room. Since the proceedings are largely conducted in secrecy there is a great benefit in learning what actually occurs behind the closed doors.

Conclusion

In my experience with grand juries, the most fascinating realization I have encountered is that the public at large is misinformed and kept in the dark. Most citizens do not realize that an individual does not have the right to counsel nor the Fifth Amendment protection in the proceedings. Individuals I spoke with from all walks of life were outraged when they learned of this reality occurring in grand juries. Yet, it is this very secrecy and deception that has led to the continuation of the grand juries. It is a simple rule that says if no one is informed, no one will object.

It is perhaps a bit odd that grand juries were abolished in England years ago and yet in the United States they continue to flourish with little organized objection. There were definitely sound reasons for the abolition of grand juries in England, (waste of time and taxdollars, extreme & lawless government power) yet the public in the United States has to yet understand or even be informed of the majority of wrongdoing by this structure.

It does seem fair to say that one historic intention of the grand jury, which was to give the people some power against an oppressive and corrupt government, had good intentions. What the grand jury system has evolved into is something so distant from this early intention that the current true meaning is difficult to grasp.

Reformists for the most part want one of two options, either to abolish the grand jury system entirely or to reconstruct it to become the "people's panel" like it was, at least in theory, intended. The struggle for reform is met with great resistance from the Executive Structure itself which has used grand juries as a tool for many years in

various situations. The importance of grand juries will be defended by these governmental institutions who will continue to seek public support when the pressure of abolition becomes apparent.

Given the evidence I have presented, a sound argument can be made for the abolition of the grand jury system in the United States. If the people were informed, and they were to decide, the current abuses and oppressive practices by the grand jury system and the Justice Department would not be tolerated. A closer look must be taken at our Allies in England as to the method used for a successful abolition campaign. But I think it is obvious to everyone, including the hardline supporters of grand juries, that the reform movement will grow at an amazing rate with public education.

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Liberation Collective

is an all volunteer, non profit organization dedicated to linking social justice movements to end all oppression. Based in Portland, Oregon, Liberation Collective works on a variety of human, environmental, and animal liberation issues both locally and on a national basis. The organization was created out of a growing concern of arbitrary walls being built between various groups and movements working for positive social change.

This is a collective. What this means is that individuals have the ability to use their talent, energy, and desire to create positive social change in an atmosphere of cooperative effort. Liberation Collective consists of individuals both locally and across the country - individuals with compassion and a drive for social justice - who are involved to actually make a difference. Social change and an end to the incredible amount of human created oppression is not going to occur on its own. By becoming involved individuals are making that change a reality.

GET ACTIVE!

Liberation Collective is always searching for innovative, creative individuals to aid in the struggle for peace and justice. Volunteers are needed for a variety of current and ongoing activities. The movement against oppression begins in each and every one of our hearts and minds. It is for this reason we encourage everyone to get involved and use their individualized interests and skills to help make this dream of universal freedom a reality.

Positive education and social change can be accomplished using a variety of creative and effective methods. Liberation Collective therefore engages in a variety of educational activities. From letter writing to teaching, from protesting to civil disobedience, only a universal approach to activism will result in an outcome of actual change. Liberation Collective supports non-violent direct action and the individuals who engage in such activity.

For more information on Liberation Collective and how you can become involved in your local area contact:

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if not you, who? if not now, when?

"In my experience with grand juries, the most fascinating realization I have encountered is that the public at large is misinformed and kept in the dark. Most citizens do not realize that an individual does not have the right to counsel nor the Fifth Amendment protection in the proceedings. Individuals I spoke with from all walks of life were outraged when they learned of this reality occurring in grand juries. Yet, it is this very secrecy and deception that has led to the continuation of grand juries. It is a simple rule that says if no one is informed, no one will object."

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