

Grand Jury Resistance Project

"A grand jury would indict a ham sandwich." - Judge Sol Wachtler, former NY Chief Judge

Impact of Grand Juries on Political Movements

The Grand Jury was originally conceived of as a protection against overzealous federal prosecutors, but has been used throughout US history to attack those with unpopular political views, from pre-Civil War abolitionists to current day anti-capitalists. Very few of the procedural protections guaranteed to defendants in criminal trials are available during grand jury proceedings. Indictments may be entirely based on hearsay evidence, and prosecutors have no obligation to present exculpatory evidence. The prosecution selects all the witnesses and other materials, and then presents them to the grand jury. Defense attorneys aren't even allowed in the same room as the grand jury, let alone permitted to put on defense witnesses, question the prosecution witnesses, or make any statements to the jurors. So grand juries nearly always just "rubber stamp" the cases brought before them. In fiscal year 2000, federal grand juries voted to indict a total of 59,472 suspects¹ and chose not to indict 29 suspects²—only one out of every two thousand suspects was left un-indicted.³

Theodore Parker

Anti-slavery

During one famous incident of the 1850's, a crowd of Bostonians, led by the abolitionist leader Theodore Parker, attempted to liberate Anthony Burns, an alleged fugitive slave from Virginia. When the case was brought before a grand jury, in spite of improper pressure from the judge, the grand jurors returned no indictments. However, several months later, prosecutors convened another grand jury and presented the case again. The pro-slavery judge reiterated his prior charge; this time, however, the grand jury was specifically packed with opponents of the abolitionists. Predictably, the grand jury indicted Parker for willfully obstructing a U.S. Marshal.⁴

The United Nations

Communism

Even the United Nations has not been spared from the grand jury/congressional witch hunt. In 1951, a Southern District of New York grand jury investigating alleged communist influence and spying at the U.N., subpoenaed forty-seven past and present American employees of the United Nations. Many of those subpoenaed asserted their Fifth Amendment right to silence. U.N. Secretary General Trygve Lee, under pressure from the U.S. prosecutor, dismissed almost all those subpoenaed from their jobs, insisting that a pro-communist American was an unrepresentative American. Later, under countervailing pressure within the U.N., Lee eventually condemned the use of the grand jury as a witch hunt and refused to comply with a subpoena upon himself to appear before the grand jury.⁵

The Black Panther Party

Civil Rights

In 2005, a California grand jury was convened to investigate a 34-year-old case involving a police shooting in San Francisco. The Black Panther Party (BPP) has been the target of political repression since the FBI's illegal COINTELPRO program in the 1960's. The BPP saw all of its COINTELPRO cases dismissed in the mid-1970s as federal courts threw out all statements resulting from torture of its members. Two torture victims were among those jailed for refusing to testify last year.⁶ The grand jury returned no indictments and no evidence surfaced.

"Green Scare" Targets

Earth and Animal Rights

The past year has seen federal and state grand juries in Seattle, Eugene, San Francisco, San Diego and Denver targeting the radical environmental and animal rights movement. These communities have been targets of increased government surveillance and harassment since the FBI listed them as the nation's top domestic terrorist threat. Scores of people have been subpoenaed and harassed for their political beliefs as the government uses the grand juries to gather information and disrupt these movements. The basis of these investigations comes from individuals paid by the FBI to testify.

Hamid and Umer Hayat

Muslim Community

In June 2005, the FBI made headlines by accusing Hamid Hayat and his father Umer, Pakistani Americans living in Lodi, CA, of masterminding a domestic terror attack. The agency continued to conspicuously surveil and otherwise harass the Lodi community, while nationally stoking the flames of anti-Muslim sentiments. When the dust settled, though, the only charges levied against the Hayats was lying to a federal officer.⁷

See reverse side for citations

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1. Sourcebook of criminal justice statistics Online, "Grand jury and grand juror utilization in U.S. District Courts," Table 1.74, <http://www.albany.edu/sourcebook/1995/pdf/t174.pdf> (accessed October 16, 2003).
 2. Bureau of Justice Statistics, U.S. Department of Justice, Compendium of Federal Justice Statistics, 2000, "Basis for declination of prosecution by U.S. Attorneys," Table 2.4, 30, <http://www.ojp.usdoj.gov/bjs/pub/pdf/cfjs0002.pdf> (accessed October 16, 2003).
 3. "What a Grand Jury Does", <http://www.lawcollective.org/article.php?id=46>
 4. "The Improper Use of the Federal Grand Jury: An Instrument for the Internment of Political Activists", Michael Deutsch, 75 *J. Crim. L. & Criminology* 1168
 5. *ibid*, 1178
 6. "Torture Methods Similar to Guantanamo and Abu Ghraib used against members of Black Panther Party", Committee for the Defense of Human Rights
 7. "The FBI "witch-hunt" in Lodi", Veena Dubal and Sunaina Maira, <http://www.indybay.org/news/2005/06/1750342.php>