

Two Prosecutors Eye Rules to Curb Grand Jury Power

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WILLIAMSBURG, June 2—
An assistant Watergate special prosecutor and a former prosecutor yesterday suggested that judges and attorneys should become increasingly concerned about the virtually unlimited power of grand juries and consider adopting rules to govern procedures used by the investigating bodies.

Citing what he called the potential abuse of the grand jury process by prosecutors, assistant Watergate special prosecutor Charles Ruff said that "judicial activism is warranted" in drawing up rules for use by prosecutors who conduct grand jury probes.

Ruff and former prosecutor Seymour Glanzer said the role of the prosecutor in dealing with grand juries is not well defined. The grand jury has no equal in terms of power among investigatory bodies, Glanzer said, and such power easily could be abused by a corrupt prosecutor.

Ruff, Glanzer and Assistant U.S. Attorney Harold J. Sullivan discussed the legal, ethical and moral obligations of prosecutors' dealings with grand juries during today's session of the D.C. Judicial Conference. The conference consists of the city's U.S. judges and a group of about 150 attorneys. The conference continues Tuesday morning in Williamsburg.

Glanzer and the two prosecutors said they had no knowledge of abuses of grand jury power locally. Ruff said he had seen a "surprising level of ignorance" among prosecutors in other jurisdictions concerning grand jury processes.

The Justice Department and U.S. attorney's offices in various jurisdictions have certain guidelines on grand jury operations, Ruff pointed out, but he said the court should attempt to assure a minimum level of conduct for prosecutors who deal in such investigations. The U.S. Attorney's

office here has written guidelines concerning grand jury operations for use by its prosecutors.

Ruff and Glanzer said various jurisdictions have different policies on whether to allow the targets of investigations to appear before grand juries that are investigating them, and in the amount of warnings given to targets of investigations about possible self-incrimination if they appear. Another unclear area is whether all grand jury proceedings must be recorded, they said.

Sullivan and Ruff said another growing area of concern is the role of defense attorneys in representing more than one client at the time of

a grand jury investigation, a situation they said presents the opportunity for the defense attorney to violate the profession's ethics on conflict of interest.

Persons appearing before grand juries are not allowed to be represented by attorneys inside the grand jury room, but they may consult with them outside the grand jury. The only persons allowed in the juryroom are the 23 grand jurors, the prosecutors handling a case and sworn witnesses.

Ruff and Sullivan said investigations could be hampered because an attorney may represent a low-level figure in an organization under investigation, and then pass on information about the probe to higher ups in the same organization who may be involved in the crimes being investigated.

The same attorney might then represent the higher ups, they said.