

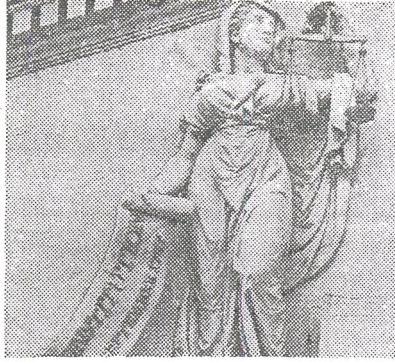
Ending Grand Jury Abuse *Post 9/2/74*

Clayton Fritchey deserves commendation for his Aug. 21 column ("Where the Buck Shouldn't Stop") for stressing the role the grand jury should play in the Watergate case and in the criminal justice system.

While there is no reason to dispute that the Watergate grand jury "has served conscientiously" since 1972, the Watergate grand jury has not been free of the serious problems afflicting the grand jury system in the United States.

Federal Judge William Campbell of Chicago has offered the almost universally accepted observation that "This great institution of the past (the grand jury) has long ceased to be the guardian of the people . . . Today, it is but a convenient tool for the prosecutor . . . Any experienced prosecutor will admit that he can indict anybody at any time for almost anything."

This means the prosecutor *cannot* investigate and *cannot* indict as well. There is much evidence to suggest that the initial Watergate grand jury investigation led by Department of Justice Attorneys (with the same grand jury later run by Special Prosecutors Archibald Cox, and Leon Jaworski) conducted a very limited investigation, failing to explore logical leads and the full scope of the Watergate affair. Only great public pressure and the appointment of the two Special Prosecutors led to the full investigation



and the current situation of possible indictment of the former President.

The grand jury was intended both to protect the constitutional rights of American citizens and to serve as a popular vehicle for weeding out corruption in high places. In order to fulfill these functions the grand jury was to be independent—with the power to carefully scrutinize the prosecutor's case, to ask questions, call witnesses and to insure that the Constitution was served.

Today it is not fulfilling these functions. Though the Nevada grand jury of which Mr. Fritchey writes provides one hopeful sign, the day-to-day life of the grand jury system does not provide many such signs. Moreover, there are many glaring examples to cause great dismay. One such example

occurred in a federal grand jury in Los Angeles in 1971. Acting forewoman Harriet Mitchell asked to recall an FBI agent who had testified previously. The U.S. Attorney in charge refused to carry out her directive and later that day recessed the grand jury. Subsequently the grand jury was dissolved and a second convened to conduct virtually the same investigation!

In order for the grand jury to perform its historic functions, sweeping changes are needed to prevent the currently widespread procedural abuses and to restore the independence of the grand jury. Such changes are contained in H.R. 13912, introduced by Rep. John Conyers Jr. (D-Mich.), chairman of the House Judiciary Subcommittee on Crime, and 18 other representatives.

The Conyers bill has many provisions to insure greater grand jury independence of the prosecutor. Moreover, it provides for independent grand jury inquiry with court-appointed counsel for investigations involving alleged criminal activity by government officials.

For the future, if "the buck" is to stop in the hands of the people's institution, the grand jury, such changes are urgently needed.

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