

Witchhunt into LA movement

Tucson Grand Jury jails five

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The Federal government is conducting a Grand Jury in Tucson. One person has been indicted so far— he's still not in custody. Five people are in jail— yet no criminal charges have been filed against them. In the words of one close observer, the Grand Jury is "fishing expedition into movement politics and people in L.A."

While this may sound extremely Kafkaesque, and be seen in an "It Can't Happen Here" light, it (and a lot more) is not only happening here, but could be happening here a lot more in the future.

So, y'all lissen real close.

In Tucson, Arizona, the Federal government has convened a Grand Jury. The expressed purpose of the Grand Jury is to investigate the purchase of dynamite, fuses, and caps, and its subsequent transportation to California. The U.S. Attorney's Office in Tucson has called the investigation secret, but the details which are available are terrifying. In the words of Peter Young, one of the attorneys for the people in jail, "The investigation has gone far beyond the confines of that incident however, and now is taking the form of a fishing expedition into movement politics—generally on the westside of L.A., particularly UCLA and the TDA demonstration."

The procedure that the investigation follows is one of calling witnesses to the stand to explain what they know about what is being investigated. Federal Attorneys (Goodwin and Smitherman) call witnesses and are then supposed to ask them questions relating to the investigation. Since it is a secret Grand Jury, no spectators are present—not even the witness'

attorney. The witness is allowed to go into the hall (where the attorney is presumably waiting) and consult with the attorney. The attorneys feel that the investigation is a fish-

ing expedition because, among other things, the questions have been very general. Peter Young said that witnesses were asked about conversations they had with certain people—during the entire time they were friends; they are asked when they last saw them; when they met them; were any witnesses present during any of the conversations; etc. These acquaintances could have been over a period of years... Dennis Wood, a friend of one of those jailed, described the questions as being "broad and very compound. Most questions are not really relevant to the incident they are allegedly looking into... They

ask questions like: Did you participate in a riot, a demonstration, or a meeting in 1970? Name all the meetings you attended in 1970? Who was present? What was said?"

Because they feel the questions are much too broad and compound, and because they feel they violate portions of the 1st, 5th, 6th, and 9th Amendments, the witnesses have refused to answer some of the questions. Upon hearing the witnesses refusal, the Grand Jury gets a court order granting the witness immunity from prosecution and ordering him/her to testify. (It should be pointed out that under the Organized Crime Law, the immunity only covers the actual testimony given. The government can use the testimony to conduct an investigation of its own, and then prosecute the witness. The testimony itself cannot be used as evidence, but the investigation certainly can be used as evidence. This law has not been used yet, though.)

If the witness still refuses to testify (all five have refused), an open court contempt hearing is held. In these hearings, all five have been found guilty of contempt and summarily placed in jail. Sentences have ranged from 60 days to indefinite. This whole process usually takes place in one day.

So people are being jailed without criminal charges being filed—contempt is a civil charge. Observers thus see the governments immunity, which is supposed to protect a witness, as being a punitive weapon. "Except for the case of the Panther sister reporters in San Francisco, this is the first time they have used immunity as a punitive weapon against people for not testifying," said Dennis Woods.

The ramifications of this kind of situation go far and broad. Theoretically, a Grand Jury is not supposed to operate this way. Pete Young pointed out that a "Grand Jury was originally conceived as a bulwark between the government and the people—to prevent unjust prosecutions from taking place.

However, today, it is merely an arm of the governments prosecution."

John Donaldson, the husband of one of those already jailed, said

that "This is an activity by the government where the politics of oppression come very up front— it is setting a precedent of summarily holding political prisoners and later of mass detention of people on the left in this country... they want much more than just indictments, they want to summarily jail people...they are operating under the spirit of the Organized Crime Law which is to summarily jail people. I think its just setting the stage for preventive detention to be the normal order."

In at least two situations, people have received punitive action for becoming involved in the Tucson Grand Jury.

Karen Duncan, who is presently in jail under a contempt citation, went to Tucson from Los Angeles during the Grand Jury. Dennis Woods, a friend of hers, described what happened.

"The only non-legal person who was present in Tucson was Karen Duncan. While walking down a corridor of the courthouse, she received a subpoena. It was dated that same day."

After her stint as a witness, Karen Duncan was found guilty of contempt and sentenced to an indefinite stay in jail. She remains in jail until the end of the Grand Jury, which is March 31, 1971. (Although it can be extended, as has already happened once.)

John Donaldson related another incident where a 19 year old Tucson resident went to visit Teri Volpin. (Teri had received the lightest contempt sentence, 60 days.) Following the visit, the youth was pulled over and questioned by Marshalls for over four hours. She was then arrested for possession of tobacco— her bail was \$300.

"The definite feeling that they are trying to convey is to stay out of Tucson," Pete Young said.

At the present time, attorneys are working on motions to have those in jail released, and also to quash the Grand Jury. Pete Young, one of those attorneys, discussed what happens from here: "With respect to the people who are already in jail, we will file either appeals or writs of habeas corpus which challenge illegal detention. We're contemplating filing a suit challenging the legality of the whole Grand Jury proceeding. The more it becomes clear that it is a fishing expedition—the longer they extend it, the more general the questions, the more witnesses they railroad into court— the stronger our case challenging the whole proceeding... Still though, not much faith can be placed in the lawyers remedies---as usual, our strength lies with the people to respond to whats happening in this case."