

Published by the American Civil Liberties Union of Northern California

Volume XXXVII

San Francisco, October-November, 1972 No. 8

Grand Jury Fishing Expedition Comes to San Francisco

Guy Goodwin and his "Son-of-HUAC" inquisitions rolled into town on October 10 and the ACLU Grand Jury Project rolled into action.

Disturbed by the manner in which the federal grand jury system has been perverted from its traditional role as a safeguard of individual rights, Project Director Paul Halvonik and Staff Counsel Joe Remcho joined with attorneys of the National Lawyers Guild to provide legal assistance for the 16 witnesses called.

Although the objectives of the San Francisco jury are as secret as its proceedings, it is apparently an attempt to trace fugitives involved with the Weatherman organization and to track down the people who bombed the Park District Police Station in February 1970. The three witnesses called so far have refused to testify, claiming that they have no involvement or knowledge of the matter and branding it a fishing expedition.

As one of the witnesses, San Francisco conservationist Daniel Rosenberg, put it, "I had nothing to do with Park Station and I know nobody who did. I just don't like the idea of having to testify when you don't know what or whom you're testifying about."

By refusing to testify the witnesses face going to jail until the end of the Grand Jury term, now estimated for March 1974. Their case is currently before the Ninth Circuit Court of Appeal.

An ACLU research project on political surveillance reported earlier this year:

"The nationwide grand jury network is emerging as a 'chosen instrument' of an Administration strategy to curb dissent and to intimidate and

demoralize radicals. What makes this strategy so effective is that federal prosecuting officials—who themselves have no power of subpoena—are using the coercive powers of the grand jury for police and intelligence purposes. This operation is being directed and coordinated by the Internal Security Division of the Department of Justice, under the leadership of Chief of Special Litigation Guy Goodwin."

Reprints are available of a 30-page article in THE NATION detailing the findings of this project, for 50 cents. Following are some of the injustices that heavy recent use of Grand Juries by the government has revealed:

"Most people know very little about the grand jury because it is enshrouded in secrecy. This secrecy was based originally on the need to protect the independence of the grand jury by insulating it from the pressures of the Crown. Although this reason for secrecy no longer obtains, the government today insists on preserving the grand jury's secrecy—in part, certainly, because it effectively cloaks abuses by prosecutors. The secrecy surrounding grand juries has thus become an instrument of the very evil it was intended to prevent."

As the article points out, "The broad scope of the prosecutor's power contrasts with the limited character of the witnesses' protections." Not only is the witness prevented from bringing counsel into the grand jury room, he has no right to learn the subject of the investigation, or indeed whether he himself is a target of the inquiry. Witnesses are notified many times only days or hours before their

Continued on Page 2

Jury Continued

appearance is demanded, possibly at a city completely across the country, making prior advice of counsel a near impossibility.

The traditional protection of the Fifth Amendment privilege against self-incrimination is no longer even available. The immunity provisions of the 1970 Organized Crime Control Act permit the government to provide a limited "use" immunity that removes most of the protection previously provided by the Fifth Amendment.