

Court of Appeal by volunteer attorney Richard A. Horning, Chairman of the Marin Chapter.

The petition attacks the Grand Jury for claiming unlimited power to censor or punish Beban for exercising his rights of freedom of speech and expression. At issue is an interview that Beban gave with an underground newspaper, the *Berkeley Tribe*, last October, in which he was critical of the manner in which the Grand Jury is chosen and the manner in which it carries out its functions.



Nothing in Beban's public statements violates the state law on secrecy about contents of deliberations, names of persons indicted but not arrested, evidence received, or votes of individual grand jurors. In fact, the brief points out that the Grand Jury's attorney, Marin County Counsel Douglas J. Maloney, advised the Jury that they had no power to remove Beban from the subcommittees and that they could not constitutionally penalize Beban for speaking out.

This suit does not relate to the current controversy concerning the alleged press leak of the Marin Grand Jury's report on the Sausalito Police Department, and the efforts of the Grand Jury to question Beban concerning his alleged involvement in this episode.

## Marin **Grand Juror Sues Jury**

The Marin Chapter has filed a legal action against the Chairman of the Marin County Grand Jury over the removal of one of its members — new ACLU-NC Board Member Rick Beban — from certain subcommittees, allegedly because of his public statements critical of the Jury.

The brief was filed in the California

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