

Grand Jury Resistance Project

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Impact of Grand Juries on Political Movements

The Grand Jury was originally conceived of as a protection against overzealous federal prosecutors, but has been used throughout US history primarily *by* prosecutors to attack those with unpopular political views, from pre-Civil War abolitionists to current day anti-capitalists. Very few of the procedural protections guaranteed to defendants in criminal trials are available during grand jury proceedings. Indictments may be entirely based on hearsay evidence, and prosecutors have no obligation to present exculpatory evidence. The prosecution selects all the witnesses and other materials, and then presents them to the grand jury. Defense attorneys aren't even allowed in the same room as the grand jury, let alone permitted to put on defense witnesses, question the prosecution witnesses, or make any statements to the jurors. So grand juries nearly always "rubber stamp" cases brought before them. In 2000, federal grand juries voted to indict a total of 59,472 suspects¹ and chose not to indict 29 suspects²—only one out of every two thousand suspects was left un-indicted.³

Theodore Parker

Anti-slavery

During one famous incident of the 1850's, a crowd of Bostonians, led by the abolitionist leader Theodore Parker, attempted to liberate Anthony Burns, an alleged fugitive slave from Virginia. When the case was brought before a grand jury, in spite of improper pressure from the judge, the grand jurors returned no indictments. However, several months later, prosecutors convened another grand jury and presented the case again. The pro-slavery judge reiterated his prior charge; this time, however, the grand jury was specifically packed with opponents of the abolitionists. Predictably, the grand jury indicted Parker for willfully obstructing a U.S. Marshal.⁴

The United Nations

Communism

Even the United Nations has not been spared from the grand jury/congressional witch-hunt. In 1951, a Southern District of New York grand jury investigating alleged communist influence and spying at the U.N., subpoenaed forty-seven past and present US employees of the United Nations. Many of those subpoenaed asserted their Fifth Amendment right to silence. Then-UN Secretary General Trygve Lee, under pressure from the US prosecutor, dismissed almost all those subpoenaed from their jobs, insisting that a pro-communist US citizen was an unrepresentative US citizen. Later, under countervailing pressure within the UN, Lee eventually condemned the use of the grand jury as a witch-hunt and refused to comply with his own subpoena to appear.⁵

The Black Panther Party

Civil Rights

The Black Panther Party (BPP) has been the target of political repression since the FBI's illegal COINTELPRO program in the 1960's. In 2005, a grand jury was convened in San Francisco to attempt to indict BPP members for the 1971 shooting of a police officer. Charges stemming from the 34-year old case have been thrown out of court several times due to statements being coerced with the use of torture. Five people were jailed for refusing to cooperate with the grand jury – two of whom had been tortured in the 1970's. After the grand jury expired in October and returned no indictments, the five resisters were released.⁶

Hamid and Umer Hayat

Muslim Community

In June 2005, the FBI made international headlines by accusing Hamid Hayat and his father Umer, Pakistani-Americans living in Lodi, CA, of masterminding a domestic terror attack. After pleading not guilty, the son, a farmworker, was convicted on one count of providing material support to terrorists by attending a training camp in Pakistan and three counts of "lying" about it to the FBI. Hamid faces up to 39 years in prison but maintains that he attended a religious school, not a terror camp. His attorneys have preliminary evidence that the jurors were prejudiced by outside influences, including the climate of fear drummed up by the FBI. The trial of Umer, a 48-year-old ice cream driver, ended in a mistrial after deadlocked jurors couldn't agree on his guilt. Much of the Hayats' cases rested on manufactured evidence from an informant paid hundreds of thousands of dollars by the FBI.

"Green Scare" Targets

Earth and Animal Rights

The past year has seen federal and state grand juries in Seattle, Eugene, San Francisco, San Diego and Denver targeting the radical environmental and animal rights movement. These communities have been targets of increased government surveillance and harassment since the FBI listed them as the nation's top domestic terrorist threat. Scores of people have been subpoenaed and harassed for their political beliefs as the government uses the grand juries to gather information and disrupt these movements. Some of the basis for investigations and indictments comes from paid FBI informants.

*If you have been indicted, subpoenaed, or contacted by the federal government
call the National Lawyers Guild Hotline at 415-285-1041*

¹ Sourcebook of criminal justice statistics Online, "Grand jury and grand juror utilization in U.S. District Courts," Table 1.74, <http://www.albany.edu/sourcebook/1995/pdf/t174.pdf> (accessed October 16, 2003).

² Bureau of Justice Statistics, U.S. Department of Justice, Compendium of Federal Justice Statistics, 2000, "Basis for declination of prosecution by U.S. Attorneys," Table 2.4, 30, <http://www.ojp.usdoj.gov/bjs/pub/pdf/cfjs0002.pdf> (accessed October 16, 2003).

³ "What a Grand Jury Does," <http://www.lawcollective.org/article.php?id=46>

⁴ "The Improper Use of the Federal Grand Jury: An Instrument for the Internment of Political Activists," Michael Deutsch, *75 J. Crim. L. & Criminology* 1168.

⁵ *Ibid*, 1178.

⁶ "Torture Methods Similar to Guantanamo and Abu Ghraib used against members of Black Panther Party," Committee for the Defense of Human Rights.