



THE POLITICAL GRAND JURY

An Instrument of Repression



Done at Come! Unity Press (13 E 17 Street, NYC 10003 (212) 875-3043), a cooperative where we learned to do this printing. The press does not demand \$ from us or other movement people who print materials that provide equal access to the poor. The press needs the broad support of many donations: monthly pledges of \$2, \$5, \$7, energy, food, skills, joint benefits, etc. to continue movement access to printing facilities. Don't let this be the last month! **YOUR MOVEMENT.**

Free

"Because the Grand Jury is being used to smash the organizations of poor and powerless people, I will not cooperate in this repression...What I have done here today--refusing to talk to the Grand Jury--I have done it with pride. You can put me in jail for a year or ten years and I will never talk to you because I am proud of being a Chicano and fighting for justice."

With these words Pedro Archuleta, a Chicano activist and farmer from New Mexico, was held in contempt and jailed by the Grand Jury sitting in New York for possibly up to 11 months. He is one of nine (9) people who have refused to cooperate with the Grand Jury in New York and Chicago investigating the F.A.L.N. (Fuerzas Armadas de Liberacion Nacional) bombings. They have all taken the position of non-collaboration in order to protect the Chicano and Puerto Rican communities' efforts at self-determination and to pinpoint the repressive nature of Grand Juries.

The Grand Jury has its origins as early as the 12th century when an ecclesiastical court could call any clergy to testify merely on suspicion of heresy or to proceed against a person suspected of a crime. In time their jurisdiction was expanded by the Pope to include laity and they were operative throughout the 13th, 14th, and 15th centuries. The system of "direct inquisition" used and which was an attempt to elicit information, which could be self-incriminating, as well as supplying the evidence supporting the accusation against oneself or others, was curbed or expanded depending on the laws handed down by the monarchy.

In England during the reign of Elizabeth I, the Court of High Commissions and its counterpart, the Star Chamber, were created. The Court of High Commissions investigated persons who were suspected of subversive actions to the Church and therefore the State. Whereas the Star Chamber was to find an offense and to that end anyone could be called before any court without being properly charged and being questioned without being told what the offense was.

There was little recourse then--as there is now, and there were resisters then--as there are now. In 1641 both the Star Chamber and the Court of High Commissions were abolished because of the outcry and concerted pressure from the population.

The roots of the political Grand Jury in this country can be traced back to the Alien and Sedition Acts of 1798 which stated that to arouse anti-government sentiment or "to publish any false, scandalous, or malicious writings against the government of the United

States" was to commit a penal offense. In the U.S.A. the Bill of Rights specifically protected the individual from the abuses of inquisitional bodies by including the Fifth Amendment. However the Star Chamber was reincarnated in 1970 when former President Richard Nixon and former Attorney General John Mitchell drafted and passed the OMNIBUS SAFE STREETS ACT. This act allowed for any person to be called by the Federal Prosecutor to appear before a passive Grand Jury to answer any and all questions put to him/her under the threat of being imprisoned.

Over the past eight (8) years, the Anti-War Movement, the Women's Rights Movement, the American Indian Movement, the Black Movement, the progressive Church communities, and now the Puerto Rican and Chicano movements have been targets of the intensive and extensive attack carried out against them by the FBI and the Grand Jury.

During each onslaught, the same strategy was implemented--the use of the "criminal justice" system against political dissidents. This practice continues to be employed but there are many men and women whose principles and beliefs have forced them to oppose Grand Jury and FBI incursions into their private lives, communities and political organizations. The government's response is to deprive a person of his/her civil and human rights as well as discredit that person or organization in the press and community. The government's capacity to trample upon the liberties of citizens is demonstrated throughout modern American history in the "red scare" of the twenties, McCarthyism of the 1950's, and the imprisonment and assassinations of progressive leaders during the 1960's and 70's.

The list is growing and no one should consider themselves safe from the Grand Jury should it decide that they are its next victims. The Grand Jury is a lawless body that uses the law to strip the individual of his inalienable rights. How is this brought about? To understand fully the pervasive repression applied by the Grand Jury you must understand how it works.

THE GRAND JURY: HOW IT WORKS

Prior to receipt of a subpoena, an individual is usually visited by the FBI. The FBI will attempt to interrogate you but you have the right to refuse to talk with them. Other than the "goon tactics" the FBI is well known for, you will be threatened with a subpoena unless you cooperate. The FBI, lacking subpoena power, uses the Grand Jury to force people to answer their questions. Cooperating with the FBI does not ultimately eliminate the possibility of being called before a Grand Jury.

Once served with a subpoena your presence may be required before the Grand Jury forthwith (right away) or 10 days from now, or whenever. The Grand Jury may be sitting in New York or Los Angeles, Chicago or Tampa, and you will have to drop everything to go there. Failure to appear will bring an automatic contempt charge. The subpoena will usually include whether your testimony, exemplars (hair samples, fingerprints, voiceprints, etc.), or "things" are required.

In the Grand Jury room, there are twenty-three (23) court-picked jurors, the prosecutor and yourself. The only person who has any legal knowledge is the prosecutor. Your attorney, if you have one, is not allowed in the room. You are asked to take the oath and state your name. Although in the case of Maria Cueto, she refused to take the oath as she had not had time to retain an attorney. She found herself a resident of the Metropolitan Correctional Center in a matter of 1½ hours. She was merely upholding her right to seek legal counsel. Any questions you answer after taking the oath lays you open to either a charge of perjury, branded as an informer, or to give information unwittingly which may implicate innocent people.

Most community activists, press, churchpersons, etc., refuse to cooperate (even though the proceedings are "secret") because it will discredit them with their communities and associates and they will lose the confidence necessary for them to function effectively.

If you refuse to answer and "take the 5th" or other constitutional amendments, you will find that you have chosen a flimsy defense. As Judge MacMahon of the 5th District Court stated in Maria Cueto's contempt proceedings: "As a Grand Jury witness, you have no constitutional rights". You will be granted "immunity" even though you have not requested it. Even immunized you are still unprotected from the Grand Jury as you may be granted USE immunity. Use immunity allows the testimony of another witness to incriminate you but not your testimony. TRANSACTIONAL immunity protects you from any testimony given anywhere by anybody. This type of immunity

is usually used by state Grand Juries.

But, what if you (like the Rosado Brothers who are presently incarcerated) are subpoenaed for exemplars and you refuse to present them. The 5th Amendment is invalid as physical evidence does not come under its protection. It is the fastest way to end up in jail without being charged of any crime, without a trial, and without any protection or recourse.

Not only does immunity come in several varieties but so does contempt. Prosecutors prefer civil contempt because it does not entail a jury trial which criminal contempt does. If you're incarcerated for civil contempt you will be jailed for the life of the Grand Jury, which can be a total of 18 months or 36 months. After serving time under civil contempt, you may be charged with criminal contempt. Criminal contempt carries a maximum of 5 years' sentence.

During your incarceration you will probably submit a GRUMBLES motion requesting your release based on the fact that jail will not coerce you to cooperate and, therefore, you are being punished. It is up to the Judge's discretion whether or not to grant this motion. Once released, on a Grumbles or the end of the term of the Grand Jury, you are still open to being resubpoenaed again. And, the charade begins again. Technically, you may be imprisoned for the rest of your life--hence, Pedro Archuleta's statement as to one or ten years!

In the meantime you must remember that you have simply exercised your "rights" and you are now in jail. The Constitution and the Bill of Rights are impotent to protect you and the judicial system is underpinning and expanding the harassment and torment unleashed by a new "Star Chamber". Yet, the general public is unaware of this insidious and dangerous judicial entanglement until they are chosen as its next victims!

THE NEW McCARTHYISM: THE POLITICAL GRAND JURY

As previously stated, the roots of the political use of the Grand Jury in this country can be traced back to 1798. The purpose of the political grand jury has at least three (3) objectives:

- (a) to investigate and collect information about individuals, groups, and organizations that oppose internal and/or external politics of the U.S.
- (b) to imprison individuals whose political work and organizing has been successful. In many cases, the government would like to incarcerate these people for long periods of time but since they cannot be connected to acts of revolutionary violence they choose instead to put them out of circulation for as long as they can "legally".
- (c) to recruit informers to infiltrate diverse groups and organizations. Informers serve their purpose by collecting information, interrupting work, and fabricating charges against the leadership and militants working with the masses.

At the present time there exists two political Grand Juries--one in Chicago and the other in New York, whose purpose is to investigate the Puerto Rican National Liberation Movement. It is particularly investigating the development of the movement in the U.S. and its relations with the Chicano/Mexicano community that is in the Southwest.

Selected advocates and organizations of these movements are targeted and attacked when any sector of their struggle increases its militancy. The U.S. government, under the guise of controlling and eradicating these aggressive acts, then launches a broad campaign of harassment, intimidation, grand jury imprisonment, and assassinations against ALL SECTORS of these movements. The leadership and those persons who appear to be capable of organizing the people are the first to be discredited and removed.

Repression against the Puerto Rican Independence movement by a political Grand Jury dates back to 1937 in Puerto Rico, when the Nationalist Party, led by Don Pedro Albizu Campos, had become the most influential and militant "independentista" organization on the island. International opinion against U.S. colonialism and numerous demonstrations had been mobilized by the Party, making it a powerful threat to the hegemony of North American in Puerto Rico. The U.S. government was determined to crush all sympathizers and activists of independence just as the British during the

American colonial period attempted to destroy fighters for nationhood and liberty.

In 1937, a Grand Jury was convened in Puerto Rico to collect data on the Nationalist Party and its membership. Don Juan Antonio Corretjer, then acting President, was subpoenaed, held in contempt and imprisoned for refusing to testify. His internment marked the culmination of a 5-year campaign by the government to systematically eliminate key leaders of the Party.

Similarly, the Puerto Rican Socialist Party, having been successful in recruiting North American people and the international community to support independence for Puerto Rico in the 1970's, was targeted for investigation. Political Grand Juries re-emerged as the government's most available tool to curb the Party's work on the U.S. mainland. Lureida Torres, a member of the Party, refused to collaborate with the investigations of the F.A.L.N. specifically, and the movement generally. She refused to cooperate and was jailed for her stand for four months.

A continuation of this Grand Jury in New York and the empanelling of a Special Grand Jury in Chicago in 1976 under the guise of gathering information on the F.A.L.N. and Carlos Alberto Torres, an alleged member of that organization, was instituted. This time the Hispanic Commission of the Episcopal Church was the primary focus, since Torres had been a member of the Commission for a short period of time.

The Hispanic Commission, composed of a cross-section of individuals, some progressive, others moderate, was designed to fund community self-help, educational and health projects whose goal was to improve conditions in poor communities. Maria Cueto, a Chicana and Director of the Commission, and Raisa Nemikin, secretary to the Commission, were targeted by this Grand Jury. In an attempt to use them as informers, the women were asked questions which were more directed at their work in the community than their knowledge as to the whereabouts of Carlos Alberto Torres.

Maintaining that to cooperate with the FBI and the Grand Jury would destroy the trust and confidence they had developed with these communities they had ministered to during their period of work with the Church--thereby negating separation of Church and State--and, furthermore, that they would not be used as tools of the government in its attempts to destroy the Puerto Rican Independence Movement and its closest ally, the Chicano/Mexicano Movement, these two women chose not to cooperate and spent 10½ months

in jail.

Four other former members of the Commission were subsequently subpoenaed. In New York, Julio and Luis Rosado, were subpoenaed along with their brother, Andres. Pedro Archuleta of Tierra Amarilla, New Mexico, and Ricardo Romero, of Alamosa, Colorado, were subpoenaed to the Chicago Grand Jury; although, Pedro was also subpoenaed to the New York Grand Jury when legal proceedings in Chicago had slowed the process there. All these persons were also known community activists.

The land and water rights of the Chicanos, descendants of the Mexican people born in the states, has always caused conflicts with the U.S. government. Pedro Archuleta, a farmer from Tierra Amarilla has been in the forefront of the land grant struggle for a number of years. As a member of the Hispanic Commission, he assisted his community to establish La Clinica del Pueblo de Rio Arriba, where he also drives the ambulance, and La Cooperacion Agricola which services the surrounding and rural population of the area. La Clinica is a comprehensive health facility and La Cooperacion offers counseling for law and welfare rights claims. Previously, residents had to travel 150 miles to receive health and legal services.

Pedro is an opponent of FBI abuse in Tierra Amarilla and supports the ideals of self-determination for the Puerto Rican people. His active commitment to the improvement of his people and his opposition to corrupt politicians has led to the present situation. When he failed to cooperate with the FBI and the Grand Jury, internment followed.

Ricardo Romero, a long time community activist in the Chicano/Mexicano movement, served on the Hispanic Commission of the Episcopal Church and worked with the Crusade for Justice in Denver, Colorado. He aided in the creation of an alternative school system for Chicano children, and, like Pedro, sympathizes with Puerto Rican Independence. He was also subpoenaed to the Chicago Grand Jury and spent four months in jail there before gaining his release on a Grumbles motion.

Not coincidentally, the Crusade for Justice had been attacked by an earlier Grand Jury in 1975 for its work with the Chicano community, and for mobilizing protests against police abuse and assassinations of Chicano youths. Veronica Vigil, a member of the Crusade, was imprisoned for not answering questions about the 1974 bombings of Los Seis de Boulder, six Chicanos who lost their lives in car explosions for which police death squads in Colorado are suspected.

In Chicago, Jose Lopez, Myrna Salgado, and Roberto Caldero were ordered to appear before the Grand Jury. Myrna is the Director of the Rafael Cancel Miranda High School, an alternative educational program which assists high school drop-outs and adults to complete their education and advance to college. The work at this school has been acclaimed by community organizations, the Chicago Sun Times, and the City's Administration for its accomplishments.

Jose Lopez, an instructor at Northeastern University and a doctoral candidate, is active in the Puerto Rican Independence Movement. Roberto Caldero, a student activist and independentista, belonged to a college organization where Torres was a member. Their leadership abilities to organize community support and to oppose the present use of the Grand Jury, led eventually to the FBI's attempt to contain mounting protests.

Jose and Robert were subsequently jailed for contempt and Myrna's subpoena was dismissed when the U.S. attorney claimed she had no compelling testimony to offer. No indictments were issued against any of the above mentioned people; yet, Jose and Roberto spent 4½ months in jail for their principled stand of non-collaboration.

This latest wave of repression by political Grand Juries is simply the most recent in a systematic attempt by the government to divide, weaken, and ultimately destroy the progressive movements of the oppressed minorities and other groups in this country. The history of the use of the political Grand Jury in no way has been restricted to the Latino communities.

In 1969, the Chicago police, following an FBI plan, raided the apartment of Fred Hampton and Mark Clark, supposedly to search for illegal weapons. Clark and Hampton were killed and seven (7) others were arrested and charged with homicide. Two (2) policemen were wounded, one by flying glass and the other was shot by a fellow officer.

The Grand Jury empanelled to investigate the case brought indictments against the seven occupants of the apartment. A second Grand Jury concluded that the Internal Inspections Division was seriously deficient in its findings as to suggest "purposeful malfeasance". The Police Crime Laboratory had made an erroneous and incomplete analysis of ballistics evidence and the fire arms examiner had been pressured by the state to sign and submit a deficient report. All indictments were subsequently dismissed but no policemen were indicted for their participation in the onslaught that left two (2) men murdered for political ideals and activities.

Since the Black Panther Party had been labelled a "terrorist" group by the Justice Department and J. Edgar Hoover, a concerted effort was required by law and "civil" organizations to have a special Grand Jury investigate the matter. That Grand Jury indicted 14 law officials for "knowingly, and willfully, fraudulently and deceitfully conspiring, combining, confederating, and agreeing to obstruct justice". Evidence has never been produced to demonstrate that gunfire was returned from within the apartment at the time of this confrontation, and it is still believed that Fred Hampton and Mark Clark were asleep at the time of the raid in the early morning hours of December 4th, 1969.

After the 1975 court proceedings of Herman Bell, Anthony Bottom and Albert Washington of the Black Liberation Army, the police claimed to have found escape contraband on the men. A state Grand Jury was convened to discover how these materials were passed. Robert Bloom, a lawyer of one of the defendants was targeted. Twelve (12) supporters present in court on that day were subpoenaed. All refused to testify on the grounds that their right to peacefully attend trials was being jeopardized. No one was held in contempt and the lawyer won his right to defend political clients without being subjected to investigations and harassment.

The siege of Wounded Knee signalled an increase in militancy of the Native American people's struggle to regain their land. The U.S. government launched a bloody attack upon the American Indian Movement (AIM) and its supports. The entire leadership of that organization has faced conspiracy charges stemming from fraudulent testimony of agent provocateurs and the use of illegal wire taps. While there are many examples of opposition to government investigations, just a couple of examples need be cited.

Joana Le Deaux, a Cherokee-Navaho legal worker, was jailed for not responding to FBI and Grand Jury questions about the shootings which took place at Wounded Knee and left two agents dead. Marti Copleman, of the Wounded Knee Legal Defense/Offense Committee, was subpoenaed to Des Moines, Iowa, in connection with the disappearance of his client, Frank Black Horse. Only after tremendous pressure and support from the legal and grassroots community groups was the subpoena quashed. Once again, the attempt to create a rift between attorney-client relationships and confidentiality had been suppressed.

Clearly, minorities of the U.S. have always been the targets of government abuse for exercising their political rights and for expressing progressive political ideas; however, the Women's and Peace Movements were also challenged, slandered and disrupted through the encroachment of the Justice Department and its use of the FBI and the Grand Jury.

Indictments were made against Daniel Ellsberg, Father Berrigan, and Sister Elizabeth McAllister; the Camden 28, who raided the draft board; and the Vietnam Veterans Against the War, whose organization was severely crippled during the high tide of anti-war activity. The conspiracy trials which resulted were vigorously prosecuted but most of the defendants were acquitted. Evidence presented by the government had been obtained through illegal wiretaps. In addition, FBI informants paid to infiltrate anti-war groups usually suggested and pressed ideas which were clearly orchestrated to entrap individuals of an organization and to discredit the anti-war movement.

When the FBI sought fugitives Susan Saxe and Katherine Powers, they decided that some feminist activists were harboring them, or knew of their whereabouts. Ellen Grusse, Terry Turgeon and Jill Raymond were hounded, subpoenaed, and imprisoned in county jails across the United States. Women in the National Organization of Women (NOW) were threatened with subpoenas, harassed, and intimidated for their political activity and commitment to improve the economic and social conditions of American women.

Irish Americans who support the Irish Republican Army and who oppose British domination of Ireland have also experienced the wrath of governmental vengeance. In 1972, the Treasury Department was asked by the British government to investigate illegal gun shipments to Northern Ireland. A Grand Jury was convened in Fort Worth, Texas, by the Justice Department and twelve (12) Irish Americans living in New York were subpoenaed before it. Seven (7) witnesses were dismissed or received suspended subpoenas. The five remaining subpoenaees had no connection with the Irish Northern Aid Society, the organization being investigated. Fort Worth was chosen to minimize expected protests. The witnesses were granted immunity but still refused to testify. They served four months in jail and were released when support from the Irish American community and several known politicians helped to secure their bail, pending an appeal. Six months later the Supreme Court refused to review the Appeal Court's decision and the men returned to prison. After an additional seven months, they were finally released by order of Justice Douglas on evidence that the government had violated the attorney-client privilege by the use of illegal wiretaps.

More recently, J. Herbert Quinn, who served as Mayor of Concord, New Hampshire, was imprisoned when he refused to testify at a Grand Jury hearing evidence regarding alleged gun running for the Irish Republican Army.

The increasing militancy demonstrated in minority struggles, and exhibited during the Women's and Peace Movements has been used by the government to repress, suspend and violate the Constitutional rights of every individual sympathetic to progressive change or dedicated to making reforms. The degree of repression determines the extent of freedom to be exercised by every citizen.

The H.R. 6869-S. 1437 Bill recently passed in the Senate, declares among other things that 10 people peacefully protesting can be arrested for rioting. Deciding whether a peaceful protest is a riot is left to the discretion of the police. One's right to dissent is being eliminated. This bill also calls for the broadening of the powers of USE immunity.

Political Grand Juries can and will be utilized to restrain and control the methods used by American people to voice dissent or to demonstrate opposition to government policy. Ignorance and apathy create the climate in which our human rights are being slowly eradicated. The conditions are present in this society for the government to repress and deny basic rights to any individual who questions its political system--in fact, they are already operating!



IN UNITY

The people's concerted outcry in the 15th century effectively abolished the Star Chamber and, now, it is evident that we must also gather our forces, resources, and outrage so that, unified, we will abolish the political grand jury and its repressive use against progressive movements.

NON-COLLABORATION, or the refusal to testify or cooperate in any way with the Grand Jury, is a position which evidences itself among people from many different political strands. Members of church groups, women's groups, and political movements, such as the Puerto Rican Independence Movement and the Chicano/Mexicano Movement, have all taken this principled stand.

This position of unity among Grand Jury resisters must be supported by the demand on the part of all people struggling for their democratic and human rights, that individuals taking this principled political position on NON-COLLABORATION not be forced to spend even one single day in jail. HOW can the present example set by these courageous GRAND JURY RESISTERS serve as a basis for building and strengthening a united front of resistance?



WHAT YOU CAN DO

-Help us educate your community and/or local groups, or organizations about the political use of Grand Juries through mini-forums and the dissemination of written material. Speakers and forum materials are available through the New York Committee Against Grand Jury Repression.
-Provide financial and political support for the Grand Jury Resisters who are the victims of this form of repression.
-Participate in letter writing campaigns and petitions to the U.S. Attorney demanding the release of the Grand Jury Resisters and an end to the political use of Grand Juries.
-Monitor the illegal activities of the FBI and other government agencies within our communities, groups, and political organizations through illegal electronic surveillance, harrassment, and intimidation, and notify the NY Committee Against Grand Jury Repression.
-Letters and expressions of support, as well as funds for the legal and political work are needed desperately. Send them to the NY Committee Against Grand Jury Repression, Box 268, 161 E. Houston Street, New York 10002.

AGITATE, DEMONSTRATE, MOBILIZE, AND ORGANIZE!!!!!!!!

ABOLISH THE GRAND JURY!!!!!!!!



For Further Information Contact:

**THE NEW YORK COMMITTEE
AGAINST GRAND JURY REPRESSION**

Box 268
161 East Houston St.
N.Y.C. 10002
868-3330