

ON THE GRAND JURY

Grand Juries are our first line of defense against government corruption in the justice system. Just as we have a vote over the legislative and executive branch, the Grand and Petit Juries give us a vote over the judicial branch. In the judicial branch, jurors have the same **discretion** to refuse to enforce bad laws that all public servants in the judicial branch use. Our Founders intended that we use this vote when we serve on a jury, so that we can keep bad laws from being enforced by government employees, who often do not abide by the Constitution and who violate—rather than protect—our rights. This **discretion** is called Jury Nullification, or jury veto.

The U.S. Attorneys manual states that government prosecutors “must recognize that the (Common Law) Grand Jury is an independent body, whose functions include not only the investigation of crime and the initiation of criminal prosecution but also the protection of the citizenry from unfounded criminal charges” (USAM, Section 9-11.010). The Manual recognizes that targets of investigations have the right and can “request or demand the opportunity to tell the (Common Law) Grand Jury their side of the story” (USAM, Section 9-11.152).

The Supreme Court states that the independent Grand Jury’s purpose is not only to investigate possible criminal conduct, but to act as a “protector of citizens against arbitrary and oppressive governmental action,” and to perform its functions, the independent Grand Jury “deliberates in secret and may determine alone the course of its inquiry” (United States v. Calandra, 414 U.S. 338 (1974)). An independent Grand Jury is to “stand between the prosecutor and the accused,” and to determine whether a charge is legitimate, or is “dictated by malice or personal ill will” (Hale v. Henkel, 201 U.S. 43 (1906)).

The Grand Jury must protect citizens against “hasty, malicious and oppressive persecution” and insure that prosecutions are not “dictated by an intimidating power or by malice and personal ill will” (Wood v. Georgia, 370 U.S. 375 (1962)). The independent Grand Jury is described as “a body with powers of investigation and inquisition, the scope of whose inquiries is not to be limited narrowly by questions of propriety or forecasts of the probable result of the investigation” (Branzburg v. Hayes, 408 U.S. 665 (1972)). “Without thorough and effective investigation, the Grand Jury would be unable either to ferret out crimes deserving of prosecution, or to

screen out charges not warranting prosecution.” (U.S. v. Sells Engineering, 463 U.S. 418 (1983))

Obviously, a Grand Jury could not fulfill its duties if the jurors are allowed to examine only evidence that government employees want them to hear or see. Therefore, both sides of information must be provided for the Grand Jury members to perform their Constitutional duties. This information must come from everyone being investigated or their representatives. The prosecutor may not prohibit these communications, nor censor, or suppress any information from being seen and heard by the Grand Jury. For the Grand Jury to make an informed decision, its members must both understand their authority **and** have full access to all information that can be made available to them when they examine the case.

Find out if there is a sign-up sheet to volunteer to get on grand juries in your county, state, and federal jurisdictions. Sign up if you can! It is the best way to put a lid on out-of-control government prosecutions. If you are serving on a Grand Jury, you have the authority and the duty to call in the person or persons being accused, to dismiss the prosecutor and other government employees from the room, and to question and hear from the person the prosecutor wants the Grand Jury to charge. You have the duty to ensure that no person is brought to trial unless there is obvious and sufficient evidence to return an indictment. As a grand juror, you are the first line of defense for private citizens against ambitious prosecutors and unconstitutional laws being used against The People.

Our founders intended that independent grand juries would protect people from ambitious and tyrannical government employees. You, as a grand juror, stand as the first defense against government tyranny. While you must protect us from dangerous people who harm others, you must always be aware the your first job is to protect harmless people from unreasonable and corrupt government laws. When laws encroach on private individual rights, you are not required to return an indictment. When you refuse to indict harmless people, you protect us all from out-of-control government actions. As a member of the independent Grand Jury, you have the right and authority to initiate your own investigations on evidence presented to you, and to indict anyone if you feel they are guilty of wrongdoing, including those government employees and elected officials who are not upholding their oath of public office.

FIJA INFORMS ALL GRAND AND PETIT JURORS

- *Of their traditional, legal authority as jurors to refuse to enforce corrupt laws;*
- *That jurors cannot be required to check their conscience at the courthouse door;*
- *That jurors cannot be punished for their verdict;*
- *Juror veto—nullification—protects our human rights against government tyranny.*