

# ON THE GRAND JURY

Fully Informed Jury Association  
Post Office Box 5570 Helena, MT 59604-5570 1-800-TEL-JURY www.fija.org

The U.S. Attorneys Manual states that prosecutors “must recognize that the 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 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 is to protect citizens against “hasty, malicious and oppressive persecution” and to 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))

Here are some comments from a person who was brought up for indictment: “Obviously a grand jury could not fulfill its duties if it is only allowed to hear evidence which the government chooses to let it hear. Therefore, while I would be more than happy to answer any questions that you or members of the grand jury may have, and while I have no intention of engaging in a prolonged, unlimited monologue, there is additional information which must be provided to the grand jury in order for the members thereof to thoroughly perform their Constitutional duties. I trust that you, the prosecutor, will not attempt to censor me, or suppress such information from being seen by the grand jury, when I am testifying.” The grand jury refused to indict her after hearing her testimony, by the way.

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 government employees from the room, and to question and hear from the person the prosecutor wants 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 our independent grand juries protect people from ambitious or tyrannical government employees and laws.** You, as a grand juror, stand as the first bulwark against government tyranny. While you must protect us all from dangerous people who harm others, you must always be aware the your first job is to protect harmless people from unfair, unjust and unreasonable government laws. When laws encroach on private individual rights, you cannot be required to enforce them by returning an indictment. When you refuse to indict harmless people, you help to protect us all, you included, from out-of-control government actions. As an independent grand jury, you also have the right 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 an oath of public office.