

What're Grand Juries For?

By BILL SONN

The Nixon Administration is using the judicial system to gather political intelligence about left-wing groups and individuals, according to the National Lawyers Guild. Members of the Guild's Grand Jury Committee are currently touring the country alerting people to and preparing them for the Administration's latest technique for political surveillance—the federal grand jury.

Grand juries were originally conceived as protective devices. They were to serve as screening mechanisms which surveyed the evidence against an individual and then determined whether the individual should go to trial.

Since 1970, though, the Justice Dept. has reversed the original purpose of the grand jury. The grand juries involved in the Ellsberg, Berrigans, and Bacon cases, as well as 12 other cases, have instead been data-gathering forays into the radical world.

This is the way it works: grand jury testimony is secret and witnesses are not allowed to have their attorneys present. Recently, government lawyers have taken advantage of these factors to ask witnesses many personal questions which have nothing to do with the case at hand. The object of personal questioning, such as who do you live with, who have you gone to demonstrations with, where and by what means of transportation have you traveled in the last six months, is not to prepare a case for eventual prosecution but to simply gather data for government files on radicals.

INVOLUNTARY IMMUNITY

The recent series of federal grand juries has been run by the Internal Securities Division (ISD) of the Justice Dept., which has worked closely with the FBI in preparing questions and sharing data. FBI investigations into radical activities have often been foiled by an individual's refusal to talk, but grand juries can take over the investigation and legally force him to tell all he knows. Information gathered in grand jury testimony is then fed back into Justice Dept. computer files.

Grand juries, of course, have the power to subpoena witnesses. Witnesses theoretically can plead the 5th Amendment and refuse to talk. However, Guild representatives say that the ISD often forces witnesses to talk by "granting" them immunity from prosecution. In other words, the witness cannot be prosecuted for anything he or she says. Quite often, though, witnesses are given immunity involuntarily. And if you are "granted" immunity and you still refuse to talk, you can be cited for contempt and jailed. Since 1968, almost 200 witnesses have been given immunity in this way. From 1950 to 1968, only 20 witnesses had been given immunity.

In one federal grand jury held in Tucson during the fall of 1971, five "immune" witnesses refused to testify and were jailed for contempt. The sentence, as is

typical, was to last either until they decided to talk or until the grand jury was dismissed, which, by law, had to be within 18 months.

Four months later, when the grand jury dissolved, the five witnesses left jail only to find an ISD lawyer with new subpoenas for a new grand jury. Thus these people were faced with the choice of either telling the government about their personal lives and the anti-war movement, or perpetual 18-month jail sentences.

WEAPON AGAINST DISSENT

Subpoenas for grand juries include no clue as to what the grand jury is investigating. By law, witnesses do not have to be told the reasons why they are being subpoenaed. Moreover, subpoenas can be given with little or no advance warning. For example, Daniel Ellsberg's 15-year-old son was subpoenaed at 7:30 one morning and told to appear in court early that same afternoon.

Also, the grand jury can subpoena anyone, and quite often witnesses are only peripherally involved in the investigation. But the government is more interested in filling its data banks than in prosecuting witnesses.

The Lawyers' Guild, in its travels around the country, is hoping to create a climate of opinion which would force the government to "re-establish grand juries as protection for people instead of engines for harassment."

Mat Zwierling, one of the Guild lawyers on the Grand Jury Defense Committee, calls the fight against the Administration's new tactic uphill, for the government has slowly been "winning the right to use grand juries this way to beat down political dissent." But Zwierling feels that if the public can be made aware of the problem that the resulting climate of opinion will help restore grand juries to their original functions much the same way that public opinion ended the McCarthy era.

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"Do you think there might have been a mistake in room assignments?"

News Summary

By ASSOCIATED PRESS

AUSTIN, Tex.—Men could marry at age 18 without parental consent under a bill submitted by Rep. Lynn Nabers of Brownwood.

Nabers' bill would lower the age from the present 19. The Texas Family Code already allows young women to marry at 18 without their parents' approval.

The measure also would allow boys of 16 and girls of 14 to petition a court in their own names for permission to marry if their parents refused to consent. A judge could give this permission if he found marriage would be in the couple's best interests.

NEW YORK—A public outcry, some politics and a little arm-twisting by Madison Square Garden officials assured "The Star Spangled Banner" of a place on the Olympic Invitational track program Feb. 16.

Meet director Jesse Abramson was quoted Monday as saying his committee had decided to drop the national anthem because some athletes show disrespect for it.

Later, he said the committee had agreed only to consider it.

NEW HAVEN, Conn. — An agreement has been reached in U.S. District Court that will allow limited competition between girl and boy athletes in non-contact high school sports events in Connecticut.

The Connecticut Interscholastic Athletic Conference agreed Monday to amend its regulations effective in March so that girls can compete with boys in a variety of non-contact sports where no team program exists for young women. Existing CIAC rules, which govern competition in high school sports, prohibit schools that allow girls to compete from taking part in conference-sanctioned events.

MANAGUA, Nicaragua—Houston Baptist College and the Baylor College of Medicine have offered 100 scholarships for Nicaraguans to study medicine, Nicaragua's strongman Gen. Avnastasio Somoza announced Tuesday.

The scholarships represent a cost of \$600,000.

The Battalion

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Pictures For 1973 Aggieland Will Be Taken From 8 a. m. to 5 p. m.

January	15 - 19	A-G
	22 - 26	H-L
	29 - Feb. 2	M-N-O
February	5 - 9	P-Q-R
	12 - 16	S-T-U-V
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IT'S GUESSING TIME!