

RESIST GRAND JURIES



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Understanding how grand
juries work, how they are
used to target social
movements, and what to do
if you are subpoenaed.

What is a grand jury?

- U.S. Grand juries are made up of 16-23 randomly selected citizens whose job is to determine whether there is enough “probable cause” to charge someone with a felony crime. They do not decide guilt or innocence, but only whether to charge (“indict”) someone in the first place. Only 12 jurors are required to indict someone.
- We speak primarily of federal grand juries, but some states use them as well. U.S. is one of two countries using problematic grand juries still.
- The government can also assemble a “special grand jury” that is used to investigate “possible” future crimes, rather than crimes that have (allegedly) already occurred.
- A grand jury has the power to issue subpoenas to compel people to testify. It can also subpoena people to produce evidence such as documents, photos, fingerprints, handwriting samples, etc.

How are grand juries used to target political movements?

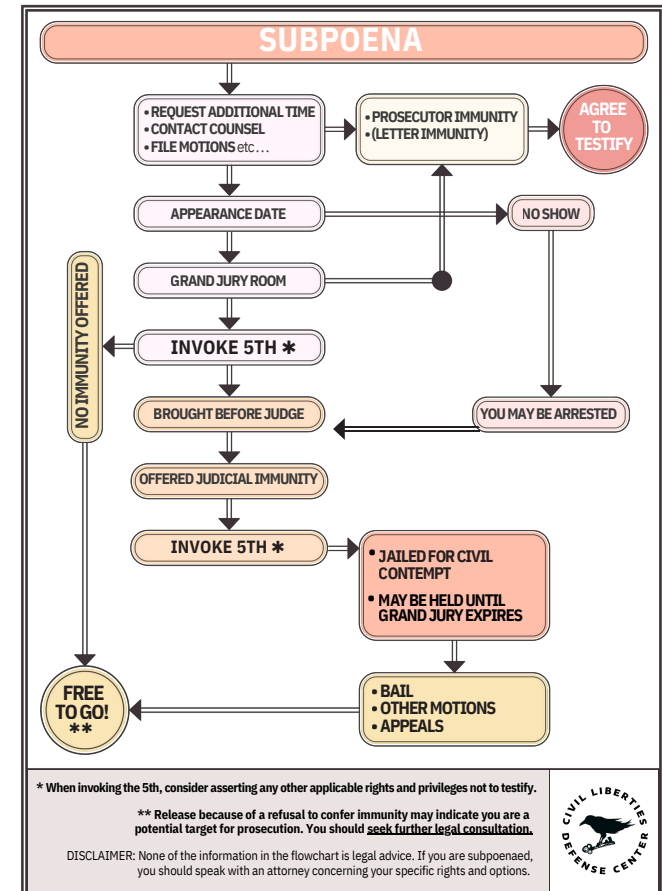
- Grand jury proceedings take place in secrecy. There is no judge or defense attorney present, and the government completely controls the “evidence” that is presented to the grand jury. It is therefore notoriously easy for the government to get an indictment from a grand jury.
- Historically, political activists resist grand juries by non-compliance. Any information you give may be used to map out social movements and ultimately to suppress them. Giving information to the government about how people organize reduces their power.
- Attempting to force political activists to provide information weakens movements and reduces people power. Answering questions also sows distrust among communities, and increases the likelihood of being subpoenaed again in the future. Resisting grand juries is a powerful opportunity to educate the public and shed light on the abusive grand jury process.

What should I do if I receive a grand jury subpoena?

- Subpoenas must be “served” in person. **DO NOT TALK TO LAW ENFORCEMENT.**
- If you or someone in your community receives a subpoena to testify before a grand jury, the first thing you should do is contact a trusted movement attorney. You can contact the CLDC and we will do our best to represent you or connect you with an attorney who can represent you in dealing with the subpoena. Your attorney will help you to know your rights and what to expect.
- Although your attorney is not permitted to be in the room when you appear before a grand jury, they can be outside the room, and you can and should step and out speak with them prior to answering any question asked of you. Take notes of the questions and mark them “atty client privileged.”
- If the court intends to hold you in civil contempt, you are entitled to a hearing with an attorney present; criminal contempt you are entitled to a trial and an attorney.
- “Recalcitrant Witnesses” aka Grand Jury Resisters, need support, media and legal plans.

- If you refuse an order to testify before a grand jury, a judge can order you to be jailed in civil contempt. Civil contempt is intended to be coercive rather than punitive, which means that you can be released by testifying (you hold the keys to your jail cell). If you never comply, you can be held until the grand jury expires, or for a maximum of 18 months.
- Though less common, you may also be charged with criminal contempt for the same act of refusal. You can be charged with either civil or criminal contempt, or both.
- Because of the secrecy and the coercive power of subpoenas, grand juries have historically been a powerful tool that the government uses to intimidate and harass activists and disrupt and suppress political movements.
- As far back as pre-Civil War, grand juries were used to target anti-slavery abolitionists. Throughout history, they have also been used to target Black Panther members, environmental and animal rights activists, anarchists, whistleblowers, and anyone else the government deems a threat.

INVOKING THE 5TH AMENDMENT FLOWCHART



For more information, read our complete grand jury resistance legal primer:



Contact CLDC with questions or requests for support:

www.cldc.org
info@cldc.org