

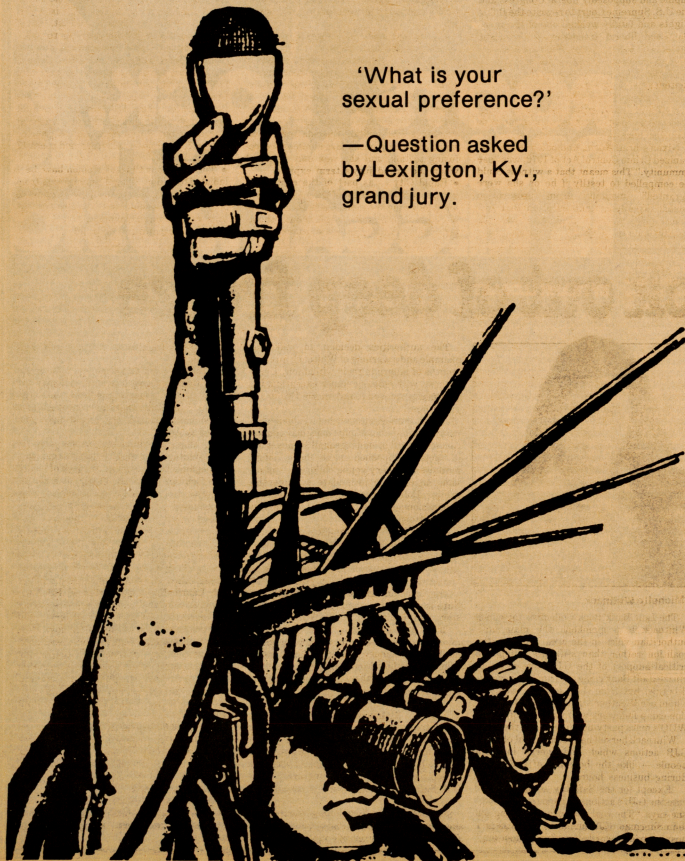
Grand Juries:

The New American Inquisition

BY HARRY GOMBE

'What is your sexual preference?'

—Question asked by Lexington, Ky., grand jury.



You can't hardly get out of a jam in America anymore by "taking the Fifth." That once-hallowed refuge of civil libertarians and other believers in the essential beneficence of the State has been rendered a virtual dead letter by an intensified grand jury offensive across the country.

Scores of individuals have gone to jail for refusing to cooperate with politically-motivated grand juries, and thousands of others have had their personal lives and political priorities disrupted in combating the aura of criminality that the authorities have attempted to bestow on all dissenters.

In the process, these resisters have shown that the scope of political activity in a society depends not on the "rights" guaranteed by the government nor on the good will or good intentions of high officials and media managers, but on how well groups and individuals can mobilize to protect their own interests.

The resistance to the grand juries has had only marginal luck in legal and bureaucratic challenges of the grand juries' patently unconstitutional abuses. The main successes up to now have been due to the personal courage of individual "martyrs" and to the organizing skills and energies of local anti-grand jury coalitions and defense committees across the U.S.

Nixon's relatively minor tampering with the U.S. Constitution during the Watergate fiasco provoked anguished and outraged protests from his "enemies" among the ruling elite of government and the media. But a much graver breach of popular rights — in fact, the outright subversion of such key elements of liberal democracy as the Bill of Rights' Fifth Amendment guarantee against self-incrimination — is being carried out with hardly a murmur of discontent from the established opinion-makers.

Maybe it's because the targets (for now, at least) of this new Inquisition are merely the dispossessed and the dissident, including native people, militant unionists, Chicanos, Puerto Ricans, gays, feminists, anti-war activists, single mothers and urban guerrillas.

Under the pretext of a war on organized crime and "terrorism," the grand jury has been transformed into a powerful, investigatory body completely subservient to the FBI and other police agencies aiming to destroy the broad progressive and Left communities. Prosecutors routinely use grand juries to extort information behind closed doors to which police investigators have

For Michelle Whitnack, last December 20th started out like every other long and boring day in the Seattle City Jail. But it got worse, and then better, in a hurry.

Whitnack, a 21-year-old prison activist and anarchist, had been held in the jail since July for refusing to testify or even give her fingerprints to a grand jury probing Seattle's Left community. As things stood, she faced another 12 months inside.

On the morning of the 20th, without warning, six federal marshalls dragged her out of her cell, choked her into unconsciousness, and forcibly took her prints and mugshot. Then, without further ceremony, they gave her her walking papers.

The prosecutor's office issued a press release saying that the prints were obtained "without injury to the prisoner," and then went on to state that the evidence would be compared to prints taken from an unexploded bomb found a year earlier in the Seattle courthouse.

"Why did they let me out just before Christmas? I don't know," says Whitnack. "I'd like to say it was because of the big public campaign around my case, and their embarrassment at having me in jail, and they were looking for a face-saving way out, but that would be speculation."

All I know is they picked a day when both my lawyers were out town and the magistrate and the head marshal, both of whom would have stopped the forcible fingerprinting, were on vacation.

Whitnack points out as well that the reference to the unexploded bomb doesn't make much sense since it would have been more logical to keep her in jail until the comparison of prints had been completed.

The press release by the prosecutor's office was, in fact, part of a continuing official campaign to discredit the Seattle Left among the general population by creating an aura of criminality around political activists.