

little access and no legal right.

As things stand now, a grand jury witness is as much or more jeoparded as the ostensible "target" against whom the prosecutor is supposed to be seeking an indictment. The witness is given little or no warning to appear, he or she has no right to know the crimes being investigated and no right to have a lawyer present in the grand jury room; the regular rules of evidence and other due process safeguards don't apply; there is no public presence at the proceedings.

But the grand jury's main bludgeon is its power of civil contempt. Witnesses can be compelled, on pain of being taken to prison to answer any question about their political ideas and associations, about their conversations and activities, and those of their friends, neighbors and relatives. Jail terms can last up to 18 months — the jail of the grand jury.

In a chilling new wrinkle, the grand jury has been put to work on what can only be described as anthropological research. It's the sort of research that the CIA has been funding for years in Latin America and elsewhere in an effort to anticipate, divert and control any success of change. Only now, the "subjects" are home-grown communities living in self-sufficient ways outside the sanctioned mainstream.

This happened clearly in Lexington, Kentucky, where the FBI thought it had tracked down political bank robbers Susan Saxe and Katherine Power. Agents started asking heavy-handed questions in the small Lesbian community there and were baffled to find they were getting nowhere.

One of the people questioned in Lexington said the FBI was thoroughly spooked to learn there were whole groups of people in America whose internal dynamics were a mystery to it, those members spontaneously nurtured and supported each other and built solidarity outside the pale of the Welfare State. "For them, it was a bureaucratic nightmare," she says. "They just assumed there was a national network of Lesbians moving people around, and they had to find out who it worked. They got the idea that there were groups of persons and irrelevant questions who people had lived with in the past few years, who they met when they went to meetings, what they majored in in college.

The grand jury is ostensibly probing the activities of the George Jackson Brigade, a clandestine group that pulled off six political bombings, a bungled bank robbery and a successful jailbreak during 1975 and 1976. (The courthouse bomb had been claimed by the New World Liberation Front, based in the San Francisco Bay area.)

That wasn't the first time the prosecutor had attempted to discredit Whitnack when she refused to give in to his threats. Months earlier she had asked to be interviewed and covered a housewife who claimed to have seen a woman vaguely fitting Whitnack's description lodged in a tree near a suburban power station that was bombed the next day.

Whitnack recalls: "When I first heard about this housewife's statement, I ran up to Ed Mead (a GJB member then and now in prison), and I said to him, 'Ed, I wouldn't ask me to do that. I didn't know, but was there anybody who looked like me in the Laurelhurst bombing?'"

"He told me, 'nope, there were no women in there.' Now, I see then, friends have gone to look at the tree and they have told me there was no reason to climb the tree to see the power station, and that only one tree thereabouts would hold my weight — The tree stands on a hillside and it lacks branches for its first ten feet."

To this date, Whitnack has yet to be charged for either the Laurelhurst or the courthouse bomb. But the gull-by-association tactic has had some success in splitting the Seattle Coalition against Grand Jury abuse by driving a wedge between those who give critical support to armed struggle and those who oppose it out of principle or out of fear of a repressive backlash.

"It was tremendously destructive of the political community in Lexington. People became burned out and paranoid. It caused tremendous riots. You never knew what was happening."

Similar research is being conducted in Seattle (see accompanying article), where, as one lawyer put it, most of the subpoenas "obviously don't know shit from shinola" about any illegal political activities.

Civics textbooks say the grand jury system was established way back when, in order to protect the individual against capricious prosecution by the government. In truth, the grand jury — mostly male, white, middle-aged and middle-class — has almost always been a political persecutions, and in times of acute domestic stress or of abrupt or profound changes in official policy, most federal administrations — even "liberal" or "progressive" ones — have allowed or encouraged grand juries to stifle the voices of opposition.

Abraham Lincoln used grand juries to silence critics of the Union cause; Woodrow Wilson to illegally imprison and deport hundreds of radicals to Russia following the Bolshevik Revolution; Franklin Roosevelt to put down Nazi sympathizers; and Harry Truman to provide a cover for the anti-liberal crusade waged by Joe McCarthy and the young and hungry Richard Nixon in their congressional committee.

Nixon was following in this American tradition when he got the cooperation of a supine and supposedly liberal Congress and the U.S. Supreme Court to rewrite the Bill of Rights and fatally weaken one of the more cherished liberal freedoms — the right against self-incrimination. High government officials had been looking for new methods to stem the Vietnam-era tide of popular discontent after the great conspiracy trials (Dr. Spock, Chicago Eight, Wounded Knee, etc.), and 1964 type legislation, such as no-knock laws and preventive detention, had failed to turn the trick.

Nixon's brainstrom, embodied in the Organized Crime Control Act of 1970, was used against self-incrimination. This meant that a witness could be compelled to testify if he or she were "granted" immunity from prosecution based, directly or indirectly, on that evidence. This dubious protection was obviously open to subversion by unscrupulous

prosecutors. The first wave of witchhunts was coordinated by the Internal Security Division (ISD) of the "Justice" Department. ISD prosecutors jetted around the country, appearing in more than 100 cities, subpoenaing more than 2,000 people sympathetic to or active in radical causes, or people who were simply friends or acquaintances of activists, forcing many of them to journey, often on little or no notice and with no explanation, hundreds or thousands of miles from their homes to answer a series of wide-ranging questions relating to their friends, political associations and activities.

Sample questions included where the grand jury was investigating the theft of a quantity of explosives (the woman who refused to answer it got seven months in jail):

"I want you to tell the grand jury what period of time during the years 1969 and 1970 you resided at 2201 Ocean Front Walk, Venice (California); who resided there at the time you lived there, identifying all persons you have seen or visited at the premises of that address; and tell the grand jury all of the conversations that were held by you or others in your presence during the time that you were at that address."

Stalled by Watergate

The government's offensive got stalled temporarily as a result of Watergate and various court challenges, but these impediments have now been largely swept away, setting the stage for a new initiative. Nixon, Mitchell and that gang are gone now, and the FBI has taken over from the ISD as the main investigatory agency, but most of the politically-motivated prosecutors are still on the job.

Among the more active grand juries in recent months have been:

- New York — a campaign is being waged to smear the Puerto Rican independence movement by linking the Puerto Rican Socialist Party (PSP), with the Armed Forces of Puerto Rican Liberation (FALN), a clandestine group which has carried out a series of bombings. PSP militant Luerdia Torres was jailed for four months last summer for refusing to take the oath and is only released when the grand jury's term expired.
- Rapid City — as part of the continuing government repression of the native movement following Wounded Knee, three people were jailed for refusing to talk about a shoot-out in which two FBI agents who invaded the

Pine Ridge Reservation were killed. An elderly couple was jailed for three months; they agreed to testify only because they had to get out to care for their young children. Joanna Ledoux, a tribal worker and mediator in the shootout, spent eight months in jail and was only released because of public outrage; she was unable to nurse her newborn infant. In a related case, a Wounded Knee lawyer successfully resisted a subpoena which demanded which called on her to give evidence against her grand jury.

- Washington, D.C. — a herald jury is helping the Washington Post attempt to bust the militant Pressmen's Union. Eighty-eight out of 100 members which called on her to give evidence against her grand jury.
- Scranton-Harrisburg, Pennsylvania — three separate grand juries are attempting to probe the underground "network" that harbored Patty Hearst and other Symbionese Liberation Army members in their travels. Two local activists, Jay Weiner and Phil Shinnick, went to jail in December after trying up the panel for months on procedural challenges and an out "direct" appeals while the jury talks in independent status conferred with the prosecutor.

• Seattle — a fishing epidemic against the entire Left community resulted in the jailing of Michelle Whitnack for six months. Ten other people, including four single mothers — have been threatened with jail for refusing to talk.

- Denver — FBI police-vigilante offensive against the Chicano movement is being aided by a grand jury, which is reportedly investigating a 1974 bomb explosion that killed six Chicano men (Los Seis) in a car. Veronica Vigil, a Chicana activist, spent seven months in jail for refusing to talk.
- New Haven — two formerly non-political women, Terri Turgeon and Ellen Gruesz, went to jail for seven months as part of a grand jury inquisition of the Women's and Lesbian communities in Connecticut. This investigation is linked to a similar witchhunt in Lexington, Kentucky, ostensibly aimed at ferreting out Susan Saxe and Katherine Power. In Lexington, Jill Raymond spent 17 months in jail for refusing to talk.
- Tucson — four Chicana women have been indicted for aiding "illegal" immigrants from Mexico as part of a grand jury attempt to bust the migrant workers for their high rate of unemployment.

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WITCHHUNTS

The authorities decided to make an example and a warning of Whitnack after six months of failure in their witchhunt. Every witness, with only one minor exception, has steadfastly refused to talk to the FBI or the grand jury.

In all individuals have been subpoenaed, many of whom have only marginal connection to the Left or underground scenes. Four of those subpoenaed have been single mothers with very young children — an attempt to intimidate a vulnerable group. Police search-and-seize raids on people's homes have followed the same random pattern.

Despite its internal conflicts, the Grand Jury Coalition has mounted an effective campaign, including fairly favorable coverage in the news media and energetic intervention by the National Lawyers' Guild.

"Our basic line is 'Co-operating with the State is like eating potato chips — once you start, you can't stop,'" says Whitnack. "They [the authorities] have come in trying to take over the investigation going on. I think it's more comforting for them to think it's coming from some sort of central command than that folks are acting independently."

Safeway Bombing

Whitnack was subpoenaed because of her friendship with Ralph "Po" Ford, a Left Bank member who was killed in late 1975 when he took a taxi cab to place in a closed Safeway blew up prematurely. (The GJB Safeway bombing came in response to Po's death.)

She had lived in Seattle about two years, and before that lived in Sacramento, where she was involved in outside support work for

prisoners' struggles in Folsom and San Quentin.

After she went to jail herself, the grand jury offensive seemed to stall, probably because of the adverse publicity over the jailing. Since July, there have been no new subpoenas, although the grand jury continues to sit.

But that's not all: as soon as she went inside, Whitnack got busy helping organize a protest against the Lehigh Correctional Center — an old brick care facility in the jail. When, as a result, she was transferred to the Tacoma jail in punishment, the Seattle women prisoners staged a hunger strike to demand her return. She finally made it back, but mainly because of the string-pulling of her lawyer.

Now that she's out, Whitnack has to try to pick up the pieces of her totally disrupted personal life. She had been sharing a house with Laurie Raymond (sister of Jill Raymond, who spent 17 months in jail resisting the Lexington, Kentucky, grand jury), and Laurie's two young children. But now Raymond is in jail and can't remain there until summer on two convictions: destroying federal property at the Trident nuclear submarine base, and "assaulting" six marshals at Whitnack's contempt hearing. Raymond's two children are temporarily staying with friends.

"My immediate priorities are to settle my home life and to transform my defense committee into a legal aid center. I support Systems (P.O. Box 12497, Seattle, Washington 98111), into a defense committee for Laurie," says Whitnack.

"Was six months in jail worth it? You bet it was. In this, you didn't realize what my energy runs out, my stubbornness switches in."