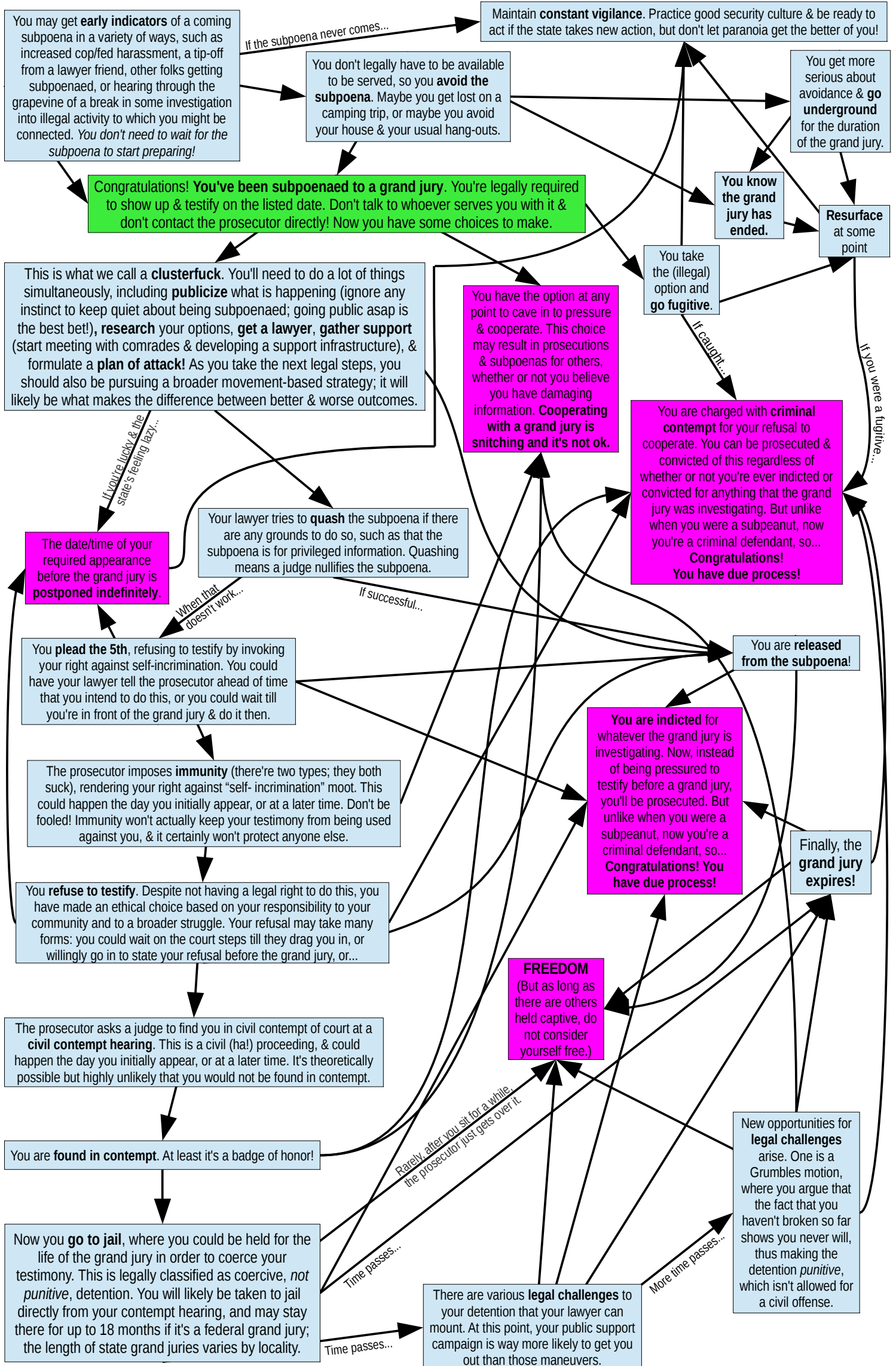


THE GRAND JURY PROCESS for activists, radicals, and fellow travelers

A grand jury is an investigative body used by a prosecutor to indict people for crimes. Grand jury proceedings are secret, & those subpoenaed to testify ('subpeanuts') aren't allowed to have a lawyer present with them in the courtroom when they appear. Because of their secrecy & broad investigative powers, grand juries have been used as a tool to conduct activist witch-hunts & repress radical movements. You should never cooperate with a grand jury! This flowchart is an overview of the process of being subpoenaed to a grand jury, including your many options & contingencies.



Pink squares are things that *could happen at any time* in the grand jury process, but are more likely at certain points. Some are good, some aren't.

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If you get called to testify to a grand jury and intend to refuse to cooperate, you'll have a lot of things to do at once. It helps to figure out a strategy in any number of ways--for your own life, your legal situation and your support structure.

Don't let the situation isolate and separate you. Your community is one of your strongest assets both personally and politically. You are going to want to get a support crew together; this shit is hard and you shouldn't have to do it on your own.

It's important to publicize that you have been subpoenaed and will not cooperate for various reasons. Do so using your name; the government already knows they've subpoenaed you, and it lets potential supporters know what's going on so they can support you. It's also a safer method to warn other people who could be potentially affected by the grand jury. Remember to maintain security culture. Share the information that helps keep your community safe and able to best help you, but don't do their job for them by incriminating yourself or others.

Going public puts a human face on a dehumanizing process. It allows you take a political stand, staking a claim to a legacy of resistance and presenting a model of non-cooperation which inspires others and increases the chances that other folks will also refuse to cooperate. It also provides other benefits, such as transparency and accountability to supporters. It can help control the spread of speculation and rumors, and can throw the state off its game by taking control of the narrative away from them.

Meet with your close friends/comrades/supporters. Maintain an accountable feedback loop to help keep you clear headed and on the best track. Figure out how to get your personal and emotional needs met in this high stress situation. Make sure you work logistics out with supporters like how to handle money, communicate with lawyers, who disseminates what info and to who, and what to do in likely contingencies.

Formulate your approach. Which method of resistance works best for you in your situation? How can you resist in a way that plays to your political strengths and may even help meet some political goals? The better you come out of your resistance experience, the less threatening it will be in the future.

Join forces with other subpoenaed and try to get everyone on the same page with how to handle it. (Alternately but less ideally, realize you cannot get on the same page and take appropriate steps to separate and minimize damage.)

Develop a media strategy including a clear framing and narrative to combat that of the state. Make sure not to box yourself in by saying things that will come back to bite you later. Don't lie to or mislead supporters or you may have trouble maintaining that support when the truth comes out. You should also make sure your support crew knows how to handle the media; this is especially important when you're in jail and can't bottom-line it.

Know that at a certain point, the media and public support campaign are your best option to get out of this, as your legal options are severely limited to begin with and may be exhausted.

You should do your best to **get materially as well as emotionally prepared for the possibility of indefinite detention.** For example, you and your support crew could make sure that your room gets subtletted, your bills get paid, or your kids, pets or plants are taken care of; your friends should also know what you would want and need in jail, such as book lists or dietary restrictions. These preparations should be ready to go at any time, since you can get taken into custody at many points in the process.

You may want to **research the jails near you** if you want to try to request a specific one, such as one close to your family and friends. If you have specific needs that are going to affect your jail conditions, those would be good to do research on as well.

You will want to **find a good lawyer**; things to look for when choosing a lawyer could include their experience with grand juries, movement experience, and friendliness to noncooperation strategy. Lawyers can help you with legal challenges throughout the grand jury process, and may just save your ass.

So what are your "non-cooperating" options?

- **You can ignore the subpoena** and go about your daily life, or **you can go on the run**, avoiding your house, job, and usual hangouts. Both of these options are illegal. They will issue a bench warrant for you if you don't show up to the grand jury, and might come looking for you and haul you in if they find you. In both cases, they could also charge you with criminal contempt.
- Your lawyer can contact the prosecutor ahead of time to **say you'll be invoking your Fifth Amendment right against self-incrimination**, or you can wait to do so until the day of your appearance.
- You could **show up on your court date and refuse to enter the grand jury room**, instead staying on the front steps of the courthouse reading a statement, rallying, and waiting for them to come drag you in.
- You could **go into the grand jury room and read a statement of non-cooperation at the onset**, or just tell the grand jury that you will be pleading the Fifth for everything.
- You can also **plead the Fifth question by question**.
- You can't have a lawyer in the room with you, but they are allowed to be outside the room. You can **write down each question and then go out to the hall to run each question/answer by your lawyer before you go back in and refuse**; these notes could also be useful for future reference.
- If you continue to refuse to answer questions, the prosecution will impose immunity on you, at which point **refusing to cooperate can lead to being held in civil contempt**.
- You can still continue to **object to questions after immunity**, citing various legal reasons or simply "refusal to testify" rather than "pleading the 5th."

Some people choose to try to outsmart the grand jury instead of outright refusing to cooperate. This can take various forms, such as giving clever or smartass answers to everything, having strategic failures of memory, or trying to figure out what questions "matter" and only answering the ones that "don't." These are bad ideas, because:

- As smart as you are, you don't have all the information and can't know exactly what information will be new/useful to the state.
- The scope of what testimony is admissible in a grand jury is broader than what is admissible at trial. There are no protections against the state prying into your privacy and/or using information for future investigation.
- You may be providing fodder for the state to twist your words later. Anything you say can and will be used against you or others in a court of law.
- It's easy to accidentally perjure yourself if you get nervous or flustered, try to out smart them, or just because they twist your words. Accidental perjury is still perjury.
- You can be convicted of perjury (lying under oath) even if you're not prosecuted or convicted of anything related to whatever the grand jury is investigating. These charges can be held over you to further coerce your cooperation, or you could simply go to jail for that alone.
- Remember that you are dealing with professionals trained to get information out of you even when you mean to resist.
- Because grand jury transcripts are sealed, speaking to them at all creates ambiguity that leaves room for suspicion, rumor and speculation (DRAMA); i.e., it may be too much to ask that people trust you didn't say anything damaging based on your word alone, especially if the grand jury produces indictments.
- Even if you "have nothing to hide," some of your co-subpoenants might, and your political and community obligation is to stand in solidarity with them when they can't afford to cooperate.
- It's important to **CREATE & MAINTAIN A CULTURE OF RESISTANCE**. For those of us who are in opposition to the state, even pretending to cooperate damages the collective cultural understanding that we must stand strong.
- Ego isn't a good enough reason to do something. The idea of out-smarting the state may service your self image but it harms the movement.
- Any sign of weakness, or that you'd consider options other than flat out refusal, invites further harassment and pressure. It may also harm your future legal options. Total refusal is the way to go!

Remember: Stay safe, stay strong, and fuck grand juries!