

Coercive Injustice

Local moms subpoenaed by federal grand jury

Mother's Day greetings were delivered early this year to three local moms – with love from the federal government. In lieu of cards, FBI agents hand-delivered subpoenas – demanding that the women comply with the most coercive of judicial investigations: the grand jury.

Jennifer Woodruff and Twiga May-Whittier have been subpoenaed as part of an ongoing investigation into the Romania auto arson that brought Carla Martinez and other activists before the grand jury more than two years ago (see *EW* archives 1/17/02). Heather Whitney, the mother of a newborn, has been subpoenaed to testify as a witness in Seattle as part of an investigation the Washington US Attorney vaguely referred to as crimes committed in the name of animal rights and/or environmentalism.

When a District Attorney lacks evidence to indict an individual for a specific crime, or when they have no idea who might have been involved in a case they want to prosecute, they can convene a grand jury. A grand jury creates the opportunity for federal agents to turn their guesswork into possible evidence with the goal of securing an indictment – even if the evidence is flimsy and circumstantial. The side effect is what activists have referred to as a political fishing expedition; through questioning of witnesses, federal agents are able to uncover a road map of personal relationships within a targeted community for future use.

But, according to Assistant US Attorney Kirk Engdall, activists misunderstand the role of the grand jury. "I think that they are misinformed. They don't know the history or the purpose of the grand jury. They misunderstand the process," he claims. He defines the grand jury as "a secret proceeding that avails itself to investigate criminal conduct with the interest of protecting those who are subjects of the grand jury."

He adds the secrecy is "to protect the innocent."

When questioned by a grand jury, one's Fifth Amendment right becomes null and void. In its place, the court can grant a special form of "immunity" under which a prosecutor is not supposed to use a person's testimony against them. Immunity then compels a person to continue answering questions, and if they choose to continue to plead the Fifth, they can be jailed for an indefinite amount of time.

"Grand juries have a history of targeting who they perceive as the most vulnerable to coercive interrogation," says Steven Heslin, Copwatch activist and media liaison for the mothers who've been subpoenaed.

"Simply put, they have two options: They can resist the grand jury and risk being jailed and separated from their children or they can comply with a modern day witch hunt that compromises their values and at least six constitutional rights."

But, according to government attorney Engdall, whether a person is a mother is "irrelevant. The grand jury doesn't target people based on their economic or social status. It invites people to come and present documentation or testimony concerning a criminal investigation," he says.

Those subpoenaed would disagree. "I lose the right to make the decision to not participate in the process because it is directly detrimental to the health of my baby," says Whitney. "If I can't breastfeed my child, she'll be denied vital nutrients she can't get from formula – so, no matter what, she's the one at the highest risk in this process."

"I can only wonder why they would call single mothers to testify," questions Woodruff. "I feel as though it is because we have so much more at stake and that is one of the dirtiest, most unethical things that a government can do to its own people."

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