

Justice or Politics?

hearing would be combined with a review by the grand jury. Such a change might require a constitutional amendment, but is worth exploring as the merger would eliminate the current inequities. As it now stands, a defendant brought before the courts is granted procedural safeguards that do not exist under the grand jury system.

f. To further the independence of the grand jury, members might be impaneled for periods of up to a year, as is done in California, thereby gaining through longer service considerably more expertise than their current limited service. There is at least one drawback to this method: since the work is full time but unpaid, the pool of potential jurors is small. Largely, they are civic minded persons who are retired, financially independent or with a spouse who provides support. Whether or not this pool of jurors represents a sufficient spectrum of society is currently part of

the California debate. But there are ways around this dilemma. Holding evening sessions is one possible solution.

This brief review of the grand jury is not exhaustive, but is an attempt to raise in the public's mind some compelling questions about its fairness:

1. Why should one citizen accused of a crime be granted the right to hear and challenge the prosecutor's case while another is denied?
2. Why should one be allowed the protection of counsel while another is not?
3. Why should some cases for the prosecution be a matter of record and others not?
4. And why should the decision of who shall receive these protections and who shall not be left to the predilections of one elected official?

These serious issues must be addressed or the basic right of equal treatment under the law is at risk, and justice is made vulnerable to the persuasions or ambitions of a single prosecutor. As citizens of a democratic society, we must guard our system of justice and in this arena, at least, tolerate no opportunity for politics.

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