

77-GS-77 VOTED: The Eleventh General Synod adopts the resolution on "Grand Jury Abuse" as amended.

Resolution on Grand Jury Abuse

WHEREAS, The following resolution was forwarded to the 11th General Synod by action of the Illinois Conference, which arose out of concern for the Puerto Rican community in Chicago where the Federal Bureau of Investigation is harrasing and illegally threatening with subpoenas the Rev. Jose Torres, pastor of the First Congregational UCC, his wife and members of that congregation; and

WHEREAS, The Resolution (adopted by the National Council of Churchs [NCC] Governing Board) which has been revised by insertion of "Federal" before "Grand Jury" wherever "Grand Jury" appears.

RESOLVED, That the 11th General Synod of the United Church of Christ

1. Endorses the "Resolution on Grand Jury Abuse" adopted by the NCC Governing Board on May 5, 1977, as revised above.
2. Directs the President of the United Church of Christ to express this concern to:
 - the President of the United States
 - the Attorney General of the United States
 - the Director of the Federal Bureau of Investigation
 - the United States Attorney of the Southern District of New York, and
 - the United States Attorney of the Northern District of Chicago.
3. Calls upon the appropriate national church agencies to pursue this issue, to prepare educational resources and to provide support to those subpoenaed before Federal Grand Juries who, for justifiable reasons of principle, refuse to testify and risk jail rather than expose others to harrassment. [Specific examples of persons imprisoned presently on this basis (3 above) are Maria Cueto and Raisa Nemikin, staff of the Hispanic Commission of the Episcopal Church.]

Resolution on Grand Jury Abuse

Adopted by the NCC Governing Board

May 5, 1977

The Federal Grand Jury is envisioned in American law as a protector of citizens from unwarranted prosecutions. It is for this reason that its proceedings are secret and it has compulsory process of summoning witnesses.

However, in recent years there is evidence to indicate that its great powers have sometimes been misused to harass and intimidate political dissidents, including the anti-war movement, the activist student movement, the Native American movement, the Black movement, the trade-union movement, the Roman Catholic peace movement, the feminist movement, and now seem to be aimed at the Chicano and Puerto Rican movements as well.

Since the October 1976 meeting of the Governing Board of the NCC, several persons connected with the Hispanic ministries of the churches have been subpoenaed to testify

before federal grand juries ostensibly inquiring into terrorist bombings, and some have gone to prison rather than divulge the names of persons they felt had been working with the church in good faith, lest they in turn be subjected to investigation.

Congress has never given the Federal Bureau of Investigation subpoena powers, yet agents today routinely threaten uncooperative persons with subpoenas from a federal grand jury, and often indeed serve such subpoenas upon them.

It is the Governing Board's firm conviction that the use of the federal grand jury's powers as an instrument of investigation in support of law enforcement rather than as an evaluator of evidence already gathered is a distortion of its quasi-judicial function. The use of the federal grand jury's powers to harass and pursue political dissidents is a departure from its proper constitutional function, and is a great threat to public order, lawful government, and true domestic security.

Therefore, the Governing Board of the National Council of Churches, in its continuing concern for human rights, including due process of law, freedom of association, the privilege against self-incrimination, the presumption of innocence and the free exercise of religion, adopts as its own procedure and urges upon the churches and ecumenical agencies the following course of action:

1. That churches and ecumenical agencies support legislation designed to enhance the rights to due process of law, freedom of association, effective legal counsel, the presumption of innocence and the privilege against self-incrimination* of persons subpoenaed to testify before federal grand juries. As well as the problem of federal grand jury abuse, there are attempts by other Government agencies to intervene in the internal affairs of the churches. A full policy statement based on careful consideration of the legal ramifications needs to be developed. The Governing Board therefore also urges:
2. That each member denomination of the NCC designate one person to keep in touch with the developments in this area and to represent it in developing a full policy statement on the subject of governmental intervention in the internal affairs of churches for presentation to a later session of the Governing Board.
3. That, if and when any employee of a church or church agency is approached by government investigators (on matters related to that church or agency), the inquiry be handled by the senior officer available (with appropriate legal advice);

*Though this is supposedly afforded by the grant of "use" immunity, the fuller "transactional" immunity that was formerly granted more adequately guards the privileges.

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4. That the investigators be asked to state specifically in writing what information they want, their authority for seeking it, and whether it can be or has been obtained in any other way;
5. That the church or agency make contact with specialists in the ecumenical community, such as the Committee on Religious Liberty of the National Council of Churches, and seek advice of legal counsel familiar with church-state law to determine what information, if any, can properly be given in response to the inquiry.
6. That churches and ecumenical agencies not divulge names of contributors, members, constituents, or any persons or groups with whom they have been working in a relationship of confidence and trust;
7. That churches and ecumenical agencies not divulge without benefit of legal counsel and consent of persons concerned personnel files, correspondence or other confidential and/or internal documents or information;
8. That churches and ecumenical agencies not divulge without benefit of legal counsel and consent of persons concerned travel or expense records;
9. That the churches and ecumenical agencies inform any persons in their employment or membership about whom inquiries have been made that such investigations are in process;
10. That churches and ecumenical agencies give moral and material support (including continuing salary to employees) for those members and employees who for reasons of principle refuse to testify before a federal grand jury and risk jail rather than expose others to harassment — even if some consider their refusal unwise or unnecessary;
11. That churches and ecumenical agencies make particular provision to insure and protect the freedom of association and exercise of advocacy by members and staff in their ministries and relationships with social action agencies and oppressed and alienated groups.
12. In addition the denominations are urged to develop internal policies appropriate to their own polity and ecclesiology which will clarify their understanding of the meaning of confidentiality of communications within the fellowship and in the ministry of the church, so as to safeguard the relationship of confidence and trust that is essential to the existence and functioning of the church.
13. Churches which adopt the above recommendations should be aware that they, or their members, may be faced with the risk of civil penalties, including citations for contempt of court, in their effort to establish judicial recognition of the churches' right not to breach the relationship of confidence and trust which is essential to the functioning of the religious community.

21. REFORM THE FEDERAL AND DISTRICT OF COLUMBIA BAIL REFORM ACTS

Ms. Clough presented the Overture "To Reform the Federal and District of Columbia Bail Reform Acts," Advance Materials, Section II, p. 120, and the amendment from Division E, and moved its adoption.

A substitute motion was made. The substitute motion, became the main motion and was seconded. It was

77-GS-78 VOTED: General Synod adopts the resolution "Modification of the District of Columbia Bail Reform Act."

Modification of the District of Columbia Bail Reform Act

WHEREAS, there are presently no crimes punishable by death in the District of Columbia, and

WHEREAS, there is consequent confusion about the standards to guide pre-trial release for persons who are accused of crimes of violence (e.g. first degree murder, forcible rape, kidnapping) within the District of Columbia, and

WHEREAS, it is known that some persons who are accused of crimes of violence do commit other serious crimes while on pre-trial release.

THEREFORE, be it resolved that the Eleventh General Synod of the United Church of Christ requests the Executive Council and the Criminal Justice Priority Team to communicate with members of Congress that the District of Columbia Bail Reform Act should be amended so that persons charged with crimes of violence may be detained if: it is determined that the accused presents a danger to any person or to the community; if it is determined that no condition or combination of conditions of release will assure such safety; if such determinations are established by clear and convincing evidence following a full judicial hearing; if a fair and speedy trial will be held; and if full opportunity is presented for the defendant to assist in preparation of the defense.

22. RACISM AND SEXISM

Division E Chairperson, Ms. Clough, presented the amended "Proposed Pronouncement on Racism and Sexism" and moved its adoption.

I. Summary

Line 2—delete the word "ever".

Line 3—delete "foundational commitment to the faith that by virtue of", in place of insert "faith as expressed in our"

Same Line—after "baptism", insert "and our"

Line 4—delete "and God's grace within all people", before "we are one . . . insert "that" after "as" insert "such:"

delete "to be the one people of"

insert "and commissioned by"

Line 5-6 delete completely, in place of add "to work on the problems of racism and sexism as they interact, intersect, and compound each other."