

Making a Federal Case Out of It

The Crime of the Century

The Case for a Special Federal Grand Jury for a Special Homicide

by **William Kelly**

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Political assassination is defined as an act of terrorism. The assassination of the leader of the Northern Alliance in Afghanistan preceded the attacks of September 11th by two days, with both acts perpetuated by the same covert architects.[1]

Political assassination remains an effective tool for controlling public policy only because its true perpetrators are permitted to remain hidden in the background, pulling the strings of puppets and pawns, as they have for centuries.

In order to put the current war on terrorism into a proper perspective, it would be prudent and healthy to review previous case studies of similar domestic attacks, with Pearl Harbor being the most frequently cited and the assassination of President Kennedy a close second.

The assassination of President John F. Kennedy has maintained its watershed mark as the single most significant and influential event of the 20th century. Despite the tremendous amount of information that is available and has been published about the crime, it remains an unresolved enigma and unsolved homicide in both a moral and legal sense, only because there has been no institutional will, motive or desire to solve the case.

It is a myth that the murder of President Kennedy will forever remain a mystery and that it can never be solved, as the effort has never been made to do so.

The political assassinations of Martin Luther King and Robert F. Kennedy were allowed to happen because of the failure to identify and prosecute those responsible for the murder of John Kennedy. It is a travesty of justice that those responsible for what happened at Dealey Plaza have thus far gone unpursued except by a small contingent of independent researchers.

Unsolved "cold case" homicides are usually reviewed every few years, sometimes by a new detective who looks over old evidence to see if there is anything that has been overlooked, or if there is any new evidence, witnesses or new scientific means that could be used to help solve the crime.

Just as the political assassination of Medgar Evers was successfully prosecuted over thirty years afterwards, and the civil rights era murders in Philadelphia, Mississippi, Birmingham, Alabama and York, Pennsylvania have all belatedly been brought to justice, [2] the assassination of President Kennedy can and eventually will be solved.

The Role of the Grand Jury

Just as the role grand juries played in the resolution of these other cases, it is clear that the assassination of President Kennedy can also be legally resolved once it is reviewed by a Special Federal Grand Jury.

Under our system of justice, homicide is considered the most serious level of crime, and as a general rule -- the rules of criminal procedure -- evidence in a homicide is presented to a grand jury before indictments are presented to those charged with the crime(s).

As the late Col. Fletcher Prouty (USAF Ret.) pointed out, researchers and investigators can dig up all the evidence of conspiracy in the assassination, but it is useless unless it has a place to go. This case hasn't been closed, as it was never really opened and seriously pursued.

Towards the development of a legal case, the grand jury petition-request is one device that has yet to be used in reopening an official, independent investigation by a grand jury, which would be requested to review the evidence available, take additional testimony, request specific records and determine if there is enough evidence to indict someone for the commission of a crime related to the assassination, including but not limited to homicide, conspiracy, treason, obstruction of justice, destruction of evidence and perjury.

There are three types of grand juries -- local, state and federal, each with its own limits, procedures and abilities.

The murder of President Kennedy has already been the subject of a local, New Orleans grand jury, the proceedings of which are normally kept secret, but the transcripts of which have been released by the JFK Records Act [3] and are now open to the public and available on the internet.[4] The New Orleans grand jury was only convened because then District Attorney Jim Garrison had the determination to prepare a case at all. While the target of Garrison's indictment, Clay Shaw, was not found guilty, both the grand jury and the trial jury were convinced there was a conspiracy behind the murder of John Kennedy.

Information, witnesses, documents and other evidence not available to Garrison has since been developed, but Garrison's successor, New Orleans District Attorney Harry Connick, Sr., ordered records in the case destroyed rather than properly pursued, while the position of his successor has yet to be determined.

While local Texas authorities are as equally reluctant to pursue this case at a local or state level, federal laws were clearly violated, and as acknowledged by the *Warren Commission Report*,[5] it was a federal crime at the time to conspire to kill the president and to kill a federal official in the line of duty, so federal jurisdiction is firmly established.

Federal Courts are maintained in different parts of the country, with relevant jurisdictions in this case being North Texas (Dallas), Louisiana (New Orleans) and Washington (D.C.), where crimes related to the assassination were clearly committed.

Although federal grand juries are routinely held for the prosecution of all federal crimes within their jurisdiction, sometimes a special grand jury is convened to handle just one case, especially if the case is a complicated one involving murder, serial killings, drug cartels and organized crime, with multiple crimes, and where witnesses and suspects reside in different states and even countries.

Special Federal Grand Juries have been convened to investigate and prosecute the political assassination of the former Chilean ambassador in Washington D.C., [6] the Rocky Flats environmental violations [7] and most recently in White Plains, New York to handle the New York aspects of the terrorists attacks of September 11th.[8]

A Special Federal Grand Jury can now be proposed for this case because of the JFK Act, the law which requires all government records and evidence in the assassination of President Kennedy be compiled together and opened to the public at the JFK Assassination Records Collection at the National Archives and Records Administration (NARA).

In addition to the public's access to the records at the NARA, new evidence has been discovered, additional witnesses have come forward and previously unavailable witnesses have been located, making a presentation before a grand jury more feasible. Scientific advances in computers, graphics, acoustics, ballistics and DNA and other scientific testing and analysis provide additional new evidence and approaches in determining the truth with more and better certainty.

The use and functions of a Special Federal Grand Jury and the use of a citizen's petition-request to spark a grand jury investigation are both legal procedures that are historically well-founded in our system of justice. The investigative powers vested in a grand jury are only thwarted by the power of the district attorney/prosecutor, who is not required to submit a petition-request to the grand jury, advise them of their rights and powers or act upon the indictment the grand jury presents.

The grand jury petition-request prepared on the assassination of Robert F. Kennedy was given to the Los Angeles, California District Attorney, but the prosecutor never submitted it to the sitting grand jury because it was directed at the investigation of crimes committed by investigators and police, and not at the investigation of the murder itself.[9] Because the District Attorney and assistant DAs must work with their counterparts in law enforcement on a daily basis, it was not in the best interests of the District Attorney to begin an investigation of the LAPD. An alternative grand jury petition request directed at an investigation of the MKULTRA doctors who programmed assassins [10] would have more of a chance of convincing a District Attorney to have a grand jury look at the evidence in that case.

Mock Grand Jury

While a district attorney may decline to present a petition-request to the grand jury, that will not be a problem with a mock grand jury, which could proceed as if real and act as accurately as possible, except it will not be official, and therefore not secret, but one that can be filmed and recorded for the public's viewing.

A mock grand jury could also serve as a "dry run" to see what a real grand jury would do if

presented with certain evidence and testimony, and also serve as an educational forum to teach interested people about the details of the assassination of the President as well as the role and functions of a grand jury.

A mock grand jury, as with a real one, consists of 23 jurors and 23 alternates, all ordinary citizens chosen from among the district's voter and driver registration records, with a jury foreman chosen from among their ranks. They may also be guided by a grand jury counsel, an attorney of record who advises the grand jury and answers their questions concerning matters of legal rights and procedures. Although untraditional, an official counsel to a grand jury has legal precedent, as with the attorney who served on the Rocky Flats grand jury and guided some of its actions.

The grand jury will be sworn in and required to sit periodically for 18 months, renewable thereafter for an additional period of time if necessary, meeting regularly and routinely, sometimes a few times a week.

In addition to the grand jury, the alternates, and grand jury counsel, there is a professional, sworn stenographer/transcriptionist, and two cameramen [per 1970 law permitting the film recording of grand jury proceedings].

A District Attorney or Prosecutor address and advises the grand jury as to its duties and responsibilities, signs subpoena requests, introduces evidence, documents and records into evidence as exhibits, and questions witnesses. The District Attorney works closely with a number of Assistant District Attorneys in reviewing, analyzing and presenting evidence.

As the Federal Court of the Northern District of Texas describes their duties, assistant attorneys "in the criminal section evaluate federal law enforcement agencies' investigative reports and determine whether prosecution should be undertaken. The prosecutors present information to grand juries and represent the United States in federal criminal trials." [11]

Each Assistant District Attorney specializes in different aspects of the case, and assists in questioning witnesses with regard to their areas of expertise.

There are two types of witnesses: ordinary witnesses (ie. eyewitnesses, law enforcement officers) and expert (ie. scientific and medical specialists).

Unlike a jury trial, a grand jury may be presented with hearsay testimony, and witnesses that are granted an immunity from prosecution cannot plead the fifth amendment against self incrimination. Also, rather than the unanimous consent needed in a jury trial, only a majority of the grand jury (16) is needed to present an indictment, or true bill. (?)

By orchestrating the beginning of a mock grand jury, and presenting it with the best evidence of crimes and conspiracy, the evidence and witnesses can be brought together and introduced on the public record, and what the grand jury does should reflect what a real grand jury would do if presented with the same information. The mock grand jury can be used to anticipate and offset problems that may be confronted when the petition-request is eventually presented to a real grand jury. (?)

The grand jury petition-request, prepared by independent researchers and investigators, and reviewed by real prosecutors and assistant District Attorneys, would include details of the available evidence and living witnesses beginning with eyewitnesses to the murder and evolving towards expert witnesses in the medical and autopsy, ballistics, acoustics and film areas of evidence.

The grand jury, under the direction of the Prosecutor and Assistant District Attorneys, would develop the evidence, attempt to answer questions posed by the grand jury, subpoena records and witnesses and follow the evidence where ever it may go.

The Mock Grand Jury, unlike a real one, would have to depend on the cooperation of witnesses -- who would agree to be sworn in and answer questions -- so friendly and expert witnesses would be scheduled to appear before the grand jury earlier than witnesses who decline to cooperate. (last phrase "so friendly..." is unclear)

As with other special federal grand juries, there is no telling where it will go. Like the Rocky Flats Grand Jury, it could become a runaway grand jury, going where no one has gone before. Such outcomes can come closer to the truth and possibly help achieve some belated justice.

That we live as a nation of laws, and are not "a Banana Republic," as Warren Commissioner John McCloy also suggested, requires us as individuals, as a coalition and as a society, to pursue such truth and justice, even if the heaven's fall.

Footnotes

1. I'm not up on this. Let's include name of the assassinated leader, name of the covert architects and any particularly illuminating/educational sources
2. Let's include references to all four of the murders alluded to here
3. In 1992, the National Archives and Records Administration established the John F. Kennedy Assassination Records Collection pursuant to Public Law 102-526. One provision of the law mandated that all assassination-related material be housed in a single collection in the National Archives and Records Administration (NARA). The clear intent of the law was to open most of the records for research. The Collection consists of approximately 2,000 cubic feet of records or more than 4.1 million pages containing more than 4 1/2 million pages of assassination-related records, photographs, motion pictures, sound recordings and artifacts.
http://www.archives.gov/research_room/jfk/
4. From the History Matters website, see
History Matters Catalog - The Garrison Transcripts:
The Garrison Transcripts contains the most important transcripts related to the Garrison investigation of the late 1960s. This set includes the transcript of the 1969 trial of Clay Shaw, as well as the newly-available transcripts of the grand jury which preceded that trial. This CD-ROM also includes other transcripts and documents relating to the Garrison investigation and its aftermath, including a 1600-page deposition of Gordon Novel and transcripts related to Garrison's attempt to obtain the JFK autopsy photos and X-rays for use at the Clay Shaw trial.
http://history-matters.com/store/store_aarc_garrison.htm

5. The President's Commission on the Assassination of President Kennedy was announced by President Johnson on November 29, 1963, one week after the shots rang out in Dallas, and five days after alleged assassin Lee Harvey Oswald was killed while in police custody. A little under 10 months later, the "Warren Commission" delivered this 888-page Report. The Report found that Lee Harvey Oswald killed President Kennedy, alone and unaided, and that similarly Oswald's killer Jack Ruby was a "lone nut."

This Report was followed up a couple of months later by the publication of 26 volumes of Hearings and Exhibits. The Warren Report was widely hailed by the media as an exhaustive study produced by honorable and prestigious men, and was fairly widely accepted by the American public. It was not until a few years later, with the publication of several critical books and magazine pieces, that this acceptance began to turn into widespread disbelief and even ridicule of the Commission's conclusions.

The Warren Report remains the definitive statement of the "lone nut" theory of the assassination of President Kennedy.

The Warren Report is available on the internet in PDF format at the History Matters website:
<http://history-matters.com/archive/jfk/wc/wr/contents.htm>

6. What would you choose as the "definitive reference" on this?
[Among other things we could include:]
See *Assassination on Embassy Row*, by John Dinges and Saul Landau, Pantheon, 1980. On the web:
Transnational Institute - Dossier Orlando Letelier:
"I was born a Chilean, I am a Chilean, I will die a Chilean. They, the fascists, were born traitors, live as traitors and will be remembered forever as fascist traitors." --Orlando Letelier (1932-1976), Madison Square Garden, 10 September 1976, [Transcript of MSG speech]
7. What citation(s) or article(s) can we include or reference here?
8. What citation(s) or article(s) can we include or reference here?
9. What citation(s) or article(s) can we include or reference here?
10. What's our definitive reference for this?
Candidates for consideration?
 - Mind Control, LSD, the CIA and the American People:
What the Government Does Not Want You to Know.
By Andy Smith 1998-11-23
http://www.kahealani.com/tech/mind_control.html
 - *The Search for the Manchurian Candidate*, John Marks, Times Books, 1979
<http://www.druglibrary.org/schaffer/lsd/marks.htm>
 - Comments on *The Search for the Manchurian Candidate*
http://www.ftrbooks.net/psych/cia_mind_control/manchurian_candidate.htm
11. Can we cite this specific reference? Good for the studious, educationally-inclined.

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<http://www.ratical.org/ratville/JFK/BillKelly/GrandJury.html>