**Alaska Grand Jury Powers, Rights, and Duties**

**Alaska Constitution**, **Article 1, Section 8**: *The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.*

**Alaska Statute 12.40.030:** “Duty of inquiry into crimes and general powers. *The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public welfare or safety.*”

**Alaska Statute 12.40.040:** *“*Juror to disclose knowledge of crime*.**If an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it.”*

**Alaska Constitutional Convention (1955-1956)**

Proposal No. 7 *“The power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith, shall never be suspended.”*

[After extensive discussion by the delegates, this was modified so grand juries could investigate things in addition to willful misconduct in office of public officers, resulting in the current verbiage in Article 1, Section 8 of Alaska’s Constitution.]

**Taylor at 1324:** *“I am against the use of a grand jury in criminal prosecutions…I would say retain the grand jury all right for investigative purposes of officials in public institutions... it serves no useful propose except for just investigative purposes.”*

**Hellenthal at 1325-1406:** *“The grand jury should certainly and definitely be preserved as an investigatory agency. There is no question about it at all. I agree with Mr. Barr that the investigatory power of a grand jury is extremely broad…I think a grand jury can investigate anything…I think that the broad statement of power that Mr. Barr asked for is proper and healthy.”*

**Kilcher [Yule Kilcher of Homer, Alaska] at 1328:** “*I recall personally a situation eight or nine years ago that brought it to my attention forcefully how the grand jury can be utterly vital. The grand jury in its investigative power as well as for the fact that it is sitting there as a panel sometimes is the only recourse for a citizen to get justice, to get redress from abuse in lower courts…it is the only safeguard a citizen occasionally has when for any reason and very often for political reasons, a case is not dealt with properly. The grand jury can be appealed to directly, which is an invaluable right to the citizen.*”

**The Investigative Grand Jury in Alaska**

**(1987** **Alaska Judicial Council report upon request by Alaska State Senate)**

Art. I, Sec. 8 of the Alaska Constitution states: *“The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.”*

*"Public welfare or safety"* has been interpreted very broadly and includes concerns with public order, health, or morals. Black's law Dictionary defines general welfare as *"the government’s concern for the health, peace, morals, and safety of its citizens.”* *"Suspend"* is defined in case law and by Black's as *"to cause to cease for a time; to postpone; to stay, delay or hinder."* In other words, the Alaska Constitution gives grand juries the power to investigate into and make recommendations addressing virtually anything of public concern. This broad general power can never be hindered or delayed.

State grand juries have often exercised investigative powers to battle political corruption. At times, that have acted on their own initiative in the face of opposition from a district attorney. In New York City an extensive grand jury probe toppled the notorious Boss Tweed and his cronies. Since the district attorney was closely associated with Tweed, the panel acted independently of him, conducting its own investigation and interviewing witnesses without the prosecutor's help.

Alaska’s grand jury serves two distinct functions. First, it acts as the charging body for crimes committed within its jurisdiction. The grand jury considers evidence presented to it by the state district attorney who has investigated the crime or crimes in each case. The grand jury decides whether the district attorney’s evidence is sufficient to call for the individual or individuals facing the charge to stand trial. If the majority of grand jurors finds the evidence sufficient, the foreperson of the grand jury signs the indictment prepared by the district attorney and marks it a true bill. If the majority of grand jurors do not find the evidence sufficient, the foreperson marks the indictment not a true bill, and signs what is then referred to as a no-true-bill. This function is the grand jury’s charging function.

Although infrequent, the grand jury can also sit as an investigative body. In response to instructions from the court or the district attorney, or in response to petitions or requests from the public, or on the initiative of a majority of the members of the grand jury, the grand jury may investigate concerns affecting the public welfare or safety. These public welfare or safety concerns may arise from criminal or potentially criminal activity, or they may involve noncriminal public welfare or safety matters. After completing its investigation, if the grand jury has found sufficient evidence to charge an individual or individuals with a crime, the grand jury may ask the district attorney to prepare an indictment or indictments. The foreperson of the grand jury then signs the indictment designating it a true bill.

The clear intent of the drafters of the state constitution was to provide the grand jury with broad investigative powers. The language of state statutes is equally broad and no case law in Alaska defines the appropriate subject matter or scope of grand jury investigations.

**Constitutional Convention**

The Committee on the Preamble and Bill of Rights of the Alaska Constitutional Convention submitted a proposal entitled *“Grand Juries, Indictments and Information”.* The clause that addressed the investigative function read:

*…the power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith, shall never be suspended.*

The commentary of the section stated:*‘The grand jury is preserved, for all purposes, particularly for investigation of public officials.’*

*‘…I am against the use of a grand jury in criminal prosecution…I would say retain the grand jury all right for investigative purposes of officials in public institutions…it serves no useful purpose except for just investigative purposes.’ (Taylor, 1324)*

*‘The grand jury should certainly and definitely be preserved as an investigatory agency. There is no question about it at all…’(Hellenthal, 1325)*

The debate suggests that some votes for mandatory grand jury indictment may have been cast to assure free exercise of the grand jury’s investigative function:

*‘[I]t is true the investigative grand jury had been preserved in the bill as set forth here. However, an investigative grand jury will only be called under certain specific circumstances, and somebody is going to have to find conditions pretty bad before an investigative grand jury will be called. Whereas a grand jury which is empaneled regularly, once or twice a year in our division, has full investigative power as well as the power to consider indictments. The grand jury is there and may take any step that it feels may be necessary towards investigations’(Davis, 1326)*

*‘…The grand jury in its investigative power as well as for the fact that it is sitting there as a panel sometimes is the only recourse for a citizen to get justice…’ (Kilcher, 1328)*

*‘The new amendment does not make any mention of the investigating powers of the grand jury, and I’ve been told they would still have those powers under the Federal Constitution, but I believe it should be mentioned in our constitution because I think it is one of the most important duties of the grand jury. (Barr, 1344)*

*Mr. President, my suggestion was that the word “detrimental” be stricken and the word “involving” being inserted because I agree with Mr. Bare that the investigatory power of a grand jury is extremely broad, not as narrow as Mr. Rivers contends. I think a grand jury can investigate anything, and it is true that there is little protection against what they call in the vernacular, a runaway grand jury, but in the history of the United States there have been few runaway grand jury’s, extremely few, and I think that the broad statement of power that Mr. Barr asked for is proper and healthy. (Hellenthal, 1406)*

Three provisions in Alaska’s Criminal Rules hint at the potential investigative, recommending and reporting powers of the grand Jury. Rule 6(e) mandates the oath for grand jurors. It resembles the oath of the territorial years, as noted in the 1933 compilation of territorial laws. The current oath reads:

*“You and each of you as members of this grand jury for the State of Alaska, do solemnly swear that you will diligently inquire and true presentment make of all such matters as shall be given to you for consideration, or shall otherwise come to your knowledge in connection with your present service…”*

The oath clearly includes the duty to investigate *“matters”* coming to the knowledge of the grand jury independently of the charges presented by a prosecutor.

**Initiation: Law and Practice in Alaska**

Statutory procedures in Alaska distinguish initiation of an investigation from the exercise of the grand jury’s usual charging duties. One Alaska statute provides that *“if an individual grand juror knows or has reason to believe that a crime has been committed which is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it.”* This provision suggests that an investigation might be initiated at the request of an individual grand juror.

Prosecutors interviewed in the course of this study noted that private citizens occasionally request the grand jury to investigate a matter. Prosecutors report that they ordinarily review these requests before presenting them to the grand jury and made a recommendation regarding the grand jury’s action.

**The Reportorial Power of the Alaska Grand Jury (1986 Alaska Law Review)**

**The History of the Grand Jury’s Reporting Power**

The principal functions of the grand jury is to serve *“as a body of accusers sworn to discover and present for trial persons suspected of wrongdoing and as a protector of citizens against arbitrary and oppressive governmental action.”*

Prior to Alaska's statehood, the territorial legislature adopted a statute that required grand juries to investigate the conditions and management of prisons and judicial offices. In 1954, a Ketchikan grand jury investigated police corruption in connection with prostitution and returned a famous report that led to the indictments of the chief of police and the United States Attorney in Ketchikan.

After statehood, article I, section 8 of the Alaska Constitution granted grand juries the power to "investigate and make recommendations concerning the public welfare or safety." Grand juries have also issued reports critical of specific individuals. For example, in 1967, a Fairbanks grand jury investigated jail conditions and returned a report criticizing management of the jail generally and holding the named superintendent responsible. And in 1975, an Anchorage grand jury investigated the criminal justice system and made recommendations concerning a correctional officer, the public defender's office, and the district attorney's office.

Courts in jurisdictions favoring reports have emphasized the growing complexity of modern government "that defies the best intentions of the citizen to know and understand it." With an ever-expanding government bureaucracy, public employees become further removed from those officials directly answerable to the voters, while the public's awareness of the activities even of elected officials lessens. If the people are to remain confident in this type of government, there should be a body of citizens capable of monitoring official wrongdoing.

Proponents of the grand jury's reportorial power maintain that the grand jury is the appropriate body to accomplish this important purpose. Increasing government complexity has spurred the adoption of other investigatory bodies. These include legislative and executive bodies as well as private organizations, most notably the news media. These bodies may lead to greater accountability among public officials, but they are unlikely to be as effective as the grand jury in achieving impartial disclosure of official misconduct. A comparison of the grand jury with these groups suggests that the grand jury should continue as an investigatory body.

One significant problem with legislative and executive committees is that political concerns often influence their investigations.

Since the outcome is often politically influenced, there may be an intentional lack of thoroughness in legislative and executive investigations.

Finally, no overseeing body exist to monitor the conduct of these investigatory bodies.

The grand jury is not without shortcomings as an investigatory body. Jurors are not professional investigators. Because grand juries have limited budgets, they seldom hire their own counsel or detectives. This increases the grand jury’s dependence on the prosecutor to perform the investigation and to conduct the proceedings. If the prosecutor is able to dominate the proceedings, he may interject his own political ambitions into the investigation.

Although some authorities suggest that grand juries are not completely free from political motivations, most agree that jurors do not have the same sensitivity to political considerations as legislative or executive committees. The subpoena power possessed by grand juries facilitates complete investigations.

Alaska Constitution, article I, section 8 provides in pertinent part: "The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended." No Alaska appellate court has addressed the meaning of this sentence.

On December 15, 1955, the Alaska Constitutional Committee on the Preamble and the Bill of Rights submitted Committee Proposal Seven, which included the section on grand jury authority. Proposal Seven initially provided in pertinent part: "[T]he power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith shall never be suspended."

The Convention, however, did not adopt the Proposal. Instead, the framers approved a slightly altered version of an amendment to Proposal Seven offered by Delegate Barr. On January 6, 1956, Delegate Barr proffered the following amendment: "The power of grand juries to investigate and make recommendations concerning conditions detrimental to the public welfare shall never be suspended." This provision grants broad investigatory powers to the grand jury. Although courts in other jurisdictions disagree as to whether the power to investigate, standing alone, implies the power to report the results of such an inquiry, the Convention expressly granted Alaska grand juries the power to make recommendations in connection with its investigations. Thus, the framers contemplated a power to issue statements other than indictments. Conversations between the delegates also shed light on the proper subject matter of these recommendations. During the debates over article I, section 8, Delegate Rivers explained that the grand jury's authority at the time of the Convention extended to the investigation of public officers and institutions. Rivers then asked Delegate Barr if he would agree to express the grand jury's authority as the power to "investigate public offices and institutions and make recommendations." Barr would not so consent. He stated that his amendment would grant a broader power than Rivers suggested. Barr's amendment would allow the grand jury to "make recommendations concerning other things than public offices and officers."' By implication, the framers intended, at the least, to grant the grand jury the power to issue recommendations concerning public offices and officers, something which Barr maintained was the duty of the grand jury.

As noted above, a true report on conditions concerning public welfare can be beneficial in ensuring an effective government, even if it contains incidental criticism of a public official responsible for the conditions. Indeed, the framers of the Alaska Constitution considered this power sufficiently important to preserve it in the constitution. They viewed this power as necessary *"to protect the rights of... citizens."*

If the prosecutor dominates the investigation, his own ambitions can lead to a one-sided investigation and presentation of evidence. The prosecutor may initiate investigations into areas where there is no apparent corruption merely to harass certain officials or to guide the grand jury to a result he desires.

CONCLUSION The framers of the Alaska Constitution intended that the grand jury have the power to investigate and make recommendations on matters that concern the public welfare. They contemplated that such recommendations would contain criticism of public officials in limited circumstances.

APPENDIX: MINUTES OF THE PROCEEDINGS OF THE ALASKA CONSTITUTIONAL CONVENTION CONCERNING ARTICLE I, SECTION 8.

R. RIVERS: The present province of our grand jury is to investigate public offices and institutions, not just to investigate anything involving the public welfare. I wonder if Mr. Barr is intending to try to preserve what we already have now, as the province of the grand jury. Would you consent to having it worded as "investigate public offices and institutions and make recommendations"?

BARR: No. I think that their power should be a little broader than that. I don't know what the powers are right now exactly, but I do know that they make recommendations concerning other things than public offices and officers, and under this provision it would only investigate and make recommendations concerning things that endangered public welfare's safety, and I believe that is what the grand jury is for is to protect the rights of its citizens. They do not necessarily have to defame any person or mention him by name. If the tax collector was using methods not acceptable to the public, they might make a recommendation for a change in the system of tax collection, etc., and I think it would be their duty to do so.

PRESIDENT EGAN: Is there further discussion of the proposed amendment to the amendment? Mr. Hellenthal.

HELLENTHAL: Mr. President, my suggestion was that the word "detrimental" be stricken and the word "involving" be inserted because I agree with Mr. Barr that the investigatory power of a grand jury is extremely broad, not as narrow as Mr. Rivers contends. I think a grand jury can investigate anything, and it is true that there is little protection against what they call in the vernacular, a runaway grand jury, but in the history of the United States there have been few runaway grand juries, extremely few, and I think that the broad statement of power that Mr. Barr asked for is proper and healthy.

PRESIDENT EGAN: Mr. Sundborg. [Vol. 3:295 1986]

SUNDBORG: Mr. President, I move and ask unanimous consent that the amendment to the amendment offered by Mr. Barr be amended by striking the words "detrimental to" in the second line and substituting therefore the word "involving."

BARR: I would like to submit the same amendment but using the word "involving" instead of "detrimental to" and I ask unanimous consent for its adoption.

JOHNSON: I second the motion.

PRESIDENT EGAN: Mr. Barr moves and Mr. Johnson seconds the motion. If there is no further discussion, the question is, "Shall the proposed amendment as offered by Mr. Barr to the amendment as amended be adopted by the Convention?" All those in favor of the adoption of the proposed amendment to the amendment as amended will signify by saying "aye," all opposed by saying "no." The "ayes" have it and the proposed amendment is ordered adopted.

Yeas: 44 - Armstrong, Awes, Barr, Boswell, Coghill, Cross, Davis, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien.

Nays: 8 - Buckalew, Doogan, H. Fischer, Laws, Riley, V. Rivers, Smith, Mr. President.

Absent: 3 - Collins, Cooper, Hilscher.

**United States v. R. Enterprises US Supreme Court 498 US 292 (1991)**

Unlike this Court, whose jurisdiction is predicated on a specific case or controversy, the grand jury *"can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not."* United States v. Morton Salt Co., 338 U.S. 632, 642 -643 (1950). The function of the grand jury is to inquire into all information that might possibly bear on its investigation until it has identified an offense or has satisfied itself that none has occurred. *“A grand jury investigation `is not fully carried out until every available clue has been run down and all witnesses examined in every proper way to find if a crime has been committed.'"* Branzburg v. Hayes, 408 U.S. 665, 701 (1972), quoting United States v. Stone, 429 F.2d 138, 140 (1970).

The teaching of the Court's decisions is clear: A grand jury *"may compel the production of evidence or the testimony of witnesses as it considers appropriate, and its operation generally is unrestrained by the technical procedural and evidentiary rules governing the conduct of criminal trials,"*  id., at 343.

A grand jury need not accept on faith the self-serving assertions of those who may have committed criminal acts. Rather, it is entitled to determine for itself whether a crime has been committed. See Morton Salt Co., 338 U.S., at 642 -643.

**Alaska Grand Jury Handbook, (Alaska Court System Form J-185)**

**[Page 16] Can a grand juror ask the grand jury to investigate a crime that the district attorney has not presented to them?**

Yes. The Alaska Statutes state: “If an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it.”

**[Page 26] Who decides that the grand jury should investigate something?**

Generally, grand jury investigations are initiated by the district attorney. They can also be initiated by the presiding judge or by members of the grand jury. Prosecutors also sometimes receive letters from the public, addressed to the grand jury, requesting investigations. In these situations, the prosecutor will probably conduct a preliminary investigation and make a recommendation to the grand jury about whether to take action. It will be up to the grand jury to decide whether to investigate the matter requested in the letter.

**IF IT’S NOT A RUNAWAY, IT’S NOT A REAL GRAND JURY** CREIGHTON LAW REVIEW, Vol. 33, No. 4 1999-2000, 821 OMAHA SCHOOL OF LAW

In theory, the grand jury is a body of independent citizens that can investigate any crime or government misdeed that comes to its attention. In practice, however, the grand jury is dependent upon the prosecutor to bring cases and gather evidence. Except in rare instances of a “runaway” grand jury investigation of issues that a prosecutor does not want investigated, the powers of the grand jury enhance the powers of the prosecutor.[9]

In practice, the grand jury’s every move is controlled by the prosecution, whom the grand jury simply does not know it is supposed to be pitted against.[11]

A truly independent grand jury — which pursues a course different from the prosecutor — is today so rare that it is an oddity.

Other sources, such as the American Bar Association, have pointed to modern grand jury instructions as a major source of grand jury subordination, and argue that instructions should be altered to emphasize to grand jurors their independence and their co-equal status in relation to the government.[51 ]

It was a group of men who stood as a check on government, often in direct opposition to the desires of those in power.

In addition to its traditional role of screening criminal cases for prosecution, common law grand juries had the power to exclude prosecutors from their presence at any time and to investigate public officials without governmental influence.[23] These fundamental powers allowed grand juries to serve a vital function of oversight upon the government. [24] The function of a grand jury to ferret out government corruption was the primary purpose of the grand jury system in ages past.[25]

Even the federal grand jury hand-book issued to newly sworn grand jurors reflects the watered down nature of modern grand jury activities.[32] The 1979 version of the handbook assured jurors that “you alone decide how many witnesses” are to appear.[33] Five years later, the updated version of the handbook told jurors “that the United States Attorney would ‘advise them on what witnesses’ should be called.”[34]

Throughout the 19th century, grand juries often acted on their own initiative in the face of opposition from a district attorney. It was just such a grand jury that probed and “toppled the notorious Boss Tweed and his cronies” in New York City in 1872. Without the prosecutor’s assistance, the Tweed grand jury independently carried out its own investigation in a district that had otherwise been very loyal to Tweed.[75] In 1902, a Minneapolis grand jury on its own initiative hired private detectives and collected enough evidence to indict the mayor and force the police chief to resign.[76] This same grand jury virtually governed the city until a new administration could be hired. Similar events occurred in San Francisco five years later, when a grand jury indicted the mayor and replaced him.[77]

As the grand jury slowly lost its full historic purpose, grand juries became resigned to a minute corner of the American justice system. American grand juries ceased to initiate their own investigations. “Dramatic, sometimes violent confrontations between grand juries and prosecutors, politicians, legislatures, even within the grand juries themselves, became largely things of the past by about the 1930’s.”[79]

Protecting public officials from public scorn thus won out over upholding the traditional powers of federal grand juries.

The effectiveness of early American grand juries in ferreting out the shortcomings of public officials “can be gauged from the long lists of grand jury presentments” of early America.[122] “Very little escaped the attention of the grand jurymen,”[123] which even took notice of the failures of town councils to provide stocks or a whipping post to punish offenders. [124]

Modern grand jury proceedings are normally conducted in the grand jury room, but at common law they could be conducted in private houses or other places for protection of the witnesses. See, e.g., United States v. Smyth, 104 F. Supp. 283, 300 (N.D. Cal. 1952); United States v. Gilboy, 160 P. Supp. 442, 458-59 (M.D. Pa. 1958). However, modern grand jury charges tend to limit this power, or even overtly conceal it from the grand jurors. WAYNE R. LAFAVE & JEROLD H. ISRAEL, CRIMINAL PROCEDURE 631 (2d ed. 1992) (stating that “it takes a most unusual case for a grand jury to act as a “runaway” and indict notwithstanding the prosecutor’s opposition).

When functioning properly, the grand jury is supposed to be an ever-present danger to tyranny in government. See ARTHUR TRAIN, THE PRISONER AT THE BAR 128 (1926) (stating that the grand jury filled a need as a barrier between the powerful and the weak and as a tribunal before which the weak could accuse the powerful of their wrongs).

49. The National Association of Criminal Defense Lawyers, for example, has promoted a grand jury “bill or rights” to be enacted by Congress,…

60. Note, 4 STAN. L. REV. at 77. In 1906 the United States Supreme Court dealt with the question of whether grand juries could be restricted from straying into investigations of issues not formally presented to them by prosecutors. See Hale v. Henkel, 201 U.S. 43 (1916). The Court held that it was “entirely clear . . . under the practice in this country,” that grand jurors may proceed upon either their own knowledge or upon the examination of witnesses brought before them, “to inquire for themselves whether a crime cognizable in the court has been committed.” Hale, 201 U.S. at 65. Thus, in some respects, the “runaway” grand jury, though not given such a name at the time, has been upheld by the nation’s highest court.

91. See ORFIELD’S, supra note 22, at 392 n.16 (noting that “[t]he common law powers of a grand jury include the power to make presentments . . . calling attention to actions of public officials, whether or not they amounted to a crime).

A few examples of practices and cases involving state grand juries are included in this paper for illustration. In general, however, this paper will concentrate on federal grand juries. Grand jury practice varies so widely among the states that it is difficult to provide a comprehensive treatment of that topic in this comment. See BRENNER & LOCKHART, supra

"Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear."  
-- **Harry S. Truman (1884-1972)**, 33rd US President message to Congress, August 8, 1950

"To sin by silence when they should protest makes cowards of men."  
-- **Abraham Lincoln (1809-1865)** 16th US President

**California Statutes/ Penal Code**

**CS/PC 901 and 914** (grand jurors may serve a second term, to inform and teach new grand jurors of their rights and duties)

**CS/PC 916** (each grand jury determines its own rules of proceeding)

**CS/PC 919 (**claims of willful or corrupt misconduct in office of public officers are REQUIRED to be investigated by the grand jury)

**CS/PC 926** (experts may be employed by the grand jury)

**CS/PC 933** (grand jury report required and required to be made public)

**CS/PC 934** (judges and government attorneys to be excluded during grand jury sessions, unless asked by grand jury)

**CS/PC 935, 3062, and 3073**  (district attorneys can be investigated, indicted, and/or removed)

**CS/PC 936 and 936.5** (special counsel and special investigators may be employed to help the grand jury)

**CS/PC 939.1** (public sessions of the grand jury are allowed when its “investigation affects the general public welfare, involving the alleged corruption, misfeasance, or  
malfeasance in office or dereliction of duty of public officials or employees or of any person allegedly acting in conjunction or conspiracy with such officials or employees in such alleged acts…”)

**CS/PC 939.2** (grand jury allowed to subpoena witnesses)

**CS/PC 939.4** (grand jury foreman can administer oaths)

**CS/PC 3074** (public officials may be removed from office for willful or corrupt misconduct in office even if a statute of limitations on criminal conduct has run)