

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 6 1981

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MURRAY L. HARRIS, CLERK
BY DEPUTY *Mary Bantor*

GENERAL ORDER IMPLEMENTING GUIDELINES TO
INSURE THE SECRECY OF GRAND JURY PROCEEDINGS

In order to insure that the interests promoted by grand jury secrecy are protected¹ and that the integrity of the grand jury system is preserved, it is ORDERED that the following guidelines shall be observed when a grand jury is in session at the United States Courthouse and Federal Building in Tyler, Texas:

(1) The proceedings of the grand jury shall be conducted in accordance with Rule 6 of the Federal Rules of Criminal Procedure.

(2) Only authorized personnel shall be allowed near the environs of grand jury room located on the fourth floor of the United States Courthouse and Federal Building in Tyler. "Authorized personnel" shall include those persons allowed by law to be present while the grand jury is in session, prospective witnesses and their representatives, and employees or representatives of the Department of Justice. The "environs of the grand jury room" shall include the fourth floor of the Federal Building, the stairs leading from the third floor to the fourth floor, and any other area inclusion of which the federal officer assigned to monitor the integrity of the grand jury proceedings shall determine, considering the facts and circumstances then present, is reasonably necessary to protect the secrecy of the grand jury proceedings.

(3) No cameras or recording equipment shall be permitted in the grand jury room or its environs during the progress or in connection with grand jury proceedings, except as provided by law, whether or not the grand jury is actually in session.

(4) These guidelines should not be interpreted as restricting the right of the news media to broadcast or publish any information in their possession relating to a criminal investigation or a criminal case.

A TRUE COPY I CERTIFY
MURRAY L. HARRIS, CLERK

SIGNED this 6th day of October, 1981.


WILLIAM WAYNE JUSTICE
CHIEF JUDGE


WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE

1

The United States Supreme Court has "consistently . . . recognized that the proper functioning of our grand jury system depends upon the secrecy of grand jury proceedings." Douglas Oil Company of California v. Petrol Stops Northwest, 441 U.S. 211, 218 (1979) relying on United States v. Procter & Gamble Co., 356 U.S. 677 (1958). Grand jury proceedings were closed to the public as early as the 17th century "in order to protect the criminally accused against an overreaching Crown." Douglas Oil Company of California v. Petrol Stops Northwest, *supra* at 218, note 9, citing Calkins, Grand Jury Secrecy, 63 Mich. L.Rev. 455, 457 (1965).

The Douglas Oil Co. Court enumerated several of the distinct interests served by safeguarding the confidentiality of grand jury proceedings.

First, if preindictment proceedings were made public, many prospective witnesses would be hesitant to come forward voluntarily, knowing that those against whom they testify would be aware of that testimony. Moreover, witnesses who appeared before the grand jury would be less likely to testify fully and frankly, as they would be open to retribution as well as to inducements. There also would be the risk that those about to be indicted would flee, or would try to influence individual grand jurors to vote against indictment. Finally, by preserving the secrecy of the proceedings, we assure that persons who are accused but exonerated by the grand jury will not be help up to public ridicule.

For all of these reasons, courts have been reluctant to lift unnecessarily the veil of secrecy from the grand jury. (Footnote omitted). At 219.