

GENERAL ORDER NO. 91-5

FILED  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

APR 25 1991

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

MURRAY L. HARRIS, CLERK  
BY DEPUTY Lita Robbins

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

This Court's General Order of October 6, 1981, implementing guidelines to insure the secrecy of grand jury proceedings, is hereby amended to reflect the physical relocation of grand jury facilities in Tyler, Texas.

In order to insure that the interests promoted by grand jury secrecy are protected<sup>1</sup> 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 Rules of Criminal Procedure for the United States District Courts.

(2) The grand jury room is designated as Room B-12 and is located in the basement of the United States Courthouse and Federal Building in Tyler, Texas. Only authorized personnel shall be allowed near the environs of the grand jury room. "Authorized personnel" shall include those persons allowed by law to be present while the grand jury is in session,

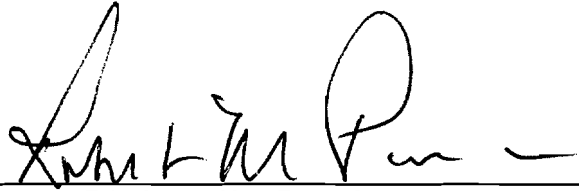
prospective witnesses and their representatives, and employees or representatives of the Department of Justice. The "environs of the grand jury room" shall include the basement of the Federal Building, the stairs leading from the first floor to the basement, and any other area inclusion of which the 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.

SIGNED this 23<sup>RD</sup> day of April, 1991.

FOR THE COURT:

  
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ROBERT M. PARKER  
Chief Judge

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<sup>1</sup>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 Co. 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 Co. 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 held 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). Douglas Oil Co., at 219.