



GEO. W. CROCKETT, JR.
JUDGE

FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE ST.
DETROIT, MICHIGAN 48226

January 18, 1974

Hon. Nicholas Hood
Detroit Common Council
City-County Building
Detroit, Michigan 48226

Dear Councilman Hood:

Upon further reflection, I have decided against accepting the invitation to appear before the Common Council on Tuesday, January 22, in connection with the Council's consideration of the narcotic traffic in our city.

I have reached this conclusion because, while I certainly do hope and expect that the Council will go on record favoring a one-man grand jury investigation of this matter, I think it would be inappropriate for me as a judge of Recorder's Court to appear before Council for the purpose of asking the Council to request that my Court authorize such an investigation.

But I would like to take this opportunity to further acquaint you personally with what I believe to be the compelling reasons for a one-man grand jury investigation instead of a citizen's grand jury investigation.

- I. The recent citizen's grand jury spent more than a year investigating the drug traffic in Detroit and, while their efforts were commendable, the net result was a few indictments against individuals whose suspected relationship to the narcotic trade was already well-known to the Police Department. Moreover, their investigation with respect to Police Department implication in that trade was limited to only one police precinct, and I am aware of no reasonable explanation why the investigation was not extended to other branches of our Police Department.

II. A citizen's grand jury is peculiarly under the thumb of the Prosecutor's Office and the Police Department in that normally it is entirely dependent upon these two agencies for the success of its investigation. It has no legal expertise and it must, of necessity, look to the prosecutor in the first instance for its legal advice and guidance. Where, as in Detroit, the Police Department and the Prosecutor's Office have had continuing responsibility over the years for the investigation and prosecution of the drug traffic and, notwithstanding their best efforts, the traffic continues to flourish, it must be obvious that they are unable to do the job.

On the other hand, the one-man grand juror is required to be a judge and is authorized to replace the Prosecutor and Police Department by appointing a special prosecutor and a special investigative staff.

III. It has been suggested that the one-man grand jury statute confers "dictatorial authority" by giving the grand juror subpoena power and the power to grant immunity to witnesses. But the same argument can be made with respect to the citizen's grand jury. Grand juries historically have exercised "dictatorial power." The difference, of course, is that in the case of the citizen's grand jury the "dictatorial authority" will be exercised by a partisan-elected prosecutor acting through the citizen's grand jury, whereas the one-man grand juror is a nonpartisan-elected official who daily exercises the power to authorize subpoenas and grant immunity. The ultimate check in each case is the control vested in our Court to determine who shall be the grand juror, to review any unconstitutional actions of the grand juror, and to terminate the existence of the grand juror at the expiration of the initial (six months) statutory period.

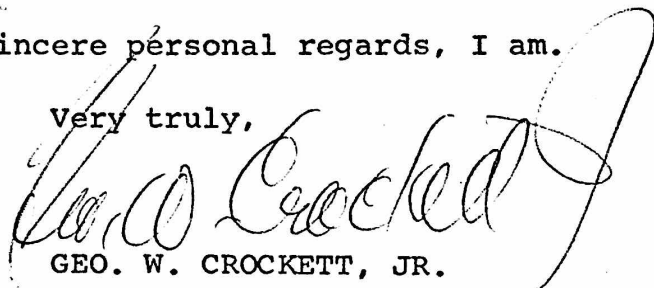
IV. It is further claimed that the one-man grand juror procedure is expensive and that its effectiveness is not likely to be commensurate with the cost. The first response to this is that one reason why crime continues to flourish is because of our reluctance to pay the cost incident to effectively reducing crime by eliminating the conditions that cause our young people to resort to

crime. A further answer, however, is that while we have had some failures of one-man grand jury investigations in the past, we also have had some notably successful ones. I would mention the Ferguson Grand Jury and the one in which the late Kim Spigler served as the prosecutor.

- V. Finally, it has been suggested that the volume of work before our Court is such that we cannot afford to spare one of our judges for the length of time necessary to conduct an effective one-man grand jury investigation. The full answer to this is that it has been the practice of the Michigan Supreme Court in the past to assign a visiting judge to carry on the work that normally would have been done by a judge who is serving as a one-man grand juror.

Best wishes and with sincere personal regards, I am.

Very truly,

A large, stylized handwritten signature in cursive script, appearing to read "Geo. W. Crockett, Jr.", is written over the typed name.

GEO. W. CROCKETT, JR.

GWC/mjs