

Constitutional and Judicial Authorities Supporting Grand Jury Independence

The constitutional authority of the grand jury as an independent body of citizens is well established in both federal and Alaska law. Courts have consistently recognized that the grand jury is not subordinate to the executive or judicial branches but functions as a constitutional safeguard of the people.

Alaska Constitution

Article I, Section 8 of the Constitution of the State of Alaska provides:

“The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The grand jury shall have power to investigate and make recommendations concerning the public welfare or safety.”

This provision reflects the framers’ intent that the grand jury serve as a citizen institution capable of investigating not only criminal conduct but also matters affecting the public welfare.

United States Supreme Court Authorities

The United States Supreme Court has repeatedly recognized the grand jury as an independent constitutional institution.

United States v. Williams

The Court explained the unique constitutional status of the grand jury:

“The grand jury is an institution separate from the courts, over whose functioning the courts do not preside.”

Justice **Antonin Scalia**, writing for the Court, further stated:

“The grand jury belongs to no branch of the institutional government, serving as a kind of buffer between the Government and the people.”

The Court also emphasized the investigative independence of the grand jury:

“The grand jury requires no authorization from its constituting court to initiate an investigation.”

United States v. Calandra

The Court reaffirmed that the grand jury functions independently of the other branches of government:

“The grand jury is a constitutional body functioning independently of either prosecuting attorney or judge.”

Wood v. Georgia

The Court described the historic purpose of the grand jury:

“The grand jury has traditionally been regarded as a primary security to the innocent against hasty, malicious, and oppressive prosecution.”

Implications for Alaska Law

These authorities confirm that the grand jury:

- is a constitutional institution
- functions independently of courts and prosecutors
- may initiate investigations on its own authority
- serves as a safeguard between government power and the people.

SB 270 is consistent with these constitutional principles. By clarifying procedures, protecting citizen access, and preventing obstruction of grand jury investigations, the bill ensures that Alaska’s statutes align with the constitutional role of the grand jury envisioned by both the Alaska Constitution and longstanding judicial precedent.

Constitutional Principle

The grand jury exists to ensure that citizens retain a direct role in safeguarding the rule of law and holding government accountable. Protecting the independence of the grand jury strengthens constitutional governance and preserves one of the oldest institutions of American liberty.

**“Where the Spirit of the Lord is, there is liberty.”
— 2 Corinthians 3:17**