

Speaker of the House Sherman Packard  
Majority Leader Jason Osborne  
Minority Leader Alexis Simpson  
Senate President Sharon Carson

May 10, 2026

We are concerned that the public oversight functions of the Grand Juries of this great state are being intentionally obfuscated by entities within the legal system.

It is well-established that each 23-member county Grand Jury has two roles.

1. In their **accusatory role** they decide whether there is probable cause to believe that a specific person or persons committed a crime within the court's jurisdiction. If so, it issues an indictment known as a "true bill". Alternatively, if they decide that that threshold has not been met they return a "no bill" and effectively dismiss the case.

2. In their **investigatory role** the Grand Jury has a duty to investigate potential wrongdoing by politicians, bureaucrats and corporations. This is discussed on page 6 of the *Florida Grand Jury Handbook*:

The grand jury in addition to the duty of formally indicting those charged with crime has the **further important duty of making investigations on its own initiative, which it will report as a "presentment."** This duty permits investigation of how public officials are conducting their offices and discharging their public trusts. The grand jury may investigate as to whether public institutions are being properly administered and conducted. It has the power to inspect those institutions and, if necessary, may call before the grand jury those in charge of the operations of public institutions as well as any other person who has information and can testify concerning them. If the grand jury finds that an unlawful, improper, or corrupt condition exists, it may recommend a remedy.<sup>1</sup>

Given that **the New Hampshire Judicial Branch does not issue county Grand Jurors any written information as to their duties and responsibilities** The New Hampshire Grand Jury Association has released a booklet, *Grand Juror Notebook: History, Duties, and Obligations*.<sup>2</sup> It is available free online and explains the important role Grand Juries have in our system of government.

The United States Supreme Court has weighed in on the authority and importance of the Grand Jury in United States v. Williams, 504 U.S. 36 (1992) writing:

The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that

power is exercised. "Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury `can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.' " *United States v. R. Enterprises*, 498 U. S. \_\_\_, \_\_\_ (1991) (slip op. 4) (quoting *United States v. Morton Salt Co.*, 338 U.S. 632, 642-643 (1950)). It need not identify the offender it suspects, or even "the precisenature of the offense" it is investigating. *Blair v. United States*, 250 U.S. 273, 282 (1919). The grand jury requires no authorization from its constituting court to initiate an investigation, see *Hale, supra*, at 59-60, 65, nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day to day functioning, the grand jury generally operates without the interference of a presiding judge. See *Calandra, supra*, at 343. It swears in its own witnesses, Fed. Rule Crim. Proc. 6(c), and deliberates in total secrecy, see *United States v. Sells Engineering, Inc.*, 463 U. S., at 424-425.<sup>3</sup>

Meanwhile in California all 58-counties have their own civil Grand Jury.

In California today, provisions of the Penal Code to require the grand jury:

- Investigate and report on the accounts, records, operations, and functions of district, city and county government and public officials (Penal Code § 925 & 925a); it may also inquire into the affairs of joint powers agencies located in the county.
- Inquire into the condition and management of all correctional facilities within the county (Penal Code § 919(b)).

The grand jury may investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of the several offices.<sup>4</sup>

Despite the large body of evidence pointing to the investigatory role that the Grand Jury plays it has been impossible to figure out how to bring concerns before them.

On January 19th Merrimack County Attorney Paul Halvorsen wrote the following to Representative Diane Kelley when asked how one could bring an issue before the Grand Jury:

Representative Kelley,

A Grand Jury in New Hampshire courts is convened and governed by rules put forward by our NH Supreme Court. I would refer you to those rules and refer questions on those rules to the N.H. Supreme Court and the Court's Advisory Committee on Rules. Information on the Advisory Committee, including their contact information, can be found here: <https://www.courts.nh.gov/resources/committees/advisory-committee-rules> . As an aside,

you'll note that the first section of this referenced web page addresses how the Committee receives and considers changes to rules. Grand Juries are also governed by statute including Title LIX Chapters 600 and 601. As a county attorney I am not able to provide individualized legal guidance or interpretations of rules or statutes and I would refer you to House Counsel.

There seems to be a concerted effort to conceal from the public, and our Grand Jurors, their important role of being the voice of the community and addressing concerns of corruption. As Professor of History at the University of Houston, Richard D. Younger, wrote in his seminal work *The People's Panel: The Grand Jury in the United States, 1634-1941* (1963):

Although the object of their investigations has shifted from place to place through the years, Grand Juries have remained guardians and spokesmen of their communities. Grand Juries have the effect of placing criminal justice in the hands of community members. They possess broad inquisitorial powers derived from a constitutional republic, yet they are of the people, not the state. By constantly changing personnel, it prevents small groups from gaining a vested interest in law enforcement and gives all persons an opportunity to participate in their constitutional republic.

The Grand Jury enables the American people to act for themselves rather than do an official act. It is the one Institution that combines the necessary measure of disinterestedness with sufficient authority to effectively investigate malfeasance and corruption in public office. Today, as in the past, it is the one body that can effectively handle the complaints of individual citizens, whether the grievances are against their fellow citizens or their government.<sup>5</sup>

We ask that you assist us in making clear the path to bring concerns before the county Grand Juries so that potential corruption may be investigated before it metastasizes into a scandal costing the taxpayers dearly.

Respectfully,

Jason Gerhard  
Northfield

1. [miamisao.com/wp-content/uploads/2020/12/Florida-Grand-Jury-Handbook.pdf](http://miamisao.com/wp-content/uploads/2020/12/Florida-Grand-Jury-Handbook.pdf)
2. [NHGrandJury.com](http://NHGrandJury.com)
3. [www.law.cornell.edu/supct/html/90-1972.ZO.html](http://www.law.cornell.edu/supct/html/90-1972.ZO.html)

4. [www.modoc.courts.ca.gov/general-information/history-grand-jury](http://www.modoc.courts.ca.gov/general-information/history-grand-jury)
5. *The People's Panel* by Richard D. Younger. 2022 Reprint. Page 247