

Prosecutor to Be Investigated In Illinois Black Panther Case

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CHICAGO, Aug. 5—A judge here today appointed a state official to investigate the conduct of a special prosecutor whom the judge had named to investigate the slaying of two Black Panthers.

Mitchell F. Ware, director of the Illinois Bureau of Investigation, was named by the chief Cook County criminal judge, Joseph A. Powers, to investigate Barnabas F. Sears, in connection with his investigation of a pre-dawn police raid in December, 1969.

Investigate Grand Jury

Judge Power, over the objections of Mr. Sears, named Mr. Ware as amicus curiae, or friend of the court, to conduct an investigation into proceedings of a grand jury, focusing on April 20-22—the dates the jury considered and voted an indictment of some officials for which no transcripts were made.

Although Judge Power made much of this today, Mr. Sears and his associates had previously informed him in open court that no stenographer was present. Mr. Sears maintained that he had gone beyond the normal practice in keeping transcripts and several times attempted to read a state's at-

torney's office memorandum on the subject, but was cut off by the judge.

Mr. Ware, who is a Negro, is an appointee of Republican Gov. Richard B. Ogilvie. The investigation bureau was formed two years ago, to fight organized crime and political corruption.

The latest step in the bizarre legal tangle delayed once again a ruling on the validity of the three-month-old indictment voted by a special grand jury.

Judge Bars Indictments

The indictment reportedly accuses State Attorney Edward V. Hanarahan, a protégé of Mayor Richard J. Daley, and other law-enforcement officials of misconduct in connection with a raid in which the Black Panthers, Fred Hampton and Mark Clark, were slain. The indictment could be politically embarrassing, and critics of the city administration believe today's action represented a step toward quashing the indictment.

Judge Power, a friend, neighbor and former law partner of Mayor Daley, has refused to accept the original indictments voted last April 22. He has also ordered Mr. Sears, the special prosecutor, to call additional witnesses and fined him \$50 an hour around the clock on contempt charges when he refused to do so.

The contempt citation was later reversed by the Illinois Supreme Court, which, however, ruled that the judge could review the transcript of the grand jury proceedings and examine the jury for possible misconduct by the prosecutor.

Judge Power had ordered the review in response to petitions from a sergeant from the Police Internal Investigation Division and from 12 of the 14 policemen on the raid and three assistant state's attorneys, all of whom said they feared they might be named in the indictment.

Their petition contended that the grand jury had been "tainted" by publicity and that Mr. Sears had unfairly "exhorted" the jurors to vote an indictment.

In the aftermath of the raid, the policemen — who were assigned to Mr. Hanarahan's office — maintained that the Panthers had initiated a fierce gun battle. Mr. Hanarahan vociferously backed them, at one point releasing photographs purporting to show bullet holes that later turned out to be nail heads. A police investigation quickly exonerated the officers.

A Federal grand jury, however, found that the police had fired some 99 shots while only one could be attributed to the Panthers. The jury also said that the police accounts of the raid were irreconcilable with the physical evidence and that the police investigation was "so deficient as to suggest purposeful malfeasance."

The report said that the policemen and state's attorneys who had brought the petition had agreed upon an authorized set of questions and answers that constituted the investigation.

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