

Special Jury to Investigate 2 Chicago Panther Deaths

By JOHN KIFNER

Special to The New York Times JUN 27 1970

CHICAGO, June 26—A special Cook County prosecutor was appointed today to impanel a special grand jury and reopen an investigation into the slaying of two Black

Panther party members in a predawn police raid here last December.

The appointment was made in response to petitions filed in the County Criminal Court by several legal organizations. It came after months of controversy over the raid, including a critical report issued by a Federal grand jury.

The two Black Panthers—Fred Hampton, the party's Illinois chairman, and Mark Clark, a Peoria organizer—were shot to death when policemen assigned to the State's Attorney's office raided a West Side flat at 4:40 A.M. Dec. 4 in a search for weapons.

This afternoon, Joseph A. Powers, chief judge of the Criminal Court, appointed as special prosecutor Barnabas F. Sears, a 68-year-old lawyer who is past president of the Illinois State Bar Association.

The appointment came in Judge Powers's ruling on petitions submitted by the Chicago Bar Association, the American Civil Liberties Union, the Chicago Council of Lawyers, businessmen for the Public Interest, the Lawyers Committee for Civil Rights Under Law and several other groups.

Mr. Sears, a partner in the firm of Boodell, Sears, Sugrue & Crowley, served as a special assistant state's attorney in

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PANEL WILL STUDY 2 PANTHER DEATHS

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prosecuting the 1961 Summerdale police scandal, which involved a band of policemen who doubled as thieves. That scandal resulted in the appointment of O. W. Wilson as a reform police administrator.

"We're going to run a completely independent, objective, impartial investigation," Mr. Sears said today. "That's our duty."

The encounter in which the two Panthers were killed has been described by the police and State's Attorney Edward V. Hanrahan as a fierce gun battle. But the Panthers charged that the police had come in shooting and that Mr. Hampton had been "murdered in his bed."

The Federal grand jury report, released last month, found an "irreconcilable disparity between the detailed accounts given by the officers and the physical facts in evidence examined and reported by the F.B.I."

The Federal report found that the police had fired from 82 to 99 shots into the apartment, while only one shot could be attributed to the Panthers. It also reported false statements and attempts to cover up by the police.

But the grand jury, which was investigating whether the civil rights of the dead men had been violated, did not hand down any indictments, saying it was unable to do so because of the surviving Panthers refusal to testify.

Mr. Sears, a graduate of the Georgetown Law School, is chairman of the American Bar Association's House of Delegates and president-elect of the American College of Trial Lawyers.

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Two Assistants Named

He said that his first step would be to study the transcript of the Federal grand jury hearings. He added that he had already designated two members of his firm, Wayland B. Cedarquist and James Collins, to work as his assistants in the investigation.

The petitioners had sought the appointment of a special prosecutor because the policemen who participated in the raid were assigned to the State's Attorney's office and Mr. Hanrahan himself had become a major figure in the ensuing controversy.

A similar course of action was taken in a case here in 1952 involving Frank Moretti, a policeman assigned to the State's Attorney's office, who killed two Puerto Rican youths in a parking lot.

He contended that the youths had attacked him and was cleared of any wrongdoing. However, newspapers uncovered new evidence and, after great controversy, a special prosecutor was appointed and the policeman was convicted of murder.

Serves as Chief Judge

The State's Attorney at that time, John Boyle, is now chief judge of the Cook County Circuit Court.

The petition submitted in the Panthers case by the Lawyers Committee for Civil Rights Under Law, an organization of partners in major law firms, contends that the policemen involved in the raid "may have committed one or more of the following crimes: murder, voluntary manslaughter, involuntary manslaughter, battery, aggravated battery and armed violence."

In addition, the petition contends that policemen and members of the State's Attorney's office may have "committed perjury or subordination of perjury, or obstruction of justice or interference with witnesses" in the local investigations into the raid.

The Federal grand jury report found the internal police investigation of the incident "so seriously deficient that it suggests purposeful malfeasance."

A Correction

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