## Special Jury to Investigate 2 Chicago Panther Deaths

## By JOHN KIFNER Special to The New York Time JUN 27 1970

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

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

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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 Atcorney'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 irm of Boodell, Sears, Sugrue c Crowly, served as a special ssistant state's attorney in

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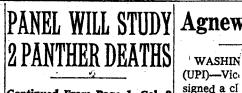
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prosecuting the 1961 Summerdale police scandal, which involved a band of policemen who doubled as thieves. That scandal resulted in the appointment of O. W. Wilson as a reform

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

McCorme The encounter in which the mony he two Panthers were killed has directed tices Cor been described by the police the cent and State's Attorney Edward V. Hanrahan as a fierce gun code pr battle. But the Panthers charged that the police had come in shooting and that Mr. Hamp-ton had been "murdered in his bed." acter de campaig scurrilo candida

The Federal grand jury re-ort, released last month, port, 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 vears 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

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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 rather would be to study the transcript Some of the Federal grand jury hear-ings. He added that he had already designated two members among of his fitm, Wayland B. Cedar-quist and James Collins, to work as his assistants in the investigation investigation. white.

The petitioners had sought the appointment of a special Blac prosecutor because the police- charge men who participated in the within raid were assigned to the State's that re Attorney's office and Mr. Han-is a b major figure in the ensuing establi controversy.

A similar course of action chiefs it wo was taken in a case here in blacks 1952 involving Frank Moretti, But a policeman assigned to the that b State's Attorney's office, who

killed two Puerto Rican youths been t in a parking lot.

He contended that the youths ter al had attacked him and was puses a cleared of any wrongdoing. neighbe black s However, newspapers uncovered new evidence and, after great What perils o controversy, a special prosecuswiftly tor was appointed and the po-In Ŵ liceman was convicted of murheavy der. as well

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The State's Attorney at that Newar time, John Boyle, is now chief install. judge of the Cook County Cir- ward cuit Court.

The petition submitted in the tic do. Panthers case by the Lawyers rear t Committee for Civil Rights Un-N der Law, an organization of partners in major law firms, ไท่ contends that the policemen in-volved in the raid "may have committed one or more of the repeat following crimes: murder, vol- identif untary manslaughter, involun-Wasl tary manslaughter, battery, ag-gravated battery and armed the Al violence."

In addition, the petition con-until t tends that policemen and mem- tear g bers of the State's Attorney's Earl office may have "committed Univer perjury or subordination of per-off fin jury, or obstruction of justice alarm or interference with witnesses" afire. in the local investigations into In ] fire 1 the raid.

The Federal grand jury rewrend port found the internal police tered investigation of the incident hit fi "so seriously deficient that it suggests purposeful malfeasa bl ance."

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