

Chicago Prosecutor In Panther Inquiry Held in Contempt

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CHICAGO, April 26—A special prosecutor investigating the deaths of two Black Panther Party members was held in contempt of court today and ordered to pay a \$50-an-hour fine until he abides by a judge's instruction to summon more witnesses before a grand jury.

The fine was imposed on Barnabas F. Sears, a prominent Chicago attorney, who had accused Cook County Criminal Court Judge Joseph A. Power of improperly interfering with the grand jury looking into the police shootings of Fred Hampton and Mark Clark.

During an angry shouting match in a packed courtroom, both the judge and Sears accused each other of breaking legal rules.

When Sears suggested his own "reputation" was being injured, the judge retorted: "You have no better reputation than I have. You are no better than me."

The jurors were present and sat in stunned silence throughout the bitter exchanges.

Panel's Future in Doubt

In a separate development, the grand jury was thrown into doubt when a Chicago police sergeant under investigation in the case moved to disband the panel because, he contended, it had been prejudiced by news media reports describing its deliberations.

The hourly fine on Sears is to run around the clock and continue until he agrees to call more witnesses. Sears said that he will not comply unless the grand jury instructs him to do so and meanwhile will challenge the judge's authority in higher courts.

Since last December, the special county grand jury had been investigating the deaths of Hampton and Clark, who died in a hail of police gunfire in a West Side apartment in December, 1969. Police called

it a shootout that occurred as they entered in search of illegal weapons. A federal grand jury, although returning no indictments, said there was evidence that Panthers fired only one shot while the police fired more than 80.

Rumors circulated in print here last week that the county grand jury had voted to indict several officers as well as State's Attorney Edward V. Hanrahan, for obstructing justice during the investigations that followed. The reports also said that Police Superintendent James B. Conlisk Jr. would be cited as a co-conspirator in obstructing justice, but would not be indicted.

Last Thursday, Judge Power, once a member of Mayor Richard J. Daley's former law firm, called Sears and the grand jury into his chambers and ordered them to hear testimony from all the witnesses who had testified before the federal grand jury.

That would have permitted Hanrahan to testify, presumably after being allowed to waive immunity from prosecution in the case. Hanrahan had testified before the federal panel.

Interference Charged

Sears replied angrily and publicly that Judge Power was interfering with the grand jury, contending the judge lacks authority to decide which witnesses will be summoned.

That set off today's acrimonious session in which Power maintained he merely wanted to assure a thorough investigation.

"I want a full and complete investigation and you're not doing it," he shouted down at Sears, an elderly white-haired man.

Sears pointed out that in his original charge to the jury the judge had said he would give no further instructions unless requested by the jurors to do so. Thus, the prosecutor said, the judge was violating his own charge.

Sears said there was no in-

tent to "conceal anything" by not calling all the witnesses on the federal grand jury list, which numbers about 160. He insisted that all important witnesses have been heard except those under investigation.

The bitter exchanges were followed by the second surprise of the day, the petition by Chicago Police Sgt. John P. Meade to have the grand jury discharged.

Involved in Inquiry

Meade had been involved in the Police Department's investigation of the Panther killings and had helped prepare questions put to the officers who participated. That investigation resulted in a finding that the police were justified in going into the Panthers' apartment.

Meade had been called to testify in the current grand jury investigations and showed up in court today with his attorney, John P. Coghlan.

Coghlan asked that the jury be disbanded because its deliberations had been "tainted" by news reports of indictments having been voted and by Sears' weekend charges of judicial interference.

Sgt. Meade, his lawyer said, has been held up as "an object of ridicule in his community" by the disclosures.

Sears could have remained silent, but instead chose to become an "advocate," thus prejudicing the jury's deliberations, Coghlan asserted.

Power set a date next month for a hearing on Sgt. Meade's petition and observed that if the jury is shown to be prejudiced, "it might have to be discharged."