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Prosecutor Upheld On Chicago Jurors In '69 Panther Raid

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—The Illinois Supreme Court upheld today the special prosecutor of a grand jury that indicted Edward V. Hanrahan, Cook County State's Attorney, and 13 other law enforcement officers in connection with a 1969 raid on a Black Panther headquarters in Chicago.

In a 4-to-3 decision, the court prohibited a Cook County circuit judge from holding a hearing at which Mr. Hanrahan's lawyers would have been allowed to ask jurors whether the grand jury prosecutor had improperly coerced them into returning the indictments.

In its opinion, the court cited a legal treatise that said, "The conduct of the prosecution in

obtaining an indictment is virtually unreviewable."

The decision was a major victory for the special prosecutor, Barnabas Sears, in his efforts to bring Mr. Hanrahan, Richard Jalovec, assistant state attorney, and 12 Chicago policemen to trial for allegedly covering up evidence and making false statements during their investigation of the raid.

Nine of the 12 indicted policemen took part in the raid on the Panthers' headquarters on Chicago's West Side, in which Fred Hampton and Mark Clark, Panther leaders, were killed by police bullets.

The Supreme Court's opinion, written by Justice Walter V. Schaefer, a Democrat who joined three Republican justices in the majority, quoted an 1893 Illinois Supreme Court decision that said:

"The hardship which an accused party may suffer because he is not allowed to go behind an indictment to see how it has

been found will be small compared with the incalculable mischief which will result to the public at large from a disclosure of what the law deposes in the breast of a grand juror as an inviolable secret. An innocent person will not be hurt by being forbidden to thus go behind the indictment, for he can always vindicate himself in a trial upon the merits."

In a 10-page dissent, the three-man minority, all Democrats, said the majority opinion "renders immune to judicial scrutiny the conduct of a state's attorney before a grand jury no matter how violative of due process or fundamental fairness."