

Daley Aide Denied Quiz Of Probers

SPRINGFIELD, Ill., Dec. 17 (UPI)—The Illinois Supreme Court today barred a planned Cook County criminal court hearing to determine whether a special prosecutor exerted undue pressure on grand jurors to indict State's Attorney Edward V. Hanrahan and 13 others on charges of conspiracy to obstruct justice.

The court, voting 4 to 3, upheld the contention of prosecutor Barnabas Sears that Criminal Court Judge Phillip Romiti would violate the sanctity of the grand jury if he allowed defense attorneys to question grand jurors in court.

The ruling was a setback for Hanrahan, protege of Chicago Mayor Richard J. Daley, in his court battle to quash the charges that he, an assistant state's attorney, and 12 policemen conspired to cover up the facts of a police raid in which Black Panther leaders Fred Hampton and Mark Clark were killed on Dec. 4, 1969.

Although the indictments were made public last August, Hanrahan has continued in office and recently was picked for renomination by Democratic Party statemakers.

Denying Hanrahan's attorneys permission to question grand jurors in court about Sears' handling of the grand jury investigation, the supreme court majority said, "There has been an increasing tendency in criminal cases to try some other person than the defendant and some issue other than his guilt."

The majority opinion cited a 1910 court decision saying 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 the disclosure of what the law deposits in the breast of a grand juror as an inviolable secret."

Dissenting justices alluded

to a 1965 law saying, "Matters before the grand jury other than the deliberations and vote of any grand juror may be disclosed when the court directs such in the interest of justice."

The dissenting justices referred to sworn affidavits by some grand jurors that Sears "scolded" the grand jury for voting no bills against the defendants the day before it voted the indictments charging them with obstructing justice.

The affidavits also charged that a Sears aide had berated a grand jury witness, calling her "a whore, a slut and a liar."

The court also said the great amount of pretrial publicity was no grounds for quashing the indictments.