

# HANRAHAN TO FACE 2D CHICAGO JUDGE

## Prosecutor's Case Moves to Decision on Indictment

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CHICAGO, Sept. 3—The case of State's Attorney Edward V. Hanrahan moved a slow step closer this week to a showdown on the immediate question of whether his indictment had been obtained by improper means.

Mr. Hanrahan, Cook County's chief prosecutor and a political favorite son of Mayor Richard J. Daley, is charged, along with 13 other law enforcement officers, with conspiring to obstruct justice in the handling of a police raid nearly two years ago that resulted in the deaths of two Black Panther leaders.

Chief Criminal Court Judge Joseph A. Power, who had suppressed the indictment and ordered an investigation of the special prosecutor he had appointed to handle the case, stepped aside Tuesday and assigned another Cook County circuit judge to hear it.

Judge Power then cleared the way for a defense attack on the indictment by dismissing the special grand jury that handed it up.

### Jurors Can Be Called

He coupled this with a ruling that the grand jurors could be questioned by defense attorneys and called later as witnesses.

Judge Power, a neighbor and one-time law partner of Mayor Daley's, had been urged by the Chicago Bar Association to follow the normal practice of removing himself from the case, once a grand jury had reported.

The bar association also suggested that he assign a judge from outside Cook County who was not part of the Daley organization, of which Mr. Hanrahan has been a star member.

Judge Power did not go that far. But in assigning the case to Cook County Circuit Judge Philip Romiti he did choose a man with an extensive legal background (former dean of the DePaul University Law School and a former police magistrate). Although elected in 1968 with Democratic machine backing, he was also endorsed by the Better Government Association.

### False Evidence Charged

The indictment, which Judge Power finally accepted last week, accuses Mr. Hanrahan, one of his assistants and 12 policemen who either participated in the Dec. 4, 1969, raid or investigated it later, of conspiring to prevent prosecution of the participating policemen.

The indictment also accuses Mr. Hanrahan of using false evidence in obtaining the indictment, on charges of attempted murder, of seven Black Panthers who survived the raid. Mr. Hanrahan moved to dismiss these indictments last year after a Federal grand jury had criticized him and the Chicago police for the manner in which the raid was initiated by his office and carried out.

When Mr. Hanrahan and the 13 other defendants were arraigned Tuesday, they refused to plead guilty or not guilty to the special grand jury's indictment. They contended the grand jury had been improperly influenced by Barnabas F. Sears, a prominent Chicago trial lawyer whom Judge Power named to handle the case.

### Sought Dismissal

Mr. Hanrahan and other attorneys for the defendants then filed motions with Judge Romiti to quash, or dismiss, the indictment on the ground that Mr. Sears and his assistants had improperly put pressure on the grand jury into voting the charges.

Last Tuesday night Mr. Hanrahan and John P. Coghlan, a defense attorney, flew by chartered plane to Washington, Iowa, to interview Mrs. Clara Goucher, one of the 21 jurors.

Mrs. Goucher signed a statement declaring that Mr. Sears had exhorted the grand jury to return an indictment even after it had voted several "no bills," indicating there was not enough evidence to prosecute the defendants on charges of official misconduct or manslaughter.

Mr. Sears made a courtroom statement denying this. Judge Romiti yesterday gave Mr. Sears until Sept. 20 to file answers to the motions to quash.

With these actions the case moved a little way on what is certain to be a long and complicated path toward an eventual trial.