

Tenacious Prosecutor

Barnabas Francis Sears

By SETH S. KING

Special to The New York Times

CHICAGO, Aug. 25—When Barnabas Francis Sears walks confidently into a courtroom, the first descriptive tag that comes to mind is "grandfatherly." Short, silver-haired, a trifle portly, with twinkling brown eyes and a gentle smile, Mr. Sears prefers to be thought of as one of the last of the real country lawyers.

Man in the News At the moment it is doubtful that Edward V. Hanrahan, state's attorney for Cook County, one of his assistants and 12 Chicago police officers, would agree with either of these descriptions.

With Mr. Sears serving as special prosecutor, a special Cook County grand jury yesterday indicted the 14, charging them with conspiring to obstruct justice in the case in which two young Black Panther leaders were shot to death during a predawn police raid.

In securing the indictment, indeed, even in getting it accepted by the chief Criminal Court judge of Cook County, Mr. Sears battled against all the power and resources of Mayor Richard J. Daley's political machine.

When the public outcry against the action of Mr. Hanrahan and the policemen involved in the Black Panther case became too great to be ignored, Barney Sears was asked to take leave of his prestigious law practice to serve as a special prosecutor.

Recognized Hazards

One of the outstanding trial and appellate lawyers in the Middle West, he clearly recognized the hazards that faced a special prosecutor who agreed to investigate the official activities of one of Mayor Daley's political protégés and of the police hierarchy the Mayor had created.

But, he told friends, if he did not accept the appointment, he might as well retire from law practice. Besides, for the last 25 years, in the course of his frequent speaking appearances before bar associations and law students, he had been urging others to accept cases involving just but unpopular

contempt of court citation by Judge Power, Mr. Sears had no hesitancy in lecturing the judge on the sanctity of the grand jury and its secrecy.

Court Disagrees

The Illinois Supreme Court did not agree entirely with him in this. It ruled that Judge Power did have the authority to review the grand jury proceedings to protect the due process of law. But it erased the \$50-an-hour citation and eventually ordered the reluctant judge to accept the indictment.

Mr. Sears was born Nov. 13, 1902, in Webster, Dakota Territory. His exposure to the law came early. His father, who died when Barnabas was a boy, was a leading member of the Territorial bar. His mother later took Mr. Sears to St. Paul, where she urged him to prepare for a legal career. After graduating from Georgetown University Law School Mr. Sears came to Illinois.

In 1942, Mr. Sears and his wife, Alice, came to Aurora, in the Chicago area, and Mr. Sears established a law firm in the city. Later he moved to Chicago and became part of the widely active firm of Boodell, Sears, Sugrue & Crowley.

Relaxed With Law Books

Despite the complaints of his wife, Mr. Sears has spent more and longer hours with his books and law reviews.

"I believe he can relax



The New York Times

Did as he had urged others to do — took an unpopular case.

more completely, and in greater enjoyment, with a case book than he can with anything else," an acquaintance said today.

Mr. Sears would disagree. From his apartment in Lake Point Towers he can watch the chilly waters of Lake Michigan and on rare free days he takes his cabin cruiser out on them. Summers he sails north to Michigan's Upper Peninsula, where he and his wife have a cottage near Lake Superior.

When he first came to Illinois, he practiced law Downstate.

"You mention any county seat in Downstate Illinois and Barney Sears will remember he's been in court there," a friend said recently.

causes.

This was the second time that Mr. Sears had followed his own counsel and served as a special prosecutor. In 1961 he was called in as prosecutor in the Summerdale police burglary scandal and gained convictions against eight Chicago policemen.

In the Black Panther investigation, Mr. Sears was appointed by Cook County's chief Criminal Court judge, Joseph A. Power, a neighbor and former law partner of Mayor Daley.

A Shift in Roles

But before the indictment was opened yesterday, Mr. Sears found himself in the role of defendant under attack by Judge Power and the lawyers for those about to be indicted, who accused him of unduly influencing the grand jurors and deliberately leaking details of the indictment to Chicago's press.

Despite the fact that he was still under a \$50-an-hour

Bar Urges Judge to Quit Panther Case

By JOHN KIFNER

Special to the New York Times

CHICAGO, Aug. 25 — The Chicago Bar Association urged today that Judge Joseph A. Power of the Cook County Criminal Court disassociate himself from further legal proceedings involving charges against Cook County State's Attorney Edward V. Hanrahan and 13 other law enforcement officials. The bar group also asked that a judge be brought in from outside Cook County to hear the case.

Mr. Hanrahan and the others were named in long-suppressed indictments made public yesterday, charging criminal conspiracy to obstruct justice in connection with the December, 1969, police raid in which two Black Panthers, Fred Hampton and Mark Clark, were slain.

The conduct of Judge Power, a friend, neighbor and political crony of Mayor Richard J. Daley, has become the latest in the controversies surrounding the case.

He at first refused to accept the indictment; ordered additional witnesses called before the special grand jury; fined Barnabas F. Sears, the special prosecutor whom he had appointed, \$50-an-hour around-the-clock on contempt charges, named Mitchell F. Ware, a Negro who headed the Illinois Bureau of Investigation, a friend of the court to investigate Mr. Sears' conduct and helped create an imposing legal tangle.

Indictment Opened

But at 2:05 yesterday afternoon, four months after the indictment was originally voted, he ripped open the sealed manila envelope that held indictment No. 71-1791. The State Supreme Court ordered yesterday

morning that the indictment be made public and that Mr. Ware's appointment be voided.

The indictment named Mr. Hanrahan and his campaign manager, Richard S. Jalovec; the Assistant State's Attorney who authorized the raid; former Deputy Police Superintendent (now Deputy Chief of Traffic) John Mulchrone; a police internal investigations sergeant; two police crime laboratory specialists and eight of the 14 policemen who carried out the raid.

It also named Chicago Police Superintendent James B. Conlisk Jr., two other police officers and two assistant State's Attorneys as unindicted co-conspirators.

The indictment charged that the officials and policemen had destroyed, disguised and concealed evidence, planted false evidence and furnished false information. It charged they agreed to an authorized set of questions and answers for the police internal investigation of the shooting.

The indictment also charged that Mr. Hanrahan presented evidence to a Cook County grand jury "which he knew or reasonably should have known to be false and inflammatory" to secure indictments—later dropped—of the seven survivors of the raid on "erroneous and unprovable charges."

Milton H. Gray, president of the Chicago Bar Association, said the request that Judge Power step aside and a judge from outside Cook County be brought in was made because "The tenor of this whole matter" was such that an outside judge was necessary "in the interest of public confidence." He declined to elaborate.

Under normal procedure,

Judge Power, as presiding judge of the criminal section of the Circuit Court would name the judge who would sit on the case. Mr. Hanrahan has been a major fixture of the Cook County Democratic organization, which closely controls the local bench.

The Bar Association also recommended that the officials named in the indictment take leaves of absence until the case was resolved. None have yet done so, and Police Superintendent Conlisk announced today that he would remain on the job.

Politicians privately agree that Mr. Hanrahan's once-bright career—he led the county ticket in 1968, despite state and national victories by the Republicans, and was mentioned as gubernatorial timber—appeared to be at an end.

Some say, however, that if he is able to beat the charge against him, the fierce party loyalties will result in a judgeship after a couple of quiet years.

Spokesmen for the city's blacks reacted warily to the news of the indictment, praising the grand jury for bringing charges at all, but contending that the charge should have been murder.

Laplois Ashford, director of the Urban League, called the allegation of conspiracy to obstruct justice "far too mild," and Philip Smith, executive director of Voters Organized to Educate, added:

"There are many in the black community who will always believe the charge should have been murder in the first degree."

Meanwhile, national and local police fraternal organizations have announced plans to raise defense funds for the indicted policemen.