

Drops contempt petition

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# Judge upholds Sears' Panther case conduct

By Charles Mount

A PETITION for contempt citations against Special Prosecutor Barnabas F. Sears and his four assistants alleging improper conduct in the Black Panther raid case was dismissed yesterday by Judge Richard J. Fitzgerald in Criminal Court.

Sears agreed to lower his claim for \$178,000 of additional fees and submit his revised claims next Tuesday. Sears and his aides already have been paid more than \$200,000.

Fitzgerald said a statement entered into the record at yesterday's hearing by Sears named him and his aides of possible contempt, if there ever was any.

"I WAS DOING what it was my duty to do," Sears wrote in part. "At no time did I endeavor to exercise any influence over the grand jury. At no time did I intend to do or say any-

thing contemptuous or disrespectful of the court or Judge Power. I have always had great respect for Judge Power."

Last April 18, Head Judge Joseph A. Power of Criminal Court named two lawyers as friends of the court to draw up the petition asking that Sears and his aides show cause why they should not be held in contempt of court.

The special prosecutors obtained from a special grand jury indictments accusing former State's Atty. Edward V. Haurahan and others of conspiring to obstruct justice in the raid by state's attorney's police in December, 1969, in which two Panthers were slain. All defendants were acquitted.

The essence of the allegations in the petition ordered by Power was that Sears and his aides failed to call certain persons as witnesses before the grand jury, as requested by the jury and Power; conducted an

incomplete investigation; improperly advised the grand jury; and participated too much in the grand jury's proceedings.

UNDER THE fees agreement, the remaining fees will be computed on the basis of three instead of five lawyers, thus meeting one objection by Power.

Sears, represented in the controversy by attorney Don H. Reuben, told a reporter after the hearing:

"Of course I'm relieved that it's all over. I hoped to a reduction in fees because I didn't want any misunderstanding left. I never took the case for fees. I worked at all times at considerably less than my regular fees."

Power declined comment. Reuben took the controversy to the Illinois Supreme Court, which last month referred it back to the grand jury for further hearings in the case.