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Lieut. Gov. Ed Reinecke in Sacramento, Calif., yesterday. He said he would not withdraw as a candidate for Governor.

JUDGE DISMISSES PLEA BY REINECKE

Won't Drop Perjury Count
or Shift Trial to Coast

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WASHINGTON, May 20 — A Federal District Court judge refused today to dismiss a perjury indictment against Lieut. Gov. Ed Reinecke of California, a Republican, or to transfer his trial from the District of Columbia to California.

F. Joseph Donohue, one of Mr. Reinecke's attorneys, said later that the denial of transfer would be appealed. The judge's rejection of the motion to dismiss is not appealable.

Mr. Reinecke, who is a candidate in the June 4 primary for the Republican nomination for Governor, was indicted April 3 on three counts of lying to the Senate Judiciary Committee in April, 1972, during the hearings on the nomination of Richard G. Kleindiest to be Attorney General.

The principal charge was that Mr. Reinecke led when he told the committee that he had informed Attorney General John N. Mitchell in September, 1971, of the \$400,000 pledge of the International Telephone and Telegraph Corporation for the 1972 Republican convention. The office of the special Watergate prosecutor, Leon Jaworski, charged that Mr. Reinecke had communicated this offer to Mr. Mitchell in May, 1971.

In May, negotiations were pro-

ceeding for a settlement of anti-trust suits against I.T.T.; in September, a settlement had been reached that allowed I.T.T. to keep the Hartford Fire Insurance Company.

Basis of Appeal

Mr. Reinecke's attorneys had moved to dismiss the indictment on the grounds that he had approached Mr. Jaworski's office as early as July, 1973, about cooperating in the investigation of the I.T.T. matter; had been induced to cooperate by Joseph J. Connolly, who was in charge of that investigation; had delivered documents and records of phone conversations with Mr. Mitchell and then, despite a promise by Mr. Connolly that he would be a witness and not charged, had been indicted.

Judge Barrington D. Parker denied the motion to dismiss, holding that Mr. Reinecke was unable to point to any statement by Mr. Connolly promising leniency that would sustain his motion.

Mr. Reinecke's attorney — James E. Cox of California and F. Joseph Donohue of Washington — also moved for a change of venue on the grounds that the cost of paying travel for witnesses would be unduly burdensome and that, in the present Watergate climate, Mr. Reinecke could not get a fair trial by an impartial jury.

The trial is scheduled for July 15.