

Prosecution Jolted In Reinecke Trial

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The prosecution in the Ed Reinecke case was shaken yesterday by testimony about unexplained alterations in the Senate transcript which led to the perjury indictment of California's lieutenant governor.

Senate stenotypist Benjamin H. Firsheim, summoned as a prosecution witness, caused a flurry in the courtroom when he told of penciling several minor changes in the transcript of Reinecke's Senate testimony before it was presented to the grand jury which returned the perjury indictment.

U.S. District Judge Barrington Parker quickly sent the jury away and demanded that assistant special prosecutor Richard J. Davis produce a record of any changes in the transcript before it went to the grand jury.

Parker called it "incredible" that prosecutors had not cleared up the matter prior to trial. Davis replied that another prosecutor had asked Firsheim over last weekend to make any revisions in the transcript necessary for accuracy.

But Davis said the prosecution team was unaware of any earlier alterations made at the time of the Reinecke grand jury hearings.

Defense attorney James E. Cox then demanded that all charges against Reinecke be dropped. The judge, obviously troubled, denied the defense motion, but invited Cox to renew it at a later stage of the trial.

Parker observed that as far as he could tell, none of the stenotypist's changes seemed to involve passages which form the basis of the indictment. "If they do, then you have got problems," he told Davis.

The accuracy of the transcript, which covers Reinecke's appearance before the Senate Judiciary Committee on April 19, 1972, concerning the International Telephone and Telegraph Corp. case, is a vital element of the prosecution's case.

On the basis of the transcript, Reinecke was charged with lying when he told the committee that he first informed then Attorney General John Mitchell of an ITT financial pledge two

months after the Nixon administration's decision to settle an ITT anti-trust case.

meeting Reinecke at any time earlier that morning, or of going over written briefing materials with him.

This account was partially disputed by Darlene Housley, then an assistant to White House counsel John Dean. Mrs. Housley testified that she and Dean met Reinecke, Gillenwaters and MacGregor in a White House basement at 6:45 a.m. that day.

Subsequently, she said, they all had breakfast in the White House mess and discuss an indexed briefing paper on previous testimony in the ITT hearings.

Under cross-examination, she said she "could not conceive" that Reinecke could have met MacGregor at 9 a.m., since she remained with him from early morning until the time he left for the Senate hearings.

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To convict Reinecke, the government is trying to establish that he actually told Mitchell two months before the case was settled of the ITT pledge, which related to plans for holding the Republican National Convention in San Diego.

Hoping to undermine the credibility of the transcript, Cox got Firsheim to acknowledge before the jury that he had made about 75 changes in words or punctuation.

The changes were made when he re-read his stenotyped notes last weekend, he said. For example, Firsheim

said, he changed the phrase "my son" to "some one."

The prosecutors encountered another credibility problem when two of their witnesses, both former White House officials, offered the jury conflicting accounts of briefings given to Reinecke at the White House a few hours before his appearance before the Senate Judiciary Committee.

Clark MacGregor, then President Nixon's counsellor for congressional affairs, told of meeting Reinecke at 9 a.m. that day, along with Reinecke aide Ed Gillenwaters. MacGregor said he advised them to be responsive and "tell the truth."

However MacGregor said he had no recollection of