

Reinecke's future: A muddy

By Robert Hollis

Ed Reinecke's future as California's lieutenant governor was in doubt yesterday but it appears he will not be ousted from the state's number two office with any haste, if at all.

Both Gov. Reagan and state Atty. Gen. Evelle Younger — fellow Republicans — declined to speculate on Reinecke's future in the hours following the former gubernatorial candidate's felony conviction on one count of perjury.

"This is a tragic event for Ed Reinecke," Reagan announced moments after a Washington, D.C., jury found the lieutenant governor guilty.

"I personally have always had confidence in his integrity and feel he did not intentionally do wrong," Reagan said in a statement released by his press secretary, Clyde Walthall.

Reagan declined to discuss Reinecke's future until he has met with the lieutenant governor and his attorneys.

Younger, who is vacationing at Bohemian Grove, in Sonoma County, was in touch with his office in Los Angeles yesterday.

Reinecke was found guilty of lying to a U.S. Senate committee about his discussions with former U.S. Atty. Gen. John Mitchell concerning an ITT financial commitment to the 1972 GOP national convention planned for San Diego.

The state government code specifies that any office holder is disqualified by conviction of a felony. Although the law appears clear, a spokesman for the Attorney General said it isn't that simple.

Conviction by a jury does not mean immediate removal from office," said Jerry Littman, chief of the attor-

ney general's information services. "Such removal is predicated on sentencing by the judge (in Washington, D.C.)."

"Sentencing," he added, "must await all defense motions."

Littman said the attorney general's office has not yet received any request for a legal opinion on Reinecke's status.

Further muddying the legal waters is the fact that Reinecke was convicted of a federal offense.

State law defines a felony as a crime punishable by imprisonment in a state prison — a penalty Reinecke doesn't face.

The scenario for removal — should Reinecke not resign — probably would follow this pattern, according to a lawyer for Younger's office:

Governor Reagan would ask Younger if a vacancy in Reinecke's office exists, based on the perjury conviction.

If Younger decides the office is vacant, Reinecke must quit his post as soon as "judgment is entered," usually when sentence is imposed.

Reinecke's remaining term is less than six months.

Reinecke was hand-picked by Reagan in 1969 as lieutenant governor to replace Rob-

ert Finch, who joined the Nixon Administration.

Until he was indicted for perjury by Watergate grand jury in early April, he was the front runner for the Republican nomination for Governor. One widely used opinion poll gave him a 52-22 margin over his nearest rival, state Controller Houston Flournoy.

Reinecke called the charges — originally three counts of perjury — politi-

legal question

cally motivated and continued to campaign doggedly. In June, however, Flournoy won the GOP nomination by a 2-1 margin.

Flournoy said he was "saddened" by the events that have faced Reinecke and his family in the past few months.

"However, I'm sure the jury followed the dictates of its conscience based on the material presented," he added.

"I sincerely hope that what we have witnessed here is not a reflection of other events in these trying times — a reflection that might cause one man to be treated differently because of what others have done or been accused of doing," Flournoy said.

The Democratic gubernatorial nominee, Secretary of State Edmund G. Brown Jr., had no comment on the Reinecke conviction.