

How Jury Found Reinecke Guilty

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Washington

Members of the jury that found California Lieutenant Governor Ed Reinecke guilty of lying to a Senate inquiry described their deliberations yesterday.

"I think he is a fine person," said Myrtle G. Murphy, one of the jurors. "If we had all been allowed to let our sympathies get into it, he would have walked away. I guess he just lost out trying to help somebody else, and it is unfortunate."

Mrs. Murphy, a 67-year-old black nurse at Children's Hospital, was one of the four jurors who voted to acquit Reinecke on the first ballot, but who gradually changed their minds to guilty Saturday as they read and re-read stacks of evidence.

One critical document, in Mrs. Murphy's mind, was the hand-written notes that

Reinecke turned over to the Watergate special prosecutor's office last summer when he was trying to escape indictment.

Mrs. Murphy said the notes proved to her that Reinecke had telephoned then-Attorney General John Mitchell three months before the date he had given to

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the Senate Judiciary Committee.

Reinecke was accused by the Watergate special prosecutor of lying to the Senate Judiciary Committee about when he first told Mitchell of a financial commitment from the International Telephone and Telegraph Corp. to help underwrite the expenses of the 1972 Republican Convention if it were held in San Diego.

Reinecke testified to the committee that he had not discussed the offer with Mitchell until after the July, 1971, settlement of a federal antitrust case against ITT.

The most determined holdout for acquittal during nearly nine hours of deliber-

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ation reportedly was Edward J. Walsh, a 42-year-old visual information specialist for the Navy.

Walsh, one of the three whites on the jury, is said to have argued that Reinecke may have misunderstood the questions posed to him at the Senate Judiciary Committee's 1972 hearings on the ITT matter.

None of the jurors bought defense lawyer James E. Cox's suggestion in his final argument that Reinecke was a "big dummy."

"That didn't go over at all," said jury foreman Clayton D. Roth, a 29-year-old management intern at the Department of Health, Education and Welfare. "On the witness stand, Mr. Reinecke came over to us as a very thoughtful and reflective person who wouldn't give rash answers. Everyone felt that a man as well educated and as successful in politics as he was could not have been a big dummy."

According to Roth, the jury took a preliminary ballot in the first hour of deliberation Friday, which turned out 7 to 4 for guilty, with one undecided.

Reinecke lost ground during the next few hours as the jurors individually examined the documentary evidence, some reading each document as many as 12 times.

The jury took a second ballot about 8 p.m. Friday after asking for and receiving further instructions from

U.S. District Judge Barrington Parker about the legal meaning of perjury. The vote this time was 9 to 3 for conviction.

On the third ballot, just before the jury retired for the night Friday, the margin grew to 10 to 2 for conviction. But at that point, Walsh was described by fellow jurors as a "very determined" holdout for acquittal.

"We were hung up on the question of Mr. Reinecke's intent — we wanted to be very, very careful that we were satisfied he had an intent to cover up something before the Senate," said Mrs. Murphy.

"I don't think we could have ever reached total unanimity on the whole indictment," said jury foreman Roth.

Unfortunately for Reinecke, the judge had said in his final instructions that the jury must decide on each of four allegedly false answers enumerated in the one-count perjury indictment.

When deliberations resumed Saturday morning, the consensus was to resolve the deadlock by taking separate votes on each of the four answers.

The jury voted 11 to 1 for conviction on the first answer, and 10 to 2 for conviction on each of the next two.

On the fourth and final answer in the indictment, Walsh and another juror — believed to be Mrs. Murphy — changed sides, and the vote became 12 to 0 for guilty.

That didn't end it. First, the jurors wanted to reconfirm their understanding of the judge's instructions about the four separate answers. He called them into his courtroom and told them that they need find Reinecke guilty of deliberate lying on only one answer to convict him.

Back in the bare walled jury room for the last time, the six men and six women decided to take a final vote. "We wanted to see whether everyone was comfortable with the previous result," Roth said.

This time, the vote was 11 to 1 for conviction on the first three answers, with Walsh the final holdout.

On the fourth answer of the indictment, Walsh once again cast his vote for guilty, and it was all over.