

Reinecke's Story Of a Plea Offer

By George Murphy

Lieutenant Governor Ed Reinecke has said he was offered a chance to plead guilty to a misdemeanor midway during his felony perjury trial, and turned it down, The Chronicle learned yesterday.

A spokesman for special prosecutor Leon Jaworski's office in Washington said flatly yesterday, "I am not aware of any such offer."

Reinecke, who was in California yesterday, but not at his Sacramento office, was not available for comment.

But after his conviction on one count of perjury in Washington, he told a Chronicle correspondent the offer had been made to his attorneys. He did not specify to which of his several attorneys the offer was made.

"I guess they (the prosecution) thought they were losing their case," Reinecke said.

Reinecke said he turned down the offer because "I don't believe in plea bargaining."

He later told one of his defense attorneys, Ted Kligman, of Washington, "maybe it wasn't very practical, but sometimes devotion to principle isn't very practical."

Had the lieutenant governor accepted a misdemeanor conviction, the furor over whether he should resign would not have occurred.

There is nothing in the California constitution or government code calling for disqualification of a state officeholder for conviction of a misdemeanor.

As it is, his conviction of a felony by the Washington jury has raised serious questions about his continuing in office.

Attorney General Evelle J. Younger tentatively concluded yesterday that Reinecke's office may be declared vacant if he is sentenced for perjury.

Under California law, he told a press conference in San Diego, the office of an elected officer of the state government convicted of a felony becomes vacant "when a trial court enters a judgment."

Younger said he would issue a solid ruling about the Reinecke matter in a few days.

Controller Houston I. Flournoy, who defeated Reinecke in the June primary for the Republican gubernatorial nomination, said yesterday that "as of right now, I am completely neutral (on Reinecke's resignation) until the legal situation is resolved."

"I haven't, obviously, urged that he resign. I think it's a question for him to consider."

But Flournoy did express some reservations about the legality of some of Reinecke's votes, should he re-

main in office.

"I would hate to have a decision by the State Lands Commission that was dependent on his vote," said Flournoy, chairman of the commission which administers millions of dollars in state tidelands oil revenue.

Flournoy speculated that if the commission were to take an action on a 2 to 1 vote, with Reinecke in the majority, "there might subsequently be some legal question about it."

State Senator John Harmer, the Republican nominee for lieutenant governor, refused to speculate on an interim successor should Reinecke resign (which he has said he will not do) or be forced out of office.

"There is no vacancy. There need be no vacancy," Harmer said. Sacramento speculation has centered on Harmer and Flournoy as possible successors.

Reinecke returned to California quietly late Monday, and a spokesman in his office said yesterday there is a possibility the lieutenant governor might meet with newsmen in the next few days.