

Conviction of Reinecke On Perjury Overturned

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WASHINGTON, Dec. 8 (UPI)—The United States Court of Appeals for the District of Columbia overturned today on procedural grounds the perjury conviction of Ed Reinecke, who resigned as California's Lieutenant Governor on the day he received a suspended 18-month sentence.

Mr. Reinecke was convicted of lying to a Senate committee investigating the circumstances under which the International Telephone and Telegraph Corporation promised to underwrite some of the expenses of the 1972 Republican National Convention.

The three judges hearing Mr. Reinecke's appeal reversed the conviction on the ground that no quorum was present in the committee when he gave the allegedly perjured testimony. The court did not address itself to the question of whether he lied. The conviction was dismissed outright and not returned to the district court where Mr. Reinecke was tried.

Mitchell Talk Involved

Mr. Reinecke's appeal argued that only one Senator had been present when he testified before the panel. The prosecution contended that the committee had voted that one Senator constituted a quorum.

But the appeals court found that the quorum vote was not published until after Mr. Reinecke had testified and ruled that the vote was not valid.

Mr. Reinecke, 50 years old, was found guilty in July 1974 of lying about the I.T.T. case.

I.T.T.'s Sheraton Hotels subsidiary pledged \$400,000 if the Republican convention was held in San Diego, Calif. The convention subsequently was held in Miami Beach, Fla.

Mr. Reinecke told the committee that he had not discussed the I.T.T. offer with John N. Mitchell, the former Attorney General who was President Nixon's campaign manager, before the Justice Department announced an out-of-court settlement with I.T.T. in an antitrust case.

'Competence' of Panel

But later Mr. Reinecke told the special Watergate prosecutors office that he had told Mr. Mitchell of the I.T.T. offer in a pre-settlement phone call.

Last Oct. 2 he received an 18-month suspended sentence from District Judge Barrington Parker, who told Mr. Reinecke, "Under the circumstances you have been penalized sufficiently."

Mr. Reinecke challenged the



Associated Press

Ed Reinecke

conviction on several grounds, "one of which we find convincing," the appeals court decision said.

"The competence of the tribunal must be proved as an independent element of the crime," the court said. "If competence is not shown, the crime of perjury is not established, regardless of whether the witness relied on the absence of a quorum."

In Sacramento, Mr. Reinecke broke down and cried after his wife, Jean, told him of the decision by phone. Mrs. Reinecke said, "I was praying for a year and a half," she said. "I'm so thrilled. I'm so happy. It's a whole new life for us."

Prayers Are 'Answered'

SACRAMENTO, Calif., Dec. 8 (UPI)—Mr. Reinecke sobbed, "Oh thank God, thank God, my prayers have been answered," upon learning the decision, his wife said.

Mr. Reinecke, now a Placerville cattle rancher, learned of the unanimous ruling in a telephone call to his wife from a restaurant where he had gone for lunch with friends.

He barely missed receiving a call from his Washington attorney, F. Joseph Donahue, who delivered the first news earlier in the day.

Mrs. Reinecke estimated that they are \$100,000 in debt.

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