

Sen. Tunney Says Reinecke Told Him Of ITT Discussion

By Lawrence Feinberg
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Two California politicians faced each other somberly across a Washington courtroom yesterday as Sen. John V. Tunney (D-Calif.) testified that Republican Lt. Gov. Ed Reinecke told a different story in a phone call from the one he told later as a Senate witness.

Tunney, who said he is a friend of Reinecke, testified for the prosecution during Reinecke's trial here on charges that the lieutenant governor lied twice to the Senate Judiciary Committee about the International Telephone and Telegraph Corp. case.

The senator told a jury in U.S. District Court that he first met Reinecke after the two men were elected to Congress in 1964 and still "likes him very much." But yesterday the two men said nothing to each other, and Reinecke's lawyer charged that Tunney had sought several times to have Reinecke indicted for perjury.

The two-count perjury indictment against Reinecke deals with his testimony on April 19, 1972, during Senate hearings on the nomination of Richard G. Kleindienst to be Attorney General.

The hearings focused on an offer by Sheraton Hotels, an ITT subsidiary, to contribute up to \$400,000 for the 1972 Republican National Convention if it were held in San Diego. Tunney and several other Democratic senators tried to show during the hearings that the offer may have influenced the Justice Department to agree to an out of court settlement of an antitrust case against ITT, announced on July 31, 1971.

Yesterday Watergate assistant Special Prosecutor Richard J. Davis said the crux of his case is that Reinecke deliberately lied when he told the committee that he never discussed the ITT offer with then-Attorney General John N. Mitchell until two months after the antitrust case was settled.

During his hour on the witness stand, Tunney testified that in a phone conversation on May 3, 1972, Reinecke told him that he did discuss the ITT offer with Mitchell two months before the antitrust settlement.

Tunney recalled that he told Reinecke on the phone that just two days earlier Mitchell had denied ever having such a conversation.

"Reinecke gave a nervous laugh," Tunney recounted. "Then he said, 'All a man has is his integrity,' and then I asked about his wife and family, and we wished each other well."

Yesterday, Reinecke's lawyer, James E. Cox, described Reinecke as "a pretty straight guy" who might have made a "mistake" in his testimony before the Senate committee but certainly did not tell a deliberate lie.

"Reinecke is a guy who has a reputation for putting his foot in his mouth and halting staff work," Cox said. But he told the jury: "He is a legitimate, gentle, courteous, over-cooperative human being... He never became a ring-wise defensive type of politician. He is the type of guy who will answer when someone asks him."

Cox said Reinecke testified before the Senate committee with only one day's notice and without a lawyer to advise him. He said Reinecke flew to Washington from California on an overnight plane called "The Red Eye Special" and was "pretty beat" when he arrived.

At the hearing he was asked about 380 questions, Cox said, and "answered well and truthfully as best he could under very trying circumstances."

"He'll make mistakes in the courtroom," Cox said. "He'll make mistakes under oath. He's no different than any other person."

But Cox added: "People make errors under oath. The question is, was it malign? Was it wicked? Was it perjurious? What we really are talking about is the character of the person under trial."