

Reinecke Asks For Dismissal Of Indictment

Washington

Lieutenant Governor Ed Reinecke asked U.S. District Court yesterday to dismiss the indictment against him, saying Special Watergate Prosecutor Leon Jaworski had promised not to prosecute him.

Reinecke said that relying on this promise, he cooperated with Jaworski and provided information and evidence about an alleged offer of the International Telephone and Telegraph Corp. to help finance the 1972 Republican National Convention, then scheduled for San Diego.

Reinecke, a Candidate for the Republican nomination for governor of California, was indicted by a Watergate grand jury on three counts of lying to a Senate committee about the ITT affair. On Friday, his attorneys asked for and obtained a postponement of the trial until after the June 4 primary.

In a personal statement, Reinecke said assistant special prosecutor Joseph C. Connolly told him that "If I had 'improved my memory' to falsely implicate the White House and former Attorney General (John N.) Mitchell, I would never have been indicted in this case.

"The news of the indictment came as a tremendous shock to me and to my attorney, as both of us genuinely believed that it would not occur," Reinecke said.

In a sheaf of documents filed yesterday, Reinecke

also asked the court to suppress all statements and documents he gave to the FBI and the special prosecutor last June and July, and testimony to the grand jury in February and the FBI in March.

"The special prosecutor communicated on several occasions to defendant and defendant's previous counsel a promise not to prosecute defendant and to extend to him leniency in return for defendant's cooperating with the special prosecutor and providing information and documentary evidence concerning the alleged ITT offer of funds to the San Diego Convention and Visitors' Bureau," Reinecke's lawyers said.

"The defendant, relying upon such communications, waived on numerous occasions his Fifth Amendment privilege against self-incrimination and his Sixth Amendment right to counsel, and he cooperated fully with the special prosecutor, providing the names and locations of potential witnesses, discussing his alleged testimony before the Senate Judiciary committee, and turning over voluminous documents in his possession or retrieved by him.

"In seeking the indictment against defendant before the grand jury, the special prosecutor unfairly reneged on his promise of immunity for defendant and 'zeroed-in' on him as a defendant," Reinecke's lawyers said.

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