

Judge Won't Drop Charge On Reinecke

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Washington

A U.S. District judge yesterday refused to dismiss a perjury indictment against California Lieutenant Governor Ed Reinecke.

Judge Barrington Parker also denied a request by Reinecke's attorneys for a change of venue in the case.

This was obviously another setback to Reinecke's hopes of winning the Republican gubernatorial nomination in his state's June 4 primary election.

(In Sacramento, after being informed of Parker's decision, Reinecke issued a statement saying:

"I am disappointed in this decision, but still am confident we will win this flimsy legal battle.

("There has been speculation regarding my candidacy, which I want to clear up once and for all. First, quitting is not a consideration. I am not pulling out of the race . . . Second, I will defeat my opponent . . .")

Reinecke had claimed at a pre-trial hearing May 13 that "it was certainly implied" that he had been promised immunity by the office of Special Prosecutor Leon Jaworski, which was investigating Reinecke's connection with the International Telephone and Telegraph Corp. case.

Judge Parker found yesterday

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day that Reinecke was "unable to point to any statement made to him about a promise . . . in the unequivocal manner he suggests.

"Even if he believed that a promise had been made, this belief must be buttressed by substantial proof . . . Such proof is lacking."

The three-count indictment returned April 3 charges that Reinecke lied to the Senate Judiciary Committee about his role in having San Diego selected as the site of the 1972 Republican National Convention.

Reinecke said he had not told then U.S. Attorney General John Mitchell about a

\$400,000 guarantee ITT had made to help finance the convention until after the Justice Department settled an antitrust suit against the huge conglomerate.

The judge yesterday, in turning down Reinecke's request for a change of venue to California, noted that Reinecke's attorneys had claimed there might be a "climate of prejudicial publicity" in the capital should the House Judiciary Committee, in its impeachment inquiry, get into the ITT case.

"The defendant must demonstrate that the prosecution will result in a substantial balance of inconven-

ience to the defense . . . the court sees little merit in this argument," Parker said.

He also noted that were the trial to be shifted to California, there would be a substantial amount of publicity there, too.

Parker let stand his earlier order setting the trial date for the lieutenant governor for July 15.

There appeared to be no way by which the trial could be held before the June 4 election, even if an appellate court were to overturn Parker's change of venue ruling. (The ruling on the motion to dismiss cannot be appealed at this stage in the proceedings, Reinecke's at-

torney, F. Joseph Donohue, said.)

Reinecke had claimed that the cost of transporting witnesses to Washington in his defense would be prohibitive, but Parker said the lieutenant governor had, at the court's request, submitted his income tax returns and a statement of net worth to him.

The judge said that, first, "I am not convinced that all of the 21 witnesses (listed) are in fact necessary to his defense . . . I find that he has not demonstrated that there is a substantial balance of inconvenience to him."

The only pre-trial motion Parker did not rule on was one holding there was not a

quorum of the Senate committee present when Reinecke testified. The judge gave the Special Prosecutor's office until May 31 to reply to the motion; the defense until June 14 to answer, and the prosecution until June 19 to make the final response.

Donohue indicated that he would appeal Parker's finding on the change of venue motion to the U.S. Court of Appeals here this week, probably on Friday.

The defense attorney said, however, that if turned down by the appellate court, "there probably wouldn't be enough time" to appeal to the U.S. Supreme Court before the July 15 trial date.