

# Reinecke Won't Bargain on Plea

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California Lieutenant Governor Ed Reinecke declined an 11th-hour chance to bargain for his freedom and instead will try to convince a jury next week that he is not guilty of perjury.

One of Reinecke's lawyers, F. Joseph Donohue, told The Chronicle yesterday that he had telephoned Reinecke Tuesday to ask whether to open negotiations with the special prosecutor's office.

"He told me he was not interested," said Donohue. "He said he did no wrong."

Sources close to Special Prosecutor Leon Jaworski confirmed that no plea bargaining had taken place and expressed surprise that Reinecke had never inquired about the possibility of pleading guilty to a lesser charge.

These sources hinted that Reinecke might have been accorded the same lenient treatment as former Attorney General Richard Kleindienst. He also had been investigated for possibly perjury growing out of the 1972 Senate Judiciary Committee investigation of the International Telephone and Telegraph Corp.

Two months ago, Kleindienst was allowed to plead guilty to a misdemeanor charge of misleading the committee and subsequently received a one-month suspended sentence.

If Reinecke is convicted on both counts of perjury now against him, he could be imprisoned for a maximum of five years and be fined \$2000 on each count.

In U.S. District Court yesterday, Reinecke lost his last legal maneuvers designed to strike down his perjury indictment prior to trial. Judge Barrington Parker denied a defense motion that contended the Senate Judiciary Committee lacked a proper quorum on April 19, 1972, when Reinecke was being questioned.

Parker also rejected a second defense motion charging that Senator Ed-

ward Kennedy (Dem-Mass.) was not precise enough in his questioning of Reinecke to justify a perjury indictment, but Reinecke's lawyers were told they could argue the same point during the trial.

Following jury selection, which is scheduled to begin Monday, assistant special prosecutor Richard J. Davis, 28, is expected to summon 14 witnesses, including former White House aide Clark MacGregor and Senator John V. Tunney (Dem-California).

The government's case depends on establishing when Reinecke first informed then Attorney General John Mitchell that ITT's hotel subsidiary, Sheraton Corp., had made a \$400,000 pledge to support the Republican convention then scheduled to be held in San Diego.

In his appearance before the Senate Judiciary Committee, Reinecke testified that he first told Mitchell about that commitment on Sept. 17, 1971. That was a month and a half after the Justice Department agreed to an out-of-court settlement in an ITT antitrust case.

The prosecutors are expected to offer evidence indicating that Reinecke first informed Mitchell of the ITT pledge several months before the antitrust case was settled.

Reinecke's lawyers disclosed in court yesterday that they plan to call two expert witnesses, one a physician who would testify about stress and strain, and the other, an expert in semantics.