

REINECKE TRIAL GETS RIGHTS ISSUE

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He Tries to Show Violation

by Former Prosecutor
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WASHINGTON, July 18—The defense sought to establish today in the perjury trial of Lieut. Gov. Ed Reinecke of California, that his rights has been violated by a former assistant special prosecutor.

Mr. Reinecke is charged with having lied when he told the Senate Judiciary Committee in April, 1972, that he had informed former Attorney General John N. Mitchell, in September, 1971, of a guarantee of up to \$400,000 by the International Telephone and Telegraph Corporation for the 1972 Republican National Convention. The Government contends he informed Mr. Mitchell of the pledge in May, 1971.

The former assistant special prosecutor in charge of the I.T.T. investigation, Joseph T. Connolly, testified under cross-examination by Mr. Reinecke's lawyer that on July 30, 1972, Mr. Reinecke had come to his office with his then attorney, Frank J. Pagliaro.

Interview Recalled

Mr. Connolly said that Mr. Reinecke, at the outset of an interview that lasted two and a half hours, had delivered to him a file of letters and other documents "he said were relevant to the I.T.T. investigation."

At the end of the interview, Mr. Connolly testified, he asked Mr. Reinecke for handwritten notes in which the Lieutenant Governor had set down his recollections of his conversations with Mr. Mitchell and other Administration officials regarding the I.T.T. pledge.

Mr. Connolly said that Mr. Reinecke had given him the notes. James E. Cox, Mr. Reinecke's lawyer, asked, "Isn't it true that you didn't warn him of his rights?"

"I believe I did," Mr. Connolly replied. But he would not say that he was certain he had delivered the warning.

In pretrial hearings last May, Mr. Cox moved for dismissal of the case on the ground that Mr. Connolly, in interviews with Mr. Reinecke and Mr. Pagliaro had led them to believe that Mr. Reinecke would receive immunity from prosecution in return for his cooperation.

MOTION REJECTED

At that time Judge Barrington Parker rejected the motion, saying that Mr. Reinecke and Mr. Pagliaro had nothing in writing to support their contention that leniency had been promised in return for cooperation with the special prosecutor.

In the May proceeding, Mr. Connolly acknowledged that he believed Mr. Pagliaro was offering Mr. Reinecke as a witness, and that he had warned Mr. Reinecke not to speak to newspapermen because any contradictory statements he might make would impair his credibility as a witness.

Under questioning today, however, Mr. Connolly said that he did not recall telling Mr. Reinecke not to talk to other people, though he again said he had "a sense" that Mr. Reinecke was being offered as a witness in the interview a year ago. He said also, "I didn't want him to make conflicting statements about these matters."

The morning of this fourth day of trial in Federal District Court was taken up with the reading to the jury by the prosecutors of excerpts from Mr. Reinecke's testimony before the Senate Judiciary Committee in April, 1972, including several statements that he had been mistaken when he told reporters he had informed Mr. Mitchell of the I.T.T. pledge in May, 1971, and that he had actually spoken to him in September, 1971.

In May, negotiations were under way for settlement of an antitrust suit against I.T.T.; in September it had been settled. The Administration denied any connection between the convention pledge and the settlement allowing I.T.T. to retain the Hartford Fire Insurance Company.