

One of 2 Perjury Counts Against Reinecke Voided

By E. W. KENWORTHY

WASHINGTON, July 22—One of the two counts in the perjury trial of Lieut. Gov. Ed Reinecke of California was dismissed today by Federal District Judge Barrington D. Parker.

James E. Cox, a defense attorney, had asked for a directed verdict of acquittal on the count. He contended that a question that Mr. Reinecke, a Republican, had been charged with answering falsely at the Senate Judiciary Committee hearings on the nomination of Richard G. Kleindienst to be Attorney General in March and April, 1972, was "vague and uncertain and that the question called for an impression."

Judge Parker evidently agreed. He said, in dismissing the court, that the question, which had been asked by Senator Edward M. Kennedy, Democrat of Massachusetts, was "put somewhat ambiguously."

But Judge Parker denied a second motion by Mr. Cox for dismissal of the remaining perjury count, a charge that has been regarded as central in the indictment handed up by a Watergate grand jury last April 3.

Timing critical

At issue during Reinecke's questioning by the Senate committee on April 19, 1972 and also at issue in his trial — was whether he informed former Attorney General John N. Mitchell of a Republican National Convention pledge of up to \$400,000 by the International Telephone and Telegraph corporation on May 21, 1972, or on Sept. 17, 1972.

The significance of the timing was that on the former date negotiations were under way for a settlement of three antitrust suits against the company; the latter date was six

weeks after the settlement was reached.

On March 2, 1972 — three days after publication of a memo by Dita Beard, an I.T.T. lobbyist, linking the pledge with a favorable settlement of the suits — Mr. Reinecke told three reporters that he told Mr. Mitchell of the pledge at a meeting in Washington in May.

But the day before, Mr. Mitchell had said at a news conference, "I don't know the faintest thing about the convention financing."

On March 3, Mr. Reinecke issued a statement, saying that his records showed he had been mistaken and that he had not met with Mr. Mitchell nor discussed the I.T.T. pledge with him until September.

'No Way of Knowing'

Mr. Reinecke stuck by this statement in his Judiciary Committee appearance. Mr. Kennedy asked him whether he had the impression in his meeting with Mr. Mitchell that the then Attorney General had learned of the pledge "earlier" from Representative Bob Wilson of California. Mr. Reinecke replied that he had "no way of knowing."

It was the charge based on this statement that was dismissed.

The remaining charge is based on Mr. Reinecke's statement that he had "no conversation" with Mr. Mitchell about the I.T.T. pledge before September.

In direct examination today, Mr. Reinecke acknowledged that he told Mr. Mitchell of the pledge in May, 1972, but he said that it was in a telephone call and not at a meeting. He said that he had been thinking in terms of a meeting when he denied that he had "discussed" the convention with Mr. Mitchell before September.

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Lieut. Gov. Ed Reinecke of California arriving with his wife, Jeanne, at court in Washington yesterday. One of two perjury charges against him was dismissed.

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