

Perjury Trial

Setbacks for Reinecke

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Washington

A federal judge refused yesterday to permit Lieutenant Governor Ed Reinecke to summon an expert witness in semantics to testify about whether a phone conversation constituted a "discussion."

The defense in Reinecke's perjury trial was also rebuffed in an effort to call a physician to testify that Reinecke was under stress from an overnight jet flight from California when he appeared at a Senate hearing in 1972.

The rulings by U.S. District Judge Barrington Parker stung defense lawyer James E. Cox, who had earlier had refused permission to call special prosecutor Leon Jaworski and ex-White House aide Charles Colson.

Cox said he would try to get the rulings reversed by the U.S. Court of Appeals before the trial ends.

The defense later unexpectedly got an apparent break in its effort to discredit the accuracy of the Senate Judiciary Committee transcript of Reinecke's testimony that resulted in the perjury indictment.

During cross-examination of Reinecke's former press



JUDGE PARKER
He refused two requests

secretary, Prosecutor Richard J. Davis asked the court reporter routinely to read back a previous question.

The court reporter tried but failed to read back his stenotyped notes. After 30 seconds of pained waiting,

the judge declared a recess.

The court reporter, Duane Duschane, told a newsman later, "I just couldn't read my notes — I just went blank."

The Reinecke defense is expected to rely heavily on the question of the accuracy of the transcript of the Senate Judiciary Committee hearings.

The inference could be drawn from Davis' inability to read back his notes that inaccuracies in making court records can and do occur.

Reinecke's lawyers are expected to call a Los Angeles court reporter today to testify that there were errors in the Senate Judiciary Committee's transcript of Reinecke's testimony.

Duschane was replaced after the recess by another court reporter.

Reinecke's semanticist, Associate Professor Patrick Hunt of San Francisco State University, had been expected to tell the jury that questions put to Reinecke by Senator Hiram Fong (Rep-Hawaii) during the 1972 hearing were open to misunderstanding.

Parker also ruled that semantics — the study of word usage — was not a sufficiently established discipline to justify calling an expert

witness. He compared it to the study of voice prints, which have been held inadmissible by other courts.

The second defense expert barred from testifying was Dr. James H. Thompson, who was expected to testify on the effect on living organisms of traveling through a number of time zones.

Thompson, a San Francisco internist, was also prepared to say Reinecke had been under treatment for asthma at the time of his Senate testimony.

Part of the defense case is that Reinecke misunderstood the question when he replied to Senator Fong that he first discussed the 1972 Republican Convention with former Attorney General John Mitchell following the settlement of an antitrust case involving International Telephone and Telegraph Corp.

Reinecke has subsequently acknowledged that he first told Mitchell of an ITT plan to help finance the convention in a telephone call two months before the antitrust settlement.

Reinecke contends that he understood Fong to be asking about meetings with Mitchell, not phone calls.