

Reinecke guilty; faces

5 years, \$2,000 fine

Associated Press

WASHINGTON — California's Lieutenant Governor, Ed Reinecke, was convicted of perjury yesterday for his testimony to a Senate committee about a financial commitment by ITT to the 1972 Republican National Convention.

Reinecke, 50, described his trial as a gross miscarriage of justice and said he will appeal.

U.S. District Judge Barrington Parker directed him to appear at a local probation office tomorrow morning for a pre-sentencing interview. No date was set for sentencing.

The maximum penalty is five years in prison and a fine of \$2,000.

Reinecke showed no emotion when foreman Clayton Roth announced the jury's verdict, but Mrs. Reinecke cried out: "Oh, my God, no — no, he's not guilty."

She and the three Reinecke children, who had been present in the courtroom throughout the 12 days of the trial, wept over the verdict.

Before his indictment Reinecke was a heavy favorite to win the Republican nomination for governor, but he was defeated by Houston Flournoy last June 4. With his conviction, questions arose as to whether he can legally finish his term as Lieutenant Governor, which ends Dec. 31.

The jury began its deliberations Friday afternoon and spent nearly eight hours at the task before coming back with a verdict shortly after noon yesterday.

Twice the jurors had returned to the courtroom to ask for additional instructions.

Reinecke was accused by the Watergate special prosecutor of lying to the Senate Judiciary Committee about when he first told Atty. Gen. John Mitchell of a financial commitment from the International Telephone & Telegraph Corp.

An ITT subsidiary, Sheraton Corp., had promised to underwrite the expenses of the 1972 Republican National Convention if it were held in San Diego.

Reinecke was charged with lying when he told the committee under oath that he had not discussed the offer with Mitchell until after the July, 1971, settlement of a federal antitrust case against ITT.

Initially there were three counts in the indictment returned April 3. One was dropped at the prosecution's request before the trial began and another was dismissed by Judge Parker after the prosecution closed its case.

Recited in the remaining count were four questions

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put to Reinecke by Sen. Hiram Fong, R-Hawaii, and Reinecke's responses to them.

The jury reported that it was unable to reach any decision as to the first three questions but found that Reinecke had committed perjury in his response to the last one.

At the time he was before the Senate committee, Reinecke was accompanied by an aide, Edgar Gillenwaters. The exchange went like this:

Sen. Fong: So far as your testimony is concerned, Mr. Gillenwaters —

Gillenwaters: Thank you.

Sen. Fong: — And Lt.

Gov. Reinecke, is that prior to the settlement of the ITT case no conversation was had by either one of you to anyone in the Justice Department that the ITT people had promised to do certain things in San Diego?

Reinecke: That is quite true.

At his trial, Reinecke testified that he told Mitchell, during a May, 1971, tele-

phone call, about the ITT pledge but denied lying about it to the Senate committee.

Reinecke said he was not asked at the hearing about any telephone conversations and did not regard a phone call as a discussion.

Reinecke's chief attorney, James E. Cox, told reporters he will again ask Judge Parker to declare a mistrial — a motion the judge denied several times.

Cox said he was handicapped by an inability to produce certain evidence in the hands of the Senate and the White House.

Beyond contending that Fong's questions were vague, Cox tried repeatedly to discredit the accuracy of the transcript of the Senate hearing, claiming the stenotypist took incorrect notes and that the transcript had been edited both before it went to the grand jury and before the trial began.

The prosecution called the editing changes minor.

Mitchell, who was not called to testify, told the Senate hearing in 1972 that he had not known about the

convention pledge before the out-of-court antitrust settlement was reached.

The jury returned to the courtroom about an hour before the verdict to ask for additional instructions. A note sent to the judge asked, "If we unanimously find the defendant guilty on one of the four questions, do we have to reach a unanimous decision on the others?"

The judge instructed the jury, as he had on Friday, that it was sufficient to reach a unanimous agreement on any one of the four questions.

As the jury returned to deliberations, Cox protested that at least two of the jurors had shown "manifest facial manifestations of displeasure" at the judge's instructions.

Cox again moved for a mistrial, but Judge Parker turned him down, saying, "I observed no facial contortions or such manifestations as you mentioned."