

# Reinecke Convicted Of Perjury

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California Lt. Gov. Ed Reinecke was convicted of perjury yesterday by a federal court jury here for lying to a Senate committee two years ago about the International Telephone and Telegraph Corp. case.

Prosecutors at the 11-day trial charged that the 50-year-old Republican lied to the Senate Judiciary Committee in April, 1972, in order to protect former Attorney General John N. Mitchell, whose political support he was then courting.

Reinecke told the committee that he and Mitchell never discussed a \$400,000 offer from ITT to help finance the 1972 Republican National Convention in San Diego until September, 1971, two months after the Justice Department agreed to an out-of-court settlement of its antitrust cases against the conglomerate.

His testimony agreed with what Mitchell previously had told the committee. But Reinecke acknowledged later and repeated at the trial that he had actually informed Mitchell about the ITT offer in three telephone conversations during May and June, 1971, while the antitrust settlement was being negotiated.

Mitchell has not been indicted for his Senate testimony.

The jury of six men and six women delivered its verdict at 12:50 p.m. yesterday, after deliberating almost 9 hours starting Friday afternoon.

As he walked out of the courtroom, Reinecke told reporters the verdict was "a gross miscarriage of justice." He said he would appeal it.

Reinecke faces a sentence  
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of up to five years imprisonment and a \$2,000 fine.

U.S. District Court Judge Barrington, D. Parker allowed him to remain free without bond, but said Reinecke would have to stay in Washington until Monday morning to meet with probation officers.

Reinecke, a conservative

Watergate grand jury here while he was running for the Republican nomination for governor of California.

Although he had been ahead in the polls, he quickly lost support and was defeated decisively in the June 4 primary by state Controller Houston Flournoy.

After the verdict yesterday, Reagan called the conviction a "tragic event," and said he still has confidence in Reinecke's integrity.

Reagan said he would have no comment on whether Reinecke will remain as lieutenant governor until after he talks with Reinecke and his attorneys. His term as lieutenant governor expires at the end of the year.

Reinecke appeared before the Senate Judiciary Committee on April 19, 1972, during its hearings on the nomination of Richard G. Kleindienst to succeed Mitchell as Attorney General.

After publication of a memo from ITT lobbyist Dita Beard, the hearings focused on an offer by Sheraton Hotels, a subsidiary of ITT, to contribute up to \$400,000 for the 1972 Republican convention if it were held in San Diego.

The Judiciary Committee tried to determine whether the offer influenced the Jus-

liberate lie. He said he was tired after an all-night plane trip and confused by unclear questions. He said he thought the senators' questions dealt only with meetings he had with Mitchell, not with telephone conversations.

But Watergate Assistant Special Prosecutor Richard Davis introduced evidence showing that Reinecke told newspaper interviewers on March 2, 1972, that he had informed Mitchell of the ITT offer in May, 1971. Reinecke acknowledged on the witness stand that he retracted the statement the next day, after receiving a phone call from a top Mitchell aide, Assistant Attorney General Robert Mardian.

In his closing argument, Davis said Reinecke had told the senators "deliberate lies . . . for one reason—to protect the still very powerful John Mitchell, a man who could help him become governor."

In the original indictment in April Reinecke was charged with three counts of perjury. One was dropped by the prosecutor's office a few days before the trial began and another was dismissed by Judge Parker after the prosecution completed its case.

The count on which the jury convicted him involved questions put to Reinecke by Sen. Hiram Fong (R-Hawaii).

tice Department to settle its antitrust cases against ITT, which Kleindienst had supervised as deputy attorney general. The settlement, announced on July 31, 1971, allowed ITT to keep the Hartford Life insurance company, but required it to divest itself of Avis Rent-a-Car and several other subsidiaries.

Mitchell told the senators on March 14, 1972, that he took no part in the antitrust settlement, and also denied the assertion in Mrs. Beard's memo that he knew about ITT's offer to help finance the convention in the spring of 1971.

In answer to a question, Mitchell denied specifically having talked to Reinecke about the convention in May, 1971. Reinecke was a chief promoter of holding the convention in San Diego.

During his Senate testimony, Reinecke backed Mitchell's story and said the two men had not talked about the convention until September, 1971.

But in the summer of 1973, Reinecke told Watergate special prosecutors about the phone calls he and Mitchell had concerning the convention in May and June, 1971.

During his trial last week, Reinecke acknowledged making a "mistake" in his Senate testimony, but insisted he had not told a de-

The specific exchange on which the jury found him guilty reads:

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

Mr. 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?

Mr. Reinecke: That is quite true.

The jury foreman, Clayton D. Roth, a 29-year old management intern at the Department of Health, Education and Welfare, told Judge Parker that the jurors had been unable to agree about Reinecke's answers to three other questions put to him by Fong that were included in the perjury count.

But Parker said the jury needed to find Reinecke guilty of perjury on only one answer in order to convict him.

During the trial, Reinecke's lawyer, James E. Cox, portrayed the defendant as a "simple, candid man" and several times called him "that big dummy."

Reinecke stood calmly as the jury gave its verdict, but his wife, Jean, called out, "My God, no. No, he's not guilty," and began crying.

In the hallway afterwards she said bitterly: "That was the most unfair trial I have ever witnessed. It was prejudiced from the beginning. We were yelled at, screamed at, and belittled."

Reinecke's conviction yesterday is the second one to arise out of the ITT affair and the Senate hearings on the Kleindienst nomination.

In May Kleindienst himself pleaded guilty to an unusual misdemeanor charge of refusing to testify accurately at the hearings. He was given a suspended one-month prison sentence by federal Judge George L. Hart Jr., who said Kleindienst had "a heart that is too loyal."

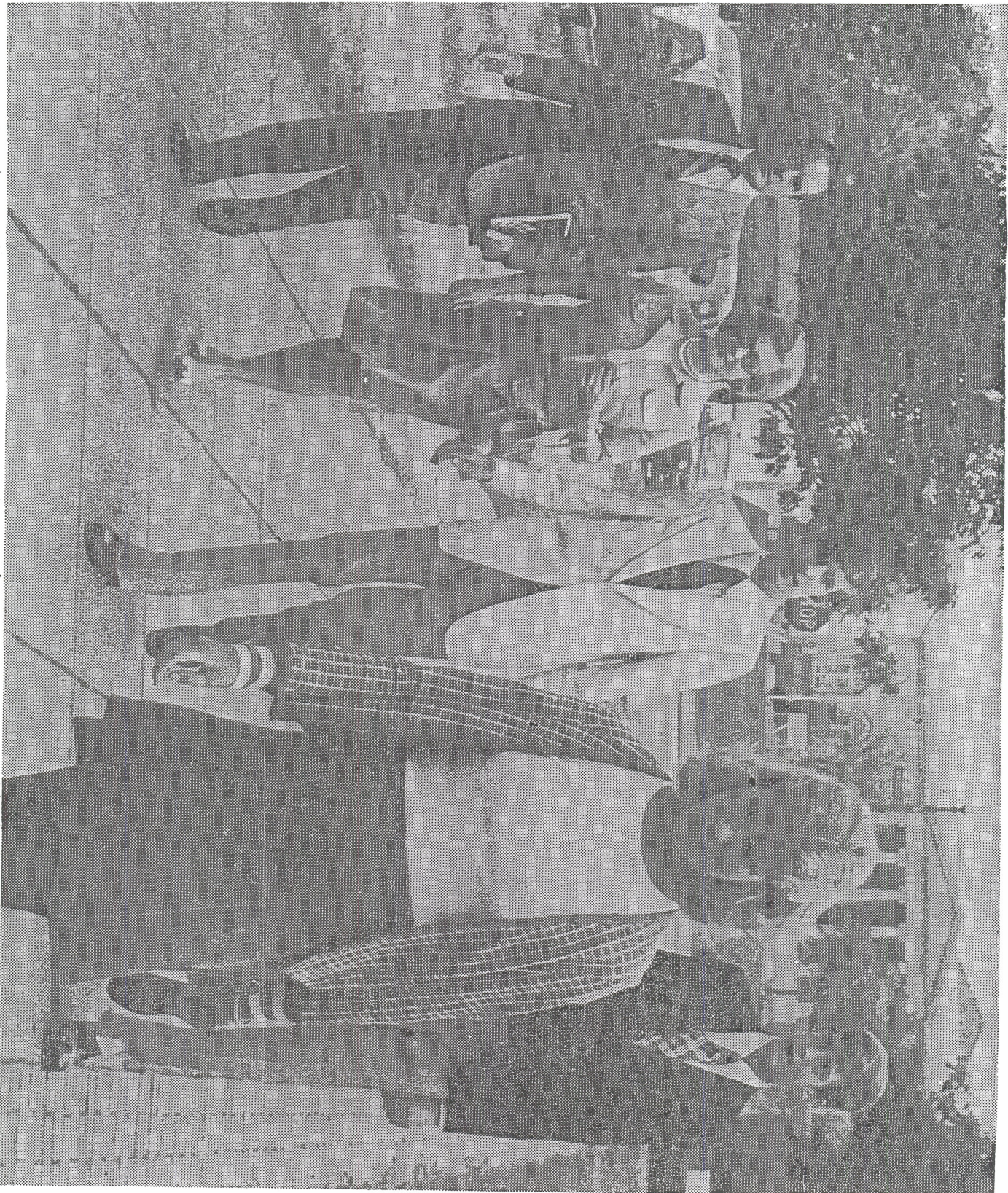
A member of the Watergate special prosecutor's office indicated that Mitchell had not been indicted for his ITT testimony because more important cases had been brought against him.

The former attorney general was tried and acquitted last April on charges of lying about a secret campaign contribution from financier Robert Vesco. He is facing trial here in September, along with five other former top Nixon aides, on charges of covering-up the Watergate break-in.

In a massive report issued last week, the House Judiciary Committee staff said that it could not substitute the allegation that ITT's offer for the Republican convention had influenced the settlement of the anti-trust cases against it.

The convention itself was switched from San Diego to Miami Beach after the ITT offer was disclosed.





California Lt. Gov. Ed Reinecke and his family arrive at U.S. courthouse prior to announce-

ment of jury's verdict. From left, Reinecke, his wife Jane; a son, Mark; a daughter, Mimi, and

another son, Tom. After verdict was announced, the Reineckes left from an underground garage.

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