

Younger Rules on Reinecke

By George Murphy

Attorney General Evelle Younger ruled yesterday that Lieutenant Governor Ed Reinecke has to leave his office "once judgment is entered" — that is, when he has been sentenced.

Sentencing in Reinecke's perjury Case is now tentatively scheduled for August 30.

Reinecke, convicted of perjury by a Washington, D.C. jury last Saturday, said he would abide by the Younger opinion, but that he would remain in office until he is sentenced.

Sentencing will be before U.S. District Judge Barrington Parker, who presided over the trial in which Reinecke was found guilty of lying to a Senate Judiciary Committee hearing.

Despite widespread reports earlier yesterday on radio and in newspapers that Reinecke would summarily resign, the lieutenant governor issued in the afternoon a "clarification," saying:

"I am the lieutenant gov-

Back Page Col. 5

From Page 1

ernor and will continue to be the lieutenant governor until the date my judgment is entered."

The earlier reports developed when Reinecke's office released a statement by him that he would abide by the Younger opinion. This was taken to mean he had abandoned any hope of having the conviction set aside.

But at the time the statement was issued, Reinecke's attorneys were filing a motion to overturn the jury's finding in his perjury conviction.

They claimed Reinecke was telling the "literal truth" when he testified before the Senate hearing, and thus did not commit perjury.

Before releasing his opinion, Younger sent a letter to Reinecke strongly suggesting an early resignation would be in order.

"... speaking solely in my capacity as Attorney General," Younger wrote his fellow Republican, "I can assure you that every significant official act, you may perform in the meantime (between now and August 30) may be challenged in the courts by persons who disagree with our legal conclusions or who may be politically motivated.

"... The practical problem should be considered by you along with other factors

when you make a decision as to whether or not you should resign prior to the entry of the judgment."

The opinion itself, written by Assistant Attorney General Iver E. Skjeie found that Reinecke must forfeit his office once convicted of a felony.

By "conviction," the opinion said, is meant, "a jury verdict or court finding of guilt followed by a judgment upholding and implementing such verdict or finding."

In effect, this means Reinecke can remain in office until he is sentenced. Should the "literal truth" motion be accepted by Parker, there will be no conviction as described in Younger's opinion, and Reinecke could then stay in his post through the end of his term, January 1, 1975.

Apparently dismissing Younger's suggestion he resign early, Reinecke said late in the day, "I will resign if my judgment is ever entered."

Earlier in the day, he had said, "I would like to publicly state that the office of lieutenant governor will never have to be vacated through legal action by the state.

"I will voluntarily resign prior to such an action being necessary."

Reinecke reiterated his claim that, "I am absolutely not guilty of the charge

made against me, and have instructed my attorneys to take every possible legal step to get the decision reversed, and to respectfully submit any post-trial motions they deem appropriate to the judge."

Meanwhile, two Reinecke supporters announced a fund-raising drive to help Reinecke pay his legal fees, which could run as high as \$150,000.

Harold Dobbs of San Francisco and Cliff Anderson of Pasadena, who were co-chairmen of Reinecke's unsuccessful bid for the Republican gubernatorial nomination, are handling the fund. About \$20,000 has been raised so far.

Governor Ronald Reagan, who named then Congressman Reinecke lieutenant governor in 1969, after the resignation of Robert H. Finch, is "reconsidering" plans to leave the state this month, his press secretary said yesterday.

When Reagan leaves the state, Reinecke becomes acting governor.

The Governor had been scheduled to go to Nevada on August 11 and to Seattle August 12 for GOP appearances, but Press Secretary Clyde Walthall said Reagan is "reconsidering his schedule for the next month."

It was expected in the District of Columbia that Judge Parker will hear arguments

on the motion to dismiss well in advance of the August 30 sentencing date.

Should the judgment against Reinecke stand, Reagan will "appoint a new

lieutenant governor when the office becomes vacant," Walthall said.

There has been speculation Reagan might name State Senator John Harmer,

the GOP nominee for lieutenant governor in the November election, to Reinecke's post should the incumbent be forced to leave. Harmer has a "free ride" in

the election, since he has two more years to serve in the senate should he lose in November.