

NYTimes NYTimes AUG 2 1974
**Reinecke to Resign Voluntarily;
Younger Hints a Need for Haste**

By WALLACE TURNER

By The Associated Press

SAN FRANCISCO, Aug. 1—Lieut. Gov. Ed Reinecke, his once promising political career apparently destroyed by a Federal perjury conviction, promised today that he would resign voluntarily but did not say whether that would be soon or just before legal action would force him out a month from now.

His statement came after he received a personal letter from Attorney General Evelle J. Younger hinting that state government might be more smoothly conducted if Mr. Reinecke quit quickly. Both men are Republicans.

Mr. Younger's formal opinion, also issued today, is that Mr. Reinecke's conviction of lying to the Senate Judiciary Committee will be a matter of record when sentence is imposed, an action tentatively set for Aug. 30.

At that point, the Attorney General held, the Lieutenant Governor must give up his office because of a state constitutional provision that bars from public office anyone convicted of perjury.

Mr. Reinecke was convicted in Washington last month of lying about the dates when he, discussed with John N. Mitchell, then United States Attorney General, aspects of the plan to hold the 1972 Republican national convention in San Diego.

Challenge to Acts Feared

While Mr. Younger held that not until sentence is imposed does Mr. Reinecke fall within the bounds of the constitutional ban, he wrote in a personal letter to the Lieutenant Governor: "Every significant official act that you perform in the meantime may be challenged in the courts by persons who disagree with our legal conclusions or who may be politically motivated."

The lieutenant governor is the presiding officer of the State Senate, where he has a tie-breaking vote. When the

Governor is out of the state, the Lieutenant Governor acts in his stead with all powers of the office. The Lieutenant Governor is also a member of several state boards such as the university regents, the state college trustees and the state land board.

At a subsequent news conference, Mr. Younger said: "If the Lieutenant Governor cuts a ribbon no one's going to sue but if he makes a decision on the state lands commission, it's going to be attacked. There's going to be lengthy, extensive litigation. In the Senate, if he casts a tie-breaking vote on anything, we'd be in court for the next 20 years."

Reagan May Cut Trip

Gov. Ronald Reagan's press secretary said the Governor was "reconsidering" his plans for a trip out of state Aug. 11. Mr. Reagan appointed Mr. Reinecke Lieutenant Governor in 1969 when the office became vacant. Mr. Reinecke had been a member of the United States House of Representatives.

Mr. Reinecke, a conservative Republican as is Mr. Reagan, was elected in 1970 and was a leading candidate for the Republican nomination for Governor until his problem with the perjury charge erupted early this year.

When the office becomes vacant by Mr. Reinecke's resignation or removal, Mr. Reagan will again be able to appoint someone to fill it. The term expires Dec. 31.

In his statement, Mr. Reinecke said the office "will never have to be vacated through legal action by the state. I will voluntarily resign prior to such action being necessary," he added.