

WXPost
Reinecke Verdict Upset

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The U.S. Court of Appeals here yesterday reversed former California Lt. Gov. Ed Reinecke's conviction on charges of lying to a Senate committee about the International Telephone and Telegraph Corp. case.

The unanimous ruling by three judges is the first appellate defeat for the Watergate Special Prosecutor's Office in its scores of criminal cases. A spokesman said the prosecutor's office would have no immediate comment on the ruling, which could be appealed to the Supreme Court.

The reversal was based on the prosecutors' failure to prove at Reinecke's trial in July, 1974, that more than one senator was present during the questioning of Reinecke and the Senate Judiciary Committee's failure to publish in its rules that the attendance of one senator at a hearing would constitute a quorum of the panel.

An essential element of the crime of perjury, the judges found, is proof that a quorum of senators was present during the allegedly false testimony.

Reinecke, who continued to maintain his innocence after his conviction by a U.S. District Court jury here, had

received a suspended 18-month prison sentence. Informed by his wife of the appellate court ruling, he was described as exclaiming, "Oh thank God, thank God, my prayers have been answered," and then bursting into tears.

Washington attorney Clarice R. Feldman, who represented Reinecke on appeal said that "justice comes to Mr. Reinecke at a very high cost."

She pointed out that the conviction forced Reinecke to resign as lieutenant governor
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and to decide against running for governor of California.

"His political career was destroyed...He deserved to win," she said. "This was a very weak case."

Reinecke's wife, Jean, reached at their ranch near Placerville, Calif., told the Associated Press, "I was praying for a year and a half. I'm so thrilled. I'm so happy. It's a whole new life for us."

She added that she does not want her husband back in politics. "No, he will not re-enter politics because of this," she told the AP.

Reinecke had been called before the Senate Judiciary Committee in April, 1972, in an attempt to determine whether political considerations had influenced the Justice Department's handling of its antitrust cases against ITT, which were settled out of court in July, 1971.

At the time, the committee was considering the nomination of Deputy Attorney General Richard G. Kleindienst to be Attorney General. Reinecke was asked to testify about conversations he had with Justice Department officials concerning an ITT offer to help finance the Republican Party's 1972 convention in San Diego.

The allegedly false statement was contained in the following exchange between Reinecke and Sen. Hiram Fong (R-Hawaii):

Fong: "So as far as your testimony is concerned...Lt. Gov. Reinecke, is that prior to settlement of the ITT case, no conversation was had by either one of you (Reinecke or his aide, Edgar M. Gillenwaters) to anyone in the Justice Department that the ITT people had promised to do certain things in San Diego?"

Reinecke: "That is quite true."

Reinecke later admitted to prosecutors and the jury during his trial that he had talked to then Attorney General John N. Mitchell in May and June, 1971, about the ITT offer of \$400,000 in convention assistance before the settlement.

Reinecke said during his trial that while he might have made a mistake in his testimony before the Senate Judiciary Committee, he had not intentionally committed perjury. He had told the committee that he had not talked to Mitchell about ITT before September 1971.

Prosecutors said it was a willful lie because he wanted Mitchell's support in his future political races. Mitchell also had denied talking to Reinecke before the ITT cases were settled.

The three appellate judges did not discuss the actual testimony or Reinecke's defense on the perjury charge. Instead, they reversed the

conviction solely on the narrow legal ground that prosecutors did not prove the presence of a quorum of senators hearing Reinecke's testimony.

Issuing the ruling in a four-page unsigned opinion, were retired U.S. Supreme Court Justice Tom Clark, and U.S. Circuit Court Judges J. Skelly Wright and George McKinnon.