

# LETTERS TO THE EDITOR

## Getting a Fair Trial in D.C.

In quoting out of context my column about the unfair prosecution of John Connally, you have piqued too soon.

It's my point that trials of Republican officials before predominantly Democratic juries—soaked in the prejudicial publicity especially prevalent in the District of Columbia—gives the prosecution an unfair edge over the defense.

Using a trick worthy of an old Agnew speechwriter, you have characterized my position as "black Democrats are somehow eager to hang white Republicans"; you then knock down this strawman as a "canard" and a "tawdry argument" and hold out the acquittal of Governor Connally to be proof that D.C. juries are eminently fair.

In the column of mine from which you quoted, you left out the following paragraph in which the possibility of acquittal by even a political biased jury was explored:

"Of course, this jury could upset the odds and find Mr. Connally innocent. If the charge-dropping bribe paid to Mr. Jacobsen by the prosecution is too galling; if the jurors are not shown incontrovertible evidence to corroborate the central part of the accuser's story; and if—above all—Ed Williams can separate John Connally from the guilt-by-association aura of Watergate, then perhaps conviction of former Nixon officials in the District of Columbia will prove to be non-automatic."

All this came to pass. In recognition of the need to appeal to a Democratic jury as *Democrats*, the Connally defense produced as character witnesses Lady Bird Johnson, widow of the last *Democratic* President; Barbara Jordan, *Democratic* congresswoman; and Robert Strauss, the current chairman of the *Democratic* National Committee. You will note that the defense did not seek the testimony of Mrs. Nixon, or of a Republican congresswoman, or of the chairman of the Republican National committee.

In addition, the defense accused the prosecution's witness—whom Joseph Alsop might refer to as a "bottom-dwelling slug"—of offering to smear former Democratic President Johnson in return for reduced charges against himself. Such a charge was not calculated to endear the false accuser to the jury of Democrats.

The politically-inspired case against Connally ought never to have been brought to trial, but, as we have seen, a District of Columbia grand jury will indict anybody the special prosecutor points at, with no evidence needed to back up the purchased testimony of an admitted perjurer.

One reason why such a phony indictment was handed up was that the prosecution thought that even this weak a case had a chance before a D.C. jury. Without the enormous and scandalous edge the prosecution enjoys in this Democratic town, no prosecutor in his

right mind would have believed he could secure a conviction on the unsupported testimony of an acknowledged liar.

A second reason exists for the Connally indictment. Apologists for the Special Prosecutor are telling reporters that the reason the prosecution brought this tawdry canard of a case against Connally was that it was feared a charge of "cover-up" would be made by the press if it had not been brought forward.

If this is true—and I suspect it is—then the local press has intimidated the local prosecution to the point of malfeasance of office. Every government prosecutor is sworn to protect the innocent from false witness, and not to protect himself from charges of lack of zeal from *The Washington Post*.

It is a lucky thing that no investigative reporters are looking into the reasons for the political prosecution of Mr. Connally, because charges of prosecutorial malfeasance might lead to a political trial of a Democratic prosecutor before a cold-eye bunch of rightwingers in the Republican boondocks. If so, *The Post* might be in the vanguard of those calling for a "change of venue" to protect the rights of the accused and the jury system itself. To your shock and horror, I would be right there with you.

William Safire

Washington.