

TRIALS

Big John Connally Acquitted

From the outset, the latest major trial brought by the Watergate special prosecutor's office had seemed to be a difficult undertaking at best. Chief Prosecutor Frank Tuerkheimer and the two other Government attorneys had to prove that John B. Connally—three times Governor of Texas, Secretary of the Treasury under Richard Nixon and a multimillionaire—had accepted a relatively modest \$10,000 gratuity from Associated Milk Producers, Inc., for urging Nixon to boost federal milk price supports in 1971. To back up that charge, the Government relied on tes-

courtroom, "he's running already."

During the three-week trial it was apparent that Connally was not the average defendant—a point underlined by the character witnesses who had been marshaled to testify in Connally's behalf. Among them were Lady Bird Johnson, the Rev. Billy Graham, World Bank President Robert McNamara, former Secretary of State Dean Rusk and Texas Congresswoman Barbara Jordan—all large in their praise of the defendant. "Some folks don't like him," Lady Bird said, and after gales of laughter from courtroom spectators had subsided, she added, "but I don't think any of them doubt his integrity."

The jurors also had difficulty doubting it. More than most cases, this one came down to which of two men, Jacobsen and Connally, the jurors decided to believe. And despite some odd lapses in his memory, Connally proved to be the more credible. Jacobsen testified that Connally asked him for money shortly after the milk price support increase. The Associated Milk Producers' chief lobbyist, Bob Lilly, testified that he gave Jacobsen \$10,000 for Connally in April 1971. Jacobsen claimed that he turned the money over to Connally in two \$5,000 installments on May 14 and Sept. 24, 1971—both times in Connally's office at the Treasury Department.

When a federal grand jury and the Senate Watergate committee learned of the gift, Jacobsen said, he and Connally agreed that they would say the money never left Jacobsen's safe-deposit box in an Austin, Texas, bank. In fact, they both testified before the grand jury and the Senate committee that Jacobsen offered the money to Connally for him to dispense to political candidates as he saw fit, but that Connally turned him down—a story that Connally has stuck to throughout. Jacobsen told the court that it was false. Rather, said Jacobsen, Connally gave him \$10,000 in a cigar box on Oct. 29, 1973, to place in the safe-deposit box. When Connally grew fearful that the money might not be old enough to have circulated in 1971, said Jacobsen, he gave Jacobsen a fresh \$10,000 to replace the first batch. The alleged transfer took place in an automobile in front of the Austin home of George Christian, a friend of both men.

When Connally took the stand in his own defense last week, his voice

sounded hollow, his complexion reddened, and on occasion he coughed nervously into his hand. But as Williams' examination went on, Connally relaxed and in most crucial particulars he handled himself reasonably well. Was it true or false, asked Williams, that Jacobsen gave him \$5,000 on May 14, 1971? "That is false, Mr. Williams. That is absolutely false," came the firm reply. A denial of the alleged Sept. 24 payoff followed. Then Williams asked if Connally ever passed Jacobsen \$10,000 in a cigar box and a few weeks later, gave him another \$10,000 in an automobile. Said Connally: "I did no such thing."

Under cross-examination by Tuerkheimer, Connally said that he misunderstood the time referred to when he failed to tell the federal grand jury about his Oct. 26 meeting with Jacobsen—even though his grand jury testimony took place only 19 days later. He insisted that the two men met only to consider a problem that a Connally client was having in securing a bank charter. Tuerkheimer also wanted to know why Connally told the grand jury that he saw Jacobsen only once during the fall of 1973, since logs introduced by the prosecution proved that he saw him a number of times. Connally said that he did not carefully check the record of his appointments before his grand jury and Watergate committee appearances. He never thought the investigation of him "would amount to a hill of beans." He took the matter lightly, he said, because he knew he had not done anything wrong.

Emotional Note. In his closing argument, Tuerkheimer admitted that the case contained no direct evidence corroborating Jacobsen, but "illegal payments to officials, when they do occur, do not occur in the presence of third-party witnesses." He insisted that "on every conceivable point where Jacobsen could be corroborated, he has been corroborated." In contrast to Tuerkheimer, Williams closed on an emotional note, with a direct attack on Jacobsen's credibility. Alternately lunging toward the jury box, clapping his hands, and whipping his glasses on and off, Williams asked: "Have we reached that point in our society where scoundrels can escape punishment if only they inculpate others? If so, we should mark it well, that although today it is John Connally, tomorrow it may be you or me."

Melodramatic though Williams' appeal may have been, it worked. Connally is still not entirely free of trouble, but it appears that he soon will be. In pretrial motions Williams managed to have separated two perjury counts and one conspiracy count against his client, and the day after Big John's acquittal the special prosecutor's office went into court and moved to have the charges dismissed. Jacobsen is still awaiting sentencing on the charge of offering a gratuity to a public official. The maximum penalty for that offense is two years in prison and a \$10,000 fine.



JOHN CONNALLY & WIFE AFTER ACQUITTAL
Difficulty doubting his integrity.

timony by Attorney Jake Jacobsen. When seven charges of fraud against him in a Texas savings and loan scandal were dropped, he had agreed to testify against Connally and to plead guilty to one count of offering a gratuity to a public official.

Running Already. Last week, after some five hours' deliberation, a jury of four men and eight women (ten of them black) filed into U.S. District Judge George Hart's Washington courtroom to announce that they had found Connally not guilty—thus rejecting Jacobsen's claim that he gave Connally the money on behalf of the milk cooperative. With Defense Counsel Edward Bennett Williams at his side, Connally declared: "I've seen this system of ours work here today," and vowed to play some role in "our system of government" in the future. "Oh, oh," said a voice in the crowd around him outside the