

Who Owns Evidence After Bribery Trial?

By Timothy S. Robinson
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In an abrupt switch from most bribery cases, four claims were staked yesterday to \$20,000 in cash that was used as evidence in the trial in which former Treasury Secretary John B. Connally was acquitted last year.

It's mine, claimed an attorney for Jake Jacobsen, who provided the money to the government as alleged evidence that he and Connally had conspired together to cover up alleged bribes.

It's mine, said an attorney representing the bankruptcy trustee who is now sorting out Jacobsen's financial affairs.

It's ours, claimed an attorney for the Associated Milke Producers Inc., a large cooperative whose top executive pleaded guilty to giving the money to Jacobsen—allegedly to pass on to Connally.

It's ours, said the federal government's attorney, Jon Sale. He contended that AMPI and Jacobsen came to the proceedings with "unclean hands" because the money was "tainted" with criminal intent to bribe a public official, and that the bankruptcy trustee had no right to the money because the currency of which it consists was not in circulation when Jacobsen declared bankruptcy.

Sorting out this bizarre set of circumstances yesterday was U.S. District Court Judge George L. Hart Jr., who settled it with a dash of Shakespeare and a dose of Solomon-like wisdom.

He decreed that the money should go into the public treasury because of the original criminal intent and because Jacobsen never owned it but merely served as a conduit.

Jacobsen attorney Charles McNelis said at one point, "If possession is nine-tenths of the law, then give us at least nine-tenths of it. The government got the money from Jacobsen."

"We know who had possession," Judge Hart said, "but who is the owner?"

McNelis replied, "As far as I'm concerned, your honor, it was John B. Connally."

"The jury decided it wasn't Connally," Hart said, referring to the acquittal of the former Cabinet member. "The government now says you come



JAKE JACOBSEN
... admitted \$20,000 payoff

in here with unclean hands."

"They were muddy, they were tarred black," McNelis said, but he insisted that Jacobsen ultimately told the truth on the witness stand.

"I think you've got a long way to go to get out the damned spot," Hart retorted.

McNelis also said Connally may have a better claim to the money than anyone who was in the courtroom yesterday. Connally had denied under oath at his trial that the money was his, that he had even taken money

from Jacobsen, or that he had ever given the money to Jacobsen.

Jacobsen turned the money over to the government after he became a government witness against Connally. He said Connally gave him the money—\$10,000 in two batches—as an attempt to cover up the alleged payoffs that he claimed he gave Connally for backing increased milk price supports.

Jacobsen pleaded guilty to making the payoffs to Connally. Although Connally was subsequently acquitted, Jacobsen stood by his plea and was sentenced to two years' probation.