

WXPost NOV 26 1974
Connally Trial Limited to Bribe Count

By Timothy S. Robinson
Washington Post Staff Writer

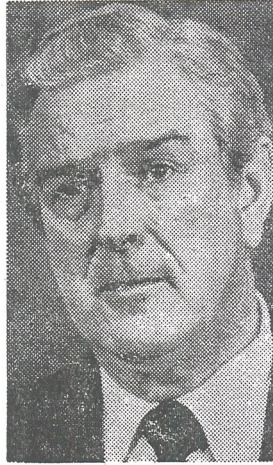
A federal judge ordered yesterday that former Treasury Secretary John B. Connally go on trial here March 19 on scaled-down charges in connection with his alleged acceptance of a \$10,000 bribe for recommending a 1971 increase in milk price supports.

U.S. District Court Judge George L. Hart Jr. yesterday refused to move the trial to Texas, as Connally's attorneys had requested, but granted a motion by the attorneys limiting the first charges to be tried against Connally to the alleged acceptance of the bribe itself.

The ruling means that additional charges against Connally of conspiracy to obstruct justice and perjury in allegedly covering up the purported bribe would be tried at a later date, pending the outcome of the first trial.

The ruling was seen as a major tactical victor for Connally's defense attorney, Edward Bennett Williams, who had said earlier in pretrial hearings that the case against Connally rested on one basic issue: whether or not Connally took the alleged bribes.

Williams said that the Connally defense is simple: "He



JOHN B. CONNALLY
... to be tried here

didn't take the money for himself or anyone."

Williams argued yesterday that the conspiracy and perjury counts should be tried separately out of fairness to the defendant.

He retraced the history of the Watergate special prosecutor's investigation into the alleged bribe, pointing out that Connally and his accuser—Texas lawyer Jake Jacobsen—had appeared before the grand juries investigating the alleged crime.

"The government elected to believe the witness Jacobsen

... A grand jury of 23 people had a mini-trial of this case," Williams said.

In effect, said Williams, the grand jury had rejected the Connally defense by charging him with perjury when he denied before the panel that he received the money.

Retention of the perjury counts would be a constant reminder to the trial jury that the grand jury had rejected that defense—thereby prejudicing Connally at trial, Williams contended.

Assistant Watergate Special Prosecutor Jon Sale argued in vain that trial of all of the charges at once was a "common sense approach," since all of the charges arise out of the same set of circumstances. It is common for prosecutors to charge several crimes arising out of the same set of facts.

Combining numerous charges out of the same set of facts often tends to work against a defendant, according to several legal sources, because it gives a jury an opportunity for a compromise verdict.

Prosecutors have estimated that the trial will take from two to three weeks.

Williams based his change-of-venue motions on two points: the amount of publicity in the area about the Con-

nally investigation and indictment, and the convenience to the defendant in having the case tried in Texas.

Williams pointed out that a large portion of the alleged wrongdoing occurred in Texas, and that many prospective witnesses are there.

Judge Hart said, however, that the argument to move the trial for Connally's convenience was not very persuasive since Connally is reportedly a millionaire.

Hart indicated he had more serious problems with the pre-trial publicity question.

But he said he did not think Connally would necessarily be any better off in another jurisdiction because the publicity had been worldwide instead of local.

"If you can get one [a fair trial] anywhere, you can get it here," Hart said. He said he had a "tremendous admiration" for D.C. jurors, calling them, as a whole, "remarkable."

Williams said yesterday that he did not plan to ask Hart to sequester the jury in the Connally case.

Connally is charged with accepting the alleged bribe in two installments of \$5,000 each—on May 14 and Sept. 24, 1971. Each alleged payment will go to the jury in a separate court.