

Prosecution of Connally Rests

Washington

The prosecution concluded its bribery case yesterday against former Treasury Secretary John Connally with only circumstantial evidence to support the accusation of its principal witness, Jake Jacobsen.

Thirty-five other witnesses over a five-day period offered no direct support for Jacobsen's testimony that he paid \$10,000 to Connally in 1971 and that Connally later paid him back after a federal investigation began.

A mountain of circumstantial, indirect evidence was presented to back up Jacobsen's account of contacts he said he had with Connally during 1971 and again in late 1973, the period when Connally allegedly supplied him with cash to replace the original gratuity.

This backup evidence included appointment books, telephone toll slips and hotel records. Officials of Federal Reserve System banks around the country also testified that some of the money Jacobsen said Connally returned—and which the FBI later seized—was not in circulation in 1971. It first reached the public in 1973, they said.

Edward Bennett Williams, Connally's attorney, is to start presenting Connally's defense on Monday. Connally is expected to take the witness stand.

The 58-year-old, three-time governor of Texas and former Treasury chief has appeared calm and confident through most of the two-week trial. In recesses he has chatted amiably with relatives and friends from Texas who have sat in the front rows of the austere courtroom.

Acquittal of federal charges that he accepted two \$5000 gratuities from Jacobsen would officially clear Connally's name and preserve his right to practice law. But whether it would restore him as a potential Republican Presidential contender in 1976 is less certain.

The government's case has shown these weaknesses:

- Aside from Jacobsen, no person has testified that Connally ever solicited dairy industry money or took steps to funnel cash back to Jacobsen two years later. Jacobsen, 55, was formerly an attorney for milk producers.

- Prosecutors made no attempt to show the jury where Connally could have

obtained \$10,000 on two occasions to pay back Jacobsen. No evidence was presented to reconstruct Connally's bank deposits or withdrawals during late 1973, a period when the government said Connally gave Jacobsen a total of \$20,000 in cash. Prosecutors said the second \$10,000 repayment by Connally was an effort to replace his first one with older bills.

- Jacobsen's testimony has been partly discredited through the patient, probing cross-examination of Williams. He has given conflicting details in describing payments to Connally and has testified he can't recall any circumstances of a third \$5000 gift to Connally he insists he made.

A friend of Connally for 25 years, Jacobsen pleaded guilty last year to paying off Connally as part of a written agreement with Watergate prosecutors that unrelated bank fraud charges in Texas would be dismissed against him. Jacobsen at first had claimed he held onto the milk money for two years without paying Connally, but the FBI said money in his safe deposit box was too new.

According to the prosecution, Connally asked Jacobsen for a gratuity after helping dairymen win higher federal price supports for milk in March, 1971. The decision by the Nixon Administration was worth \$500 million to \$700 million to the nation's milk producers, according to an industry estimate.

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