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Lee Jr
filed 3/31/75

Not Guilty

by Al Reinert

RR



The jury in John Connally's trial had been the only silent players on the courtroom stage. Now, while everyone else waited, they would talk.

March 23, 1971, in the Oval Office of the White House. A meeting is about to begin. There are eight men present, including President Nixon, John Ehrlichman, Budget Director George Shultz, Agriculture Secretary Clifford Hardin, and Treasury Secretary John Connally. Here is an edited transcript of that meeting.

PRESIDENT: I suggest that we sit over here everybody. More room and, uh [coughing]—Sit down.

* * *

PRESIDENT: Uh, well, we ought to review this, this situation with regard to milk. Now, uh, John, would you express your views to us all—you expressed them to me this morning.

CONNALLY: Uh, I'm not trying to talk about it at any great length the, the economics of it, but as far as the politics are concerned—looking to 1972, it, uh, it appears very clear to me that you're

going to have to move, um, strong in the Midwest. You're going to have to be strong in rural America, and particularly that part of the country. Now, there are a lot of things that you can't do, uh, with respect to farmers. They're almost beyond help at this point. They feel like they are. They don't feel like anybody's trying to help them. . . . I just don't know many areas that you can do many things—that's the net of what I'm saying—to help the farmers, uh, and the dairy people now. These dairymen are organized; they're adamant; they're militant. This particular group, AMPI, which is the American Milk Producers Institute or something, represents about forty thousand people. . . . They're asking for, for an increase in the cost, in the price of a hundredweight up to four—\$4.92. . . . Now if they, if you don't support the price, they're going to have to drop it because their, their resources aren't such that they can con-

tinue to pay the difference between what, the \$4.66 and the, and the \$4.92. . . . I'm addressing myself to the narrow aspects, to the political aspects of it. I don't think there's a better organization in the United States. If you can get it, you can't get more help from, that will be, um, be more loyal to you. And, and I think they've got a worthy case to begin with. And that being true, I just think you ought to stretch the point.

I wouldn't wait till next year, so that—I know that there's been some advice given to you, to wait till next year—I will differ with that, simply because they're going to make their association and their alliances this year and they're going to spend a lot of money this year in various Congressional and Senatorial races all over this United States. . . .

If you wait till next year, I don't care what you do for them, they're going to say, well, we put enough pressure on them this election year, they had to do



Self-confessed bagman Jake Jacobsen stared glumly at a paper sack defense lawyer Edward Bennett Williams thrust in his face. Inside the bag was an envelope containing \$10,000—money that John Connally claimed to have returned to his accuser.

it. And you, you get no credit for it. So it's still going to cost you an enormous amount of money next year, and you get no political advantage out of it. . . .

PRESIDENT: Well, it's one of those things where—with all you experts sitting around—where you have to make a political judgment. My political judgment is that the Congress is going to pass it. I could not veto it. Not because they're milk producers, but because they're farmers. And it would be just turning down the whole damn Middle America. Uh, where, uh, we, um, where we need support. And under the circumstances I think the best thing to do is to just, um, relax and enjoy it.

EHRlichman: Let's get credit.

CONNALLY: You're in this thing for everything you, you can get out of it.

EHRlichman: Now you could hold your position now till you get the green light, couldn't you?

CONNALLY: Oh sure.

PRESIDENT: What?

EHRlichman: Yeah, as I say, then Agriculture doesn't need to do anything right away.

PRESIDENT: You, you're now thinking of the political offer?

EHRlichman: In a day or so.

[The meeting is breaking up.]

EHRlichman: Better you get a glass

of milk. [General laughter.] Drink it while it's cheap.

FOUR YEARS LATER

April 17, 1975, in the Federal District Court Building, Washington, D.C.

NOON. The tension isn't nearly as bad as it will soon become. Only the first of many dark conjectures have thus far slithered across the mind, rumors are yet unmongered, The Moment of Truth is quite literally approaching: twelve good men and true (eight of them women in this instance) have been sequestered one hour and six minutes trying to discover whether John Bowden Connally, Jr.—former Texas Governor, former Treasury Secretary, a man who exactly a year ago dreamt seriously and aloud of the Presidency of the United States—whether he did or did not on two separate occasions accept bribes of \$5000 to influence an increase in milk price supports.

There is nothing to do but wait. For eleven days the jury sat silently (sometimes drowsy, sometimes attentive, sometimes bored or confused but *always* silent) while Jake Jacobsen and John Connally, bolstered by numerous attorneys and 43 other witnesses, presented divergent versions of reality—and now they alone must decide which is to be

The Truth. Just yesterday, chief defense counsel Edward Bennett Williams told them softly, with his hands clasped prayerfully, that theirs was "the most God-like service you will ever perform." It's been that sort of trial.

People—the press, court officials, marshals, lawyers, onlookers, the defendant's friends and family—mill around the wide hallways in a kind of apprehensive tedium, talking quietly about nothing and feeling . . . rather helpless. Nobody wants to wander off lest the jury return while they're gone. Reporters for wire services or radio outlets have dragooned their secretaries and posted them at phone booths; there isn't a phone booth on the fourth floor without a secretary guarding it.

Everyone is waiting for a sign, any sign, about which they can speculate on the jury's deliberations. A defense attorney says he's waiting to see if they break for lunch: "If they're close to a verdict they'll probably work straight through, but if they quit to eat it's probably gonna be a long afternoon." He says this with some concern, since an early verdict is thought to favor Connally.

The defendant himself is inside the courtroom, in his accustomed chair at the head of the defense table, leafing

“He appeared subdued, a little hesitant, perhaps even, well, . . . humbled. And that is not John Connally at all.”



This was the jury of John Connally's peers: three whites, nine blacks; five men, seven women. In the end, the entire case came down to one question: whether these twelve people believed John Connally or Jake Jacobsen. They chose Connally.

through a magazine with little apparent interest. He has lost fifteen pounds since April a year ago, when, amidst mounting reports implicating him in the milk price scandal, he abruptly abandoned a 36-state speaking tour that resembled a shakedown tour for a presidential campaign; three months later, he was indicted for bribery, perjury, and conspiracy.

It's been a hard year for him; politicians, like movie stars, nourish their spirits on public attention. When he finally emerged on the opening day of his trial, John Connally looked underfed: pale, obviously worn, puffy despite the weight loss, merely a limp facsimile of the man who for most of 1971 dominated the Nixon Cabinet and Washington generally, the man who, if Bob Haldeman is to be believed (just this once), was Richard Nixon's wistful choice for a 1972 running mate. He appeared subdued that first day, a little hesitant, perhaps even, well, . . . humbled. And that is not John Connally at all.

The courtroom artists always began with his nose—that pristine, perfectly sculpted and streamlined, altogether too precious nose, so seemingly inappropriate on a tenant farmer's son—a patrician nose, built for arrogance. It

must have marked him from the beginning, betokened his destiny from the very start, back when he arrived at the University's Austin campus with an air of confidence and, yes, even then, of smug superiority. “John did everything you were *supposed* to do,” remembers a former roommate, “I mean everything that was considered *in* in those days. He joined damn near everything there was to join and, you know, he did them all pretty damn well. He was a real mover.”

He belonged to the Curtain Club for a while, that collecting house for drama majors and dubious extroverts, was even the club president before moving up to become student body president, taking with him his little following of ambitious fellow students. This inevitably brought him to the attention of his elders, including UT regent Jubal Perten, who invited Connally up to his office one day and introduced him to another ambitious young man who wanted to meet some student leaders—a lanky congressional candidate named Lyndon Johnson. They liked each other right off, those two, and Connally helped Johnson win a special election to the U.S. Congress in 1937.

They had a lot in common, of course. Both were bright, modestly poor and terrifically ambitious, with rural roots

and basically populist attitudes. Yet at the same time they weren't necessarily alike: Johnson believed deeply in the New Deal, supported it passionately and idolized Franklin Roosevelt; while Connally believed in What? Not the New Deal, surely, nor the Great Society either: he became the first governor to veto a War on Poverty project, fought against unions for migrant workers, opposed both Medicare and the 1964 Civil Rights Act. It's been nearly forty years now, and still nobody's quite sure what it is that John Connally believes in.

Farmers, maybe, if you listen to his lawyer. According to Ed Williams, John's believed in farmers all his life—*been* one most of his life, looked after their welfare whenever it was his rare privilege to do so; just like old Tom Jefferson. Which means, or certainly implies, that Farmer John didn't need any \$10,000 handout to engage his support for the just cause of America's downtrodden dairymen. *That* was nothing more than the evil, self-serving invention of that corrupt lying inept backstabbing Jake Jacobsen—or so Williams suggested.

Which, needless to say, isn't how the prosecution saw it at all. In his opening statement, assistant special prosecutor Jon Sale traced what he called a “trail

of footprints" leading, appropriately enough, straight into the toilet. The personal office toilet, in this case, of the Secretary of the Treasury. These footprints took the shape of telephone records, airplane pilots, bank drafts, office logs, all manner of mildly incriminating deal-making detritus—but those final, fatal, ultimately crucial footsteps were taken, if they were taken, by Jake Jacobsen alone, and he left no prints.

"A swearing match," one Texas lawyer described it, "John's story versus Jake's story. It boils down to which one of 'em that jury's gonna believe."

It's apparently a difficult choice. At 12:40 the jury breaks for lunch.

ONE O'CLOCK. "This feels like intermission at the Kennedy Center," mutters a young woman reporter. "Except there you at least know how long the intermission's going to last."

Almost no one has left for lunch. A few secretaries or, for those lacking secretaries, group volunteers have gone foraging down to the basement carry-out for some soggy cheeseburgers. The FBI office adjacent to the press room has started selling coffee to reporters.

Boredom has begun to settle in, investing the tension with disturbing reflections, catalyzing Doubt: the chemistry of afterthoughts, of misgivings, of rumors. Ed Williams, who refuses to discuss any of the rumors, is pacing along the hallway, ruminating fiercely and, one feels sure, being tormented by second-guessed thoughts of stones unturned, by points unmade, by self-recriminations. His final summation to the jury, delivered yesterday, has been widely criticized. Full of bluster, brimstone, and soap-opera hyperbole, it was marvelous to watch—it was marvelous *theater*—but the collective judgment has deemed it a courtroom mistake, an overdone, melodramatic condescension to the jury. It's the sort of thing one can brood upon painfully while the jury deliberates.

Connally is also getting restless, wandering out into the hallway to sip a cup of coffee and chat indifferently with friends or relatives. He had seemed to renew himself in the course of the trial, regaining confidence and assurance as his case appeared to go well. By the end of the first week, with the prosecution clearly on the run, that famous Connally charm had returned, he was looking magnificently fit, and there was even the faint hint of a swagger.

At the moment, however, he's a bit fidgety, nervously jingling a fistful of coins, as tautly wired as anyone else in the building. He even summons some graciousness, trying to make small talk with a handful of reporters and spectators—but it doesn't work. He, again like everyone else, can't pull his mind away from the formidable mystery of



Prosecutor Frank Tuerkheimer caught Connally in some awkward contradictions.

the workings of a jury.

And the jury, of course, has an imposing mystery of its own to ponder. Not since 1929, when Interior Secretary Albert Fall landed in prison for plundering Teapot Dome, and never in our history before then, has a Cabinet member stood trial for bribery. It's only proper, then, that the jury proceed cautiously, meticulously, and, as they decidedly are, very slowly. At one-thirty they pass a note to the bailiff requesting certain evidence: Jacobsen's bankruptcy petition, the March 23rd tape, the testimony of milk lobbyist Bob Lilly, safe-deposit box records, Connally's 1971 office logs. Each is a prosecution exhibit, a fact the defense team finds slightly alarming.

It had been a sordid, sleazy story that Jacobsen offered up in exchange for his immunity. For four-and-a-half hours under the prosecutor's questioning the confessed bagman talked of slush funds, of changing hundred-dollar bills "because most politicians don't like to take them," of money wrapped in old newspaper or stuffed in a cigar box and counted out with rubber gloves—a story of ugly, instinctive, transcendent greed. When asked to identify the defendant, Jacobsen looked coolly and directly toward Connally, the only time he would do so throughout the trial,

and pointed him out as "that silver-haired gentleman at the head of the table." Connally glared back with palpable malevolence.

Jacobsen, for his part, didn't exactly epitomize credibility the way lawyers wish their clients might. Peering warily out from the witness stand, cowering almost, with a narrow tightly pinched mouth and deep-set eyes lurking beneath dark, thick brows, he looked—there's no better word for him—ratty. Even his clothes, presumably selected with due solemnity in mind, were too slick. But then he'd always been something of an imitation dandy, the sort of man who affected French cuffs in Austin in the 1950s, who turned Lyndon Johnson on to a flashy Los Angeles tailor and collected flashy free suits for his trouble. The impression one gets from Jake Jacobsen is of a glib, fast-money hustler just off the Atlantic City Boardwalk, always ready with a deal.

Which, geographically at any rate, is just what he is, or was. Brought to San Marcos by the Air Force, he married a Texas girl and established residence, attended UT Law School and entered the profession best suited to his skills and personality: Texas politics. "Jake was always a shadowy figure," remembers one of his few remaining friends. "Never a very social person. He was al-



Williams' final argument to the jury was criticized as being too condescending—good theater but poor courtroom tactics.

ways attracted to power, to powerful people, he was part of the gang. He was sort of an ass-kisser, I suppose, very subservient and ingratiating, but he was always willing to do the work that needed to be done in a political sense. Jake was highly regarded as a political aide back then—he was no dumbbell and was a dog-worker at all hours, a prodigious worker.”

He spent a decade dog-working for Price Daniel, Sr., as Daniel skipped from Attorney General to U.S. Senator to Governor, then quit in 1959 to pursue his fortune as a lawyer doing bank charters and business deals. Successful, if somewhat suspect in this pursuit, Jacobsen briefly revisited the political wars as finance chairman for Daniel's 1962 reelection campaign, the one he lost to John Connally without even making the runoff. There was surprisingly little resentment over that, however, and like most of the Daniel camp he signed up with Connally shortly after the Democratic primary. As a former state party secretary, Jake was running the new Governor's state convention for him by that September.

In 1965, once again hearing the call to public service, Jake joined the LBJ White House as a legislative counsel under Marvin Watson, his patron for the time being (Jake was never with-

out a patron), as well as helping with liaison back to Texas and Texas' Governor. That's what he did officially. “Jake was really just a high-rent valet for Lyndon,” claims another presidential aide from that period, with benefit of hindsight. “He picked the music to play on the yacht, the presents to give away, made sure the tailor got in on time, that kind of nonsense.”

Yet another member of that staff remembers Jake as “a bug-out artist. Whenever Lyndon'd start cloudin' up, like he was fixin' to explode over something, Jake'd be the first one out the door, never fail. He was just cruisin', puttin' in his time so he could go back home and get rich off his credentials.”

He left after two years, heading back home (in the words of a White House press release) “to a highly successful practice specializing in corporate and finance law.” But Jacobsen, ever the boardwalk hustler, had made an intriguing discovery while laboring in the White House. As former LBJ staffer number two puts it: “Listen, the milk lobby has *always* been notorious. We all knew about it when I was over there. It's never been any big secret, if you needed five thousand in cash in a real hurry, that's where you went. Milk money was the bag for *everybody!*”

By 1969, when the fusion of several

smaller co-ops created the nation's largest and wealthiest dairy cooperative—Associated Milk Producers, Inc., headquartered in San Antonio—Jake Jacobsen was on board as their attorney.

TWO O'CLOCK. The first false alarm is inspired when a grand jury elsewhere in the building reports out an indictment. Somehow, this event is not only transmuted into word that the Connally jury has reached a verdict, but also this mutant message is spread with awesome alacrity through eight floors and two basements of the federal district courthouse.

People shout, drop cheeseburgers, and run. Secretaries scramble to secure phone booths. Elevators jam. The spacious fourth-floor hallway, tomb-silent just a minute earlier, becomes a gangway filled with lawyers, reporters, passholders, and terrified bystanders all crowding frantically toward the courtroom. It takes half-a-dozen federal marshals to straighten things out.

The excitement ebbs, perhaps too quickly, to be replaced by the familiar qualms of dire speculation. Nellie Connally admits to nervous flutters in her stomach. Her husband, meanwhile, demonstrating either a desperate need for distraction or extraordinary presence

(Continued on page 98)

Retreat From Liberation

by Gregory Curtis

Will the new trend in male-female roles be the old trend — dominant man, submissive wife, obedient kids?

The audience was well-dressed, well-scrubbed, well-meaning, and well-heeled. They were all young couples, most of them about 35, sitting attentively in rows of folding chairs in the living room of a large house in Highland Park, that exclusive municipality in the heart of Dallas. The house belonged to Roy Coffee who, during Dolph Briscoe's first term, was the governor's liaison with the legislature. Having returned to Dallas to pursue his law practice, Coffee has been providing a space in his home for Tim Timmons to teach a "seminar" in what Timmons calls "God's game plan for family living."

Timmons' seminar is one of several that teach essentially the same game plan. These seminars are now being taught throughout the United States, but they have developed especially devoted followings in Dallas, where Timmons' and another important seminar are based. While similar in intent, the various seminars do differ in important ways. One seminar, for example, prescribes punishing the transgressions of young babies by spanking them with Popsicle sticks; another advocates having sex underneath the dining room table as a way to put romance back into marriage. But all of the approaches to family living are based on a fundamentalist religious belief called the doctrine of submission. Ignoring its teaching is

supposedly against God's intent and produces tension in the marriage, unrest, breakdown of communication, divorce, and, worst of all, homosexual children.

According to this doctrine, submission means respectful, willing, and complete obedience. That obedience is based on a chain of command from God to the husband to the wife and finally to the children. All people must submit to God and God's will. The husband must also submit to his employer and to his government. The wife must submit to her husband. She must do his will in everything unless obeying his will would lead her to personal sin. If he wants her to wife-swap, for example, she must refuse, since wife-swapping is a sin; but if he tells her not to go to Wednesday Bible class, she must not go since not going is hardly sinful but disobeying her husband is. Children, at the end of the chain of command, must be taught by their parents to submit to everyone above them in the hierarchy.

This sounds like a game plan created not so much by God as by an anti-feminist coach. But these seminars together form a movement that is definitely a *woman's* movement. Several of these seminars are given by women for women only. Although Timmons' seminar is designed for married couples, in most cases the couple has started coming because the wife has talked her husband into going with her. "I think wom-

en are so interested in this," Timmons told me, "because they can't get out of their lives like their husbands who can go spend the day at the office. So the women want to make the life they have the best it can possibly be."

Other women, women also wanting to make their lives the best they could possibly be, have involved themselves directly or sympathetically with some part of that wide range of organizations, actions, and attitudes that make up the woman's liberation movement—a movement founded on the conviction that the lives of women could be improved by social and political change. But for the women in the submission movement, the best possible life is one that requires no social or political change whatsoever.

They are women who, ten or fifteen years ago when they were in their twenties and making life choices, decided they wanted to lead a traditional family life, one very much like their parents had led. Then they watched while those traditional values were attacked, first during the sexual revolution and now by the woman's movement. While their own belief in traditional values was not changed, they found themselves needing to defend a way of life they had always assumed was above question.

They *want* to be wives, have kids, drive station wagons, send their husbands off to work in the mornings, go to church on Sundays. They want those

County town is obvious. Farm Road 303 is lined on both sides with pump jacks, resembling huge prehistoric birds dipping their beaks into the flat sand. By the time FM 303 makes it to the city limits sign, it becomes Slaughter Street, named for the sprawling oil field that provides the nucleus for Sundown's economy. Slaughter Street is lined with oil well servicing companies, oil field trucking firms, and oil supply companies. At any given hour, the men who frequent the Supreme Restaurant will be wearing khaki uniforms with emblems of the nation's largest oil companies. East of the flat-topped cafe is the football field where the Sundown Roughnecks play their home games. Next to the field is a producing well.

A few blocks north of the Supreme, on a bulletin board in the foyer of the city hall, is a clipping from *The Lubbock Avalanche-Journal*. Above the headline—"17 Area Deaths Laid To 'Hellish' Gas"—someone has written: "What do you think should be done?" The question is particularly appropriate for Sundown because one of AMOCO's four gas injection pilots is being readied for operation just outside the city limits. The \$2-million project, scheduled for operation by late spring, is similar to the one near Denver City. At its closest point, the pipeline passes within a mile of Sundown. The line will carry waste gas containing as much as 28

per cent hydrogen sulfide, a concentration seven times as great as the death-dealing gas at Denver City. AMOCO maintains that the injection system could force another 100 million barrels of oil from the Slaughter Field alone.

For Sundown residents who are edgy after reading of the fate of their neighbors 50 miles away, AMOCO points out the seven-mile pipeline will contain 61 corrosion monitors and 18 electronic sensor devices to detect hydrogen sulfide leaks. The company says a leak will activate a loud horn and warning lights, and the system would automatically shut down. The pipeline will have safety devices where it passes beneath FM 301 and FM 303. Company spokesmen say the line took six times longer than usual to complete because of rigid safety requirements which included x-rays of each weld coupling in the line, anti-corrosion covering, and cathodic wiring to prevent corrosion.

But for residents of Sundown, the new gas injection system poses an interesting paradox. Oil company employees are a loyal bunch. They are understandably tight-lipped about everything that would jeopardize their jobs or hurt their employers. Nevertheless, one longtime oil company worker was leery about the safety of the Sundown project, especially after the Denver City tragedy. "I may not have a college education, but I've been in these damn oil fields long

enough to know what's going on. I think they're compressing that gas too close to the plant," he said with a dubious shake of his head. "Why there, so close to the plant? It's just not good sense." He says several other employees feel the same way, but won't voice their fears. "I'll tell you one thing. I wouldn't have that monitor's job—no matter what they're paying him."

One woman, whose house is one of the closest to the new pipeline, typifies the muted concern of the town. "My husband used to work for the oil company and we've still got relatives who do," she said, jabbing a finger south toward the pipeline and the red dirt concealing it. "They've been good to us and, well, that's our livelihood. But at the same time, we sure do hate to think of what happened to those folks in Denver City."

"You can't stop pumping oil and gas," said a well serviceman over a cup of coffee. "As long as you take oil and gas from West Texas you're going to have some hydrogen sulfide in it. Hell, I guess it's one of those situations where you're damned if you do and really damned if you don't."

Meanwhile, the only visible hints of the pipeline's existence, and the controversy that surrounds it, are signs where the line passes beneath FM 301 and FM 303:

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Not Guilty

(Continued from page 57)

of mind, has ambled off to counsel some of his own law firm's visiting clients on how best to navigate the federal bureaucracy.

Every day for the duration of the trial, attorneys from the mammoth Houston firm of Vinson, Elkins, Searls, Connally & Smith have been dropping in at the courtroom. Some days there have been as many as seven or eight on hand, either from the firm's Washington office or in town briefly on other matters. "I'd be here too if I was one of them," says an unassociated Texas lawyer. "They've got a lot more riding on this trial than just one of their name partners, although that's probably enough to worry over. But I know what Connally's meant to that firm in terms of clients, *big* clients. How many of those clients do you think'd stay with them if old John gets packed off to the slammer? There'd be a lot of classy lawyers looking for some fast work."

One of the classy lawyers, Richard Keeton, son of UT Law School Dean Emeritus Page Keeton and himself generally viewed as a bright rising star at Vinson Elkins, has been on semi-detached status for almost a year now working on the Connally case. Moreover, he has at his beck and call, whenever and wherever they might prove useful, the entire highly paid army of Vinson Elkins attorneys. "You might say it's an all-hands-on-deck situation," said one of them. "If you get a call to help out, by God you drop everything and *help!*"

But the supreme commander of this lawyers' army is a Washingtonian, indeed a veritable Capitol fixture, a hard-drinking, hard-working Irish Catholic Yankee and charter member of the Nixon Enemies List ("We're going to fix that son of a bitch," Nixon cheerily told Haldeman one day)—Edward Bennett Williams, presently leaning morosely against the jury box, still brooding.

Quite a lawyer, Ed Williams: general counsel to *Newsweek*, the *Washington Post*, and the Democratic Party, treasurer as well for the latter and president of the Washington Redskins—the finest trial lawyer in the District of Columbia and the idol of law students up and down the East Coast. On the morning he was scheduled to begin cross-examining Jake Jacobsen there were 600 people in line for twenty spectator seats, some of whom had been waiting since 3 a.m.

It was mostly a disappointment. That whole first day Williams merely read, in a sonorous monotone, Jacobsen's prior testimony before three grand juries, the Ervin Watergate Committee, and in sworn depositions. For the five months

spanned by that testimony—from October 1973 when AMPI lobbyist Bob Lilly turned government witness, through March 1974 when Jake also cratered—Jacobsen stuck tight to what he now claims was his and Connally's agreed-upon "cover story"—that Jake twice offered the \$10,000 as a campaign donation but that Connally spurned it both times.

What Williams wanted to prove, or at least propose convincingly, is that Jake was telling the truth back then but had been lying ever since. That is, ever since he changed the story to accuse Connally of actually accepting the money—a modest revision that, as Williams frequently notes, earned Jake the dismissal of forty-odd years' worth of federal criminal charges. (The prosecution, as might be expected, saw it just the other way around. Everyone's agreed that Jake is a perjurer, the issue in question is when he started.) Williams' method of drawing this rather fine line was simply to read aloud and interminably from the earlier testimony. It was a long way from Perry Mason.

Fortunately, by the second day of cross-examination Williams was finished with transcripts and ready to play hardball. Jake, however, wasn't. In a typical exchange concerning those hideous rubber gloves, after first determining that Jake wasn't positive whether it was one or two gloves, Williams then asked their color.

"It could've been light beige or yellow, I don't recall," Jacobsen responded.

"It could've been light beige or yellow but you can't recall," mimicked Williams. "Could it have been black?"

"I don't believe so," answered Jake.

"So you say it was one of those *two*," says Williams, "light beige or yellow. Could it have been white?"

"Uh, yes, it could have been. . . ."

"Yes, it could have been light beige or yellow or white," replies Williams, really digging now. "It could've been any of those *three*, and it could have been either *one* glove or *two* gloves. Well then, Mr. Jacobsen, could it have been. . . ."

It went on like that all day. Williams even unearthed the staggering information that somewhere along in there Jake had picked up an additional \$5000 from AMPI but now couldn't remember what happened to it. "The only thing I don't have a firm recollection of is giving it to Secretary Connally," he alibied feebly, as though bribing Cabinet officers might casually slip his mind.

At the end of the day, Williams introduced a letter into evidence. "Dear Mr. Secretary," it began. "It occurs to me that I had never really written to express my gratitude to you and doing so is emotionally difficult for me when we are talking. In all my life I have never had anyone in high position treat me as kindly as you have. . . ."

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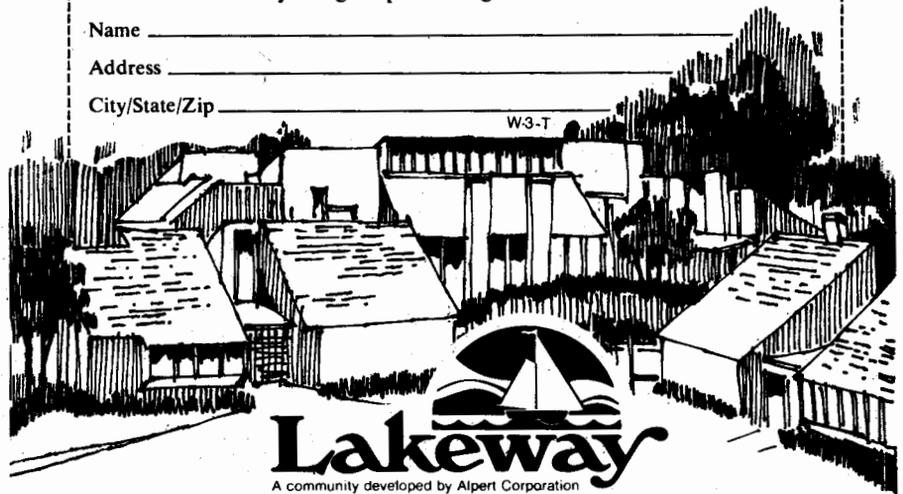
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"Did you write that letter, Mr. Jacobsen?" asked Williams in an incredulous tone.

"Yes sir," Jake responded lamely.

Williams wheeled away from him as if repulsed, then stalked disgustedly past the jury box and spat out—spat out—"No further questions, Your Honor."

Ladies and gentlemen of the jury, he seemed to be saying, meet Judas.

THREE O'CLOCK. The ambience of the fourth floor has achieved a curious balance between anxiety and ennui, a kind of psychic detente, with individuals canted one direction or another depending on their personal stake in the outcome.

The anxiety pole, naturally, is located at the defense table, where the continuing jury deliberations are regarded dolefully. When the jury calls for yet another prosecution exhibit, Bob Lilly's original \$10,000 AMPI bank draft, spirits dim even further. Both Connally and Williams sit there glumly, lost in grim meditation. For the first time since midway in the trial there is talk of a hung jury.

The ennui pole, meanwhile, is firmly rooted in the press room, where a gin rummy game has materialized and a woman from the *Los Angeles Times* is organizing the new press pool. The new pool, at a dollar a bet, involves picking the time, to the nearest fifteen minutes, when the jury will finally arrive at a verdict.

An earlier press pool had been attempted at the outset of the trial, a straightforward affair based on the possible verdicts, but it had to be abandoned when virtually everyone bet guilty. Journalists, especially Washington journalists, are ordinarily lied to by at least one government official a day, so they tend to be exceedingly skeptical where political integrity is concerned. They aren't so resolutely cynical that they automatically presume guilt—that wouldn't be "objective"—but they'll definitely bet on it.

Yet they're not so irretrievably jaded that they can't change their minds; halfway through the trial, after they'd gotten a good look at Jacobsen, it was next to impossible to find a journalist who didn't expect acquittal. By the end of the second week, when the prosecution rested without attempting to repair Jake's leaky credibility, the press began filing stories that pointed up the government's shortcomings. Even CBS correspondent Fred Graham, usually among the most cautious of newsmen, spoke on the air of "the apparent weakness in the prosecution's case" and referred to it as "thin." And this even before the defense had taken its turn at bat.

When Williams' turn came, though,

he brought out the All-Star team. It was testimonial day as a parade of prestigious character witnesses came forth to attest to John Connally's impregnable honor and, not just accidentally, to connect him with every Democratic Administration since Franklin Roosevelt's (via Jim Rowe, FDR's administrative assistant, and before that law clerk to Mr. Justice Oliver Wendell Holmes).

Former Defense Secretary Robert MacNamara described the exhaustive search he conducted to find "men of the highest reliability, honesty, and integrity" to staff his Pentagon—a search that turned up John Connally for the Navy desk. Then came Dean Rusk, Secretary of State in the Kennedy and Johnson administrations, who got so carried away with his encomiums that the judge had to rein him in.

Mrs. Lyndon Johnson ("also known by my nickname of Lady Bird Johnson"), by far the most compelling witness of the 47 people who testified at the trial, said simply that "John is a man of integrity, a man of honor, and so known." When questioned as to what the more commonly held view of him might be, she responded with evident sincerity, "Now some folks don't like him, but I don't think any of them doubt his integrity."

The only witness who seemed a match for Jacobsen in slickness was the Reverend Billy Graham, who came out wearing pancake make-up, a rub-on suntan, and with his hair so heavily sprayed it looked like a plastic football helmet. A performer by trade, Graham easily copped the Trial Oscar for Best Stage Presence on the Witness Stand. Asked what he did for a living, he smoothly presented the jury with a perfect three-quarter profile and answered, "I'm a clergyman, an evangelist preaching the gospel of the Lord Jesus Christ all over the world"—provoking a mute "Amen" from one of the jurors. He told them Connally "has appeared in two of my crusades to speak on the platform," and allowed as how "when I was in Washington I'd sometimes go by his office in the Treasury and pray with him for a while."

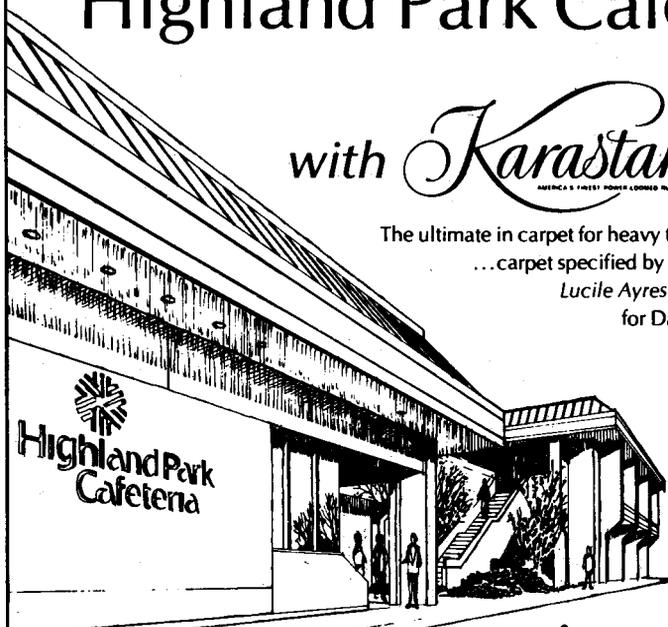
The most surprising character witness, and perhaps the most effective given the racial composition of the jury (nine blacks, three whites), was Houston Congresswoman Barbara Jordan. Her estimation of Connally's virtue was a little more restrained than her predecessors' had been—she rated John's reputation as merely "good"—but she delivered it in that Mahalia-Jackson-meets-Back-Bay baritone of hers. And the jury sat up and took notice.

Jordan's testimony was widely admired as a singular coup for the defense team, and reminded one courthouse veteran of the time Ed Williams pro-

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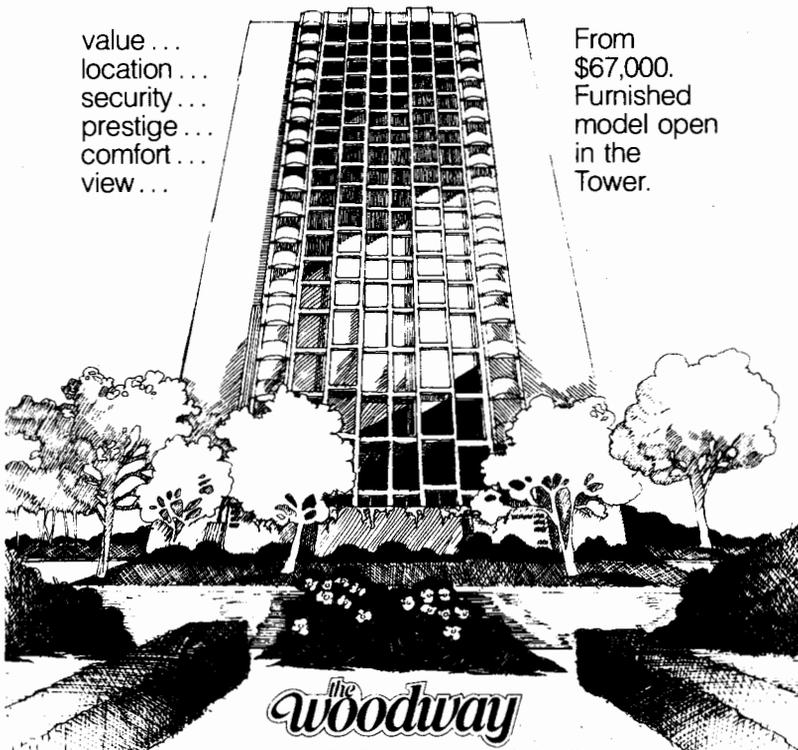


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duced The Brown Bomber, Joe Louis, as a character witness for Jimmy Hoffa. It also reminded him of the Watergate cover-up trial—Mitchell, Haldeman, Ehrlichman, et al.—wherein John Mitchell, confronted by a similarly black Washington jury, had the astonishing insensitivity to bring forth his maid to announce what a fine man Marse John was. It seemed a fair measure of the distance between John Connally and the sorry den of miscreants he'd fallen in with.

A distance, incidentally, that lengthened steadily as the trial unfolded, aided and abetted by Edward Bennett Williams. Going into the trial, it was generally acknowledged that Connally's biggest handicap was his association, his once warm and close association, with the whole cosmic fiasco of the Nixon Administration. Without question the most damaging evidence the prosecution was able to present, in terms of raw emotional impact, had been the Oval Office tape of the March 23rd meeting. The simple act of playing that tape, of bringing Nixon's whiney voice back into the present, had enveloped the entire courtroom—black jury, white audience, Republican judge and all—in an all-too-real aura of revulsion; conversations later that afternoon had the ring of bitterness and *angst*. It's a pitiful American irony that Richard Nixon's very name now plucks the same sad chord of our prejudice that he himself played so well and so long.

And it's that chord that Ed Williams was determined to keep from harmonizing with John Connally. "This is *not* a Watergate trial" he declared emphatically in what was practically his first courtroom utterance, way back during jury selection and before the trial was even called to order. He kept to that theme for the duration, even to the point of employing the jargon of Watergate to his client's advantage. "He *did not* stonewall it!" Williams bellowed in his opening statement, by way of describing Connally's otherwise unavoidable compliance with government subpoenas.

Obviously, the character witnesses were a crucial element in this strategy. All were Democrats, surpassingly prominent Democrats, people who could speak with affection and authority of "Mr. Roosevelt," of "Harry" and "Jack" and "Lyndon." And the capstone, the final link of the Democratic chain, was the current National Chairman of the Democratic Party, fellow Texan Bob Strauss, who reckoned Connally's integrity to be nothing less than "perfect."

Connally demonstrated an aptitude for this sort of name-playing himself. When he ultimately took the stand in his own behalf, and devoted the better part of an hour to a fascinating oral auto-

biography, the Democrats always became men with names while the Republicans remained proper nouns, depersonalized and upper-cased. Richard Nixon was either (in respectful tones) "The President of the United States," or, less pompously, "the President." In the nearly two days Connally spent on the stand, the name Nixon passed his lips only once, prefaced with the title and even then, probably a mistake.

But even more interesting than the subtleties of trial strategy are the political ramifications of Connally's sweeping his recent past under the Democratic rug. What is one to make of him, this renegade Democrat who eighteen months ago led some national polls as the preferred Republican nominee for the White House? His friends and heroes, by his own account, were all Democrats. The best judges of his character, apparently, are all Democrats, including the national chairman who was also the host of his post-verdict celebratory party. The Democrats' in-house lawyer (and party treasurer) was his lawyer.

And beyond even that were those who came on their own to stand by him. On opening day, joining Connally's family and legal associates in front of the courtroom rail, the only exclusively personal friend was Thomas (Tommy the Cork) Corcoran, New Deal brain-truster and member of Truman's kitchen cabinet. By the end of the trial two rows of extra chairs were needed to accommodate the burgeoning colony of rainy-day loyalists, mostly but not always Texans—but always Democrats. *Without a single exception*, those who rallied to Connally's side in, as it were, his hour of distress were all Democrats.

Political trials, it would seem, make for awkward but steadfast bedfellows.

FOUR O'CLOCK. "You know what they ought to have?" proposes the journalist. "They ought to have the chance to reject everything, you know, vote guilty, not guilty, or none of the above. That'd hurry 'em up."

"The hard thing," says another, "is trying to figure out what *really* happened. I mean, neither story makes much sense, neither one of them's very believable—what d'you figure actually went on?"

"It really shows you how important John Dean was in those other . . ."

"And how *good* he was, none of this crap about, well, it might've been this or it might've been that . . ."

"Yeah, Dean knew his stuff, all right . . ."

The press room has degenerated into total lassitude. Bored and random speculation, trivial gossip, Ennui Central. Reporters for a.m. papers have already called in their stories for tomorrow morning's early editions, most

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of them stating flatly that the jury is still out. Now they're just waiting around in case they're wrong.

Two reporters from the *Los Angeles Times* and the *New York Daily News* discuss the possibility of filing suit against the presiding judge, Chief District Court Judge George L. Hart, Jr., for refusing to release the names of the jurors. "He can't do that, that's supposed to be public record," complains one. "Yeah, what if they're all in the CIA or something," answers the other, presumably fancifully. Journalists are unaccustomed to extended idleness, and don't handle it very well.

Hart's rationale for withholding the jurors' identities is that there's no urgent public need to know them, yet a potential danger in divulging them: blabbermouth jurors after early Watergate trials have badly complicated the appeals from them. Like most of Hart's rulings, it smacks of caution and common sense, and he's probably right. Although portrayed in advance (in Joe Goulden's definitive book about the federal judiciary, *The Benchwarmers*) as "sort of a screwball," he's presided over this extremely sensitive trial deftly and with a measure of humor, and earned universally high marks for his rectitude.

A native Washingtonian, chairman of the local GOP until Eisenhower put him on the bench, Hart's only discernible bias appears to have been a desire to prove that anybody, even a rich honky Texan, can get a fair trial from a poor black Washington jury. One of his two controversial rulings was to reject Williams' motion for a change of venue. The other was to accept Williams' motion to separate the bribery charge from the perjury and conspiracy charges, thus removing the opportunity for a split jury to compromise on a minor conviction. For all practical purposes this eliminated any possibility of a conviction on the lesser charges, since nobody expects the government to press them regardless of how the bribery trial ends. As one lawyer expressed it, "Ed Williams earned two-thirds of his fee right there."

Notwithstanding Williams' fee, the value of that ruling became apparent when Connally took the stand himself. Right off, he admitted that his own previous testimony—before the same committees and grand juries that got poor Jake in so much trouble—wasn't exactly, well, it wasn't everything it could have been. "I didn't go over my records as well as I should have," John explained, remorsefully shaking his head. "With my certain knowledge that I wasn't involved, I just didn't think it was gonna amount to a hill of beans."

Uh, . . . sure. At the time all this casual testifying was going on, remember—roughly the Winter of 1973-74—that particular hill of beans had already

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amounted to the Saturday Night Massacre, the preliminary impeachment hearings, the confession of (among others) AMPI lobbyist Bob Lilly, and the multiple indictment of (among myriad others) Jake Jacobsen. Men less confident than John Connally were taking things fairly seriously at that point; and even were it so, confidence is no more valid a defense than ignorance, maybe less.

Starting out, Connally's testimony took the form of a relaxed, slowly paced colloquy between him and Ed Williams, one that began in Floresville and wound its way comfortably toward the present. Connally's voice was a little shaky at first, and sounded hollow, but Williams brought him along easily as he warmed to his role. It was a role that experienced courtroom observers could tell had been in rehearsal for some time—the diction too studied, the phrasing too contrived, the gestures too mechanical. Once he was fully into it, moreover, Connally's old Curtain Club instincts must have returned: he seemed like a poorly directed actor badly overplaying the part of a man who has been unjustly accused. But a gifted actor nonetheless, for there was genuine power in the performance, he caught and held the jury better than anyone who'd sat in the witness box save Billy Graham.

After two hours the scene reached its climax in an electric, rapid-fire exchange between lawyer and witness, with Williams asking boldly, bluntly, and directly (and, it should be said, with a healthy measure of his own theatrics) whether all of those vile accusations were true. Did he ask Jacobsen for the money? "I did not!" shot back the answer, loudly, almost shouted, and freighted with what sounded like determination but might have passed for conviction—and was decidedly intimidating in any case.

Did he conspire in his office to conceal the bribe? "No sir!" rang the response. "No such conversation ever took place! Not there, not in the Treasury, not anywhere!" This too, delivered forcefully, passionately, with enough authority to give pause to the most obstinate of doubters. You could have caught him red-handed, rubber gloves, cigar box and all, and that answer would have tested your assurance. When Williams turned him over for cross-examination, Connally was already out of reach.

The word to describe Frank Tuerkheimer is . . . Earnest. Tall, bespectacled, pleasant looking, a man who still wears 1965 Ivy League herringbone sport coats and faultlessly bicycles to work, the chief of the prosecution team just about bleeds sincerity, decency, and an enviably uncomplicated kind of Midwestern honesty.

He's also a very smart man, Frank Tuerkheimer—rational, articulate, eminently logical, and reportedly an excel-

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lent professor at the University of Wisconsin Law School. What he is not, for the most part, is a courtroom trial lawyer. You can tell that just by the way he walks past the jury box; instead of striding, like Ed Williams, Tuerkheimer just sort of ambles, usually staring vacantly toward the floor like he was thinking up his next smart, logical, articulate question. He lectures, that's what he does, betraying neither emotion, motivation, nor real concern for what he's up to; halfway through his final summation bailiffs had to put a mike on the podium because he was talking mostly to himself.

When he rose to cross-examine John Connally, Tuerkheimer knew it was now-or-never, the last of the ninth with the home team trailing badly. But he was confident; he was prepared; and he was determined.

And he almost made it. Might have, except that Connally was at least as determined as he was, probably more so. Tuerkheimer even had him for an instant, caught him in a contradiction and saw it, *knew it*, fought and argued and wrestled semantics for nearly five full minutes past the point where they'd lost everyone else in the courtroom But he couldn't make it; couldn't because Connally wouldn't give in to him, wouldn't yield or relent a syllable, wouldn't let up. In the end, Connally just out-will-powered him.



Connally read the transcript while his lawyers listened to the milk fund tapes.

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FIVE O'CLOCK. "God bless you, Mr. Secretary," says the Senator. "We sure know how this trial ought to turn out...."

Wyoming Senator Clifford Hansen has just dropped by, he says, to wish Connally good luck. A minute later, Senator Henry Bellmon of Oklahoma joins them and the three sit down to discuss pending Senate hearings on energy legislation.

"Word must be getting around the cloakroom that he's gonna get off," sneers a Vinson Elkins lawyer. "Those sonsabitches wouldn't show up if they didn't think he was getting off."

Hansen and Bellmon are the first Republicans to put in an appearance since the beginning of the trial.

"Probably only reason they came over is they need him to explain their damn energy bill to 'em."

Here at the anxiety pole people are getting edgy, nerves are getting frayed. A short while ago, the jury sent out for copies of Jacobsen's testimony—almost eight full hours' worth of testimony, and yet another prosecution exhibit. "Maybe we can slip 'em a copy of Billy Graham's testimony," deadpans a slack-faced friend of the family.

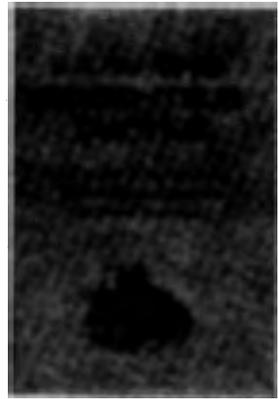
There is a lot of talk regarding a possible hung jury, and people are wondering how long Judge Hart will let them go before declaring a mistrial. "I heard he's gonna call them in at six and send them home to pack," mentions another Vinson Elkins lawyer. "He'll probably let 'em run through the weekend at least."

Comparisons are made of how long juries have been out in other Watergate-related trials: two days on Mitchell-Stans (the only acquittal), two-and-a-half on the cover-up trial, three hours on the break-in trial, two days for Dwight Chapin, which some observers claim was also a weak case for the prosecution.

Within the past hour or so, another little band has formed on the fourth floor, aligned with the anxiety pole but most assuredly not with the defense table. They are attorneys from the Watergate Special Prosecution Force, with a few others mixed in from the Justice Department itself, come to await the verdict. Most of them seem, like Frank Tuerkheimer, youngish, intelligent, wholesome in a modern, urbane sort of way, and paralyzingly earnest.

There's a discernible tension between them and the Vinson Elkins people, understandable in the present situation but very confusing to journalists who can't tell them apart. They seem to share, as best one can tell, the same tailors, barbers, manners, and indeterminate accents. The government lawyers are a little wary of Texans, assuming them to be associated with Connally

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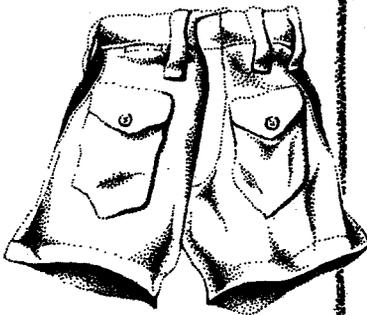
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or at least friendly to his cause. If they find one they consider "safe" (meaning disinterested), though, they seek news of Leon Jaworski and ask to be remembered to him.

When Jaworski left Fulbright, Crooker, & Jaworski (one of Vinson Elkins' chief Houston rivals) to become Special Prosecutor in the fall of 1973, the milk fund investigation, perhaps the most convoluted of all the Watergate sub-scandals, had been underway for several months. Shortly after his arrival, on November 28 (two weeks to the day after Connally's first grand jury appearance), Jaworski issued two recusal memoranda: one withdrawing himself from "all aspects of the Dairy Industry Investigation" because his law firm represented another dairy co-op in a suit against AMPI; the other withdrawing from "all matters relating to" Jake Jacobsen because of a "long-standing acquaintance" with him! At that point, of course, Connally and Jake were still friends, still on the same side—Connally was even sending Jake copies of his grand jury testimony. And that was the last Jaworski saw of Connally's case.

Which was as it should be. It's all very easy now, in the comfortable serenity of hindsight, to say Jaworski should have done this or that. Some of Connally's friends think Jaworski should have told his staff, "Now this guy has a heck of a reputation and you'd better proceed with care." Less circumspect Connally supporters think he should have just derailed the investigation entirely. Alternatively, Connally's enemies can argue that Jaworski should have stayed with it if for no other reason than Jaworski is too able a lawyer to walk into court with as sorry a case as his former underlings had. Or, possibly, if Jaworski had the same low opinion of Jacobsen as most of Jake's other "long-standing acquaintances" seemed to have, then Jaworski should have warned his staff to be leery of dealing with such a man.

But all of these "shoulds," in the final analysis, would simply amount to privileged tinkering with the judicial machinery. And that, we know, is *exactly* what brought Watergate down around us in the first place—what Jaworski was supposed to be rooting out, not encouraging. No, if there is any finger-pointing or blame-fixing to be done for such a weak case being brought to trial—if there's even any called for—then the responsible parties could be found among a select group of reporters and politicians.

Jake Jacobsen was indicted in Abilene on February 6, 1974, on a variety of charges related to the bilking of a San Angelo savings and loan company for close to a million dollars—a transaction having nothing to do either with milk or John Connally. Two weeks later, he

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was indicted again, this time for perjury before the Washington grand jury investigating the milk mischief. Within another few weeks, he was negotiating with the Special Prosecutor's office.

And not too long after that, Jake started collecting enough press notices to fill a small scrapbook. His media debut came in Jack Anderson's column on April 11, where it was announced that this poor unfortunate fellow, burdened with "an ailing wife who needs his constant attention," and after an agonizing bit of soul-searching, was thinking of testifying against his lifelong friend, John Connally. There were another half-dozen columns in the next couple of weeks, all more or less along these same lines.

Anderson's columns were salted with intriguing vignettes of John Connally doing things like flushing bank wrappers down the toilet in his Treasury office; the rubber gloves were first unveiled in an Anderson column. Before long, the Associated Press and CBS newsman Daniel Schorr were reporting similar news of Jake Jacobsen's melancholy, reluctant defection from his friendship with Connally. In May, their hearts touched by Jake's plight, the Senate Watergate Committee voted to request immunity for him from the Special Prosecutor. (One wonders how Barbara Jordan might have voted on that question had it come before the House Judiciary Committee.)

One Washington lobbyist who observed some of the backstage deal-making remembers it as "a perfectly orchestrated hustle." It was Jacobsen's lawyer, he says, "who masterminded the whole thing—he was the one who was feeding Anderson and Schorr. Jake was trying to cut a pretty strong deal, you know, he wanted out from under a whole lot of stuff that the prosecutor's office had nothing to do with. So they had to hype him a lot to make it look good, it was like a political campaign. The prosecutor's office was feeling a lot of heat to move on it, and they finally caved in. Jake got damn near a blank check."

The prosecutor's office kept putting off bringing an indictment against Connally. "They didn't want to go with just Jake," says the lobbyist. "They kept looking for something else to tie it down. And remember, they were getting pressure from people who wanted to know what they were doing about Connally. I mean, Jesus, here everybody in the world had read about him flushing bank wrappers down the crapper. They wanted to know why he hadn't been arrested yet."

On July 29, with less than two weeks remaining in the term of the grand jury, Connally was indicted. "It was just fish or cut bait, you know. The special prosecutors were a little nervous about it,



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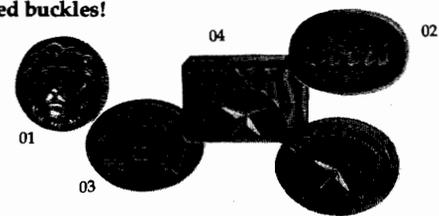
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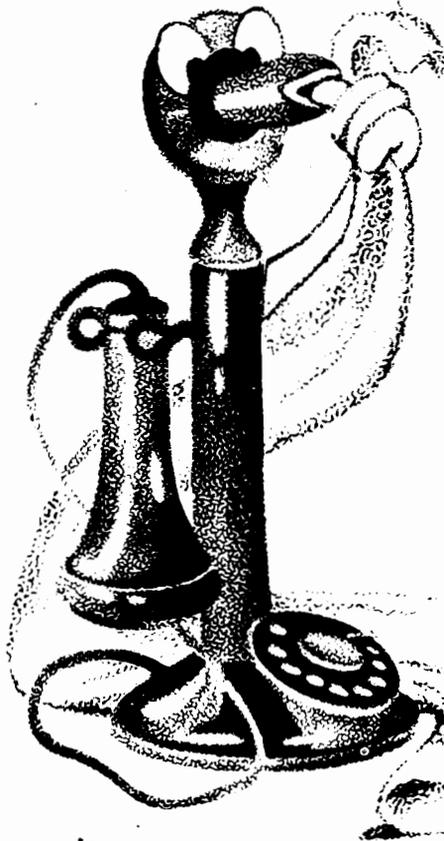
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but they couldn't put it off any longer. They finally decided to go ahead with the indictment and hope something else turned up to support Jake's story before they went to trial."

Nothing did, of course. If anything, Jake's story got softer. The flushed bank wrappers, for instance, never made it to the trial—at least not as part of Jake's testimony. Ed Williams asked him about it, though, and it turned out that Jake had never said anything about flushed bank wrappers. "That was my attorney," he said, by way of explaining where it came from.

"Your attorney?!" exploded Williams. "Well, didn't you tell him it wasn't true?"

"No sir," answered Jake.

"No!" riposted Williams, "You mean it was just a figment of his imagination?"

That's when the prosecution objected. How was Jake supposed to know, after all, what was in his lawyer's imagination?

APPROACHING SIX O'CLOCK. John Connally is reading a Bible. His lawyer is back in the Judge's Chambers conferring about something with Judge Hart and the prosecutors. Hart had said he'd bring the jury back in at six o'clock and call a recess so everyone can eat dinner.

Fred Graham is very jumpy. He's got less than twenty minutes before the CBS Evening News comes on and he still hasn't called in an up-date. He hasn't known what to say. Everybody's filed back into the courtroom, more out of boredom than anything else, just to see some activity.

The lawyers march back in from the chambers, Ed Williams in front, waving his arms at Connally and mouthing the words . . . They've got a verdict. At 5:42 p.m., John Connally is declared not guilty, and Fred Graham leaps over three benches to be the first one out the door.

After all the excitement dies down—the congratulating, hand-shaking, and tear-wiping—everyone starts to wonder why they'd been so anxious, so worried in the first place. Six hours, after all, is a pretty quick verdict for such a long and complicated trial.

At a victory party that night, at Bob Strauss' apartment in the Watergate Complex, Richard Nixon calls to congratulate Connally. Ed Williams gets on the phone, gets congratulated also; they talk about the Redskins for a while, then Nixon tells Williams he's sorry for putting him on the Enemies List.

The next day, the Special Prosecutor's Office gets a phone call from the Associated Milk Producers, Inc. It's about that ten thousand dollars, they say, that had been used as evidence. . . . Can they have it back? ♣