

Prosecutor at the Connally Trial

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WASHINGTON, April 15—The prosecution does not rest at the bribery trial of John B. Connally. It seems instead to fret.

Frank M. Tuerkheimer, an associate Watergate special prosecutor, has conducted the Government's case against the former Treasury Secretary for more than two weeks without attempting more than one smile a week. A few times he has scowled. Once he was seen raising his eyebrows. More often, he has merely peered out through brass-framed eyeglasses with no discerning emotion. In a celebrated criminal trial, a setting in which lawyers are often found to be full of panache, Mr. Tuerkheimer's effect has been to suggest tension palpable enough to shake a gavel at.

Some onlookers in United States District Court have attributed the prosecution's somber mood to the character of the prosecution's case—a collection of largely circumstantial evidence behind the testimony of a single key witness who is an admitted perjurer.

Others have ascribed to the 35-year-old Mr. Tuerkheimer, and to his principal assistant, 31-year-old Jon A. Sale, an incidence of young lawyer jitters in the face of Mr. Connally's noted defense attorney, Edward Bennett Williams. Still other spectators have wondered if the tone of the prosecution might simply be a deliberate contrast to the studied nonchalance of the defense table.

He's Built That Way

In fact, say those who know the Government's prosecutor, it is probably none of those things. Frank Mitchell Tuerkheimer, they say, is just built that way.

"I don't think it would bother him two bits' worth to go up against Edward Bennett Williams," said a Sierra Club lawyer who has worked with Mr. Tuerkheimer on environmental lawsuits. "Frank is just cool."

Even today, as he cross-examined Mr. Connally, the Government prosecutor spoke in a voice so soft that Chief Judge George L. Hart Jr. had to ask him to speak up. And while Mr. Tuerkheimer was

sometimes brusque in tone, with the defendant he was more often gentle.

His exterior, which some call "shy" and others "reserved," is said to mask an innovative legal mind and a deeply rooted passion for justice.

"He believes that people who hold positions of trust should be held strictly accountable," said Robert M. Morgenthau, the district attorney of Manhattan.

Born in New York

Frank Mitchell Tuerkheimer was born in New York City, July 27, 1939, not long after his father, a comfortable cattle merchant, fled Nazi Germany to become a New York butcher. Mr. Tuerkheimer was graduated in 1956 from the Bronx High School of Science and in 1960 from Columbia University. As an honor graduate in 1963 from New York University Law School, he won a coveted clerkship for Judge Edward Weinfeld of the United States District Court for the Southern District of New York.

"He's a very, very solid person," Judge Weinfeld said in a telephone interview. "When he left me in [1964] he knew he wanted to go into public service."

Mr. Tuerkheimer's first public position turned out to be in Swaziland. Through an American foundation project he became an assistant to the Attorney General of Swaziland and, Judge Weinfeld said, helped to write the emerging African nation's first Constitution.

In 1965, Mr. Tuerkheimer returned to New York to become an assistant to Mr. Morgenthau, then the United States Attorney for the Southern District. Mr. Tuerkheimer met Mr. Sale in that office and both of them evidently became imbued with a sense of mission as they focused on fraud and official corruption cases.

"They were not the flamboyant type of prosecutor," Mr. Morgenthau recalled. "Both were very careful, very thorough, with a strong sense of fairness."

Mr. Tuerkheimer came upon one case for Mr. Morgenthau involving New York process servers who allegedly were dispossessing individuals of property without bothering to serve legal writs. Mr. Morgenthau said that Mr. Tuerkheimer, initial-

ly puzzled about how to make a convincing case against the process servers, found a statute of 1867 that enabled him to prosecute them successfully for civil rights violations.

Eventually, Mr. Tuerkheimer became absorbed in camping and other outdoors interests.

"That's why he left here," Mr. Morgenthau said in New York. "He's not a city boy."

Mr. Tuerkheimer and the former Barbara Wolfson, whom he married in 1968, took their two children to Madison, Wis., where he could teach law at the University of Wisconsin and enjoy a more natural environment.

According to George Bunn, the dean of the law school, Mr. Tuerkheimer was "extraordinarily popular" as an instructor from 1970 to 1973, when he left to join the Watergate prosecution force. He taught a course on legal evidence and another on environmental litigation. Mr. Tuerkheimer simultaneously volunteered his services to indigent defendants and to the Sierra Club. One case he entered for the conservationist organization involved an unsuccessful appeal against a court ruling permitting the Army Corps of Engineers to build a dam on the Kickapoo River.

In Washington, where Mr. Tuerkheimer and Mr. Sale have concentrated for two years on cases arising from the Watergate investigation of political contributions from dairy farmer cooperatives, Mr. Tuerkheimer's interest in the environment has been limited to bicycling to work from his home in suburban Bethesda, Md., and to reading for pleasure such books as "Continents in Motion" by Walter Sullivan.

There has been little occasion lately for another of Mr. Tuerkheimer's possessions, the practical joke. Almost without exception, his friends say he relishes such escapades.

And if Mr. Tuerkheimer comes off in court as a stodgy, even edgy, sort of lawyer, Judge Weinfeld, at least, is not concerned about that.

"Jurors," he said, "are sensitive to their own intelligence. They often can get the feeling they are being taken if a lawyer is a little too suave, a little too smooth."