

Connally Admits Memory Flaw; Case May Go to the Jury Today

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WASHINGTON, April 15—The defense rested its case today in the bribery trial of John B. Connally after the former Secretary of the Treasury conceded that his memory was flawed, but insisted that he had never accepted a \$10,000 payoff.

The 58-year-old defendant, the last of 47 witnesses at the trial in United States District Court, completed his testimony late today after telling the jury, "Never in my wildest dreams could I have assumed, or dreamed in a wildest nightmare, I would be sitting here today."

The jury could begin deliberations by late tomorrow, following final summations by

Frank M. Tuerkheimer, an associate Watergate special prosecutor, and Edward Bennett Williams, the chief defense attorney.

Mr. Connally is charged with accepting \$5,000 on each of two occasions in 1971 from Jake Jacobsen, a one-time law-

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yer for a dairy farmers' cooperative.

Mr. Jacobsen, the only one of 36 prosecution witnesses to charge directly that Mr. Connally accepted the payoffs, testified to a Federal grand jury and to the defendant's help in obtaining increased Federal milk price supports.

Throughout three hours of cross-examination by Mr. Tuerkheimer today, Mr. Connally acknowledged that some testimony he gave under oath to a Federal grand jury and to the Senate Watergate committee in late 1973 and early 1974 was "mistaken," that he "remembered incorrectly" or that answers were based on "my best memory."

But he told Mr. Tuerkheimer that because he had not accepted any payoffs, he was ill-prepared for the 1973 and 1974 interrogations.

"I just didn't think it was going to amount to a hill of beans," he said of the investigation of the dairy money.

Mr. Connally furrowed his brow and cocked his head as he listened to questions, some of them blunt, put to him by the soft-spoken prosecutor. But he answered each question with equanimity and refused to yield on his denials that he took any money from Mr. Jacobsen in 1971 or joined two years later in an intricate cover-up scheme.

Allegations Rejected

Earlier today, in the most dramatic episode of the nine-day trial, Mr. Connally emphatically rejected the Government's central allegations in the following colloquy with the defense attorney:

MR. WILLIAMS: The allegation in this case is that on May 14, 1971, Jake Jacobsen gave you \$5,000. Is that true or false?

MR. CONNALLY: That is false, Mr. Williams. That is absolutely false.

Q. On Sept. 24, 1971, Jake Jacobsen gave you \$5,000. Is that true or false? A. That is absolutely false. Q. On Oct. 29, 1973, you gave Mr. Jacobsen \$10,000 in a cigar box. Is that true or false? A. That's false. I did no such thing.

Q. On Nov. 25, 1973, you gave Mr. Jacobsen another \$10,000 in your auto. Is that true or false? A. That is absolutely false. I did no such thing.

Chief Judge George L. Hart Jr. will instruct the jurors, after the prosecution and defense summations, on the law governing the case and, in particular, on the degree of certitude the jurors must have in choosing between the two conflicting accounts.

Statements Compared

Mr. Connally contended that Mr. Jacobsen proposed, in mid-1971 and again in August, 1972, giving \$10,000 of the dairy farmer cooperative's cash to political candidates of Mr. Connally's choice or to the 1972 reelection campaign of President Nixon. Mr. Connally insisted that he had rejected both overtures.

Mr. Connally testified yesterday on direct examination that he discussed the \$10,000 with Mr. Jacobsen on Oct. 26, 1973, at a meeting in a hotel suite in Austin, Tex., but denied Mr. Jacobsen's charge that they concocted a cover-up plan that day.

The prosecution asked Mr. Connally why he had made no mention of the Oct. 26 meeting when asked, 19 days later, in an appearance before a grand jury here, if the dairy money had been discussed with Mr. Jacobsen at any time within the previous three or four weeks.

Mr. Connally told Mr. Tuerkheimer that he had been confused about the context of the question in the grand jury appearance, and that his "mental processes reacted" to an earlier question.

Similarly, the prosecutor asked Mr. Connally to account for his testimony at a second grand jury appearance that the Oct. 26 meeting had been late in the day instead of early that morning. The prosecution had introduced testimony from Sammie Barnet, a hotel waiter, that he had served breakfast to the two men that morning.

"I think I was mistaken about it," Mr. Connally said on the witness stand today. "Reluctantly, I accept Mr. Barnet's placing of the meeting in the morning."

At another point, Mr. Tuerkheimer asked Mr. Connally if President Nixon said, after a White House meeting on the milk price support issue March 23, 1971, that the decision to increase the support level was "a cold political deal." Mr. Connally said that he had no recollection of such a remark.

Mr. Tuerkheimer then asked Mr. Connally, Judge Hart and the jurors to don earphones and listen to a two-minute White House tape recording of the March 23 conversation.

On the recording, Mr. Nixon could be heard telling Mr. Connally, "This is a cold political deal. They're very tough political operators."

Mr. Connally listened to the recording and then conceded, "Oh, he said those words."

But he said that the comment had referred not to the milk price support issue per se, but to plans to use the price support decision as a bargaining chip in negotiations with Congressional Democrats and thereby obtain approval of the Administration's Federal revenue-sharing program.

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