

# Jacobsen Concedes Uncertainty On Some Details About Connally

NYTimes By JAMES M. NAUGHTON APR 9 1975

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WASHINGTON, April 8 — Jake Jacobsen, the Government's central witness in the bribery trial of John B. Connally, conceded today that he was uncertain of some details of his account of an alleged \$10,000 payoff to the former Treasury Secretary in 1971.

But Mr. Jacobsen, completing his testimony after a day and a half of cross-examination by the defense, did not budge from the main thread of his payoff accusation, and Government prosecutors sought to bolster it with testimony from other witnesses.

Among the witnesses who followed Mr. Jacobsen to the stand in United States District Court was Bob A. Lilly, a former assistant to the general manager of Associated Milk Producers, Inc., the source of the alleged payoff funds.

Mr. Lilly testified this after-

noon that he provided \$10,000 of the dairy farmer cooperative's corporate funds in May, 1971 after Mr. Jacobsen had said that the organization was "obligated" to Mr. Connally for having helped to win an increase in Federal milk price supports.

Chief Judge George L. Hart Jr. cautioned the jury that Mr. Lilly's testimony did not consti-

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tute evidence that the money had ever gone from Mr. Jacobsen to Mr. Connally.

Moreover, Mr. Lilly also affirmed that he provided an additional \$5,000 in late 1971 after Mr. Jacobsen told him that the farmer cooperative should give more money to Mr. Connally.

The defense, contending that Mr. Jacobsen embezzled all \$15,000 of the cooperative's funds, drew from Mr. Jacobsen yesterday an admission that he might have received the extra \$5,000, but could not recall having given it to Mr. Connally.

Most of the courtroom cross-currents in the trial's fifth day centered on the defense's efforts to impugn Mr. Jacobsen's account of alleged dattempts by Mr. Connally to cover up the payoff in 1973 and on the prosecution's efforts to shore up the account.

At one point, as Mr. Williams cross-examined Mr. Jacobsen, three stacks of currency totaling \$10,000 lay on the front of the blond-paned witness box. Jurors craned to see the money.

Mr. Jacobsen testified last week under questioning by the prosecution that Mr. Connally, in furtherance of a cover-up scheme, had given him the \$10,000 on Oct. 29, 1973, in a cigar box that also contained one or two rubber gloves.

Citing earlier private testimony by Mr. Jacobsen to Government prosecutors and a Federal grand jury, Mr. Williams demanded to know why Mr. Jacobsen had initially said that only one rubber glove had been in the box.

"What was it that changed your recollection from it being 'a glove' to 'a glove or gloves'?" the defense attorney asked.

"Just the logic of it," Mr.

Jacobsen replied.

The witness said that it had occurred to him "you couldn't hardly handle money with one glove," and that he had therefore amended his testimony. Mr. Williams also asked whether the cigar box had been large enough to contain 50 or 25 cigars.

"I don't know," Mr. Jacobsen answered.

Later, the defense lawyer asked why Mr. Jacobsen had told prosecutors at first that he had left the cigar box in Mr. Connally's law office in Houston and later testified that he had taken the box with him to Austin and thrown it away.

Mr. Jacobsen insisted that he could not "recall" having stated that he had left the cigar box behind.

Mr. Williams also sought to ridicule the prosecution witness's assertion that, for some four months, Mr. Jacobsen had kept \$10,000 of the alleged cover-up cash in a drawer of the nightstand in his bedroom.

### Tone Is Sarcastic

Referring to Mr. Jacobsen's wife, Mr. Williams asked in sarcastic tones, "Did you tell her she should be careful, because you had \$10,000 in the nightstand?"

"No, sir," Mr. Jacobsen replied softly.

The cross-examination, at times rigorous, prompted Judge Hart to admonish Mr. Williams several times against repetitive questioning that evidently was meant to dramatize lapses in Mr. Jacobsen's memory.

"You're not going to ask the same question half a dozen times," the judge said to Mr. Williams at one point.

"Well," replied Mr. Williams, "when he makes an incredible statement..."

Judge Hart cut him off, saying, "We're not going to have any speeches."

Prosecution witnesses who followed Mr. Jacobsen to the witness box generally affirmed the chronology of Mr. Jacobs-

sen's account of the alleged 1971 payoffs and alleged 1973 efforts to mask the gratuities.

Mr. Lilly's recollection of the disbursement of the \$10,000 to Mr. Jacobsen on May 4, 1971, was in accord with Mr. Jacobsen's earlier testimony.

Larry Temple, an Austin lawyer who was a mutual friend of Mr. Connally and Mr. Jacobsen, verified Mr. Jacobsen's account of an exchange in November, 1973, of testimony both men had given to investigators about the alleged payoff.

Mr. Jacobsen had said that the exchange was to facilitate a cover story before Mr. Jacobsen began cooperating with prosecutors last year.

The defense had tried this morning to shake Mr. Jacobsen's recollection of an early morning meeting with Mr. Connally in an Austin hotel on Oct. 26, 1973—the day, according to Mr. Jacobsen, the cover-up plan was devised.

Prosecutors drew from Sammie Barnett, an assistant head waiter at the hotel, the testimony that he had served coffee, bacon and toast to Mr. Connally and Mr. Jacobsen when the meeting was alleged to have occurred.

Among several other witnesses was John C. Mead Jr., a former pilot for an Austin air taxi company. He testified that he had flown Mr. Jacobsen

from Austin to Houston and back on Oct. 29, 1973, the day that Mr. Jacobsen allegedly obtained the \$10,000 in cover-up money from Mr. Connally.

"No, sir, I don't recall [seeing] any cigar box," Mr. Mead told the defense.

Moments later, he confirmed, at the prodding of the prosecution, that he could not remember Mr. Jacobsen's opening a briefcase that he had carried on the flight.

The Government is expected to complete its presentation of evidence on Thursday. Mr. Williams has not said whether, in the subsequent defense presentation, Mr. Connally will take the stand.