

# Both Sides Tell Connally Jurors in Final Arguments That

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WASHINGTON, April 16—The Government accused John B. Connally today of lying, and the defense belittled the credibility of the key prosecution witness as both sides presented final arguments to the jury in the bribery trial of the former Secretary of the Treasury.

Frank M. Tuerkheimer, an associate Watergate special prosecutor, told the jury in United States District Court that circumstantial evidence proved Mr. Connally accepted a \$10,000 payoff in 1971 and tried to cover it up by lying to Federal investigators.

Edward Bennett Williams, the chief defense attorney, said that Jake Jacobsen, the only witness to accuse Mr. Connally of accepting the bribe, was a swindler who had embezzled the money and then falsely implicated Mr. Connally to barter his way out of a long prison sentence.

The seven women and five men who will begin their jury deliberations tomorrow sat at rapt attention throughout the four-hour courtroom confrontation between the low-key prosecutor and the emotional defense attorney.

## Voice Booms Off Walls

Mr. Williams, his voice booming off the pale-paneled courtroom walls, denounced and ridiculed the Government's case, said that it would mean the death of the Bill of Rights to convict Mr. Connally on the evidence and completed his summation to the jury by declaring:

"This case is styled 'United States v. John Connally,' but I want to tell you something. The United States will win this case. I saw on the wall of the oldest courthouse in England this inscription: 'In this hallowed place of justice, the Crown never loses, because when the liberty of an Englishman is preserved against false witness, the Crown never loses.'"

Moments later, his voice dropping to a stage whisper, Mr. Williams said while scanning the jury box.

"I ask you to lift at last the pain and anguish, the humiliation, the ostracism and the suffering, the false accusation, the innuendo, the vilification and the slander from John Connally and his family. And if you do, the United States will win the day."

## Says Truth is Goal

Mr. Tuerkheimer then walked calmly to a lectern facing the jury and said that the Government was not interested in winning or losing, but in asking the 12 jurors "to try to find the truth." He urged them to do so in "an analytical and cool and calm way" and to "invoke logic and intelligence and no more."

His voice even, the prosecutor ended the 10th day of the trial by asserting:

"I apologize for talking to you about the facts. But that's all we have. I suggest that if you examine the facts and search for the truth, you will

find John Connally guilty as charged."

Mr. Connally is charged with having accepted two \$5,000 payments from Mr. Jacobsen in return for having helped Mr. Jacobsen's client, the Associated Milk Producers, Inc., and other dairy farmer organizations to win increased Federal milk price supports in 1971.

Conviction on both counts of the charge could bring a maximum sentence of four years in prison and a fine of \$20,000.

Both sides told the jury in the next-to-last phase of the trial that the case came down to a choice between the conflicting testimony of Mr. Jacobsen, an admitted perjurer who said that he had lied in furtherance of an alleged cover-up scheme, and Mr. Connally, a former Cabinet officer and former Governor of Texas.

But beyond that point, the arguments of the opposing lawyers diverged sharply, and their presentations were strikingly different in style.

## 'That is a Lie'

Mr. Tuerkheimer, speaking into a microphone to amplify his soft voice, said that Mr. Connally had misled a Federal grand jury and the Senate Watergate committee about his dealings with Mr. Jacobsen.

"That is a lie," the prosecutor said of one answer Mr. Connally gave the grand jury in late 1973. "It is clearly a lie. There is no doubt about it. His defense on this is that he can't understand plain English."

Mr. Williams told the jury later that the evidence presented by the defense—particularly Mr. Jacobsen's 1972 bankruptcy petition—would show that Mr. Jacobsen had used the \$10,000 in alleged bribe money and an additional \$5,000 of the dairy organization's money to pay off loans incurred in his failing business ventures in Texas.

Underscoring Mr. Jacobsen's agreement to testify for the Government in exchange for the dropping of unrelated bank fraud and perjury charges against him, Mr. Williams poked a finger at the jury and shouted:

"If that kind of evidence can support the burden that a prosecutor must meet in a court of law, then I say God rest the Bill of Rights, because it can happen to you and me."

"Have we reacted that point in our society that scoundrels can escape their punishment if only they inculcate others? If so, we should mark it well, for though today it may be John Connally, tomorrow it may be you and me."

# They Must Decide Whom to Believe

Mr. Tuerkheimer, whose arguments were split into two segments bracketing the defense summation, conceded at the outset that no other witness could vouch directly for Mr. Jacobsen's account of the alleged payoffs on May 14 and Sept. 24, 1971, or for the accuser's description of intricate attempts two years later to hide the bribe by placing \$10,000 of Mr. Connally's money in a Texas bank deposit box.

## Basic Reasons Listed

But the prosecutor said that illegal payments "do not occur in the presence of third-party witnesses" and that there were the following basic reasons for the jurors to accept Mr. Jacobsen's testimony:

Mr. Tuerkheimer recounted the gist of other testimony and

of documents—records, for the most part, of Mr. Jacobsen's movements on four crucial dates at issue—and said that "on virtually every conceivable point where Mr. Jacobsen could be corroborated, he has been corroborated."

The prosecutor said that what Mr. Jacobsen had told the jury was "not the kind of a story that a man who is being squeezed, who is under pressure, would make up."

Recalling the history of the 280 banknotes allegedly used in the cover-up plan, Mr. Tuerkheimer contended that the money had all been in circulation when Mr. Jacobsen said that he got it from Mr. Connally on Oct. 29, 1973, bolstering part of the accusation.

Finally, Mr. Tuerkheimer said, "The defense in this case

is not a credible defense."

The prosecutor said, for example, that it was difficult to believe Mr. Connally's declaration that on Sept. 24, 1971, one of the alleged payoff dates, Mr. Connally and Mr. Jacobsen had met only to discuss a bank matter of interest to Mr. Jacobsen in Texas.

"What do we have telephones for?" Mr. Tuerkheimer asked. "Why didn't [Mr. Jacobsen] just phone a question? I'll tell you why. You can't put \$5,000 into the telephone and have it come out the other end."

Mr. Williams centered his summation on Mr. Jacobsen's history of criminal investigation and need for cash when his Texas banks and other ventures were heavily in debt. The defense particularly emphasized Mr. Jacobsen's testimony

that he could not recall receiving a third \$5,000 from the dairy farmers' group in late 1971, but that if he had received it, it must have gone to Mr. Connally.

Mr. Williams said that Mr. Jacobsen's 1972 bankruptcy records showed that on the same day the dairy farmers gave him the third \$5,000, ostensibly to forward to Mr.

Connally, Mr. Jacobsen "paid \$5,000 on an indebtedness to the Securities State Bank of Fredericksburg, Tex."

In the summer of 1971, Mr. Williams said, at a time when Mr. Connally insisted that he had rejected an offer of \$10,000 of A.M.P.I. money to use as political contributions, Mr. Jacobsen "paid off \$10,000 on another indebtedness at the Capi-

tal National Bank" of Austin, Tex.

"There is no chance he took \$10,000 and didn't apply it to this cascade of debts he had coming due," the defense lawyer said. He said that Mr. Jacobsen's "house was crumbling."

"His financial empire was gone," he said. "The sheriff was practically at the door."