

On my recent trip that included New Orleans, everyone to whom I spoke there who had been backgrounded by the feds insisted they had been told that no pressure was used on Gervais and that there was no IRS case against him. IRs also told the Wash. Post this when the story first broke, for they had this suspicion. I was told by media people that Gervais insisted to them there was no IRS case against him. And almost without exception, everyone, including several lawyers, believed that there had to be quite a bit to get Gervais to do what he did. I found nobody who credited his belated "patriotism", which is diametrically opposite the last things I heard him say about the Viet Nam war.

Regardless of what they may ultimately be disclosed to mean, there are these things I think significant in the S-I story:

"The Justice Department said that the Internal Revenue Service had been investigating Gervais' income tax returns since May, 1969, and that in June 1969 he began cooperating with the IRS investigation. The Government's criminal complaint four months ago made no mention of income-tax violations." (i.e., Garrison's alleged ones.)

The indictment is then said to itemize Garrison's income for 1965-7, with the added income (other than salary) for those three years, following which, with respect to 1967 alone, it is alleged that he had "substantial additional income" it says "was not reported on said return."

These things are inconsistent with the allegations made with the release of the IRS affidavit used as the basis of the criminal charge of four months ago and with what Gervais is quoted as having said, that Garrison was taking graft for many years, through Gervais. The absence of charges for 1965-6 indicates they are not going to use Gervais on this, and the absence of the claim that he had added other income other than he listed leads to the suspicion that if anything is alleged about those years, it will not be graft. However, there is something conspicuous about singling out 1967. That is the year in which he got money from Truth and Consequences. It seems to me, if this story is an accurate reflection of the indictment and release, that there is no other basis for a charge for that year alone, and what is conspicuously missing is any charge for the period covered by Gervais' activity, his telephone intercepts and his bugging. Of course, there may be what the story does not say, and there may be later, added charges. I suspect one of the reasons for delay in the indictment is government problems. I heard they were considering other charges and other defendants (esp. former Democratic U.S. Attorney Louis LoCasser), and with the indictment they have to give the defense all intercepts, which they would seem to be not anxious to do. Further, I would postulate from the foregoing that they plan a case in which they will not use Gervais as a witness, under a recent Supreme Court decision in which they can present the tapes and transcripts without the informant who did the bugging, using the agents who overheard the alleged conversations. This, if true, would mean they'll have to drop what they get by bugging or they'll try and stretch that interpretation and decision in this case, to include bugging. But my feeling that despite his big talk Gervais would never return to New Orleans is fortified, as is my feeling that they have no graft case against Jim. And what I have trouble understanding, unless the Act precludes it, is the absence of a mal- or non-feasance case if they believe what the affidavits say in that Jim didn't do anything when he learned that Soule and Frey were on the make, taking graft. The most obvious explanation is, whether or not true, their knowing that he spoke to someone on the staff and told them to watch it, for he would never have expected Gervais to testify to it.

Themaneuverings on Garrison's side also make little sense. If and when I get the indictments and release, I may see other things or find the story inadequate.