

Tapes Played in Court Link Garrison to Bribery Scheme

Former Police Chief Is Also Mentioned

By JOHN McMILLAN and DON HUGHES

Taped conversations between government informer Pershing Gervais and former New Orleans Police Department Capt. Frederick Soule Sr., played as evidence in U.S. District Court here Tuesday, directly linked Dist. Atty. Jim Garrison to a complex bribery scheme designed to prevent crackdowns on illegal pinball gambling in New Orleans.

The tapes, which the prosecution says were made by the Internal Revenue Service with cooperation of Gervais, came at the beginning of the second week of the trial which is expected to last two to three more weeks.

Former Police Supt. Joseph I. Giarrusso was mentioned in the Soule-Gervais taped conversations as having had a connection with pinball dealers.

It was the first time the former superintendent's name was publicly brought into the case. His brother, present Police Supt. Clarence B. Giarrusso, was mentioned, too, but Soule said in court that he had no part in the scheme.

And Mayor Moon Landrieu was said in one of the conversations to be "having someone protect TAC."

Garrison is on trial in the Cont. in Sec. 1, Page 2, Col. 1

court of Judge Herbert W. Christenberry along with Robert E. Nims, owner of REN Enterprises; and John Aruns Callery, a former partner in New Orleans Novelty Co., on charges of bribery and conspiring to obstruct enforcement of state anti-gambling laws.

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Others charged in the same federal indictment but who later pleaded guilty or had their trials severed were Soule; former police Sgt. Robert Frey; and pinball operators John Elmo Pierce, Louis Boasberg, Harby Marks Jr., Lawrence Lagarde Sr. and John Elms Jr.

The tapes, played Tuesday for the first time in court, were admitted into evidence after testimony last week by Lt. Ernest Nash of the Michigan State Police.

One of only 10 voice print experts in the nation, Lt. Nash testified that he analyzed scores of recordings brought to him by IRS agents from New Orleans, compared them on a spectrograph with known tape recorded voices of defendants in the case, and determined positively that the voices were the same.

In a face-to-face conversation which allegedly took place at the Fontainebleau Motor Hotel Feb. 11, 1971, between Gervais and Soule, the following taped exchange was played to the court:

Gervais: "You know I can't bring, I would take it, but I can't bring to Garrison \$500 for two months. He will hit me in the head with a chair."

Soule: "That's right. Yeah, right."

Gervais: "First thing he's going to think is I stole some money."

The tapes, littered with profanities from both conversants, were played unretouched to the court, according to the prosecution, headed by U.S. Attorney Gerald J. Gallinghouse.

A later portion of that same conversation went:

Soule: "You going to hit him too, because I'm going to, to deal through you, you gonna do the dealing . . . All I want is five for me and five for Frey, that's a thousand a month, whatever you tax him, that will be the tax, he'll either meet it or we, nobody does any business."

Gervais: "Yeah, well, I'm going to tell you, a lot of people, you know, you ain't silly, you know I got to bring that . . . to the Giant, so I got to get him with enough. I can't . . ."

Asked by Gallinghouse who was "the Giant!" referred to in the conversation, Soule stated from the witness stand: "Mr. Jim Garrison. I think many people refer to him as 'The Giant' or 'The Jolly Green Giant.'"

Also during that conversation, names "Bill Alford" and "Cates" were brought up.

Soule testified that "Bill Alford" mentioned in passing was former Asst. Dist. Atty. William Alford, and "Cates" was former police Capt. Sidney Cates, but added that to his knowledge neither Alford nor Cates had any knowledge of the bribery scheme.

In another Gervais-Soule meeting, recorded at the Fontainebleau March 2, 1971, the two were discussing bribery amounts and an alleged payoff from Gervais to Garrison.

Following is a portion of that conversation's transcript:

Gervais: "A thousand a month, that's ridiculous really —"

Soule: "It, it ain't no use, listen, it ain't no use —"

Gervais: "Listen, you know —"

Soule: "Fooling with it for less than that."

Gervais: "You see that envelope you give me?"

Soule: "Yeah."

Gervais: "Well, I brought it to Garrison."

Soule: "Yeah."

Gervais: "He just snatched it out of my . . . hand."

Soule: "Yeah, I can understand."

Gervais: "But I think he thinks I got, I got money and I didn't want to tell. . ."

Soule: "Yeah, right."

Gervais: "Him I didn't get nothing. . ."

Soule: "Yeah, right."

Gervais: "Because he might have said no."

Soule: "I know he — that poor . . . doctor bills and everything else."

Gervais: "He, he snatched the whole . . ., see, didn't let me —"

Soule: "Lucky he didn't pull your arm off."

Also mentioned several times in some of the other taped conversations were Nims, Callery and some of the others jointly indicted following their arrests June 30, 1971.

Yet another meeting between Soule and Gervais at the Fontainebleau in late March, 1971, resulted in a conversation implicating Garrison in the bribery conspiracy.

Following is an excerpt of a transcript of that tape:

Soule: "Yeah, what, in other words, what we getting? We getting one per month, per bit, right?"

Gervais: "Right."

Soule: "Got to go for two."

Gervais: "Well, well, two actually. One thousand a month goes to you. . . ."

Soule: "Yeah."

Gervais: "One goes to Garrison."

Soule: "And that's went for two months."

Gervais: "Yeah, right."

Soule: "Well, it's going to be per month."

Gervais: "Right, right, right."

In a meeting April 28, 1971, between Gervais and Soule at the Fontainebleau, a portion of the discourse was taped as follows:

Soule: "That's all together, one would be for me only. . . . 'yeah."

Gervais: "No, two, one, one thousand for you and Frey, one thousand for Garrison, right? All right. That's, but that carries us all the way. . . ."

Soule: "We don't want that."

Gervais: "Till July the first."

Soule: "We don't want that."

Gervais: "But that's your deal with him."

Soule: "No, we didn't make a one, one-month deal; the deal was you, one thousand. . . ."

Gervais: "I know, but you May the first, right? Take. . . ."

Soule: "Take one thousand; that's for one month only."

Gervais: "Naw, I'd say let's, let's take it. . . . and come back in a couple of days and tell him that it can't be that way any more, it's got to be the first of the month and the end of the month. . . ."

and also we got to talk to Garrison about that too, see what he says, you see. He don't push; Garrison's not going to push."

Soule: "I don't see, I can't see how he wants to fool with it for so low a figure."

Gervais: "Well, he takes the whole thousand. I don't get a sou out of it. I'd like to up it because then I could swallow some."

In an alleged payoff from Gervais to Soule at the Fontainebleau March 8, 1971, the following was taped:

Gervais: "I wished you was a real doctor." (In earlier testimony, Soule said he sometimes used the alias of "Doctor" in telephone conversations with Gervais and some of the pinball operators.)

Soule: "Why, you don't feel well?"

Gervais: "I don't think—I'm about to catch a cold—here's the loot."

Soule: "Okay. Very good."

Gervais: "I put it in there so it's all there."

Soule: "What you got, all ones?"

Gervais: "No, I don't know, check it."

Soule: "Fifties."

Gervais: "I think it's all fifties."

Soule said from the stand that the "loot" mentioned on that tape was in reference to \$1,000 in \$50 bills which Gervais had just handed to him.

Throughout most of Tuesday's playing of tapes and testimony, Garrison sat at his defense table with eyes downward, looking somber.

However, when he first entered the courtroom at 10 a.m. he seemed in high spirits. Walking directly to the press table, he quipped to reporters, "Welcome to 'Life Can be Beautiful.'"

A tape recorded conversation between Soule and Gervais Jan. 13, 1971, indicated that former police Supt. Joseph I. Giarrusso had a connection with pinball dealers.

The conversation also discussed payoffs and proposed deals with Boasbert, Nims, Callery, Marks and Elms.

Present Police Supt. Clarence Giarrusso's name was also mentioned; but under questioning by U.S. Attorney Gerald J. Gallinghouse, Soule said Clarence Giarrusso never participated in bribery and did not discourage pinball arrests.

The conversation leading up to the remarks about Joseph Giarrusso deals with Soule getting payoffs from pinball dealers through Callery.

Gervais: "Um. Let's see. Now that, uh, so I had a misunderstanding, cause I thought that Callery handled, no, matter of fact, it ain't a misunderstanding, Callery told me that he handled it once or twice but after that you handled it yourself, direct with the people."

Soule: "No, uh-uh, he's wrong."

Gervais: "He's wrong?"

Soule: "Yeah, cause Nims. I sat in the car with Nims and he wanted to give me the money, I told him, wait, I said, I'd rather, I said, I know you're a nice fella and all that sort of thing, but I know Callery, I rather do business like I always do."

Gervais: "I, I could swear that Callery told me he only handled it twice."

Soule: "Well, he, uh, he told me Callery, I know that time I got it from Nims cause I met Nims and spoke with him, he did tell me another time, you see, when Joe Giarrusso first went out, I don't remember, when was it? October, November, somewhere."

Gervais: "Something. . . ."

Soule: "All right. . . ."

Gervais: "That, I know Callery his connection there, he had a connection with Joe."

Soule: "Yeah, right, he was with Joe, right."

Gervais: "Uh-huh."

Soule: "And you know what Joe was doing for Frey, with Frey, was keeping Frey busy, on something else."

Gervais: "Busy with other things."

Soule: "Had him with the Panthers and had his people on Bourbon Street, you know."

Gervais: "Yeah, and not pushing him for pinballs."

Soule: "But right before he left out, though, he put Frey out there."

Gervais: "Be done the Dago style."

Soule: "The Dago style, right."

Gervais: "Gonna make some cases before he leaves."

Soule: "He had about five (cases) so Louis (Boasberg) got, I think they kind of panicked, you know, they wanted to know what was going, they had no, no pipeline. So Louie calls, now, Louie and I, Louie knows he can talk with me cause I work for him. I know him well, I spoke many times, and I think I told you this."

Gervais: "Yeah."

Soule then relates that he worked for Boasberg in the 1940s and how his father still works for him.

And he tells about going on a trip to Denver, Colo., with Frey. Previously he testified that he talked Frey into accepting bribe money during that trip.

Soule: "I went to Frey and, uh, matter of fact, he had the trip going up to Denver so I arranged for him to go, he wanted to go on a little trip, so

then during that time I got to talk to him, he said, man, we got five, when Joe Giarrusso left he told me to, you know, to build up a few cases, he said, we got five or six, so, I go back and, I, I told when, when, when I talked to Louis, I said, look, if I have anything I have to do, I'll do through Callery, it's been going that way, so Louis said, okay, fine. I told Callery he had about six, well, I checked on the, and about five of them were TAC's and so course then TAC come up with the money and, and we, we kind of, I told Frey, man, cut the. . . things. So Frey went to Clarence and told him. Clarence didn't even know."

Gervais: "Really?"

Soule: "You see, no, when, when, when. . . ."

Gervais: "No, he wouldn't know, right?"

Soule: "When Clarence come in, they had already had five or six."

Gervais: (Unintelligible.)

Soule: "Clarence was so. . . busy, Clarence laughed about it. I asked him, I said,

why, what you told Clarence, what Clarence said, he said, Clarence just laughed about it, he, he really giggled about it, he (laughter) that type of thing."

Gervais: "Well, what is it, what is it, most did he mean, did Clarence tell him to go on or did Clarence. . . ."

Soule: "Clarence didn't tell him a. . . thing, he said, do it, handle it the way you been doing it, he said, you know, so I said, well, you, I said, look, I said, we can get some bread if you want to pull off, he says, yeah, okay, he said, Clarence don't give a. . . ."

Gervais: "Yeah."

Soule: "I think Clarence thought that. . . ."

Gervais: "Yeah."

Soule: "The boy got the word somewhere down the line."

Later on during the conversation, Soule and Gervais are talking about Boasberg.

Soule: "This guy's not too sharp you know, I'm scared, I'm a little scared of him."

Gervais: "Who?"

Soule: "Louie."

Gervais: "Yeah."

Soule: "Callery's much smarter, he's been doing this for so long."

Gervais: "Yeah."

In a conversation Dec. 7, 1970, Gervais and Soule were discuss-

ing bribe money Soule testified previously that the pinball dealers said they were having difficulty raising funds.

Gervais: "But I think you ought to keep Boasberg honest, you ought to just tell him, look, man, that boy Frey. Let's just give me some something to put on him. Just to keep him going, say that ain't got a thing to do with the first."

Soule: "All right."

Gervais: "Just keep him — cause I tell you I'm going to have a problem with him too, if they stay in action — with Boasberg. He's been crying poor mouth, he's been wanting to meet with me, even had to cut his end of the mutual — I don't even know what his end is, you know."

Soule: "I don't either, you see, that's the problem, you really don't know, why I'm going to tell you I do know when he was making money, he was coming up good, he was coming up better than anybody."

Gervais: "Not with me he never was."

Soule: "Well, I mean you can come up to Aruns Callery, now I don't know how Aruns was cutting the pie, you know, I don't know."

Gervais: "Well, that's another problem, see, nobody knew."

Soule: "You don't know what Aruns is cutting."

Gervais: "Don't know what he's getting."

Soule: "But I know Aruns was telling me the last time that he was going to add on a little five hundred for him."

During the final conversation Gervais had with Soule before Soule and the other principals in the case were arrested, Gervais paid him

\$1,000 and tried to convince him to investigate possibilities of ridding New Orleans of illegal gambling-type pinball machines.

Gervais said he had a deal with some out-of-town people who wanted to bring in some new-type pinball machines which get a lot of play but were not illegal.

(This was apparently a fictitious story because Gervais went into hiding in Canada that same day.)

Gervais told Soule he wanted him to talk with Frey about cracking down on illegal machines.

Soule: "You know I might have to go beyond Frey for, let me tell you, Frey is, uh, Frey, you know, Frey's in there but he, he really, Frey don't know everything, he, he knows a hell of a lot less than I do about the operation of the office."

Gervais: "But if we could get a commitment from him."

Soule: "As far, I'm talking about and I'm not saying as far as doing police work but I mean what's behind the scene, like Landrieu, Clarence and, uh, Garrison, you know, he don't know all this."

Gervais: "No, of course not."

Soule: "And I don't, I don't tell him."

Soule: "You know I didn't tell him what I know about Joe and all, you know."

Gervais: "No."

Soule: "Different things like that. So, so but I, what I know is passed on to Clarence, you know, and ain't no use to tell him all that"

Gervais: "Yeah. But, uh"

Soule: "But, I, I, Joe was getting it, so you automatically figure Clarence is getting taken care of, you understand."

Gervais: "Yeah."

Soule: "Now, I don't know how much he's getting, but I'm sure it was a pretty good amount and I'm sure Moon Landrieu's been having someone protect TAC. Jesus, man, they, they come in again and he give them a hundred thousand dollars for campaign money."

Later in the conversation Soule tells Gervais why he believes Joseph Giarrusso was involved with pinball dealers.

Soule: "Let me tell you, between you and I . . . when I first went in there I was getting money from New Orleans Novelty, nothing from TAC, see, I was getting three fifty a month"

Gervais: "From who?"

Soule: "I was getting three hundred fifty dollars a month from New Orleans Novelty, you understand?"

Gervais: "Oh, oh, yeah."

Soule: "And I wasn't getting nothing from TAC."

Gervais: "Yeah."

Soule: "So I start putting the pressure on TAC, knocking the . . . out of all his machines. Well, I wanted to find out for myself, Joe didn't tell me 'looka, TAC's taking care of me or this.'"

Gervais: "No."

Soule: "So I'm going to find out. So, uh, I was knocking

the . . . out of them, first thing you know, the next day he says, I want all of your men out in uniform tomorrow; Had them tied up for two weeks, and some, school . . . or this kind, always find something, but they there, or look, I want you to work prostitution, you know, so . . . another thing too, I had a couple of guys that I had out, you know, cadets that were going to . . . took them away from me, we need them somewhere else."

Gervais: "He did."

Soule: "Sure. He's got plenty things at his, at his disposal that could tie you up."

Later Soule told Gervais what it would take to institute an effective crackdown on pinball machines in order to bring about a situation which would allow the new-type machines to be successful as proposed by Gervais. He told Soule they would have the distributorship on the new machines if the gambling-type were shot down.

Soule: "Cause, well, I mean, if Jim wants it, cause all they got, I know how to do it. Clarence would give them about six or seven, eight kids out of the academy, let them go out and make them, make them and run out, get seventy and eighty at one time, he's got to close. You can't go out one at a time and knock them off like Frey does, you see. Now another, another problem he has is with the DA's office, after the policy is say, say they got people out playing the machines and they get payoffs but they don't make the arrests, they only give them . . . 15 days to come back and make that arrest, if they let them, if they prolong it they say the time is past, you understand . . . and they won't accept the charge."

Following his conversation

with Gervais, Soule testified that he met Frey, gave him \$500 and was arrested by federal agents.

The trial resumes at 10 a.m. Wednesday with Soule scheduled to be cross-examined by defense attorneys.