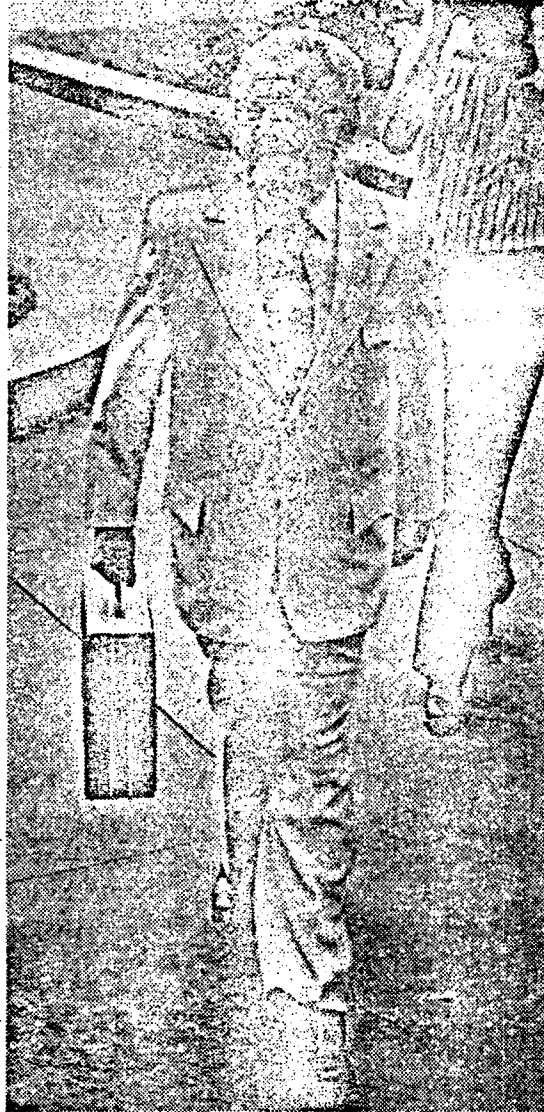


GARRISON RECEIVED DAILY BRIBERY MONEY--GERVAIS



—Photo by H. J. Potterson of The Times-Picayune Staff.

ARRIVING at the federal building Wednesday to testify for the prosecution in the pinball bribery case is star witness Pershing Gervais.

Cash Allegedly Was Paid for Nine Years

By **JOHN McMILLAN**
and **DON HUGHES**

Government star rebuttal witness Pershing O. Gervais testified Wednesday that pinball owners paid Dist. Atty. Jim Garrison \$50 a day in bribe money every day from the first year he took office—1962—until raids by federal agents effectively curtailed the gambling business in November of 1970.

Gervais, the man of mystery whose presence in court was felt on every day of the five-week-old trial but whose physical appearance was reserved until Wednesday, said after November, 1970 Garrison received lesser amounts until he was arrested June 30, 1971.

It was Gervais who worked in an undercover capacity for the federal government and cooperated in making tape recorded conversations of alleged bribe payoffs to Garrison.

He identified those recordings as being accurate, said the payoffs had occurred and that he delivered the money to the district attorney.

The courtroom was filled to capacity, extra chairs were provided to accommodate the large number of reporters and a crowd was lined up at the door hoping to get in as Gervais told of how he said Garrison corrupted him and how Garrison received approximately \$150,000 in bribes since he has been the district attorney of Orleans Parish.

Gervais was dapper in a cream-colored knit suit with a matching shirt and brown tie for his saga of bribe payments and corruption in the DA's office. The burly former policeman looked out at the crowd through large steel-rimmed glasses and seemed to enjoy himself as he told the story of the beginning of Garrison's alleged involvement in the bribery business.

The 53-year-old, silver-gray haired Gervais was taken through his account of the alleged bribe scheme by Assistant U.S. Atty. Michael Ellis. This is what he said:

He told of meeting Garrison when he was in the Army. Then after rarely seeing him for years — years that he was a policeman and was fired after he refused to resign from the force "until the heat" of an in-

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vestigation was off at the request of the then-assistant superintendent.

In 1961, he met Garrison at "Dan's Chinese Restaurant at the corner of Bourbon and Toulouse" where Garrison was planning his campaign strategy for his first race for the office of district attorney.

He said he became involved in the campaign "by degrees" and was offered jobs if Garrison got elected but turned them down until he was finally persuaded to become Garrison's chief investigator.

Once in the office, he said, he "proceeded to do those functions normally assigned to the police department."

He added that he began to investigate the pinball gambling business and obtained a list at City Hall of all the bars and other locations which were pinball machine outlets.

Although the list is a public record, he said, he was at first refused access to it, but finally obtained the list.

Gervais said there were in excess of 2,000 machines in the city.

He said, "It was my thought that there were many ways to effect" the elimination of illegal pinball gambling, adding: "One thing was to wait until the police department would periodically make raids and get one or two machines.

"My thought was to go get additional ones. Then write to the owners what was occurring and to the landlords of the es-

tablishments (where the machines were) that we could padlock their building."

"My thought was" he continued, "that if we did this several times and got a judge who wouldn't give them the usual fine but put them in jail, other judges maybe would follow suit.

"Then we would call on the City Council to declare these machines a nuisance. This would censure people who 'go along' to change their attitude and stop it."

He said he also wanted "to show the wealth of the (pinball) owners. Apply what people in New Orleans call 'the heat'. To put the heat there and keep it."

He said he told Garrison of his plan shortly after Garrison took office. He said he first mentioned it while riding in a car in the 100 block of Royal Street.

Gervais testified that Garrison said, "You have to forget that idea." Gervais added, "He said that he had received a considerable contribution from the pinball industry" during his election campaign.

The sizable sum, Gervais said, was \$10,000 which was paid to Garrison by the pinball industry through one of Garrison's aides, Denis Barry. (Barry is currently running for the office of district attorney himself.)

Gervais said he told Garrison the contribution was "equal to a \$10 contribution from me. I said, 'Big deal,' if they gave you a contribution for good government, let's give 'em good government."

But Gervais said Garrison said: "No, there would be another campaign."

He said Garrison then introduced him to John Aruns Callery, a former partner in a pinball business who is standing trial with the DA and another pinball executive, Robert Nims — the owner of REN Enterprises.

They and other pinball owners are accused of paying bribes to Garrison and two police officers.

Gervais said that Callery was identified to him by Garrison as the man who handled the campaign funds for the pinball dealers. Gervais said he met Callery for the first time at Dan's Chinese Restaurant. Gervais continued "One side (of the restaurant) was for everyday business

and the other was fancy. We met on the fancy side.

"We discussed the amount of money to be paid, how it was to be paid."

The money — \$50 a day paid monthly originally and later semi-monthly — was to be delivered to Garrison "strangely enough so that he would do nothing," Gervais said.

He said Callery told him the police department was already being bribed and "we just don't want any waves to come out of the DA's office."

Gervais said the arrangement called for him to get 10 per cent of the bribes.

Ellis asked Gervais if he told Garrison what the money was for when he brought the first payment to the DA. Gervais said he had previously discussed it with Garrison and that "There's no point in milking the same cow twice."

He said that's a phrase used where he currently lives, Brookhaven, Miss., where he operates a pizza parlor.

On Wednesday morning, LaCour called several witnesses who testified that Nims and his wife had been attending a vending machine operators convention in Point Clear, Ala., on Oct. 4, 1970.

Soule had testified earlier in the trial that it was on Oct. 4, 1970, that he met at a Gentilly shopping center with Nims and Callery, and that he received \$1,000 in bribe money from Nims.

One of LaCour's witnesses was Mrs. Janice Patton of Modesto, Calif., who said that she and her husband were met by Nims and his wife at New Orleans International Airport on Oct. 2, of 1970, and the two couples drove from New Orleans to Point Clear, staying at the Grand Hotel there until Oct. 5.

LaCour produced and introduced as evidence the hotel records of those dates showing that Nims and his wife were registered there during that time. The records were identified by Mrs. Patton.

Also testifying along the same lines was Lawrence LeSturgeon, a vending machine operator from Charlotte, N.C., who said he saw Nims at the convention each day, and also that he was in Nims' presence between Oct. 14-18, 1970, at a Music Operators of America convention in Chicago, Ill.

It was not clear why the defense was establishing Nims'

whereabouts for the later dates, but speculation was that LaCour wanted to show that Nims was also out of the city at another period during that month should Soule be called as a rebuttal witness by the government, changing his testimony of the alleged meeting.

Frederick Granger, an executive of Music Operators of America, also testified that Nims was at the Sherman House Hotel for the entirety of the Chicago convention.

Earlier, LaCour called upon several local bar owners to state that they had used Bally Bingo pinball machines owned by Nims' Lucky Coin Machine Co., but that Nims had informed them that he was closing down Lucky Coin and going out of the gambling-type pinball business prior to the end of 1970. These witnesses included Milton House, who operated House's House at 215 Bourbon; Harold E. Weiser Sr. who had the Campus Package Liquor Store at 1641 Marigny, and Ernest Calcagno who operated Cal's Po Boys at 328 S. Prieur.

The day's first defense witness was Walter I. Kahn, revenue collector with the New Orleans Revenue Department, who brought with him his office's records of permits issued on coin-operated machines during 1971 and 1972.

Kahn explained that a city permit for a gambling type pinball machine cost \$50, while the non-gambling flipper type permit cost \$10. He testified that during 1971 and 1972, neither Nims, his wife, Lucky Coin nor Ren Enterprises had purchased any of the \$50 permits.

On cross-examination from Gallinghouse, Kahn said that records for previous years which he had brought to court showed that Nims and his firms had bought more than 100 such permits for the three previous years.

The government's questioning of Gervais will resume at 10 a.m. Thursday.

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Brookhaven's Pasquale T-P 9-20-73 Bears a Familiar Look

Pershing Gervais Man of Many Faces

By DON HUGHES

When the scores of alert spectators in the jammed federal courtroom saw the double-chinned, jovial man enter Wednesday afternoon, they were looking at a contradiction in life-styles unique to the real world.

Police officer, bar owner, confidant of underworld figures, family man, con artist, ace investigator, ball bondsman, automotive traffic manager, undercover government informant — Pershing Oliver Gervais either has been or has been accused of being all at one time or another during his storybook life.

More recently, those who know the portly 53-year-old Gervais or even know of his myriad past activities were more befuddled to learn of the imposing figure's most recent endeavor — that of head man at his own pizza restaurant in the quiet and peaceful town of Brookhaven, Miss.

Pershing Gervais, whose formal education was nil from his completion of the seventh grade until years later when he entered and almost completed law school, is now proprietor of Pasquale's Pizza Parlor.

But the thought of this former hardened big city lawman now living in serene conformity among the piney woodlands of Brookhaven is even less credible.

The silver-haired Gervais has been, via tape recordings, the government's star witness in the month-old bribery case against

former Army buddy and boss, District Attorney Jim Garrison.

The scores of tapes played in United States District Court Judge Herbert V. Christenberry's court have depicted the gravel-voiced, Damon Runyon character as a foul-mouthed hoodlum-type who would do virtually anything for a buck.

The controversial and often-objected-to tapes (by the defense) played a major role in linking the towering DA to accepting bribe payments from the pinball industry, the prosecution contends.

But seated on the witness stand Wednesday, dapperly clad in his off-white suit, dark tan shoes and silver-rimmed glasses, Gervais gave the impression of a Mr. Clean of the courtroom set.

He spoke articulately, with authority and without the densely laddled profanity which had become his trademark on tape throughout the trial.

Young, innocent spectators who may have blushed during the first few Gervais-made tapes were taking his jargon in stride during the last 50 or so.

Pershing O. Gervais — a man who testified Wednesday recalling that each December was a bribe payoff month "because of Christmas, and that was a good month" — is also a man who has strongly defended the practice of profanity in investigative work to prevent those being investigated from suspecting they were being recorded.

"Don't knock success," he once commented on that subject.