

## TRIALS

## Garrison v. Everybody

New Orleans is perhaps the most raffish and rococo of American cities. Founded in 1718, it learned its lusty, brawling ways under the flags of France and Spain before Thomas Jefferson made it part of the U.S. forever. Woven into the gaudy fabric of its history are the Gulf Coast pirate brothers Jean and Pierre Lafitte, Mississippi River bandits, brocade-vested card sharps, oleaginous carpetbaggers and the rich, rum-and-flesh pleasures of the French Quarter. The Italian migration brought the Mafia; after the La Stella raid of 1966 in Queens County, N.Y., police revealed that of the 13 Cosa Nostra figures present, four were from New Orleans.

That is the climate that nurtured Jim Garrison, the district attorney whose life and times have outstripped Mardi Gras and Basin Street as the most exotic feature of present-day New Orleans. Last week, after six weeks of perhaps the most bizarre trial since that of Alger Hiss, Garrison was acquitted of obstructing law enforcement by taking bribes to protect illegal gambling. The U.S. district court jury also acquitted two pinball-machine magnates.

**Perverse Populism.** To understand Garrison's acquittal, recent history must be reviewed. In 1967 Garrison tried to convict Clay Shaw, the onetime managing director of the city's international trade mart, of conspiracy to murder John Kennedy. Using the shadiest of New Orleans street characters, he tried to link Shaw with Lee Harvey Oswald and another alleged conspirator, David Ferrie, a homosexual pilot. The trial nearly ruined Shaw, but he was found innocent in March 1969. It was the only trial Garrison had conducted in his seven years in office. He looked ridiculous, and needed a scapegoat.

So Garrison, in a peculiar act of perverse populism, blamed Washington. He proclaimed that he was being persecuted for telling the truth about an enormous plot by the Federal Government, the Eastern press and the military-industrial complex that resulted in the assassinations not only of John Kennedy but Robert Kennedy and Martin Luther King Jr., as well as the shooting of George Wallace.

Just what these men had in common that would prompt such a mythological task force to gun them down Garrison never made clear. But his yelpings set the stage for his own defense in an entirely different legal encounter.

Garrison had been involved in a running battle with the metropolitan crime commission of New Orleans over his refusal to crack down on organized gambling, specifically pinball-machine owners. Finally the Government intervened. Under the authority of the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970, a Department of Justice

strike force moved into New Orleans. The Internal Revenue Service gave the force a ready weapon: Pershing Oliver Gervais, 53, who was to be the Joseph Valachi of the Garrison prosecution.

The Government based its case on four of 55 tape recordings that Gervais, a onetime Garrison aide, had made during actual bribery payoffs to the district attorney. Gervais—corpulent, compulsively scatological, not educated but highly intelligent—had good reason to cooperate. He had left the Garrison office in 1965 to become a bail bondsman. He soon became known as a man of power in the New Orleans underworld with solid connections in the D.A.'s office. If his pipeline to Garrison was unassailable, his income tax returns were not. An IRS intelligence agent nailed Gervais and convinced him that he would probably prefer Government un-

would in turn deliver to Garrison.

The tapes that issued from these meetings included discussions between Garrison and Gervais about the amounts of money being delivered. Garrison also allegedly used several marked bills to pay a hotel bill. Finally the Government moved in and arrested Garrison, Soule, seven pinball executives and one police sergeant. Soule entered a guilty plea and testified for the prosecution at Garrison's trial. At one point Soule produced \$63,000 wrapped in tinfoil—his share of the bribe money, which he said he had kept buried in a pickle jar in his backyard.

**Incoherent Defense.** Garrison first hired Fred Barnett of Boston, an F. Lee Bailey associate, as his attorney—then astonished everyone in Judge Herbert Christenberry's court by dismissing him and pleading his own case. His defense was incompetent and often incoherent.

He brought in a technical expert to assert that the tapes had been doctored, but his witness could not even operate the demonstration tape recorder. Mainly Garrison attacked Gervais' credibility and that of the Government, saying that he had dismissed Gervais in 1965 for allegedly shaking down a lawyer. Garrison noted that Gervais at one point had changed his testimony to exonerate him, then switched back. Garrison entered as evidence the false documents that the Government had provided Gervais for safe haven in Canada.

Only on the final day did Garrison display his flamboyance. He began his closing statement quietly, gesturing with his horn-rimmed glasses, but gathered emotion and an eclectic eloquence. Three hours later, his hands shaking and his voice quavering, he ended with a quote from Robert Browning: "One

more devils-triumph and sorrow for angels; one wrong more to man, one more insult to God!"

By all legal standards none of this should have made a serious dent in the tape decks of Government evidence; but it was enough to convince the local jury. Afterward, Garrison trumpeted to a clapping crowd: "The Department of Justice of the U.S. Government is absolutely corrupt, but this time they got beat." He vowed to continue criticizing the Government and reaffirmed his intent to run for a fourth term this November.

A citizenry that will acquit a Jim Garrison will likely re-elect him. It is also likely that he will not reappear in court until he has to defend himself again—this time on charges of income tax evasion, in a case due to be tried next March.



GARRISON & WIFE AFTER COURT VICTORY  
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dercover work to jail. Gervais agreed.

His *modus operandi* was simple. He allowed his telephones to be tapped, then began to poke around. He came in contact with Police Captain Frederick Soule, a small, neat man who told Gervais he was on the take from the pinball operators. According to Gervais' testimony, Soule and Garrison stayed on the dole (\$500 a month each) even after federal agents started smashing up pinball machines in 1970.

Government agents devised a transmitter-microphone that fitted snugly into Gervais' armpit. Four times between February and June of 1971, the prosecution contended, Gervais picked up the bribe money from a pinball-machine operator and immediately turned the bills over to federal agents. The agents would replace that money with their own recorded bills, which Gervais