

Defense attacks Gervais Prosecution nears end

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By ALLAN KATZ

The government is expected to rest its case against Dist. Atty. Jim Garrison and two pinball dealers early next week after playing another taped conversation purporting to show that Garrison received bribe money.

The third week of the trial ended yesterday with U.S. Atty. Gerald J. Gallinghouse playing a third tape in which Garrison allegedly received payoffs.

At the same time, Garrison's attorneys peppered at the credibility of government informer Pershing O. Gervais who carried marked money to Garrison. The conversations were recorded through a microphone and transmitter concealed in Gervais' clothing.

Defense attorneys for Garrison and his two co-defendants, John Aruns Calery and Robert Nims, will present their versions of events of late 1970 and early 1971 that led to the current trial.

The case could be in the hands of the jury by early the week of Sept. 17.

GALLINGHOUSE had three tapes of conversations between Gervais and Garrison played for the jury. On each occasion, the tapes reflect Gervais handing Garrison an envelope with \$1,000 in it.

Yesterday, after playing the third tape, reflecting a conversation between Garrison and Gervais in a room occupied at the Fontainebleau Motor Hotel by the DA on May 28, the U.S. attorney produced a group of \$50 bills which he said Garrison accepted from Gervais.

The bills were alleged to have been used by Garrison to pay his hotel bill at the Fontainebleau.

But, defense attorneys for Garrison, led by Dr. Fred Barnett, got government witnesses to admit that they had only Gervais' word that the 13 \$50 bills he produced for them were the same ones that he had given Garrison and that the DA had used to pay the hotel bill.

But, the government produced a witness, Mrs. Audrey Castagnetta, a cashier at the hotel, who said she recalled

that Steven Bordelon, a New Orleans policeman who serves as Garrison's driver, paid the DA's hotel bill on June 18 with \$50 and \$100 bills.

MRS. CASTAGNETTA said she later gave all her \$50 and \$100 bills in the cash drawer to Gervais when the latter cashed a check at her desk.

Internal Revenue Service Special Agent Joel J. Lanoux said Gervais called government agents when he acquired some of the same \$50 bills he had given Garrison on May 28 from the cashier.

Throughout the last two days, de-

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fense attorneys have been questioning Gervais' credibility, raising the possibility that he might have been cleverly manipulating both Garrison and the government agents.

The defense attorneys also got Floyd Moore, an IRS intelligence chief, to admit that Gervais had offered to provide help in gathering evidence against Garrison and others in exchange for settlement of a tax case against Gervais.

IN THE TAPE played yesterday, the jury heard Garrison say on May 28, 1971, the legislature was under control and couldn't get started on a pending bill against gambling-type pinball machines. It was at that time that Gervais brought Garrison an envelope with \$1,000 in it, some of which allegedly turned up later in payment of the hotel bill.

In the May 28 conversation, Garrison tells Gervais that he, Garrison, could block an anti-pinball bill through his influence with then-Gov. John J. McKeithen.

When Gervais asks if the legislature will do anything, Garrison replies: "No. Obviously, they are well under control and were well taken care of last time because they really can't get started . . ."

On Thursday, the government played another tape of a conversation between Garrison and Gervais in which the DA is heard to say that he guarantees his influence with McKeithen would block passage of any anti-pinball bill.

Telling Gervais in that conversation McKeithen will not press for passage of the anti-pinball legislation, Garrison says, "Tell them (the pinball industry) I didn't say the governor might, I said I'd guarantee it."

ROLE IS DENIED BY M'KEITHEN

Didn't Soft-Pedal on Anti-Pinball Bill—Claim

COLUMBIA, La. (AP) — Former Gov. John McKeithen Friday denied having promised New Orleans Dist. Atty. Jim Garrison he wouldn't push an anti-pinball machine bill in the Legislature.

Garrison is on trial on charges of taking payoffs from illegal pinball machine operators in New Orleans, in exchange for protection from prosecution.

The prosecution played jurors a tape recording Thursday, which they said represented a conversation between Garrison and police informer Pershing Gervais, who allegedly delivered payoffs to Garrison.

The tape, which Gervais made with a radio hookup concealed on his person, recorded Garrison as guaranteeing gam-

blers that McKeithen would refuse to press a bill pending in the 1971 Legislature.

"Tell them I didn't say the governor might, I said I'd guarantee it," Garrison said.

"I never talked to Garrison Cont. in Sec. 1, Page 6, Col. 5

about pinball machines," McKeithen said in response.

McKeithen said the anti-pinball machine bill passed the Senate, but was killed in the House Ways and Means Committee by a close vote.

"When it got as unfavorable vote in the House committee," said McKeithen, "I took the almost unprecedented action of asking the House to stand at ease and went before it and urged in the strongest possible manner for them to override the committee and pass our legislation to outlaw these gambling type machines.

"They tried, but lost by two or three votes and for my action I was roundly and loudly denounced by some of the legislators for interfering in their business," the former governor said.

"I said at the time that they would rue the day when they did not outlaw those machines, and I suspect that they have."