

United States District Court

FOR THE

UNITED STATES OF AMERICA

VS.

STATE DEPARTMENT FOR THE
FIRST NATIONAL BANK OF IRVING
AND SOUTH CAROLINA
IRVING, TEXAS

Magistrate's Docket No.

Case No.

SEARCH WARRANT

To: Any Special Agent of the Intelligence Division, Internal Security
Service, any Deputy U. S. Marshal, and any other authorized law
enforcement officer.

Affidavit having been made before me by CHARLES H. LINDNER, JR.,

that he { has reason to believe } that { on the person of } safe deposit
{ is positive } { on the premises known as } boxes
No. First National Bank of Irving, and South Carolina,
Irving, Texas.

in the Southern District of Texas

there is now being concealed certain property, namely approximately \$75,000 in
United States currency here describe property

which are now used in violation of Article 33 of Louisiana Criminal Code,
Title 14, and here give alleged grounds for search and seizure: 17-1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 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1671. 1672. 1673. 1674. 1675. 1676. 1677. 1678. 1679. 1680. 1681. 1682. 1683. 1684. 1685. 1686. 1687. 1688. 1689. 1690. 1691. 1692. 1693. 1694. 1695. 1696. 1697. 1698. 1699. 1700. 1701. 1702. 1703. 1704. 1705. 1706. 1707. 1708. 1709. 1710. 1711. 1712. 1713. 1714. 1715. 1716. 1717. 1718. 1719. 1720. 1721. 1722. 1723. 1724. 1725. 1726. 1727. 1728. 1729. 1730. 1731. 1732. 1733. 1734. 1735. 1736. 1737. 1738. 1739. 1740. 1741. 1742. 1743. 1744. 1745. 1746. 1747. 1748. 1749. 1750. 1751. 1752. 1753. 1754. 1755. 1756. 1757. 1758. 1759. 1760. 1761. 1762. 1763. 1764. 1765. 1766. 1767. 1768. 1769. 1770. 1771. 1772. 1773. 1774. 1775. 1776. 1777. 1778. 1779. 1780. 1781. 1782. 1783. 1784. 1785. 1786. 1787. 1788. 1789. 1790. 1791. 1792. 1793. 1794. 1795. 1796. 1797. 1798. 1799. 1800. 1801. 1802. 1803. 1804. 1805. 1806. 1807. 1808. 1809. 1810. 1811. 1812. 1813. 1814. 1815. 1816. 1817. 1818. 1819. 1820. 1821. 1822. 1823. 1824. 1825. 1826. 1827. 1828. 1829. 1830. 1831. 1832. 1833. 1834. 1835. 1836. 1837. 1838. 1839. 1840. 1841. 1842. 1843. 1844. 1845. 1846. 1847. 1848. 1849. 1850. 1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 211

(1) The "Organized Crime Control Act of 1970", Title 18, United States Code, §1511 - "Obstruction of state or local law enforcement", in that from on and before October 15, 1970, to the present time, at and near New Orleans, Louisiana, in the Eastern Judicial District of Louisiana, JIM GARRISON, FREDERICK A. SOULE, SR., ROBERT N. FREY, LOUIS M. BOASBERG, HARBY S. MARKS, JR., JOHN J. ELMS, JR., LAWRENCE L. LAGARDE, ROBERT NIMS, JOHN ARUNS CALLERY, JOHN ELMO PIERCE, and other persons both known and unknown, did unlawfully, knowingly and willfully conspire to obstruct the enforcement of the criminal laws of the State of Louisiana and ordinances of the City of New Orleans, to wit, Article 90 of Louisiana Criminal Code, R.S. 14:90 - "Gambling"; the New Orleans City Code, 1956, §27-2.2 - "Same [Gambling generally - Defined] - Prohibited", and §5-58.1(c) - "Authority of [City] Council; grounds for revocation or suspension [of city permits for retail sale of beverages of low alcoholic content ... where illegal gambling is intentionally conducted on the premises]; hearing", with the intent to facilitate illegal gambling businesses, to wit, the illegal operation and use of Bally in-line gambling type pinball machines which are and were placed in public places for use by the general public and upon which payoffs are made for free games accumulated by the player, one or more of the above named persons during the time alleged having committed an act or acts to effect the objects of said conspiracy, and one or more of the above named persons being an official or employee, elected, appointed or otherwise, of the State of Louisiana and a political subdivision of the State of Louisiana, namely, JIM GARRISON, who is District Attorney of Orleans Parish, Louisiana, Captain FREDERICK A. SOULE, SR., of the New Orleans, Louisiana, Police Department who is assigned to the staff of District Attorney JIM GARRISON as an investigator, and Sergeant ROBERT N. FREY, who is Commander of the Vice Squad of the New Orleans, Louisiana, Police Department; and one or more of the other above named persons being engaged or having been engaged during the period alleged in conducting, financing, managing, supervising, directing and owning all or a part of each of said illegal gambling businesses, all of which gambling businesses involve five or more persons who conduct, finance, manage, supervise, direct and own all or a part of said businesses, all of which businesses have been and remain in substantially continuous operation over a period in excess of thirty days and all of which have had a gross revenue of \$2,000 in a single day.

(2) The "Organized Crime Control Act of 1970", Title 18, United States Code, §1955 - "Prohibition of illegal gambling businesses", and §2 - "Principals", in that at and near New Orleans, Louisiana, in the Eastern Judicial District of Louisiana, JIM GARRISON, FREDERICK A. SOULE, SR., ROBERT N. FREY, LOUIS M. BOASBERG, HARBY S. MARKS, JR., JOHN J. ELMS, JR., LAWRENCE L. LAGARDE, ROBERT NIMS, JOHN ARUNS CALLERY, JOHN ELMO PIERCE, and other persons, both known and unknown, did unlawfully, knowingly and willfully, from on and before October 15, 1970, to the present time, conduct and aid and abet each other in the conduct of illegal gambling businesses in violation of the criminal laws of the State of Louisiana and ordinances of the City of New Orleans, to wit, the operation and use of Bally in-line gambling type pinball machines which are placed in public places for use by the general public and for which payoffs are made on games won by the players in violation of Article 90 of Louisiana Criminal Code, R.S. 14:90 - "Gambling"; the New Orleans City Code, 1956, §27-2.2 - "Same [Gambling generally - Defined] - Prohibited", and §5-58.1(c) - "Authority of [City] Council; grounds for revocation or suspension [of city permits for retail sale of beverages of low alcoholic content ... where illegal gambling is intentionally conducted on the premises]; hearing", all of which illegal gambling businesses involve five or more persons who conduct, finance, manage, supervise, direct and own all or a part of such businesses, and all of which

businesses have been and remain in substantially continuous operation for a period in excess of thirty days and have had gross revenue of \$2,000 on a single day.

(3) Title 18, United States Code, §1952 - "Interstate and foreign travel or transportation in aid of racketeering enterprises", and §2 - "Principals", in that from on and before July 1, 1966, to the present time, at and near New Orleans, Louisiana, in the Eastern Judicial District of Louisiana, JIM GARRISON, FREDERICK A. SOULE, SR., ROBERT N. FREY, LOUIS M. BOASBERG, HARBY S. MARKS, JR., JOHN J. ELMS, JR., LAWRENCE L. LAGARDE, ROBERT NIMS, JOHN ARUNS CALLERY, JOHN ELMO PIERCE, and other persons both known and unknown, did unlawfully, knowingly and willfully use and cause to be used in interstate commerce between the State of Illinois and the Eastern Judicial District of Louisiana, transportation facilities of common carriers for the shipment of Bally in-line gambling type pinball machines and parts therefor, with the intent to promote, manage, establish and carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, to wit, the operation and use of Bally in-line gambling type pinball machines which are placed in public places for use by the general public and for which payoffs are made on games accumulated by the players in violation of Article 90 of Louisiana Criminal Code, R.S. 14:90 - "Gambling", and thereafter the above named persons did perform and cause to be performed acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity; and further that the above named persons did aid and abet each other in the above named pursuits and acts.

(4) Title 18, United States Code, §371 - "Conspiracy to commit offenses or to defraud United States", in that JIM GARRISON, FREDERICK A. SOULE, SR., ROBERT N. FREY, LOUIS M. BOASBERG, HARBY S. MARKS, JR., JOHN J. ELMS, JR., LAWRENCE L. LAGARDE, ROBERT NIMS, JOHN ARUNS CALLERY, JOHN ELMO PIERCE, and other persons both known and unknown, did unlawfully, knowingly and willfully conspire to commit offenses against the United States, the State of Louisiana, and the City of New Orleans, to wit, Title 18, United States Code, §§1955, 1952 and 2, Article 90 of Louisiana Criminal Code, R.S. 14:90 - "Gambling"; the New Orleans City Code, 1956, §27-2.2 - "Same [Gambling generally - Defined] - Prohibited", and §5-58.1(c) - "Authority of [City] Council; grounds for revocation or suspension [of city permits for retail sale of beverages of low alcoholic content ... where illegal gambling is intentionally conducted on the premises]; hearing", said offenses more particularly described in Paragraphs (2) and (3) above, which are incorporated herein, one or more of the above named persons having committed an act or acts to effect the objects of the conspiracy.

(5) The "Internal Revenue Code of 1954", Title 26, United States Code, §7206(1), "Fraud and false statements", in that on or about February 6, 1966, January 21, 1967, February 23, 1968, April 1, 1969, and April 10, 1970; in the Eastern Judicial District of Louisiana, FREDERICK A. SOULE, SR., of New Orleans, Louisiana, did unlawfully, knowingly and willfully make and subscribe and cause to be made and subscribed documents verified by a written declaration that they were made under penalties of perjury, to wit, United States Individual Income Tax Returns, Forms 1040, for the calendar years 1965, 1966, 1967, 1968 and 1969, which were filed with a proper official of the Internal Revenue Service, which said income tax returns he did not believe to be true and correct as to every material matter in that at the time of the subscribing and filing of said income tax returns, he then and there well knew and believed he had substantially more additional income for each of the said years than the amount reported on the said United States Income Tax Returns for those years.

for the Northern Judicial District of Texas person-

ly appeared Charles H. Langhoff, Jr., who being duly sworn deposes and says:

(1) That I am a Group Supervisor, Intelligence Division, Internal Revenue Service, and have been so employed for one year and six months. That before becoming a Group Supervisor, I was a Special Agent in the Intelligence Division for twenty years, and as a part of my duties conducted investigations relating to criminal violations of the Internal Revenue laws, including willful income tax evasions in violation of 26 USC 7201 - "Attempt to evade and defeat tax" and the willful subscribing of false and fraudulent United States income tax returns in violation of 26 USC 7206(1) - "Fraud and false statements". Since September of 1970, I have participated in the supervision of investigations in New Orleans, Louisiana, involving illegal gambling businesses in violation of the laws of the State of Louisiana, the City of New Orleans, Louisiana, and of the United States of America, to wit, Article 90 of Louisiana Criminal Code, R.S. 14:90 - "Gambling in the New Orleans City Code, 1956, §27-2.2 - "Same [Gambling generally - Defined] - prohibited", and §5-58.1(c) - "Authority of [City- Council; grounds for revocation or suspension [of city permits for retail sale of beverages of low alcoholic content ... where illegal gambling is intentionally conducted on the premises]; hearing", Title 18, United States Code, §1511 - "Obstruction of state or local law enforcement", §1955 - "Prohibition of illegal gambling businesses", §1952 - "Interstate and foreign travel or transportation in aid of racketeering enterprises", §2 - "Principals", and §371 - "Conspiracy to commit offenses or to defraud United States", and I have reason to believe and do believe said offenses were committed by JIM GARRISON, FREDERICK A. SOULE, SR., ROBERT N. FREY, LOUIS M. BOASBERG, HARBY S. MARKS, JR., ROBERT NIMS, JOHN J. ELMS, JR., LAWRENCE L. LARDE, JOHN ARUNS CALLERY, and JOHN ELMO PIERCE. I have also participated in the supervision of an investigation involving violations of the Internal Revenue laws, particularly Title 26, United States Code, §7206(1), which I have reason to believe and do believe were committed by FREDERICK A. SOULE, SR., New Orleans, Louisiana.

(2) That on _____, 1971, I personally determined that FREDERICK A. SOULE, SR., and his wife have a safe deposit box at _____

The safe deposit box bears the number _____. I determined the foregoing by consulting a bank official at the said bank, who has personal knowledge of the facts as a result of his personal examination of the bank records and by personally examining the bank's records relating to the safe deposit box, namely _____. The records show that the safe deposit box was rented to FREDERICK A. SOULE, SR., on _____; that he has made entries into the box on the following dates: _____

and that as of this date the safe deposit box remains in the name of FREDERICK A. SOULE, SR., and his wife who have exclusive authority to enter same.

(3) That based on the foregoing facts and on the information contained in the attached affidavit, which was subscribed and sworn to by my supervisor, Floyd D. Moore, Chief, Intelligence Division, Internal Revenue Service, on _____ 1971, all of which information contained in said affidavit was conveyed to me personally by Chief Moore and which affidavit is attached to and incorporated in this affidavit by reference herein, I have reason to believe and do believe that in safe deposit box number _____, at the _____

_____ there is concealed certain property, to wit, approximately \$75,000 in United States currency, which currency was used in violation of Article 90 of Louisiana Criminal Code, R.S. 14:90, the New Orleans City Code, 1956, §§27-2.2 and 5-58.1(c), Title 18, United States Code, §§1511, 1955, 1952, 2, 371, and which currency constitutes evidence within the meaning of Title 18, United States Code, §3103(a) "Additional grounds for issuing warrant", and within the meaning of *Warden v. Hayden*, 387 U.S. 294 (1967), and which is to be used as evidence in the trial of cases of persons who have violated Article 90 of Louisiana Criminal Code, R.S. 14:90, the New Orleans City Code, 1956, §§27-2.2 and 5-58.1(c), Title 18, United States Code, §§1511, 1955, 1952, 2, 371, and Title 26, United States Code, §7206(1).

(4) I am a line supervisor responsible for the investigation in this case. Federal officers involved in this case have made reports to me and I with these officers reported to the affiant, Floyd D. Moore. I have known Floyd D. Moore as an Internal Revenue officer for more than five years and have worked under his supervision for more than three years. I have acted on information given by Chief Moore in many instances and have always found such information to be reliable. I have heard the excerpted transcripts of recorded conversations related in Chief Moore's affidavit and have actual knowledge of the contents of said recordings.

CHARLES H. LANGHOFF, JR.

Subscribed and sworn before me on _____.