

AFFIDAVIT FOR COMPLAINT AND SEARCH WARRANTS

On June \_\_\_\_\_, 1971, before \_\_\_\_\_

\_\_\_\_\_, at New Orleans, Louisiana in the Eastern Judicial District of Louisiana, personally appeared the undersigned affiant, FLOYD D. MOORE, who being duly sworn, deposes and says:

(1) I am Chief, Intelligence Division, Internal Revenue Service for the New Orleans Internal Revenue Service District which includes all of the state of Louisiana and have held such position since September, 1967.

(2) Since September, 1967, I have supervised investigations conducted by Special Agents of the Intelligence Division, Internal Revenue Service, in the State of Louisiana, including potential violations of the criminal provisions of the Internal Revenue laws, to wit, Title 26, United States Code, Section 7201 - "Attempt to evade or defeat tax," and Title 26, United States Code, Section 7206(1) - "Fraud and false statements," by JIM GARRISON, aka JAMES CAROTHERS GARRISON, District Attorney, Parish of Orleans, Captain FREDERICK A. SOULE, SR., New Orleans Police Department assigned as an investigator to the staff of District Attorney GARRISON, PERSHING GERVAIS, and other individuals, some named herein and others un-named, who have been and are engaged in illegal gambling businesses in the State of Louisiana.

(3) As a result of evidence discovered in the foregoing investigations and evidence discovered in investigations of potential violations of other Internal Revenue laws relating to gambling devices, I have, in the past 8 months supervised a portion of an investigation of offenses involving the Louisiana pinball industry and certain public officials including law enforcement officers, and as a result of my personal direction of that investigation and of reports made to me by federal agents under my supervision, as well as reports to me from agents of other federal Agencies, I am familiar with the circumstances of the offenses involving violations of certain

sections of the "Organized Crime Control Act of 1970", including Title 18, United States Code, Section 1511 - "Obstruction of state or local law enforcement", and Section 1955 - Prohibition of illegal gambling businesses;" as well as violations of Title 18, United States Code, Section 1952 - "Interstate and foreign travel or transportation in aid of racketeering enterprises" and Section 2 - "Principals"; and Title 18, United States Code, Section 371 - "Conspiracy to commit offenses or to defraud United States"; which have been and are being committed by certain persons among whom are JIM GARRISON, a/k/a JAMES CAROTHERS GARRISON, District Attorney for the Parish of Orleans, Louisiana; Captain FREDERICK A. SOULE, SR., New Orleans Police Department; Sergeant ROBERT N. FREY, Commander of the New Orleans Police Department Vice Squad; LOUIS M. BOASBERG, holder of a partnership interest in New Orleans Novelty Company and New Orleans Novelty Sales Company, both partnerships, New Orleans, Louisiana; JOHN J. ELMS, JR., a partner in TAC Amusement Company, New Orleans, Louisiana, a partnership; LAWRENCE L. LAGARDE, a partner in TAC Amusement Company, New Orleans, Louisiana; HARBY S. MARKS, JR., an employee of New Orleans Novelty Company, New Orleans, Louisiana; ROBERT NIMS, principal stockholder of REN Enterprises, Inc., a holding company for Lucky Coin Machine Company, Inc., AMA Distributors, Inc., RDM Corporation and Le Cafetierie, Inc., all of New Orleans, Louisiana; JOHN ELMO PIERCE, owner and operator of Pierce Amusement Company, a sole proprietorship, New Orleans, Louisiana; JOHN ARUNS CALLERY, New Orleans, Louisiana; PERSHING GERVAIS, former chief Investigator in the Orleans Parish District Attorney's Office; CHARLES PACE, owner and operator of Palace Amusement Company, New Orleans, Louisiana, a sole proprietorship; and Santo Di Fatta, former owner and operator of New Orleans Coin Machine Company, New Orleans, Louisiana, a sole proprietorship.

(4) I have personal knowledge from my own investigations and from investigations conducted by Special Agents under my supervision of the following background information on the individuals mentioned in Paragraph (3) above:

a. JIM GARRISON is currently the District Attorney for Orleans Parish, Louisiana. He was first elected to this office in November 1961 and he took office in May of 1962. He was elected to his third consecutive four-year term in November of 1969 and began his third term in May of 1970. His name was officially changed to JIM GARRISON in 1961. Prior to this date, his name was JAMES CAROTHERS GARRISON.

b. JOHN ARUNS CALLERY has been involved in various phases of the pinball industry for many years. He is the lobbyist for the pinball machine industry in the Louisiana state legislature. He formerly had an interest in New Orleans Novelty Company (1947 - 1968), New Orleans, Louisiana, a company dealing in various amusement devices and in the Bally in-line gambling type pinball machines. In 1968 he was President of State Novelty Company, Inc., Baton Rouge, Louisiana, a business also engaged in the placing of Bally in-line gambling type pinball machines in public places for use by the general public. In 1968 and 1969 he was a stockholder and director in Business Loan and Investment Corporation, which company held at least 50% of the stock of State Novelty Company, Inc.

c. FREDERICK A. SOULE, SR., is currently a Captain of Police assigned to the investigative staff of the District Attorney's Office, Orleans Parish, Louisiana. From May 5, 1962, to June 30, 1968, SOULE was Commander of the Vice Squad, New Orleans Police Department, New Orleans, Louisiana. SOULE was employed by New Orleans Novelty Company, New Orleans, Louisiana, during the late 1930's and early 1940's.

d. Sergeant ROBERT N. FREY is presently Commander of the Vice Squad, New Orleans Police Department, New Orleans, Louisiana. He has held that position since April 2, 1969. Among other things, the Vice Squad is in charge of enforcing the State of Louisiana and City of New Orleans gambling

laws, including Article 90 of the Louisiana Criminal Code, R.S.

14:90 - "Gambling", and New Orleans City Code, 1956, Section

27-2.2 - "Same [Gambling generally - Defined] - Prohibited".

e. LOUIS M. BOASBERG is a partner in New Orleans Novelty Company and New Orleans Novelty Sales Company, both of New Orleans, Louisiana. BOASBERG has been engaged in the pinball business since the 1930's. He is the sole "prime" distributor of Bally in-line gambling type pinball machines for the States of Louisiana and Mississippi. He sells machines to other dealers through New Orleans Novelty Sales Company. New Orleans Novelty Company places its gambling type pinball machines in various bars and other public places for use by the general public.

f. JOHN J. ELMS, JR., and LAWRENCE LAGARDE are the principal figures in TAC Amusement Company, a partnership, New Orleans, Louisiana. The principal business of TAC Amusement Company is placing Bally in-line gambling type pinball machines and juke boxes in bars, restaurants and other public places in the greater New Orleans metropolitan area as well as elsewhere in the state for use by the general public. LAWRENCE L. LAGARDE, who is the general manager and a partner, has been associated with TAC Amusement Company for more than 30 years. JOHN J. ELMS, JR. inherited an interest in TAC Amusement Company upon the death of his father in 1969. LAGARDE and ELMS also control Operator's Sales, Inc., a corporation which buys and sells gambling type pinball machines.

g. HARBY S. MARKS, JR., has been employed by LOUIS BOASBERG and/or New Orleans Novelty Company since about 1940.

h. ROBERT NIMS is the principal stockholder of REN Enterprises, Inc., a holding company for Lucky Coin Machine Company, Inc., AMA Distributors, Inc., RDM Corporation and Le Cafetier, Inc., all of New Orleans, Louisiana. Lucky Coin Machine Company, Inc., was in the business of placing Bally in-line gambling type pinball machines and still is in the

business of placing juke boxes and amusement devices in public places such as bars and restaurants for use by the general public. AMA Distributors, Inc., is a corporation used by NIMS for the purpose of purchasing and selling Bally in-line gambling type pinball machines, amusement devices and juke boxes.

i. JOHN ELMO PIERCE is the owner and operator of Pierce Amusement Company, a sole proprietorship, New Orleans, Louisiana, which owns and places Bally in-line gambling type pinball machines in public places for use by the general public.

j. CHARLES PACE is the owner and operator of Palace Amusement Company, a sole proprietorship, New Orleans, Louisiana, a company which placed Bally in-line pinball machine type gambling devices in public places for use by the general public.

k. SANTO DI FATTA, is the former owner and operator of New Orleans Coin Machine Company, New Orleans, Louisiana, a company which placed Bally in-line pinball machine type gambling devices in public places for use by the general public.

l. PERSHING GERVAIS was first employed by the New Orleans Police Department during the mid-1940's. He left this employment around 1952 or 1953, when he became self-employed as a private investigator and did investigative work for the New Orleans Metropolitan Crime Commission. In 1962, he became employed as Chief Investigator on the staff of JIM GARRISON, Orleans Parish District Attorney. He left that employment in October, 1965. Since then he has been engaged as a private investigator; in the bailbond and surety bond business; president of Industrial Bonding Agency, Inc.; and formerly was a stockholder in the Emerald Door, Inc., and has owned and operated other such bars and lounges in New Orleans, Louisiana, and has also owned and operated Bally in-line gambling type pinball machines and has placed such gambling devices in public places for use by the general public. During the year 1967, GERVAIS worked for General Bonding Agency, New Orleans,

Louisiana, on a fee basis. PERSHING GERVAIS has assisted Special Agents of the Internal Revenue Service in investigations in the past, including the investigations, indictments, and federal jury trials in the 1950's of E. J. PATERMOSTRO, a former member of the New Orleans Police Department, as well as MILTON L. DUREL, THOMAS J. BROOKS and MATEO J. AZCONA, all former members of the New Orleans Police Department.

(5) Unless otherwise indicated herein all statements made by me in this affidavit are as a result of (1) my own personal knowledge, (2) the personal knowledge of other federal agents who communicated their personal knowledge directly to me, (3) the personal knowledge of other federal agents who have communicated such personal knowledge to me indirectly through official channels, or (4) the personal knowledge of PERSHING GERVAIS, which was communicated to me by him both directly and through JOHN WALL, Attorney-in-Charge of the Justice Department's Organized Crime Strike Force in New Orleans, and ARLIE G. PUCKETT, Special Agent, Intelligence Division, Internal Revenue Service.

(6) Based on the personal knowledge, experience and expertise of other federal agents concerning Bally in-line gambling type pinball machines, I can state that such devices are coin-activated electrically operated machines. Each machine when assembled and ready for use consists of a vertical section attached to a base section to which are secured four legs. The base section contains a plunger device, a number of holes drilled into an inclined playboard and a quantity of posts with rubber bumpers placed at intervals thereon. The device is equipped with from five to eight metal balls, five of which are released for play upon insertion of a coin. The vertical section has a glass front upon which the results of play are recorded by electrically operated equipment. The object of play of the device is to propel the balls by means of the plunger onto the inclined playboard so that the balls will fall into certain holes and thereby light corresponding light bulbs located on the vertical section of the machine. When three or more bulbs are

lighted in a row, or in some other predetermined order, the machine registers so-called "free plays". The machine is so constructed that any number of coins may be inserted therein before actual play of the game begins. The number of "free plays" to be awarded for successful operation of the device can be increased by insertion of additional coins prior to play of the machine, although the rate of increase of free play awards cannot be controlled by the player and may or may not increase upon the insertion of a particular coin. After having been struck with the plunger, a ball is propelled onto the playboard and descends the inclined plane dependent upon the law of gravity and chance contacts with the posts affixed to the board. Free plays won on the machine are recorded on a three or four digit counting meter (replay register). Free games so recorded may be used by depressing appropriate buttons to activate the mechanism which controls the increase of the free game awards, or to activate other features of the machine. Each such use decreases the number shown on the replay register by one. The replay register can be immediately cleared by operation of an on-off switch located on the base section of the device or by disconnecting the device from its power source and then reconnecting it. Inside the base section are located two additional meters referred to as the total plays meter and the replays meter. The total plays meter records the number of coins inserted in the device and the number of free plays used in the play of the machine. The replays meter records the total number of free plays which have been won by playing the machine. Subtracting the total registered on the replays meter and the total of coins in the coin box from the total registered on the total plays meter will result in the number of free games eliminated from the machine without being used in play. The devices are so equipped that the replay meter may be readily rewired in order to record only the number of free games eliminated from the machine without being used in play. Also,

additional meters may be installed to assist in the making of other calculations.

(7) While Bally in-line pinball machines are not illegal in themselves (contraband) in the state of Louisiana (LSRS, Section 31(b)), the use of such machines for gambling purposes - such as payoffs to the players for "free plays" accumulated - is illegal in the City of New Orleans (City Code, 1956, Section 27-2.2) and throughout the State of Louisiana (Article 90 of the Louisiana Criminal Code, R.S. 14:90).

Personal inspection by federal agents of company records, together with actual physical surveillance by federal agents from the Intelligence Division, Internal Revenue Service; Alcohol, Tobacco and Firearms Division, Internal Revenue Service; Federal Bureau of Investigation; Postal Inspection Service of the Postal Service; Customs Agency Service, Bureau of Customs; Labor Management Services Administration, Department of Labor; Immigration and Naturalization Service; and the United States Secret Service, disclosed that New Orleans Novelty Company has placed Bally in-line gambling type pinball machines in at least 139 known locations, and that during the past 90 days payoffs were obtained or observed by or admitted to the above federal agents at 113 locations, the most recent such payoff having been on June 28, 1971, for a percentage of payoffs of 81% (percent); that TAC Amusement Company has placed Bally in-line gambling type pinball machines in at least 65 known locations, and that during the past 90 days payoffs were obtained or observed by or admitted to the above federal agents at 53 locations, the most recent such payoff having been on June 19, 1971, for a percentage of payoffs of 82% (percent); that State Novelty Company, Inc. of Baton Rouge, Louisiana, has placed Bally in-line gambling type pinball machines in at least 66 known locations, and that during the past 90 days payoffs were obtained or observed by or admitted to the above federal agents



at 64 locations, the most recent such payoff having been on June 25, 1971, for a percentage of payoffs of 97% (percent); that Pierce Amusement Company has placed Bally in-line gambling type pinball machines in at least 4 known locations, and that during the past 90 days payoffs were obtained or observed by or admitted to the above federal agents at 4 locations, the most recent such payoff having been on June 26, 1971, for a percentage of payoffs of 100% (percent). Of a total of 274 known locations in which the above named 4 companies have placed Bally in-line gambling type pinball machines, during the past 90 days payoffs were obtained or observed by or admitted to the above federal agents at 234 locations, for an overall percentage of payoffs of 85% (percent). These federal agents have reported that the payoffs were made after the machines were played and a number of so-called "free plays" were accumulated; and that the payoffs were made by personnel of the locations on the basis of 5 cent per free play, which plays were taken off the replay registers by operation of on-off switches or by disconnecting the machines from their power sources as described in (6) above.

(8) Based on information received from other federal agents through their personal knowledge and experience regarding the Louisiana pinball industry, on direct knowledge obtained from dealers in Louisiana, and on direct knowledge obtained from several location owners in Louisiana, I can state that the above mentioned pinball companies have collected and do regularly collect the proceeds of the play from the gambling type pinball machines from within the machines, that the companies and their employees have exclusive access into the machines and their contents, that the companies reimburse the location owners for payoffs made, that companies charge a set service charge which is then subtracted from the total proceeds and the remaining proceeds are then split (usually on a 50-50 percentage basis) with the location owners, that the amount of income thus derived and the operation of the machines is dependent upon the location owners' willingness to award players payoffs in exchange for the

free games the players have accumulated on the machines, and that the location owners' willingness to pay off its customers is directly and totally dependent on the companies' willingness to reimburse the location owners for such payoffs.

(9) Based on surveillance as well as personal observation of company records conducted by other federal agents, including the information set forth in paragraph seven above, I can state that each of the above named pinball companies is and has been in business in excess of thirty days and that each has had and does have at least five persons involved in the conduct, financing, management, supervision, direction and ownership of all or part of the gambling type pinball machine business.

(10) Based on my personal knowledge and experience and on information received from other federal agents with personal knowledge and experience regarding the Louisiana-Mississippi pinball industry, and also on direct knowledge obtained from dealers in Louisiana-Mississippi and from the Bally Manufacturing Company in Illinois, I can state that Bally in-line gambling type pinball machines are manufactured exclusively in Chicago, Illinois, and are not and never have been manufactured in the State of Louisiana; that when such machines are shipped from the manufacturer, there are located in the rear of the vertical sections or cabinets, operating instructions and parts catalogs together with business reply cards on which are prominently displayed the manufacturer's name and Chicago, Illinois, address; that other accompanying documents containing the manufacturer's name and address include electrical circuit diagrams, patent notices, and warranties; that the electrical circuit diagrams are for referral when the devices are being repaired and that the manufacturer has conducted and does conduct schools in Chicago, Illinois and elsewhere on the care and maintenance of the gambling devices, which schools some of the local repairmen have attended; that the manufacturer's name appears on the glass face of the vertical section of all of the Bally in-line gambling type pinball machines manufactured from 1963 through 1967

and that the manufacturer's name and the place of manufacture appear on all such devices manufactured from 1968 through the present time; that there is permanently impressed into and clearly visible on both the vertical section and the base section of each of the said gambling devices, the date of manufacture of such device and its permanent serial number as required by the Gambling Devices Act of 1962; and that therefore there is probable cause to believe that the recipients and purchasers of the Bally in-line gambling type pinball machines have knowledge and in fact know that said machines have traveled in interstate commerce.

(11) Records of New Orleans Novelty Company, the sole "prime" distributor of Bally in-line gambling type pinball machines for the States of Louisiana and Mississippi and of the manufacturer, Bally Manufacturing Company, have been examined by federal agents and these federal agents have reported to me that New Orleans Novelty Company, TAC Amusement Company, Lucky Coin Machine Company, Inc., Pierce Amusement Company, State Novelty Company, Inc., and Palace Amusement Company have purchased and received Bally in-line gambling type pinball machines within the past five years on a regular basis. Moreover, actual physical surveillance by federal agents discloses that gambling type pinball machines manufactured and shipped to Louisiana within the past five years have been observed in commercial locations within the past ten days, said machines bearing ownership indicia of the above companies (except for Lucky Coin Machine Company, Inc., and Palace Amusement Company which went out of the pinball business on November 24, 1970) and the ownership of said machines being reflected on documents, records and reports of the companies.

(12) On June 24, 1969, I met with PERSHING GERVAIS at which time GERVAIS agreed to assist the Internal Revenue Service in the investigation of violations of federal law and in the accumulation of intelligence information regarding criminal activity in the New Orleans area. Special Agent ARLIE G. PUCKETT, Intelligence Division, Internal Revenue Service, was assigned by me to work with GERVAIS who thereafter furnished Special Agent PUCKETT with facts regarding numerous violations of

law, particularly bribery payoffs to elected public officials and law enforcement officers, including transactions in which GERVAIS had been a participant.

(13) On July 27, 1970, together with Special Agent PUCKETT, I introduced PERSHING GERVAIS to JOHN WALL, Attorney-in-Charge of the Justice Department's Organized Crime Strike Force in New Orleans. GERVAIS agreed to assist the Strike Force in its investigative and prosecutive efforts and Special Agent PUCKETT was authorized by GERVAIS to furnish WALL with all information previously obtained from GERVAIS.

(14) On August 31, 1970, and on subsequent occasions, GERVAIS outlined to WALL various illegal aspects of the pinball business in Louisiana (much of which had been previously told to Special Agent PUCKETT), including the fact that JOHN ARUNS CALLERY makes bribery payoffs for protection of the pinball industry to public officials including law enforcement officers and state legislators; that in the New Orleans area, JOHN ELMO PIERCE of Pierce Amusement Company collects protection bribe money from certain pinball dealers, then brings it to JOHN ARUNS CALLERY, who passes it on to public officials for protection of the pinball industry; that JOHN ARUNS CALLERY delivers money to him (GERVAIS) for delivery to District Attorney JIM GARRISON; that the relationship between GARRISON and the pinball dealers began in the year 1961 when the pinball dealers gave GARRISON \$10,000 during his campaign for the Office of District Attorney for Orleans Parish; that since 1962 he (GERVAIS) has been the conduit, through CALLERY, for payoffs from pinball machine dealers to JIM GARRISON; that when the pinball payoffs began to GARRISON through GERVAIS in 1962, the payoff amount from CALLERY to GERVAIS was thirty-six hundred dollars (\$3600) every two months, but that over the years the payments varied, dropping as low as twenty-seven hundred dollars (\$2700) bi-monthly and as high as forty-four hundred dollars (\$4400) bi-monthly, which latter figure was the one in effect at the time of the instant August 31, 1970, interview. GERVAIS further stated that generally during the year 1962 and for a time thereafter, he retained seven hundred

dollars (\$700) from each bi-monthly pinball payoff that CALLERY gave him, and passed the balance on to GARRISON; that for several years he retained nine hundred dollars (\$900) from each bi-monthly pinball payoff he received from CALLERY and passed the balance on to GARRISON; and that when the bi-monthly pinball payoff amount reached to forty-four hundred dollars (\$4400), he (GERVAIS) had retained fourteen hundred dollars (\$1400) from each bi-monthly pinball payoff he received from CALLERY, and passed the balance of three thousand dollars (\$3000) every two months to GARRISON.

(15) On November 13, 1970, Attorney WALL told GERVAIS that the federal government intended in the near future to take major action against some dealers in the pinball industry for violations of federal laws; that as a result of this action at least some of the pinball dealers would no longer have illegal gambling businesses to protect; and that the most accurate and reliable evidence of the commission of the above described and other crimes would be tape recordings of the participants themselves planning and executing their criminal activity. It was suggested to GERVAIS that the latter's conversations with certain other persons be monitored by Special Agents of the Intelligence Division, Internal Revenue Service, who would also record the conversations. GERVAIS was further told by Attorney WALL that such consensual eavesdropping and recording of conversations has long been held by the United States Supreme Court to be legal and admissible in evidence at trial, from as far back as the time of the case of On Lee v. United States, 343 U.S. 747 (1952), through Lopez v. United States, 373 U.S. 427 (1963), Lewis v. United States, 385 U.S. 293 (1966), and Osborne v. United States, 385 U.S. 323 (1966); that these Supreme Court decisions had been scrupulously adhered to by the United States Court of Appeals for the Fifth Circuit, Koran v. United States, 408 F. 2d 1321 (CA 5, 1969); and that these Supreme Court decisions had been codified by the United States Congress in the Omnibus Crime Control and Safe Streets Act of 1968 in Title 18 of the United

States Code at Section 2511(2)(c) and (d). GERVAIS agreed at this November 13, 1970, meeting to the action proposed by WALL.

(16) On November 14, 1970, Attorney General John Mitchell authorized the installation, with the consent of GERVAIS, of electronic listening devices on the latter's person, his telephones and in any rooms under his dominion and control.

(17) On November 16, 1970, Special Agents of the Intelligence Division, Internal Revenue Service, began monitoring and recording conversations between GERVAIS and various other persons.

(18) On November 16, 1970, CHARLES PACE of Palace Amusement Company met with GERVAIS in Room 276 of the Fontainebleau Motor Hotel in New Orleans, Louisiana. PACE said that on Tuesday, November 10, 1970, JOHN ELMO PIERCE of Pierce Amusement Company visited him and told PACE he had been sent by LOUIS M. BOASBERG of New Orleans Novelty Company; that PIERCE said he (PIERCE) would be the "pickup man" to collect money from each of the dealers and that PACE should contribute five hundred dollars a month; that he (PACE) was visited by LOUIS BOASBERG of New Orleans Novelty Company on Friday, November 13, 1970, and that the latter acknowledged sending PIERCE three days earlier to solicit \$500 a month from PACE; that he (PACE) said to BOASBERG "tell me where my money is going to go at. You know where yours is going"; that BOASBERG refused to say where "the bite is going", but that when questioned specifically about the District Attorney, BOASBERG replied, "Well, you don't think I'm going to leave, that we are going to leave that stone unturned, do you?"

PACE and GERVAIS also made reference to a meeting between PACE and ROBERT NIMS of Lucky Coin Machine Company, Inc., in September, 1970. At that time NIMS asked PACE to contribute to a fund among local pinball dealers to be paid out for protection of gambling type pinball machines in New Orleans. NIMS suggested that PACE'S share should be around \$700 a month, which would be about \$10.00 a machine. PACE told NIMS that he would go along with the proposed collection only if PERSHING GERVAIS,

who was "GARRISON'S man", said "yes" to the deal, and PACE suggested that NIMS get together with GERVAIS on the matter.

PACE and GERVAIS also made reference to a meeting that GERVAIS had on October 15, 1970, with ROBERT NIMS of Lucky Coin, Machine Company, Inc., and JOHN ARUNS CALLERY. At that meeting NIMS and CALLERY were seeking GERVAIS' evaluation of proposed payoffs for protection of pinball machines in New Orleans through JOHN J. ELMS, JR., of TAC Amusement Company who claimed to have a "connection" with certain officials whom he would not name.

(19) On November 24 and 25, 1970, Special Agents of the Federal Bureau of Investigation executed approximately one thousand three hundred fifty (1,350) search warrants throughout the states of Louisiana and Mississippi for locations containing gambling type pinball machines owned by persons and companies which had not registered with the Attorney General of the United States as required by the Gambling Devices Act of 1962, Title 15, United States Code, Section 1173(a)(3). Approximately 3,000 gambling type pinball machines and more than 1,000 slot machines were seized for forfeiture, as well as one hundred fifty thousand dollars (\$150,000) in cash.

(20) On November 30, 1970, PERSHING GERVAIS talked by telephone from Room 376 at the Fontainebleau Motor Hotel in New Orleans with CHARLES PACE of Palace Amusement Company. PACE told GERVAIS that he lost more than 70 machines (the current retail price of a new Bally in-line gambling type pinball machine then being approximately \$2,000) in the FBI raids of November 24 and 25, 1970, and that the FBI also seized between thirty and forty thousand dollars in cash from him at that time (During the pinball raids of November 24, 1970 while executing a search warrant for the garage and trunk of an automobile in the garage portion of No. 8 Central Park Drive, Metairie, Louisiana, Special Agents of the Federal Bureau of Investigation, accompanied by Special Agents of the Intelligence Division, Internal Revenue Service, seized ninety thousand, three hundred thirteen dollars (\$90,313) in cash belonging to CHARLES PACE, from the trunk of a white Lincoln 4-door sedan).

(21) On December 1, 1970, PERSHING GERVAIS talked by telephone from Room 376 at the Fontainebleau Motor Hotel in New Orleans with Captain FREDERICK A. SOULE, SR., who said he heard that the whole pinball industry in Louisiana was likely to fold up as a result of the FBI raids of November 24 and 25, 1970. SOULE also said that LOUIS BOASBERG of New Orleans Novelty Company may be taking over some pinball locations belonging to CHARLES PACE of Palace Amusement Company and ROBERT NIMS of Lucky Coin Machine Company, Inc. SOULE said that BOASBERG told him (SOULE) that there would be no payoff this month because things are so bad, and that he (BOASBERG) has been subpoenaed to appear before a federal grand jury with all his records and is very upset about it. SOULE said he explained to Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad, that "the gate was closed" as far as payoffs were concerned, but that BOASBERG might possibly reopen it after the first of the year.

(22) On December 1, 1970, JOHN ARUNS CALLERY met with PERSHING GERVAIS in Room 376 of the Fontainebleau Motor Hotel in New Orleans and told him that because of the FBI raids of November 24 and 25, 1970, most of the dealers in New Orleans were out of gambling type pinball machines except LOUIS M. BOASBERG of New Orleans Novelty Company, who had been registered with the Attorney General of the United States as required by the Gambling Devices Act of 1962 and that because of this development and the fact that BOASBERG was in Chicago, CALLERY did not have the payment that was due for District Attorney JIM GARRISON on December 1, 1970.

CALLERY went on to discuss with GERVAIS the arrangement whereby CALLERY had always refrained from taking bribe money directly from BOASBERG, even when they were partners together in the pinball business, and money collections from the pinball dealers, including BOASBERG, were made by another individual who gave it to CALLERY, who passed it on to public officials for protection of the pinball industry, and that when he (CALLERY) was in partnership with BOASBERG, the monies paid to public officials were covered in the partnership books as partners'



draw, that they paid taxes on it, and that if they were ever asked about it their cover story would be that they could not recall for what or to whom they paid the money:

CALLERY: Oh, I don't want to get into it, no. I don't want to get into it, but, uh, I have never -- I have never actually done anything with him [BOASBERG].

GERVAIS: Then you are a lucky bastard.

CALLERY: I mean, it was handled by somebody else. I told you about that insulation.

GERVAIS: Yeah. I guess I remember you said something about it.

CALLERY: In other words, I even went through another guy.

GERVAIS: Yeah, but you know him for years, though, uh?

CALLERY: Who?

GERVAIS: Boasberg.

CALLERY: Oh, I been -- I was in business with him for, for -- from 1945 until 1967.

GERVAIS: That's the best commentary I know to be in business with a guy and not trust him. How the (( ))\* could anybody that's not in business with him trust him? If you was in business with him and wouldn't trust him.

CALLERY: Well, as I say, I mean, I, uh, I handle a lot of things but I handle them in such a way that, uh --

GERVAIS: One man always between you. That's the way to do it -- insulation.

CALLERY: I handle a lot of things and, of course, I, I handle a lot of things personally that he [LOUIS BOASBERG] didn't even know I handled, you know --

GERVAIS: You know where I bet you a lot of (( )) blowup is going to come from too, though? That young punk [JOHN ELMS, JR.] over there at TAC [TAC Amusement Company].

CALLERY: That's, boy, that's a -- I'm just frightened to death of him. He [JOHN ELMS, JR.] came to that meeting Saturday morning. Of course, nothing was said there other than they were trying to decide whether -- he wanted to decide whether to go back in the business or not [because of the FBI pinball raids of November 24 and 25, 1970, described in paragraph 19 above], you know, so I -- I hesitated going to it but Rooney [ROBERT J. "BOB" ROONEY, president of State Novelty Company, Inc., Baton Rouge, Louisiana] asked me to do it because he wanted to, he was trying to make a decision in Baton Rouge, you see.

GERVAIS: What, every operator was there, all of them?

CALLERY: Rooney, John Elms, Nims, Louis, myself. You see what I am afraid of right now, I am afraid that they may be tailing him.

---

\*A double parenthesis indicates the deletion of either a proper name or of other words, including obscenities.

GERVAIS: Who?

CALLERY: Louis.

GERVAIS: Well, let's put it this way --

CALLERY: I, I don't know. I keep watching, I don't know --

GERVAIS: If you was the agent in charge of the people, whoever it is working on that, would you be tailing him?

CALLERY: I don't think he's smart enough to know whether they are tailing him or not.

GERVAIS: Oh, no, he isn't.

CALLERY: Of course, I look --

GERVAIS: Of course, let me say this though, if he's scared, but --

CALLERY: I always look behind me, you see, when my car's ( ) to see if anybody's --

GERVAIS: But, you see, when you get that way, every other guy you see you know he's an agent.

CALLERY: But I don't worry too much about it, I just figure they figure that --

GERVAIS: If they tail ya, they tail ya, that's all.

CALLERY: I mean, I think you ought to be very careful about how you talk on the phone. I am sure you are, you don't, uh --

GERVAIS: Listen, like I tell everybody you got liberty to say any (( )) thing if it comes to a showdown cause I ain't going to say (( )), nothing!

CALLERY: (laughter)

GERVAIS: You know, you know what they tell me, they say -- listen, uh --

CALLERY: You see, they've got, uh, uh, they got all of Louis' records. They took all of his records.

GERVAIS: I wonder what they got in his records.

CALLERY: Eight years, eight years [The Gambling Devices Act of 1962, Title 15, United States Code, Sections 1171-1178, provides that every person required to register under the Act must keep records of certain specified information which records must be made available at all reasonable times to the Federal Bureau of Investigation for inspection and copying]. They got everything.

GERVAIS: You think they got all his contributions and his gifts in there.

CALLERY: Oh, I am sure he does.

GERVAIS: Well, all them people'll be in trouble.

CALLERY: No names.

GERVAIS: But they will make him account for it.

CALLERY: No, they won't. He don't have to say he forgot, he can say what the hell, uh, I, I, presume they will ask me a lot of that stuff. Sure, I would, I would have to say, well, I gave a political contribution but I can't remember who -- just like I did -- with that other thing.

GERVAIS: Yeah. Well, I am sure it will all come to that. Then I would say that this punk over here [JOHN ELMS, JR.] is going to play the role of a -- who is his lawyer?

CALLERY: (( ))

GERVAIS: What the (( ))? (( )) is a dumb kind of (( ))).

CALLERY: (laughter)

GERVAIS: How'd he wind up with (( ))?

CALLERY: There's nothing in the records that would be damaging, you see, what I mean it's a -- lot of it would show, it would show, it would show money withdrawn out of the business and charged to the partners. You see, that was handled that way. What the hell, you do what you want, you know what I mean, if you took money as long as you pay taxes on it.

GERVAIS: Right.

CALLERY: See, that's just the way I covered it, that's the way I handled it.

GERVAIS: Yeah, but you think Boasberg did? Tight as he is?

CALLERY: Well, now in the last three years, I can't answer for that. But, I mean, up til the time I --

GERVAIS: You, you mean like the draw. You make the draw charged against you.

CALLERY: No, no, charge it against their, prorate it among every partner.

GERVAIS: Among the partners, right, shows a draw.

CALLERY: A draw.

GERVAIS: Who, so that now becomes income.

CALLERY: No, no, we pay taxes on it.

GERVAIS: That's what I'm saying -- it now becomes income for you.

CALLERY: That's right, that's right.

GERVAIS: So you got to pay tax.

CALLERY: Yeah, they might say, well, what you draw it (( )) -- but I never --

GERVAIS: Well, (( )) --

CALLERY: I just drew it out the business --

GERVAIS: I give it to some whore.

CALLERY: Here's the, here's the taxes, taxes been paid.

GERVAIS: That's all right.

(23) On December 3, 1970, Captain FREDERICK A. SOULE,

SR., of New Orleans Police Department met with PERSHING GERVAIS

in Room 376 of the Fontainebleau Motor Hotel in New Orleans.

SOULE said that right after JOSEPH GIARRUSSO retired as Superintendent of Police in New Orleans (JOSEPH GIARRUSSO retired on August 21, 1970), BOASBERG came to Captain SOULE and told the latter that no one can get to Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad, and asked SOULE to talk to FREY; that SOULE then invited Sergeant FREY on a trip regarding an extradition matter (On September 2, 1970, Captain SOULE and Sergeant FREY delivered a State of Louisiana Governor's Warrant to the Colorado Springs, Colorado, Police Department and took custody of a prisoner named PAUL DAVID PIERCE, who had been charged in Louisiana with possession of narcotics) at which time SOULE told FREY about previous and current payoff arrangements for pinball protection and solicited Sergeant FREY's agreement to take payoffs for protection of pinballs and that that was when it started with FREY.

Captain SOULE and GERVAIS went on to discuss how BOASBERG, after initiating the corruption of Sergeant FREY, then began to delay and renegotiate regarding amounts of payments. They also discussed payments made to SOULE through CALLERY from TAC Amusement Company and ROBERT NIMS of Lucky Coin Machine Company, Inc.

GERVAIS: He [LOUIS BOASBERG] started you and then wouldn't come up --

SOULE: He started -- wouldn't come up because he, he told me --

GERVAIS: Why didn't you tell him, you ((            )), you the one that's --

SOULE: In the meantime, I speak to Callery, you know, and I tell Callery, I said, uh, I said, look, uh, I got Frey [Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad] and wants to go and I said, uh, I said, uh, how much you think we ought to hit Louie [BOASBERG] for? He said, well, look, the son of a bitch owes me for the legislature, I'd like to get something for myself. I said, I tell you what, I said, before I get you to accept anything (

) Frey (            )

if you're going to handle it, you tack on, you say, you want to get something, tack on your, your 500 for you and ask for two thousand, so I met Louis myself when I come back, we had arranged to meet (            ) I said look, we want two, its going to cost, was cost him two

thousand we want Callery to handle it cause we been dealing with Callery, deal with Callery, he says, oh, I'll get that, that's fine, so he went back to each one of them guys [some of the other pinball dealers] and wanted them each to come up with a share but they wouldn't do it.

GERVAIS: With him.

SOULE: They [the other pinball dealers] wanted him [BOASBERG] to go [provide the entire payoff amount himself] this time, and he wanted them all to share it, so he called me back and he says, Freddie, he says, uh, none of them will go, he said, I'll go for a thousand, he said, but none of them will go. I says, well ( ) take a thousand. So I go see, so I come back and I talk, I talk to, ah, Aruns [CALLERY] ( ) and the son of a bitch ( ) thousand ( ) so he [CALLERY] says, well, whatever you want to do, I said, well, I'll take that and that'll take care of me and Frey and you can run the other business, so then I come and tell Louis, okay, we'll, we'll take a thousand. He says, all right, the first of the month.

GERVAIS: He's a stalling (( )).

SOULE: So the first of the month comes and he [BOASBERG] still don't come up, he, then I, see, we knocked a few machines off, he wants to see me, I go see him, it's about the sixth, I said, well, you know, you never did come up, he says, well, let's start the first of next month. He said, I'll tell my people to quit paying off. But that's all I ever got, the first of the month, he always to start on the first and he don't want to catch up.

GERVAIS: No. He's a bad (( )) man.

SOULE: Yes, he is.

GERVAIS: He started the thing and then he wouldn't come up.

SOULE: That's right.

GERVAIS: Let me ask you this though, if he started it and wouldn't come up, how did you finally get the (( )) money?

SOULE: Well, all I did was tell Callery -- after I meet with Louis, I tell Callery this was what went on, you know cause Callery's been square with me --

GERVAIS: Yeah.

SOULE: So, uh, Frey [Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad] was knocking the piss when, when he didn't come up on the first, Frey went out and knocked the piss out of about ten of them [The Sunday, October 4, 1970 edition of the New Orleans Times Picayune newspaper carries a story that on October 3, 1970, the New Orleans Police Department Vice Squad confiscated ten Bally in-line gambling type pinball machines from nine establishments in New Orleans, where seventeen persons were arrested for making illegal payoffs to players of pinball machines for games won], you see.

GERVAIS: He did, he did, huh.

SOULE: And I told Callery, I said, we've got ten, he said, wait a minute, and that's when TAC come up with the (( )) money.

GERVAIS: Oh.

SOULE: So, uh, TAC [TAC Amusement Company] come up with it, Frey called the investigation off, so we got 500 apiece from TAC.

GERVAIS: Uh-huh.

SOULE: That went on for, for --

GERVAIS: A couple of months.

SOULE: Two months, and then we were gonna knock them off again and so Nims [ROBERT NIMS of Lucky Coin Machine Company, Inc.] come up. TAC --

SOULE said that he had given FREY about \$500 a month of pinball bribe money for three or four months, but that he had told Sergeant FREY that the FBI pinball raids had tightened up the money situation but that FREY could expect to get something more starting at the beginning of 1971.

(24) On December 7, 1970, Captain FREDERICK A. SOULE, SR., met with PERSHING GERVAIS in Room 876 of the Fontainebleau Motor Hotel, New Orleans, Louisiana. Captain SOULE said that he had been employed by LOUIS M. BOASBERG of New Orleans Novelty Company as a pinball mechanic before he was drafted in World War II and that his father has been employed by BOASBERG for about 40 years. When asked by GERVAIS whether he had met with BOASBERG recently, SOULE said he doesn't like to do so because BOASBERG is hot and is being followed by the FBI. Captain Soule said that when he wants to talk to BOASBERG he calls HARBY S. MARKS, JR., an employee of BOASBERG, who "does all Louis' running". SOULE also said that MARKS is a "route man"; that "he services the machines and all" and that "he's the one who puts the machines on location". SOULE then had GERVAIS call telephone number 529-7321 (the December 1970 South Central Bell yellow pages show this to be the business number for New Orleans Novelty Company at 1055 Dryades Street in New Orleans) and ask for HARBY MARKS who was not in. SOULE then told GERVAIS about his relationship with MARKS:

SOULE: That why usually, I talk to him. All right, when I call him, there's a coin phone about a block down the way, he walks down to that coin phone.

GERVAIS: And calls you back..

SOULE: ( ) I call, I call him at that phone and talk to him, I got the number there in my little briefcase.

GERVAIS: Oh, I got you.

SOULE: I'll, I'll contact him, I'll talk to you tomorrow.

GERVAIS: Yeah.

(25) On December 9, 1970, ROBERT NIMS of Lucky Coin Machine Company, Inc., met with PERSHING GERVAIS in Room 876 of the Fontainebleau Motor Hotel in New Orleans. NIMS told GERVAIS that in the FBI pinball raids of November 24 and 25, 1970, he lost 201 machines; that he is out of the business and that he doesn't think he will go back in for fear of what sort of action the federal government might take next.

ROBERT NIMS said that CHARLES PACE of Palace Amusement Company had told him (NIMS) that he (PACE) is out of the pinball business because of the FBI raids and will be staying out. NIMS also said that the prospective deal for payoffs to city officials about which he and CALLERY consulted with GERVAIS on October 15, 1970, is finished as far as he (NIMS) is concerned and that he (NIMS) had been in touch with Captain FREDERICK A. SOULE, SR., and that SOULE had received protection payoff money paid by NIMS. NIMS acknowledged that he knew that District Attorney JIM GARRISON has been receiving prior payoffs:

NIMS: Well, what does our big friend think about all of this shit.

GERVAIS: Who's that?

NIMS: Huh?

GERVAIS: Who's that?

NIMS: Jim.

GERVAIS: Oh, Garrison, oh, to be honest with you I haven't talked to him yet. Only because I haven't got enough intelligence from your side of the fence.

NIMS: Yes, yes.

GERVAIS: You see, to talk to him.

NIMS: Yes.

GERVAIS: Because naturally he is going to say what are them people going to do, or they going to stay in business or they ain't. Uh, this or that.

NIMS: Yes.

GERVAIS: But of course, when I tell him the sugar is gone.

NIMS: Right.

GERVAIS: He is going to miss that.

(26) On December 11, 1970, JOHN ARUNS CALLERY met with PERSHING GERVAIS in Room 876 of the Fontainebleau Motor Hotel in New Orleans and discussed with GERVAIS, LOUIS M. BOASBERG'S efforts to take over CALLERY'S position as "middle man" in the pinball bribery payoffs to Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad, through Captain FREDERICK A. SOULE, SR., and to District Attorney JIM GARRISON through PERSHING GERVAIS. CALLERY said that LOUIS M. BOASBERG of New Orleans Novelty Company wants to meet with GERVAIS for breakfast at 9:00 a.m. one morning of the following week; that he (CALLERY) asked BOASBERG what he wanted to do regarding the District Attorney and that he (CALLERY) told BOASBERG he would go see GERVAIS about that; that BOASBERG responded that he could not do anything just now, that things were too bad; that he (CALLERY) replied to BOASBERG that if he wanted to stay in business, "You got to pay to stay in it. It's the license." CALLERY said further that he could not get a commitment out of BOASBERG, that he thinks BOASBERG wants to do something but not much.

CALLERY asked if GERVAIS had talked to JIM GARRISON about this thing and GERVAIS replied "no", that he had nothing to talk to GARRISON about. CALLERY asked if JIM GARRISON knows why the payoffs have stopped to which GERVAIS replied that GARRISON reads the papers. CALLERY said that BOASBERG always wants to start "next month"; that BOASBERG has not come up with his end of the package for GARRISON since the first of August, 1970; and that the October 1, 1970, payment to GERVAIS which took care of October and November, had been paid by ROBERT NIMS (of Lucky Coin Machine Company, Inc.) and LAWRENCE L. LAGARDE (of TAC Amusement Company). GERVAIS commented that BOASBERG cannot want him to offer JIM GARRISON \$200 or \$300 a month and CALLERY replied that he (CALLERY) does not want GERVAIS to tell BOASBERG



NIMS: Right.

GERVAIS: He is going to miss that.

(26) On December 11, 1970, JOHN ARUNS CALLERY met with PERSHING GERVAIS in Room 876 of the Fontainebleau Motor Hotel in New Orleans and discussed with GERVAIS, LOUIS M. BOASBERG'S efforts to take over CALLERY'S position as "middle man" in the pinball bribery payoffs to Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad, through Captain FREDERICK A. SOULE, SR., and to District Attorney JIM GARRISON through PERSHING GERVAIS. CALLERY said that LOUIS M. BOASBERG of New Orleans Novelty Company wants to meet with GERVAIS for breakfast at 9:00 a.m. one morning of the following week; that he (CALLERY) asked BOASBERG what he wanted to do regarding the District Attorney and that he (CALLERY) told BOASBERG he would go see GERVAIS about that; that BOASBERG responded that he could not do anything just now, that things were too bad; that he (CALLERY) replied to BOASBERG that if he wanted to stay in business, "You got to pay to stay in it. It's the license." CALLERY said further that he could not get a commitment out of BOASBERG, that he thinks BOASBERG wants to do something but not much.

CALLERY asked if GERVAIS had talked to JIM GARRISON about this thing and GERVAIS replied "no", that he had nothing to talk to GARRISON about. CALLERY asked if JIM GARRISON knows why the payoffs have stopped to which GERVAIS replied that GARRISON reads the papers. CALLERY said that BOASBERG always wants to start "next month"; that BOASBERG has not come up with his end of the package for GARRISON since the first of August, 1970; and that the October 1, 1970, payment to GERVAIS which took care of October and November, had been paid by ROBERT NIMS (of Lucky Coin Machine Company, Inc.) and LAWRENCE L. LAGARDE (of TAC Amusement Company). GERVAIS commented that BOASBERG cannot want him to offer JIM GARRISON \$200 or \$300 a month and CALLERY replied that he (CALLERY) does not want GERVAIS to tell BOASBERG

he'll accept that. CALLERY said that it is GERVAIS' decision whether to meet with BOASBERG or not and that he (CALLERY) is "only a middle man".

CALLERY and GERVAIS again talked about NIMS and LAGARDE coming up with BOASBERG's share of the October 1st payment for JIM GARRISON and about no one coming up with JIM GARRISON'S December 1st bi-monthly payment because of the FBI pinball raids in November. They then talked again about BOASBERG'S intentions.

GERVAIS: What the (( )) does he want to talk to me about?

CALLERY: Oh, I know what he wants to talk -- he's going to be crying on you like he's crying on my shoulder. Why don't you go back and tell him, business is bad, that, uh, that, uh, I got, I got to take care of my employees. They come first, that something -- Louis --

GERVAIS: That's okay.

CALLERY: I said, if you want to take care, take care of them out of your capital. You got a -- you a millionaire. So I said, if you want to, close the business up, but if you want to stay in this business you have got to, there's no way you can stay in it without, uh, without, uh --

GERVAIS: Without taking care of people.

CALLERY: Without taking care of people, there's no way.

GERVAIS: He's ( )

CALLERY: I said, what do you expect, do you expect Garrison to take all this heat at a time like this? This is, this is worse now than it's ever been. I said, you are lucky this (( )) finished. Why should Garrison take any heat now?

GERVAIS: Cause you know what he told Freddie. [Captain FREDERICK A. SOULE, SR.] He told Freddie that he told everybody to quit paying off [for free games won by players of the machines].

CALLERY: Well, that's bullshit. You know better than that.

After some further discussion about how, where and when LOUIS M. BOASBERG should meet GERVAIS the conversation continued as follows:

GERVAIS: Tell him he can meet me here because I feel safe here. I don't want to meet him in no (( )) public place. Listen, I never met him when things was cool, why the (( )) should I meet him when things is hot?

CALLERY: (laughter)

GERVAIS: You know, and then on top of it all, to have him to tell me that he don't want to come up with no money.

CALLERY: No, he wants you to help him for nothing.

GERVAIS: Well. And then he told Freddie he wanted to come up with a little token thing like three or four hundred dollars for Freddie. Now, Freddie refused it, of course, for Freddie, but you know how Freddie is, I don't know -- you can't always believe Freddie.

CALLERY: Did he swallow it, did he take it?

GERVAIS: I don't know, I don't know, I really couldn't -- I don't know, I told Freddie, I said, you're a damn fool, I said you should have took the money because it's token, okay, it -- it done it, he told you, you know, he's quit paying off, so if he told you he quit paying off--

CALLERY: Then he, then he'd be -- he had no reason to be on the street.

GERVAIS: Yeah, right.

CALLERY: If he quit paying off. Then he's got -- he's wasting his time with his machines on the street. Let's face it.

GERVAIS: You can't do no business --

CALLERY: He not going to do any business with the damn machines. You know, it's -- he's just trying to con with that. I don't --

CALLERY and GERVAIS then discussed LOUIS M. BOASBERG'S appearance before a federal grand jury, and their concern about what the latter's testimony might have been. The conversation continued as follows:

GERVAIS: Sure they're [federal grand jury] going to call you. They're going to call everybody. Tell him [BOASBERG] I don't want to meet him there. I'll meet him here and, uh ( ) that's it. (( )) him, if he don't want to come here, (( )) him, I don't want to meet him. I don't know him, why -- I mean, this is crazy though. Listen for all these (( )) years, everything's been through you. Now when all of a sudden, he's insisting on talking to me. You know, tell him if he wants to talk to me, I'm here. (( )) him.

CALLERY went on to say that part of the reason for the bitterness between BOASBERG of New Orleans Novelty Company and the other pinball dealers was that BOASBERG'S pro rata share of 40% of the payoff package to District Attorney JIM GARRISON by the dealers was set up years ago when BOASBERG had far more machines on the street than he has now, and TAC Amusement Company had fewer than it has now, and that BOASBERG feels his share should now be correspondingly smaller.

CALLERY called BOASBERG from the telephone in Room 876 and told him that GERVAIS did not want to meet him at Union Station as had been proposed by BOASBERG. Gervais then took the

telephone and he and BOASBERG agreed to meet at the Fontainebleau Motor Hotel the following Monday, around 11 a.m. CALLERY told GERVAIS to call him (CALLERY) after the Monday meeting, and then had further conversation with GERVAIS about BOASBERG'S intentions and about recent payments by the dealers to Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad, through Captain SOULE:

CALLERY: Tell you what to do, why don't you just talk to him [BOASBERG] see what the hell, see what --

GERVAIS: Where will you be so I could -- at home or --

CALLERY: Aw.

GERVAIS: You get in touch with me.

CALLERY: I'll get in touch with you.

GERVAIS: Call me Monday.

CALLERY: See what the deal is, you know, I mean, comes up with anything at all, could be, I'm sure he's the guy's got to be nuts, he don't have some proposition.

GERVAIS: If he's ( )

CALLERY: If he's wasting time, then you ought, I'd, I'd, I'd ( ) just tell him, you know.

GERVAIS: You see, it's short money. You know Garrison's been too used to big money.

CALLERY: That's right.

GERVAIS: If it's short money, what I might do, and I don't know yet, cause, see, Garrison's kind of hoggish about money, you know, he's a little hoggish. I was going to say, I would go to him and say, listen, how about letting me get this, you know, but he ain't that kind of bastard.

CALLERY: Well, then, listen --

GERVAIS: I'll decide after I talk to him --

CALLERY: Talk to him but don't, I just don't --

GERVAIS: I won't, I won't --

CALLERY: Tell you got to talk --

GERVAIS: I can't give him a positive commitment --

CALLERY: Tell him you got to talk to you know.

GERVAIS: I got to talk to Garrison first.

CALLERY: Tell him you got to go talk to your man.

GERVAIS: But you be sure to get in touch with me Monday.

CALLERY: All right.

GERVAIS: So then I can tell you, you know.

CALLERY: Yeah.

GERVAIS: What he said, you know ( )

CALLERY: Now, he, he ment... he also said something about maybe you could handle --

GERVAIS: That's a European suit.

CALLERY: Yeah, it is, yeah. He [BOASBERG] said maybe you could handle Soule, but I wouldn't know you you could handle Soule, I mean, handle Frey, I mean, you can't handle Frey.

GERVAIS: Oh, Soule handles Frey. What's the matter with him?

CALLERY: Who?

GERVAIS: He's [BOASBERG] got an in with Soule, I could see --

CALLERY: He met Soule, I'd say he met Soule a half a dozen times at least. And he ain't come up with anything yet. Of course I don't, -- Soule's got to be nuts, to be --

GERVAIS: But, what does he [BOASBERG] want me to (( )) with Frey for?

CALLERY: No, he said, maybe but couldn't they bypass Soule.

GERVAIS: And go direct to Frey?

CALLERY: Yeah.

GERVAIS: Oh, I see what he thinks, he thinks --

CALLERY: He thinks he can save something.

GERVAIS: He can save a little, whatever Fr - (phonetic) Soule would take out for himself.

CALLERY: That's right. But you can't fool with Frey. You told me that before.

GERVAIS: Aw, I wouldn't fool with him.

CALLERY: I mean, the only guy looks like that he can talk to Frey is Soule.

GERVAIS: He is the only one.

CALLERY: Yeah.

GERVAIS: Soule is absolutely the only one.

CALLERY: The only guy that can talk to him.

GERVAIS: Yeah, Soule's bullshit. Soule's told me it's twice he got a thousand. Of course, he lies so (( )) much.

CALLERY: Oh, let me see. I'm trying to think. I know, he got more than that.

GERVAIS: He said he got a thousand two times.

CALLERY: He may be right.

GERVAIS: You know.

CALLERY: I think that's what they told me more but I'm not sure about that.

he kept five.

CALLERY: I'm not sure whether it's two or three, I can't --  
I thought it was three, to tell you the truth.

GERVAIS: You do.

CALLERY: I'm still -- think that's what it was.

GERVAIS: You do.

CALLERY: I think --

GERVAIS: He might (( )) Froy out of some money.

CALLERY: Well, I, I wouldn't want say it like that.

GERVAIS: Oh, I don't know but --

CALLERY: ( )

GERVAIS: Listen, I don't have --

CALLERY: I don't, I don't --

GERVAIS: I could care the (( )) less. Yeah, suppose he  
ain't got it. But you know --

CALLERY: I'm sure he got it. I think it was three. I arranged  
for it.

GERVAIS: Three thousand --

CALLERY: I think.

GERVAIS: -- a month?

CALLERY: Oh, no, no, no. No, no. (laughter) Oh, no, he  
only got that, he got that a month.

GERVAIS: A month? That's what I'm saying. Oh, you mean it  
was three times instead of two times.

CALLERY: Yeah, now I think.

GERVAIS: Yeah, a thousand a month.

CALLERY: I think it was three thousand.

GERVAIS: It might have been that, I tell you it might have  
been, cause I believe he said you handled it once.

CALLERY: I gave a thousand.

GERVAIS: You did?

CALLERY: I paid them a thousand but I got it back.

GERVAIS: Yeah.

CALLERY: I got it back.

GERVAIS: Yeah.

CALLERY: I fed it to Nims [ROBERT NIMS of Lucky Coin Machine  
Co., Inc.], he give it back to me.

GERVAIS: Yeah, but then after that he got it direct from Nims.

CALLERY: That's right.

GERVAIS: Collect --

CALLERY: That's right.

GERVAIS: From Bob [NIMS].

CALLERY: That's right, that's right.

GERVAIS: So. Well, anyway, he said he gave Frey five hundred each time and then the last time, his words to me was he told Frey, listen, babe's, things is tough and Frey says well, it was good while it was lasted. In other words, Frey was t- ... (phonetic) satisfied with five hundred.

CALLERY: Frey was -- yeah.

GERVAIS: But Soule wasn't.

CALLERY: Soule wasn't satisfied with --

GERVAIS: No, he's hoggish, man. Soule would drive you (( )) crazy. He drives me nuts.

GERVAIS: You know what he does to, feeds you a lot of bullshit to make you think he's knowing something. But one thing we know, he [SOULE] is the only one who can handle Frey.

CALLERY: It's possible then that maybe you know if Louie [BOASBERG] wants to stay, if Louie wants to stay on the street he better take care of this situation.

GERVAIS: Yeah.

CALLERY: Sure, I don't, I don't -- I guess he ought to take care of this end [GARRISON'S end] but even then if these guys [Vice Squad] go out, keep knocking them off, it's going to put a lot of heat on y'all, you can't you can't --

GERVAIS: Can't, can't ( )

CALLERY: No, No, I think, Pershing, I think you ought to tell him that.

GERVAIS: Oh, I will tell him.

CALLERY: You'd better tell him [BOASBERG] that he better, he's got to --

GERVAIS: To take care of both ends [GARRISON'S end and the Vice Squad's end], he's gonna have to decide and he's going to have to decide what he can afford to do.

CALLERY: What he wants to do, that's all, and as far, as far as I'm concerned, you all can leave me out of it, you know, I don't ( )

GERVAIS: I don't know why. No, because he's, he's checking the lock in to you, you won't be able to add nothing on.

CALLERY: No, no, that's what I'm saying, say that you all can leave me out of the thing, I'll, I'll bow out.

GERVAIS: Cause I will tell him, I'll say --

CALLERY: I don't know whether you want to do business with him direct, that's the only trouble.

GERVAIS: Now, listen, I want to only listen to him.

CALLERY: ( ) money invested, but I'll, I'll step out of the picture.

GERVAIS: Well, let me ask you -- no, well, wait a while, up to now you have never taken no money from him [BOASBERG]?

CALLERY: No, no, no, no, but the only thing I did get was some expense money once in a while, you know, but I can't get that any more.

At the close of the conversation, CALLERY mentioned his "commitments" in Baton Rouge as well as the effect of the Organized Crime Control Act of 1970:

CALLERY: Well, I'll tell you what I'll do, I'll be in touch with you.

GERVAIS: Monday afternoon.

CALLERY: I'll call you Monday afternoon.

GERVAIS: Right.

CALLERY: And then we'll see.

GERVAIS: And then you come down and we'll cut it up, we patch it up.

CALLERY: Patch it up, that's all we can do.

GERVAIS: See what, see what he says and then, then we'll decide what --

CALLERY: Decide what he wants to do.

GERVAIS: What to do.

CALLERY: But I told him, I said, Louis [BOASBERG], I said, if you want to stay in this business, you got to be crazy to stay in it if you don't --

GERVAIS: What you going to do --

CALLERY: -- take care --

GERVAIS: What you going to do in Baton Rouge [regarding State Novelty Company, Inc.], nothing?

CALLERY: What you mean, about taking them [pinball machines] off the street?

GERVAIS: Yeah.

CALLERY: What I, what I'm doing, Pershing, is, uh, is getting an opinion, you know what I mean, if, they may try, we may try the merchandise for a while. You see, any commitment we got in Baton Rouge, we are keeping, you know what I mean.

GERVAIS: Yeah.

CALLERY: Any personal commitments we got --



GERVAIS: Yeah, to keep things going.

CALLERY: To keep things going.

GERVAIS: You gonna keep things up there, that's-what you do.

CALLERY: ( ) and if, if, if opinion comes out that under this new law [Organized Crime Control Act of 1970] the thing, it looks to me that under this new law they going, the federal --

GERVAIS: You talking about the federal law?

CALLERY: Yeah, federal law, that they could actually come in and arrest you if you paid off cash, not merchandise. This is the way I interpret the law. If you gave merchandise, they can't arrest you, but if you paid off cash, they can arrest you. If they can come in and take --

GERVAIS: Well, what are you going to do? You can't --

CALLERY: Well, you, we could, we could give, we could give merchandise until we phase out.

GERVAIS: Oh, I see.

(27) On December 14, 1970, LOUIS M. BOASBERG of New Orleans Novelty Company met with PERSHING GERVAIS in Room 275 of the Fontainebleau Motor Hotel in New Orleans. BOASBERG said that things do not look good for the pinball industry and that he (BOASBERG) has good reason to believe that there will be four or five bills in the legislature in May of 1971 to outlaw gambling type pinball machines in Louisiana.

BOASBERG said that ROBERT NIMS of Lucky Coin Machine Company, Inc., came to him this morning and offered to have BOASBERG take over his (NIM'S) pinball locations; that JOHN J. ELMS, JR., of TAC Amusement Company has ordered 20 gambling type pinball machines from BOASBERG and got a lot of old games (gambling type pinball machines) for a total of about 80 games that he put on the street after complying with the registration provisions of the Gambling Devices Act of 1962. BOASBERG said that he has carried the burden of the pinball payoffs for years in New Orleans but that he has been decreasing and decreasing the volume of his machines on the street and that he has a lot of obligations, and what can he do? GERVAIS responded that all he (GERVAIS) can do is bring the message to District Attorney JIM GARRISON but that he (GERVAIS) can't make any promises. BOASBERG said that he (BOASBERG) and JOHN J. ELMS, JR., of TAC Amusement

Company have to get together because they are the only ones left after the FBI pinball raids. BOASBERG said of District Attorney JIM GARRISON that "He really stood by us", and went on to describe his dealing with Captain FREDERICK A. SOULE, SR.

BOASBERG: Pershing, let me tell you what I did do, between you and I --

GERVAIS: Yeah.

BOASBERG: I was talking to Freddie [SOULE] and, and, and, uh, trying to put things together for him --

GERVAIS: Yeah.

BOASBERG: Well, we, we, we couldn't do it because TAC [TAC Amusement Company] had heavy obligations someplace else but --

GERVAIS: Yeah.

BOASBERG: Now, where it was, I don't know, I have no idea --

GERVAIS: Yeah.

BOASBERG: Listen, what his story was, unless they finance that, uh, that, that election for those constitutional amendments, something like that, but we couldn't, couldn't put anything together, so I told Freddie, I said, look, let's cut this down temporarily, so, so for some unknown reason, he hit about 8 or 10 spots [The Sunday, October 4, 1970 edition of the New Orleans Times Picayune newspaper carries a story that on October 3, 1970, the New Orleans Police Department Vice Squad confiscated ten Bally in-line gambling type pinball machines from nine establishments in New Orleans, where seventeen persons were arrested for making illegal payoffs to players of pinball machines for games won.]

GERVAIS: Uh.

BOASBERG: So I said I can't --

GERVAIS: That's to get your attention.

BOASBERG: Yeah.

GERVAIS: (laughter)

BOASBERG mentioned that JOHN ARUNS CALLERY and JOHN J. ELMS, JR., of TAC Amusement Company do not get along; again that he has to get together with JOHN J. ELMS, JR., and what tough financial shape he (BOASBERG) is in for a number of reasons including a drop in sales by him of gambling type pinball machines since most of the dealers are apprehensive about the federal government's next move. GERVAIS suggested that maybe BOASBERG can place amusement games in his locations:

GERVAIS: Maybe you could work other things, other games, other --

BOASBERG: Oh, but they can't make any money with that amusement stuff --

GERVAIS: No

BOASBERG: You're kidding (laughter)

BOASBERG acknowledged that CALLERY has got his interests in Baton Rouge, but that CALLERY says that Rooney (ROBERT J. "BOB" ROONEY, president of State Novelty Company, Inc., Baton Rouge, Louisiana) wants to get out. GERVAIS suggested that perhaps CALLERY should go to District Attorney JIM GARRISON directly and explain the problem in money supply caused by the FBI pinball raids and see how JIM GARRISON reacts; that if there's going to be less money, JIM GARRISON might want to cut GERVAIS out as his middle man and deal directly with CALLERY. GERVAIS continued as follows:

GERVAIS: Now, Jim [GARRISON] might say to him [CALLERY], well, yeah, that's okay, but let Gervais handle it, and I'll work it out with him, see, I would rather for him to make that decision. Now, just in case, listen, who knows, he might figure that ain't enough and if he says, okay, well, then you [CALLERY] handle it but you know, whatever he wants to do, which would be all right with me.

BOASBERG: I know.

GERVAIS: But --

BOASBERG: I know damn well we going to have to do something.

GERVAIS: But that other one's going to be a back breaker with Freddie and Frey. You see, you could plan, that you are going, I, I'd tell you by listening to Freddie talk, you gonna plan, you might get by with 800 a month.

BOASBERG: Can't do it.

GERVAIS: But they ain't --

BOASBERG: Can't do it, I offered him one [\$1,000] when all of us were in. Now we don't have Bob [ROBERT NIMS of Lucky Coin Machine Co., Inc.], we don't have anything.

GERVAIS: ( ) but you see, Freddie ought to be willing since he only the middle guy --

BOASBERG: Certainly he ought --

GERVAIS: He ought to be willing to take short money.

BOASBERG: Why sure --

GERVAIS: Short money and give the other guy --

BOASBERG: Why sure --

GERVAIS: The big money, see, but he don't want to do that --

BOASBERG: Don't want to do that --

GERVAIS asked BOASBERG if he had a money figure in mind and BOASBERG responded that he and JOHN ELMS, JR., were supposed to get together. GERVAIS said that "you got to go to Soule too. I could only handle one [GARRISON]." BOASBERG said he had in mind a figure of a "total of one [\$1000] a month, that's two every two months." GERVAIS questioned BOASBERG further on this point:

GERVAIS: So your total would be one [\$1000] a month?

BOASBERG: Now this is -- last year, last year New Orleans Novelty Company made ( ) thousand. Course this is divided between 9 people, this is not a hell of a lot. This year we make 20,000 ( )

GERVAIS: Well, let me ask you, if your end was one a month, what about John [JOHN ELMS, JR., of TAC Amusement Company]? Would you, roughly what would you expect him to make?

BOASBERG: Until he builds up, until he builds up, John was by far bigger than all of us, three hundred and some games --

GERVAIS: Yeah, right. He took a rap.

GERVAIS had further discussion with BOASBERG about how best to approach GARRISON with the news that the payoffs from the pinball dealers will be considerably reduced, as follows:

GERVAIS: It might not be a bad -- now let me tell you something, man, nothing magnanimous on my part, but I realize the problem, but it just might not be a bad idea when the time comes to have, uh, to have Callery go, if you willing, after I made certain declarations to Garrison, you see, if I do it right, you see, it's real important, if I prepare his mind properly, for, uh, Callery to go back to Garrison, and I have to think of how to do it, but I think I could have Garrison's mind conditioned to where he would accept something nominal to make it easy --

BOASBERG: Yeah, and Freddie [SOULE] could accept something nominal.

GERVAIS: Oh, well, that mother, I could, I, let me say this, I will talk to him, you know him as well as I do, he talks and he's pleasant and after, he's kind of a, kind of a back alley guy.

BOASBERG: Careful --

GERVAIS: Uh. Of course, like you say, you figure you could go a thousand a month. Do you think that other fella could go a thousand a month?

BOASBERG: I'll talk to him, I am going to talk to him, I'm uh sure ask at least for the present --

GERVAIS: Let me say this to you --

BOASBERG: I think what we ought to do is hold off at least until after the first, to see if we can't put something together by the first, maybe by that time, John [JOHN ELMS, JR., of TAC Amusement Company] may know where he stands and I may know where I stand with this damn grand jury --

BOASBERG went on to say that collections are down and that the question is whether they can weather the storm in the May, 1971, session of the legislature. BOASBERG also discussed why the gambling type pinball machines of State Novelty Company, Inc., Baton Rouge, Louisiana, were not seized in the FBI pinball raids of November 24 and 25, 1970:

BOASBERG: You know somebody always surmises. You know what, some people blame Aruns [JOHN ARUNS CALLERY] and myself for this goddamn thing, they figure State Novelty [of Baton Rouge] registered [as required by the Gambling Devices Act of 1962, Title 15, United States Code, Section 1173(a)(3)], we been registering for 8 years, you know.

GERVAIS: Yeah.

BOASBERG: And we begged operators to register, Pershing, but you know what a lot of them said, "Oh, I don't want the government checking my books." You tell a guy like Charlie Pace to register --

GERVAIS: He don't even hear you --

BOASBERG: "Aw no, I don't want the FBI --

GERVAIS: He don't hear you, he don't hear you --

BOASBERG: -- FBI to come in and check my books."

GERVAIS: That's all, then he dismisses it, anything further you say, I mean, he's got a way of blocking things off, you know.

BOASBERG asked if GERVAIS is willing to meet with JOHN

ELMS, JR:

GERVAIS: You know, unless you, now I'm willing to do it, and I'm willing to withdraw just so you all can keep it going. I'm willing to do it and stay in, I'm not trying to get out.

BOASBERG: You willing to talk to him?

GERVAIS: To who?

BOASBERG: To Elms.

GERVAIS: To young John?

BOASBERG: Yeah.

GERVAIS: Yeah, I guess so. Well, I would prefer you to talk to him first.

BOASBERG: Yes.

GERVAIS: Lay some kind of ground work --

BOASBERG: Certainly, I will.

GERVAIS: To tell me what we're up against

BOASBERG: Yes, yes

GERVAIS: -- you see

GERVAIS: Wonder how he found out.

SOULE: He must, he must have got some wind somewhere or other that, uh, that --

GERVAIS: Yeah.

SOULE: -- they were out. So I checked it and I, and I came back and they had about five or six -- now TAC [TAC Amusement Company] took care of us for a month or two and then Nims [ROBERT NIMS of Lucky Coin Machine Company, Inc.], but Louie hadn't did anything for around October of last year.

GERVAIS: Yeah, (but, but Louie was taking care of just you though at that time.

SOULE: Louie had never given me a penny, everything I got was from Callery.

GERVAIS: Right. Oh, yeah, but, but it was coming from Louie.

SOULE: It was coming from Louie --

GERVAIS: Yeah.

SOULE: I, I would assume that --

GERVAIS: Yeah.

SOULE: I never did ask him where it was coming --

GERVAIS: But that was, that was different. But this was a new ball game --

SOULE: Yeah.

GERVAIS: Where TAC, TAC, uh, TAC picked the freight up, I believe Callery told me for two months --

SOULE: For two months and then Nims [of Lucky Coin Machine Company, Inc.] picked up for about two months --

GERVAIS: Two months --

SOULE: And he, now he, I know he hadn't come up with his part as far as I'm concerned.

GERVAIS: But you have never dealt with young Nims, uh, young, uh, Elms, John Elms [from TAC Amusement Company] --

SOULE: I wouldn't even know the guy if I run into him.

GERVAIS: He wants me to talk to him but I just, and, I just --

SOULE: I don't even know the guy, I wouldn't know him if I bumped, I know the old man now --

GERVAIS: Oh, I know him, too.

SOULE: But as far as him --

GERVAIS: But --

SOULE: I know by his reputation he runs his (( )) mouth.

GERVAIS: Now that's it, you see, Boasberg wants me to talk to him.

After some speculation by Captain SOULE as to who else had been and who now might be getting payoffs from the pinball interests, the conversation continued as follows:

SOULE: Now, I can't prove it but that's something I suspect. Now, uh, Louie did tell me that --

GERVAIS: Well, listen, you know what I'd have told him [LOUIS BOASBERG] if I was you? Say, listen, you can handle, you got somebody handling the D.A.'s office, yeah, I mean, the front office. Why don't you make that guy handle Frey? And just leave me out of it.

SOULE: Well, you know, what could I tell him, he offered me a few bucks and, uh --

GERVAIS: Yeah.

SOULE: I just told him I'd go see, you see, I'm in a position, my daddy works for this guy.

GERVAIS: Still?

SOULE: Yeah. I don't want to alienate him and, uh --

GERVAIS: Naw, yeah, you can't tell him to go (( )) yourself --

SOULE: I can't, no, I can't do that.

GERVAIS: ( )

SOULE: So what, I tell him, I said, look, I'm just the middle man, I, I like to help you all I can, do what I can for you, but I got to go talk to the other man. Now, I talked to Frey and Frey told me, I said, Frey, he wants to give six and he says, uh, he says, well, I'm not very interested, he said, matter of fact, right now, he said, I'm so scared, he says, about the whole situation what they telling me, I just as soon get out of it. He said, however, if you want it, I'll go for it for you, to help you out. That's the way he put it to me.

GERVAIS: Oh, yeah, but (( )), I'd go, you know what I'd do, I'd hike, I'd hike Boasberg up to about 750 --

SOULE: Louie ain't going to go for it, it, the (( )), I, I just --

GERVAIS: Another 150 dollars over 600?

SOULE: Well, you see, he, he's got me over a barrel, I don't want to be bickering with him and (( )) with him, he, my daddy's working for him, he, he treats the old man real good --

GERVAIS: Does he?

SOULE: So, I, I --

GERVAIS: Tell him, all right, listen, it's 600 effective the first --

SOULE: You see, the way he puts it to me, zero for me --

GERVAIS: Yeah.

SOULE: Do him a favor, but he does say after May --

GERVAIS: Yeah, but he knows before you all were getting a thousand a month, right?

SOULE: Oh, yeah, sure.

GERVAIS: So he figures you was getting five, the other guy was getting five --

SOULE: Yeah.

GERVAIS: So now he's going to throw a six so you can have a little ( )

SOULE: That's, that's what he figures, sure.

GERVAIS: And he figures you to give Frey the five like he been getting --

SOULE: You see, the (( )), we carried him for the whole month of December, he was supposed to, he said, look, he wanted to give us two apiece, 200 apiece, so I, I told, I told Frey and Frey didn't want to fool with it, I went back and said, look, we going to carry you, don't wor-, we'll take care of you but we don't want a dime, he said, I'll give you a nice Christmas present, I, I said, okay, he never come with no f- ..., he never come up with nothing for me --

GERVAIS: Nothing -- (laughter).

SOULE: (laughter) But I wasn't expecting nothing but we didn't didn't, didn't, didn't touch a machine in the whole month of December.

GERVAIS: But ain't he the first guy to get you rolling that you was, wound up (( )) with Nims [ROBERT NIMS of Lucky Coin Machine Company, Inc.] and all them, ain't he the first one that get you started --

SOULE: He's the first one called me, yeah.

GERVAIS: And then wouldn't, then didn't come up?

SOULE: That's right. He come up to me, he says, Fred, while back, he, he told Aruns is quit, the first, I remember the words he said, he, he asked my daddy to --

The conversation was interrupted by a telephone call

then continued as follows:

GERVAIS: Uh, so, uh, he's such a stalling (( )), how the (( )) did you, uh, did he send you to Nims?

SOULE: Who?

GERVAIS: Boasberg.

SOULE: Oh, no, no, no, no, no, uh, when, when Boasberg wouldn't come up with any money, Aruns had told Nims that --

GERVAIS: Oh.

SOULE: -- that there was no money available. Now, Nims didn't want to, he wanted me to know that he was coming up, you see.

GERVAIS: Yeah.



SOULE: So I --

GERVAIS: You had to meet with him.

SOULE: I met him and I met Nims and I spoke with Nims and I told Nims, I said, look, I'd rather, I know what you want, I said, I'm for it, I said, but I don't want you to give me nothing, I said, because I know Callery and I rather do it that way, so he give the money to Callery and he let me know that he was giving it to Callery and Callery let me know.

GERVAIS: Yeah.

SOULE: But as far as then, the only one's ever give me anything is Callery --

GERVAIS: Yeah.

SOULE: Of course, Callery, it didn't come out of his pocket --

GERVAIS: No, it come from --

SOULE: I, I know it come, one for, month or two come out of TAC's pocket and a month or two come out of Nims' pocket --

GERVAIS: But you never dealt with either one of them guys direct --

SOULE: Never have got, no, never have gotten a penny from them.

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 set 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 [JOSEPH GIARRUSSO, former Superintendent of the New Orleans Police Department, who retired on August 21, 1970] first went out, I don't remember, when was it, October, November, somewhere --

After some further conversation by SOULE as to why and how CALLERY was now apparently retiring from the position of "middle man" in the transfers of monies from the pinball interests to officials, the conversation continued as follows:

SOULE: He had about five [the Vice Squad had picked up about five gambling type pinball machines] so Louie [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 worked for him, I know him well, I spoke many times and I think I told you this --

GERVAIS: Yeah.

SOULE: When I was in the service --

GERVAIS: Yeah.

SOULE: He gave me fifty dollars a month way back in 1940 and '42 when fifty dollars meant a lot --

GERVAIS: Yeah.

SOULE: Cause I was only getting 135 dollars a month --

GERVAIS: Guess so.

SOULE: And I had a wife and a, and a kid, so you know, he knows that I'm indebted to him to that amount, see.

GERVAIS: Yeah.

SOULE: And he knows that he can talk to me --

GERVAIS: Yeah.

SOULE: So he called me up, he said, Fred, he said, Callery wants out, he said, we have no, no pipeline, he didn't say pipeline, but we have no way of knowing anything, he said, I'd like you to find out, and so --

GERVAIS: ( )

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 (on September 2, 1970, Captain SOULE and Sergeant FREY delivered a State of Louisiana Governor's Warrant to the Colorado Springs, Colorado, Police Department, which is 65 miles from Denver, and took custody of a prisoner named PAUL DAVID PIERCE, who had been charged in Louisiana with possession of narcotics) 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 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 goddamn things --

After some further conversation about Sergeant FREY'S authority to refrain from concentrating any effort against the gambling type pinball machines for violations of Louisiana state gambling laws, SOULE continued as follows:

SOULE: So anyway, he [FREY] pulled it up [stopped concentrating effort against the gambling type pinball machines] then and, Ta... and TAC come up with the bread, cause TAC was, was the one, anyway, I give them the location and everything, you see, and TAC was shitting cause one of them was a place on Carrollton that had been before the [city] council four or five times --

GERVAIS: But you never did talk to TAC?

SOULE: Never did talk to them.

Further conversation transpired, about Captain SOULE's dealing with the pinball interests:

GERVAIS: But anyway -- these guys all tell such (( )) stories, though, you see they -- again as I said, Callery tells me one thing, Boasberg tells, tells me something else, but I know you telling me like it is --

SOULE: Yeah.

GERVAIS: And I don't know, I don't know how to balance these guys. Callery wants to stay in touch with Boasberg said, Boasberg don't want me to tell Callery --

SOULE: (laughter)

GERVAIS: You know. And then Callery comes and tells me that he handled it twice [payoffs] for you and that, that you were handling it yourself --

SOULE: No, I never, never have, uh-uh, now he might think that Louie might have given something, Louis don't give nothing --

GERVAIS: No, no, no, he, no, he meant with, uh, with Nims --

SOULE: No, no, he, he knows that I was right there cause I told him, in other words, he, me, him and Nims in one car and he got out the car --

GERVAIS: And Nims tried to hand you the money.

SOULE: And Nims tried to hand, and I said, look, I said, you know, I know you're a nice fella and all, I said, I think it would be better if you let Callery handle that and cause I been doing -- talking with Callery --

GERVAIS: Right.

SOULE: So he said, I agree with you and he walked, got right out the car and I seen him hand it to Callery --

GERVAIS: And then Callery --

SOULE: And Callery got in the car and he left, Nims left, and then Callery give it to me --

GERVAIS: He brought you the money.

SOULE: So, uh, I guess in his interpretation he could feel that maybe Nims was, you know --

GERVAIS: No, no, no, he meant, what he meant to imply to me is, he, he didn't want to fool with it no more, that you were handling it direct yourself with, uh, with Elms and Nims.

SOULE: I don't even know Elms [JOHN ELMS, JR., of TAC Amusement Company], don't even know him.

SOULE said that he thinks he'll tell BOASBERG that he (SOULE) and FREY will take a reduced amount, but only on a month to month basis. SOULE also said that at a meeting he had that

morning with BOASBERG, the latter said that JOHN ELMS, JR., of TAC Amusement Company would "take care of" District Attorney JIM GARRISON through GERVAIS, as well as someone else "up in the front office of the police department", and that BOASBERG would be taking care of Captain SOULE and Sergeant ROBERT FREY. SOULE also said that he is a little scared to deal with BOASBERG, because "this guy's not too sharp", and that "Callery's much smarter, he's been doing it for so long".

(29) On January 15, 1971, PERSHING GERVAIS talked by telephone from Room 876 of the Fontainebleau Motor Hotel in New Orleans to Captain FREDERICK A. SOULE, SR., who stated that he had been trying to see Sergeant ROBERT FREY all day long but had been unable to do so because of demonstrations at Martin Luther King school. SOULE also stated that he had spoken to LOUIS BOASBERG and had accepted a package for FREY and himself of \$500 for January and \$500 for February. SOULE said he had not yet given FREY his share.

GERVAIS: See. Have you talked to as, to ah, King Louie [LOUIS BOASBERG]?

SOULE: Yeah.

GERVAIS: You did?

SOULE: No, I didn't talk, oh, yeah, yeah.

GERVAIS: Louie B., you know.

SOULE: You mean Lyndon Johnson [an alias for LOUIS BOASBERG].

GERVAIS: Yeah.

SOULE: Yeah, I spoke with Lyndon.

GERVAIS: Uh-huh.

SOULE: And ah, we accepted the package, you see.

GERVAIS: Huh? Oh, you accepted it.

SOULE: Yeah.

GERVAIS: What was it.

SOULE: Mainly for you. You know.

GERVAIS: Yeah, right. What was it? six chickens [\$600]?

SOULE: No, five [\$500].

GERVAIS: Down to five?

SOULE: Five chickens. (laughter)

GERVAIS: I be damned.

SOULE: But that, that was for two, for two months. On a trial basis, other than that, after that it's -- you know.

GERVAIS: Two months.

SOULE: Yeah.

GERVAIS: You mean the five is for two months?

SOULE: No, no, no --

GERVAIS: Oh, no, five a month.

SOULE: Five for each.

GERVAIS: For each month.

SOULE: Five chickens for, for the first month, five for the second month.

GERVAIS: Uh-huh. The first month being January.

SOULE: Yeah, right. Effective January.

GERVAIS: Uh-huh, you ain't told the other guy nothing about it, huh? The fryer [Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad].

SOULE: Yeah, I, I got some told --

GERVAIS: Huh? What'd he do tell you to, ah --

SOULE: ( ) to take care of that.

GERVAIS: He did, as a favor, or ah --

SOULE: No, no, no, I told him about the, you know, I told him, him that, ah --

GERVAIS: Well, I mean, listen, did you give him the chickens?

SOULE: No, I haven't seen him yet.

GERVAIS: Oh. But he knows you got them.

SOULE: I just happened to be able to talk with him for a little while on the telephone.

GERVAIS: Uh-huh.

SOULE: I didn't have time to go into great detail with him.

GERVAIS: You think he'll accept ah, half of that?

SOULE: Yeah, he's already told me so.

SOULE said further that he would call GERVAIS the next

day, after he (SOULE) talks with FREY.

(30) On January 16, 1971, PERSHING GERVAIS talked by telephone from Room 876 of the Fontainebleau Motor Hotel in New Orleans to Captain FREDERICK A. SOULE, SR., who said that he had spoken to FREY and given him his share of the payoff money from BOASBERG.

(31) On January 18, 1971, LOUIS M. BOASBERG of New Orleans Novelty Company met with PERSHING GERVAIS in Room 876 of the Fontainebleau Motor Hotel in New Orleans. BOASBERG stated that his attorneys have told him that it is a violation of the new federal gambling act (Organized Crime Control Act of 1970) if payoffs are made to players for games won on the pinball machines. BOASBERG stated that he sent a letter to every one of his locations and told them: "Don't pay off anything but merchandise, I put that in the letter and I cited all the opinions, etc. Of course, you and I know they not going to get any play with any merchandise." BOASBERG said that he was still trying to put the deal together and has been for three months; that JOHN ARUNS CALLERY said he washed his hands of it, so BOASBERG has been trying to do something. BOASBERG said he would have to hold off further negotiations regarding payoffs to GARRISON through GERVAIS until he tried to contact ELMS one more time for a yes or no answer regarding the payoffs. BOASBERG stated that he was sure JIM GARRISON would at least let him (GERVAIS) get a little "chicken feed". BOASBERG stated that "we're" taking care of FREDERICK SOULE right now and will continue to do so until they go out of business or things get better.

BOASBERG asked GERVAIS to talk with JIM GARRISON and see if GARRISON can do anything with the governor and any of the legislators with respect to any anti-pinball machine bills being introduced in the 1971 session of the legislature. BOASBERG told GERVAIS to have JIM GARRISON approach the governor with the approach -- "Why are you pushing these people? I've got, I've got a lot of requests from a lot of little businessmen here,"

but that GARRISON should not approach the governor from the pin-

ball machine operators' point of view. BOASBERG stated that if GARRISON can communicate with the governor and the governor does not push anti-pinball legislation, he doesn't think that the legislature will have the required votes to introduce anti-pinball machine legislation in the May, 1971, session. At the close of the conversation, BOASBERG brought up the name HARBY MARKS (HARBY S. MARKS, JR.) and stated that if he (BOASBERG) sends MARKS to see him (GERVAIS) in the future, that MARKS can be trusted. BOASBERG stated that MARKS had been with him for 30 years and that MARKS is also JOHN ARUNS CALLERY'S right hand man.

(32) On January 27, 1971, LOUIS M. BOASBERG of New Orleans Novelty Company met with PERSHING GERVAIS in Room 876 of the Fontainebleau Motor Hotel, New Orleans, Louisiana. BOASBERG stated that he had gone to see LAWRENCE L. LAGARDE of TAC Amusement Company who told him (BOASBERG) that "We have been more than generous the last few years and we obligated ourselves sometime ago to something, it was all in advance ... and he (LAGARDE) says, you (BOASBERG) should carry us, he (LAGARDE) says, we are carrying something else --". GERVAIS said to BOASBERG that he (GERVAIS) did not come to the operators for payoffs, that they came to him. BOASBERG stated that he (BOASBERG) originally set up the contact and deal with Captain FREDERICK A. SOULE, SR., and agreed with GERVAIS that somehow SOULE got in touch with ELMS, CALLERY and other pinball operators. BOASBERG stated that after he contacted SOULE before Christmas, the Vice Squad "started raiding some games"; that about three weeks later when he could not put together a deal with SOULE he (BOASBERG) went to a "party" with whom he had been "very generous with in the campaign" and inquired why he had been singled out for the raids. BOASBERG stated that the Vice Squad hasn't done anything since so he thinks that the "party" did raise hell. BOASBERG stated that had he not trusted JOHN ELMS, JR., he would not have made the deal with SOULE because he would rather do business with GERVAIS. BOASBERG told GERVAIS that CALLERY used to handle the payoffs, but that right

after the last election (the New Orleans municipal general election for mayoralty and city council seats took place on April 7, 1970 and the city fathers took office on May 4, 1970)

CALLERY said he was out, and that this is when he (BOASBERG) made a move to reach SOULE:

GERVAIS: Don't you know ... and I don't know how to -- before Christmas, and I, I'm, I can only tell you in sketches cause, you could fill it in better than I can.

BOASBERG: No, I can't, I can't.

GERVAIS: Well, here, let me, let me explain it to you --

BOASBERG: You know something, let me tell you, Pershing, nobody works like I do in this business, I get down six, I do everything, I make moves, do all the buying and selling and everything, and I, but I leave other things to other people and I've left it to Aruns [CALLERY] --

GERVAIS: Okay, but wait, let me, let me just tell you ... way before Christmas, I'm trying to get this in my mind ... I was contacted, said, look, uh, young Elms, I'm trying to get this straight in my mind, has the connection in the city ... we want Charlie Pace to come up with his pro rata, I, at this time, didn't know who they were talking about, you see, but Charlie says he will not do it unless you say its okay --

BOASBERG: Oh, I, I did issue part of that, Aruns and I both, we were trying to put, trying to put a new deal together --

GERVAIS: Right! Okay, babe --

BOASBERG: See --

GERVAIS: But, but, but, now mind you, I'm in the dark, I don't know who, who's talking to who --

BOASBERG: You know what started this whole thing? Aruns come to me and says, uh, Freddie tell him, look, I'm out now, can't do any good, can't do any good, can't do a thing. So he says, Aruns say, I'm bowing out so you fellas are on your own --

GERVAIS: Right.

BOASBERG: So when he told me that, now let me tell you how long ago he told me that, he told me that ... right after the election so I started, that's when I started trying --

GERVAIS: To do something.

BOASBERG: -- trying to do something.

GERVAIS: Well, of course, I'm in the dark at this stage, I don't know who's --

BOASBERG: Yeah.

GERVAIS: -- doing what, you see. So, now Nims [ROBERT NIMS of Lucky Coin Machine Company, Inc.] comes, finally, so Nims talks to me, he said, we negotiating and it's this and it's that and he still, he pretends like he don't know who it is, you see.



BOASBERG: Yeah.

GERVAIS: So, I said, well, look, I said, as a test, if they can deliver what they saying to you, then they could deliver the guy in charge --

BOASBERG: Yeah, you told me that.

GERVAIS: See.

BOASBERG: Yeah, I heard that.

GERVAIS: Yeah, right, I said, so then, they said --.

BOASBERG: No.

GERVAIS: So, okay, so I said, if they can't deliver that, then they bullshitting you, see, not knowing at that time, what was really going on. Subsequently, Freddie comes and he said, look, Louis contacted me, you --

BOASBERG: Um.

GERVAIS: Boasberg --

BOASBERG: Oh, yeah, we had breakfast many times --

GERVAIS: He says, and he wants to put a deal together --

BOASBERG: Um.

GERVAIS: But somehow or another, and I don't remember the details, but he ends up instead of talking to you, he ends up talking to, uh, to, uh, Callery and, uh, what's his name --

BOASBERG: Nims.

GERVAIS: Nims. And he got from them, uh, a thousand a month, I think for four months or something like that, you know, I don't know how much the money was, he got it from Nims ... and, uh, and now I'm wondering Nims got it part from uh --

BOASBERG: From TAC --

GERVAIS: From TAC and I'm wondering if they thinking maybe --

BOASBERG: No, that's not it.

GERVAIS: -- You didn't come up with your part in that.

BOASBERG: No, that's that's not it, that's not it there. I remember Aruns took two grand from me at that time, I remember now.

GERVAIS: Oh.

BOASBERG: No, they not talking about that, Pershing, I, Lawrence --

GERVAIS: Well, in other words, you took you -- care of your part in that.

BOASBERG: Well, certainly I did.

GERVAIS: Well, then you --

BOASBERG: Certainly I did.

GERVAIS: You all are even.

BOASBERG: I, I remember when Aruns came in the, in the office ... they, they came in the offices. Let me tell you --

GERVAIS: I don't know where I get the idea that they think that you owe something --

BOASBERG: Oh, man --

GERVAIS: Some place -- but go ahead.

BOASBERG: They're stupid. Let me tell you what Lawrence [LAWRENCE LAGARDE of TAC Amusement Company], here's the remark he made to me -- not this time but about a month ago when I went to him, he says, I said, well, who is this mysterious people that you, that you, in other words, when we tried, when Aruns and I tried to put the deal together, they reneged then. It's not now that they reneging, they were, they been reneging for two months, don't you understand?

GERVAIS: Well, it, was that on the square or was that --

BOASBERG: What do you think I been -- what do you think I been trying to do -- how long do you think I started negotiations with Freddie? Man --

GERVAIS: I don't know.

BOASBERG: Three or four months, three months ago, three months ago, Persh, after the legislature started, longer than that.

GERVAIS: Uh-huh.

BOASBERG: That man must think I'm a fool, I mean, I can't, I couldn't put that thing together by myself, for what the package I wanted to deliver --

GERVAIS: Yeah.

BOASBERG: I wanted to deliver uh, something decent --

GERVAIS: Yeah.

BOASBERG: Well, then these raids [FBI pinball raids of November 24 and 25, 1970] came up, that stopped it, but Lawrence says to me, I said, well, Lawrence, who is this that you --

Earlier in the conversation, BOASBERG had brought up the new federal gambling statute (Organized Crime Control Act of 1970) and stated that LAWRENCE L. LAGARDE was informed by his attorneys that if the "FBI or task force man" goes to one of the locations and gets a payoff on a pinball machine, they can arrest you and charge you with conspiracy.

(33) On January 31, 1971, LOUIS M. BOASBERG of New Orleans Novelty Company, and JOHN J. ELMS, JR., of TAC Amusement Company met with PERSHING GERVAIS in Room 876 of the Fontainebleau

Motor Hotel. At the beginning of the conversation BOASBERG advised ELMS that he has brought GERVAIS up to date on most of the facts and told ELMS that GERVAIS knows the deal that BOASBERG has with Captain FREDERICK A. SOULE, SR. ELMS replied that he will do the same thing that BOASBERG is doing with FREDERICK SOULE. BOASBERG stated that "compared to what it was before, it's peanuts, but --". GERVAIS stated that from talking to BOASBERG and FREDERICK SOULE that BOASBERG is paying SOULE \$1,000 a month. BOASBERG replied that he pays SOULE \$500 a month. BOASBERG said he sent SOULE a thousand dollars three weeks ago but that was for January and February. GERVAIS told both BOASBERG and ELMS that he seriously doubts that District Attorney JIM GARRISON will be interested in \$500 a month but that he (GERVAIS) will take it to him. GERVAIS informed the two individuals that he hated to tell JIM GARRISON the payoffs would be dropping off to only \$500 a month to which ELMS, replied, "Yeah. Can't blame him either." ELMS stated that after the session of the legislature, they could get back together and refigure the payoffs. ELMS said that the FBI picked up about 360 of his gambling type pinball machines on the raids of November 24 and 25, 1970, and that it is costing him sixteen thousand dollars (\$16,000) a week in income. GERVAIS told ELMS and BOASBERG that what they are really saying is that he can tell JIM GARRISON that the five hundred dollars (\$500) per month is just temporary until after the legislature meets. BOASBERG replied that it is temporary until about July as they should know something when the legislature adjourns in June, that they will re-negotiate or be out of business. With respect to future payments, BOASBERG, ELMS and GERVAIS agreed that Captain SOULE would be the go-between and pass the money to GERVAIS for District Attorney JIM GARRISON. Later in the conversation, BOASBERG asked GERVAIS when the payoffs would start, in February or March. GERVAIS stated that JIM GARRISON is already aware of someone in the city being paid off. BOASBERG replied, "January, that's right." GERVAIS stated that December and January had passed without any payoffs and BOASBERG said that it was the

federal government raises that put a stop to "this whole deal", that

"We been trying to put a deal together for a long while". BOASBERG

went on to say that he and ELMS "will come up with a dime [a thou-

sand dollars] for January and February" for JIM GARRISON. BOASBERG

said that CALLERY put together the arrangement whereby the pinball

dealers passed money on to officials, when nobody said he could:

BOASBERG: I got a partner [CALLERY] who took what he wanted and  
I trusted him and, and, and I think he did all right, I  
think he did, I, I, I think Aruns has been all right, after  
all didn't he put this thing together --

GERVAIS: Yeah.

BOASBERG: -- when nobody said he could --

GERVAIS: Oh, yeah.

BOASBERG: He put the thing all together, you got to give him  
credit --

GERVAIS: Oh, yeah, he done that.

BOASBERG: I'll admit that, you know, he's, he's gone a little  
bit too much from --

GERVAIS: For some areas.

BOASBERG: You know, in some areas, it can't do any good, you  
know, you don't take care of this maid out here, she can't  
do you any good.

GERVAIS: No, no.

BOASBERG: She might sell a few things --

GERVAIS: She'll give you a couple of towels --

BOASBERG: Yeah. That's, that's Aruns -- Aruns is an easy mark.

ELMS: Yeah.

BOASBERG: He's been an easy mark, he really has.

GERVAIS: Yeah.

ELMS: He's giving away your money, why not?

BOASBERG: Well -- he's giving away part of his.

BOASBERG and ELMS discussed the danger to them from  
the federal law (Organized Crime Control Act of 1970) and ELMS  
outlined his plan to lease machines to get around the provisions  
of the law:

GERVAIS: We will then sit down and talk about some serious  
futures --

BOASBERG: Yes, but give us a couple of months to get organized.

GERVAIS: Well --

BOASBERG: I mean, not immediately when the legislature closed,  
let's be realistic --

GERVAIS: I was talking about June, you talking about June --

BOASBERG: -- about the thing, if, if they don't do that; then he's probably going to go a little bit further, course we don't know what the federals are going to do by then -- and, I, I wished I knew --

GERVAIS: Uh-huh.

ELMS: Will we know something about the machines and just what's going to happen, uh, when this three judge, uh, hearing supposed to be before them on February 20th, that's when the notice, uh --

BOASBERG: I know, but John, look, any federal officer who can get a payoff and you can be arrested for conspiracy, they can arrest the location owner and we can be charged with conspiracy, that's the law, I've had four attorneys, that new federal law is, is that thick and they got more, it tells you get out of business, even Bally's attorneys told me that, so we just have to play it by ear --

GERVAIS: Well --

ELMS: I'm going to lease all my games out --

BOASBERG: Um?

ELMS: I'm going to lease them out.

BOASBERG: Well, here's a good -- that, that's, that is a good --

GERVAIS: But if that's true, if any federal officer can go play a game and get a payoff, see --

BOASBERG: Certainly they can.

GERVAIS: It's a wonder they haven't done that.

BOASBERG: They may be doing it now, how do you know -- how many months you think they worked on that, on that registration thing [registration requirement under the Gambling Devices Act of 1962, Title 15, United States Code, Section 1173(a)(3), upon which the FBI pinball raids of November 24 and 25, 1970, were based], they worked three months at least they worked -- we didn't know they were working, nobody knew it -- nobody knew it, did we? We had no idea --

ELMS: No word, no inkling, no nothing --

(34) On February 2, 1971, PERSHING GERVAIS had a telephone conversation from Room 276 of the Fontainebleau Motor Hotel in New Orleans, with LOUIS BOASBERG, wherein BOASBERG described a meeting he had in his office with LAWRENCE L. LAGARDE of TAC Amusement Company, at which time BOASBERG was expecting to receive \$1,000 as TAC's end of the \$2,000 bi-monthly package that JOHN J. ELMS, JR., of TAC Amusement Company and BOASBERG agreed upon at the January 31, 1971, meeting with PERSHING GERVAIS in Room 876 of the Fontainebleau Motor Hotel. BOASBERG said that LAGARDE

threw \$500 on BOASBERG's desk, rather than the \$1,000 that BOASBERG was expecting toward the \$2,000 package.

(35) On February 3, 1971, PERSHING GERVAIS had a telephone conversation from Room 276 of the Fontainebleau Motor Hotel in New Orleans, with JOHN ARUNS CALLERY, who stated that he would check with LAWRENCE LAGARDE of TAC Amusement Company regarding the truth of BOASBERG'S claim that LAGARDE dropped \$500 payoff money on BOASBERG's desk rather than the \$1,000 promised by JOHN ELMS, JR. CALLERY said LAGARDE wants to talk with CALLERY about a subject LAGARDE has talked to him about before -- the leasing of pinball machines to the location owners. CALLERY said that he went to GARRISON's house on February 2, 1971, to explain about the payoff situation regarding pinballs in view of the FBI raids of November 24 and 25, 1970, and that GARRISON replied "when the cow is killed there's no more milk."

(36) On February 10, 1971, JOHN ARUNS CALLERY met with PERSHING GERVAIS in Room 276 of the Fontainebleau Motor Hotel in New Orleans, and said that he (CALLERY) had talked to LAWRENCE L. LAGARDE of TAC Amusement Company and that GERVAIS had been told the truth by BOASBERG about LAGARDE delivering only \$500 from TAC Amusement Company to BOASBERG for the payoff rather than \$1,000 as had been agreed to by JOHN J. ELMS, JR., of TAC Amusement Company. CALLERY said he thinks that they feel that BOASBERG "has taken them in the past."

CALLERY began a discussion of the payoffs since August, 1970, and said that he (CALLERY) understood that BOASBERG gave Captain SOULE a thousand dollars and if he did, that is all he has put up; that LAWRENCE (LAWRENCE LAGARDE of TAC Amusement Company) paid two \$1,000 payments for SOULE for September and October. CALLERY then stated that the payments to SOULE and GERVAIS since August were made by TAC Amusement Company and ROBERT NIMS. CALLERY stated that "we" gave \$4,000 to SOULE and \$4,400 to GERVAIS for a total of \$8,400, none of which was put up by BOASBERG. CALLERY said that he recalls that LAWRENCE LAGARDE put

up \$5,000 of the \$8,400. With respect to the forthcoming reduction of the share of the payoff to be made to JIM GARRISON, CALLERY stated that he thinks GARRISON would be foolish to take it; that he has a chance to get out of the deal, forget about it and let it die. CALLERY stated that BOASBERG put up \$2,000 for the payoffs on August 1, 1970, but has not put up anything since. CALLERY stated that the payoffs to GERVAIS were \$1,800 years ago (1962) when the original deal was made; that he added \$200 a little later for GERVAIS, and that he subsequently added another \$200 to "take care of some of the boys on the Vice Squad". CALLERY stated that he talked to JIM GARRISON and that GARRISON understood the cut in the payments; that when CALLERY talked to GARRISON, GARRISON said he had read about the FBI pinball raids in the papers and that "When the cow is dead, there's no more milk." During the conversation, CALLERY was told by GERVAIS about the latter's meeting with LOUIS M. BOASBERG and JOHN J. ELMS, JR., and their agreement to pay \$1,000 every two months retroactive to January 1, 1971. CALLERY replied that he doubted that JIM GARRISON would take that reduced amount but he might. CALLERY stated that he believed he owed it to JIM GARRISON to go and talk with him about the decrease in the payoffs since he (CALLERY) had made the original deal. CALLERY said that he told JIM GARRISON that there was only one man (BOASBERG) still operating; that he (CALLERY) was no longer involved in the payoffs because he had had a "package going", but that the "package has been dismantled".

(37) On February 11, 1971, PERSHING GERVAIS placed a long distance telephone call to JOHN J. ELMS, JR., of TAC Amusement Company, in Monroe, Louisiana. ELMS stated that LAWRENCE L. LAGARDE of TAC Amusement Company had contacted LOUIS M. BOASBERG. The following is the conversation that ensued pertaining to LAGARDE's contact with LOUIS BOASBERG:

OPERATOR: Mr. John E-Elms, please, long distance is calling.

Unknown male: All right, hold on.

ELMS: Hello.

OPERATOR: Is this Mr. Elms?

ELMS: Yes.

OPERATOR: Long distance.

GERVAIS: Hey, John.

ELMS: Yeah.

GERVAIS: Heay, Gervais.

ELMS: Hey, babe, how you doing?

GERVAIS: All right, podner.

ELMS: Can you hold on for a second.

GERVAIS: Yeah, I'll hold on.

ELMS: Hello.

GERVAIS: Heah.

ELMS: Heah, baby, how you doing?

GERVAIS: All right, I'm checking on our friend, Louis.

ELMS: Yeah.

GERVAIS: Ah, you know, I, I don't know, I never know when that guy's bullshitting or not. He come and he brought a nickel [\$500] instead of a dime [\$1,000], for two months and, ah, he said that Lawrence [LAGARDE] went and dropped that on him and said that was it, and of course I explained that, I said (( )), no way I'm going to the [JIM GARRISON] with that.

ELMS: No, I tell you what happened.

GERVAIS: Yeah.

ELMS: Remember we thought Lawrence wasn't willing to go along with, ah --

GERVAIS: Yeah.

ELMS: But what had happened when I was out of town --

GERVAIS: Uh-huh.

ELMS: He talked to Lawrence.

GERVAIS: He did.

ELMS: And Louie told him that, ah, instead of a dime [\$1,000] he [BOASBERG] would come up with twelve fifty [\$1,250]

GERVAIS: Twelve fifty [\$1,250]?

ELMS: I mean fifteen [\$1,500].

GERVAIS: He tried to shake Lawrence for fifteen [\$1,500]?

ELMS: No, no, no, that Louie would come up with fifteen [\$1,500].

GERVAIS: Oh, oh, no, but he wouldn't do that.



ELMS: And for Lawrence to come up --

GERVAIS: With five [\$500].

ELMS: -- with five [\$500].

GERVAIS: Uh-huh. Well, he didn't do that all he offered me was five [\$500] and I, you know a nickel [\$500], I said, man, no way I am going to bring that to the man, I said it's bad enough bringing him one [\$1,000] for two months.

ELMS: Yeah.

GERVAIS: I said I just can't do it, but ah, so he said, well, podner, that's the best I could do. I said, well, I only need to know, you know, exactly and then, then that's what I'm doing calling you, cause I never know, I, you know, I meet that fella coming back.

ELMS: Right, no, well, what happened, I, I had told Lawrence that, ah, you know, that everything was ah --

GERVAIS: Yeah, set.

ELMS: Set.

GERVAIS: Uh-huh.

ELMS: And then, ah, so he went over by Louis.

GERVAIS: Uh-huh.

ELMS: And --

GERVAIS: Louis said he bawled, that Lawrence came in there and bawled the piss out of him, threw five hundred on his desk and walked out.

ELMS: Because, yeah, because Lawrence, Louie had told Lawrence, ah, five.

GERVAIS: Uh-huh.

ELMS: Oh, no, two, no let's, yeah, five.

GERVAIS: Uh-huh.

ELMS: And that he was going to come up with fifteen.

GERVAIS: Uh-huh. Well, he didn't come up with nothing, he come up with the one [\$1,000] for the other fellows, you know, and then he come wanted him, he wanted you know, and then he suggested that I take the five and swallow it, I said, well, (( )), you pissing your money away cause I can't do nothing by myself.

ELMS: (laughter)

GERVAIS: I said, I'm, and I wouldn't do that anyway. You know. So he says, well, (( )), I guess he, he thinks he's got something going for him I don't know.

ELMS: Okay, well, let me get back to Lawrence and see if I can get him and Louie to straighten this damn thing out tomorrow. Because Lawrence is in Baton Rouge today.

GERVAIS: Oh, well, ah, well, let me say this that ain't my reason for calling you, now.

ELMS: Uh-huh.

GERVAIS: You know, cause you know incidentally, and I don't know if you know, you know I didn't go looking for this (( ))).

ELMS: No.

GERVAIS: Louie [BOASBERG] come looking for me.

ELMS: Right.

GERVAIS: You know that, huh?

ELMS: Yeah.

GERVAIS: Yeah, okay, because I don't want to feel like I'm hustling nobody. But since they initiated the (( )) thing I can't get nothing positive, and he's still holding the five [\$500], I guess he thinks that ah, somehow, somebody's going to take it, but I'm (( )), I'd be embarrassed to go offer a man that.

ELMS: Yeah.

GERVAIS: You know.

ELMS: You right.

(38) On February 11, 1971, Captain FREDERICK A. SOULE, SR., met with PERSHING GERVAIS in Room 276 of the Fountainebleau Motor Hotel in New Orleans. SOULE said he had breakfast with LOUIS M. BOASBERG of New Orleans Novelty Company the other day and was told that TAC Amusement Company has agreed to take care of the pay-offs to GERVAIS for District Attorney JIM GARRISON and that BOASBERG will be taking care of SOULE and Sergeant ROBERT FREY. SOULE said that ROBERT NIMS of Lucky Coin Machine Company, Inc., is now out of the pinball business. SOULE said that the last payment he received was from BOASBERG for one thousand dollars (\$1,000), which was for January and February, 1971; that HARBY S. MARKS, JR., employee of New Orleans Novelty Company, delivered it to him; and that he split it evenly with Sergeant FREY, Commander of the Vice Squad. SOULE said that the payment prior to the last one was paid by NIMS and the other one before that was paid by TAC Amusement Company, and that each one was for \$1,000. SOULE said that he (SOULE) is going to tell BOASBERG that his and FREY'S share is to come through GERVAIS from now on; that GERVAIS will handle the whole package. SOULE said he wants to get one thousand

dollars (\$1000) a month, five hundred dollars (\$500) for him and five hundred dollars (\$500) for FREY, rather than the present one thousand dollars (\$1000) every two months. SOULE and GERVAIS had some conversation about savings and investments, and SOULE said that he has a safety deposit box with seventy five thousand dollars (\$75,000) in it of money that he made with CALLERY and GERVAIS:

GERVAIS: (laughter) ... You got money in legitimate savings account?

SOULE: I got about ... fifteen hundred dollars.

GERVAIS: Fifteen hundred? ... You ain't going to get much on that, Freddie.

SOULE: No, well, that's all I can afford to put in there. No, I got, I got a few thousand dollars, I got (( )) safe box.

GERVAIS: But you can't (( )) (( )) with that money.

SOULE: No.

GERVAIS: You let that money out, you'll be in real trouble.

SOULE: I got about seventy five thousand

GERVAIS: Do you? If you admit that, you (( )), you must have a hundred fifty --

SOULE: No, no, I'm, I'm, (( )), I'm telling you straight. Most of it, you know ( )

GERVAIS: Yeah, made with them things.

SOULE: Most through you. (laughter)

GERVAIS: Yeah.

SOULE: I, well, I, tell you the truth, I, everything I got, I got either through you or Callery --

GERVAIS: Yeah.

SOULE: Everything I got --

GERVAIS: Boasberg, huh?

SOULE: Boasberg never did give me but one time, that's all. I got everything from Callery.

SOULE said that he can't do anything with that seventy five thousand dollars except when he gets old, just before he's ready to die, he'll give it to his children and that their problem with that amount of money will be less than his would be. SOULE said that if he wanted to spend that money he'd have to say he won it gambling and pay taxes on it and for that reason, "I have to live modest, I can't spend it."

(39) On February 19, 1971, at 7:00 a.m., Special Agents of the Intelligence Division, Internal Revenue Service, observed Captain FREDERICK SOULE, SR., and HARBY S. MARKS, JR., employee of New Orleans Novelty Company, meet and converse at the Coffee Shop, Jung Hotel, New Orleans, Louisiana. At approximately 11:30 a.m. on the same day, in the first floor men's room in the hotel part of the Fontainebleau Motor Hotel in New Orleans, Captain SOULE gave PERSHING GERVAIS a sealed brown envelope, which envelope was retrieved, still sealed, by Special Agents of the Intelligence Division, Internal Revenue Service. The envelope contained one thousand dollars (\$1000), which money was retained as evidence. The Special Agents then prepared an envelope containing one thousand dollars (\$1000) in fifty dollar (\$50) bills, the serial numbers of which were noted, for delivery to JIM GARRISON.

(40) On February 25, 1971, PERSHING GERVAIS had a telephone conversation from Room 752 of the Fontainebleau Motor Hotel in New Orleans, with Captain FREDERICK SOULE, SR., who said that the package for January and February, was delivered to him by HARBY S. MARKS, JR. [see paragraph (39) above], and that at that meeting MARKS told him (SOULE) that BOASBERG had told MARKS that TAC Amusement Company had not fulfilled its obligation:

GERVAIS: Listen, don't forget our friend [BOASBERG] on the first. Now, look --

SOULE: What?

GERVAIS: You know there was a (( )) this last time.

SOULE: How's that?

GERVAIS: Well, you know, ah, ah, he came to you [with delivery of the payoff] instead of coming to me.

SOULE: Yeah, well.

GERVAIS: So it'll be up to you, I guess, didn't you, you'd prefer to, that I would handle it wouldn't you?

SOULE: Yeah, well, I didn't get to talk to him [BOASBERG], all, all I did, his, his emissary [HARBY S. MARKS, JR.] --

GERVAIS: Yeah.

SOULE: -- called me --

GERVAIS: Yeah.

SOULE: -- you see --

GERVAIS: Yeah.

SOULE: -- and he said can you have a little breakfast? So I went and he gave me that, now I didn't even know what it was for, but I assumed it was, you know.

GERVAIS: Yeah.

SOULE: But that was about the extent of it. So I'll have --

GERVAIS: Your meeting, but who did you meet his emissary or him?

SOULE: No, I met his emissary.

GERVAIS: Oh, I be damned.

SOULE: He didn't meet me. He, ah --

GERVAIS: He sent his emissary.

SOULE: -- sent his emissary.

GERVAIS: I be God damned.

SOULE: I know the guy pretty well.

GERVAIS: Yeah.

SOULE: The emissary tells, tells, me, the only thing the emissary [HARBY S. MARKS, JR.] told me, he said, Lyndon Johnson [an alias for LOUIS BOASBERG] said to tell you that Mr. T [TAC Amusement Company] didn't ah, didn't, didn't fulfill his obligation, that he had to come up, you know.

GERVAIS: Yeah. A little more.

SOULE: Yeah, just like I told you. So that's --

GERVAIS: Well, listen, you know how he'll stall when the first of March comes.

SOULE: Oh, he'll do that, yeah.

(41) On February 25, 1971, PERSHING GERVAIS drove to the residence of District Attorney JIM GARRISON, 4600 Owens Boulevard, New Orleans, Louisiana, for the purpose of delivering a blue envelope containing one thousand dollars (\$1000) in United States currency, which had been furnished to him by Special Agents of the Internal Revenue Service, and which had been previously substituted for the one thousand dollars (\$1000) delivered to GERVAIS by Captain FREDERICK SOULE, SR., on February 19, 1971 (see paragraph (39) above). The currency consisted of (20) fifty dollar bills with the following serial numbers:

J 01287741 A	H 03022344 A	C 01829343 A
B 00180498 A	G 05503413 A	G 03253432 A
G 01709501 A	D 11029811 A	G 03163817 A
C 00612793 A	C 06739486 A	G 06763218 A
K 03862676 A	L 00470390 A	F 00432220 A
B 29632730 A	F 00033414 A	D 05523382 A
D 05523382 A	E 09792580 A	

GERVAIS told JIM GARRISON of his meeting with LOUIS M. BOASBERG of New Orleans Novelty Company and JOHN ELMS, JR., of TAC Amusement Company, and stated that he had received one thousand dollars (\$1000) for the months of January and February, 1971; that in March he will receive another one thousand dollars (\$1000) for the months of March and April, 1971; and that the one thousand dollars (\$1000) every two months would be the new reduced payoff until after the legislature meets, in May. When GERVAIS produced the envelope with the money in it, GARRISON snatched it from his hand and GERVAIS said, "You burned my fingers! Bring the butter up! Here ... Jesus Christ, you burned my fingers, James." GERVAIS informed GARRISON of BOASBERG'S request that he (GARRISON) contact the governor with respect to possible anti-pinball legislation in the coming legislature. GARRISON said for GERVAIS to tell BOASBERG and ELMS that he would contact the governor. GARRISON stated, "I will guarantee them --". GERVAIS told GARRISON that JOHN ELMS, JR., was "very apologetic" and "embarrassed" to come up with only one third of what the payoff used to be, but that BOASBERG'S attitude was that that amount is sufficient. GERVAIS advised JIM GARRISON that payoffs were also being made to the Vice Squad. GERVAIS also stated that if things work out with the legislature, the payoffs will go back up in amount. GARRISON stated that it would take about 6 months to settle the legal points on the pinball machines seized in the FBI raids of November 24 and 25, 1970, but that in the meantime they had "a couple of guys to keep this going -- for \$500 a month." GARRISON mentioned that CALLERY had visited him to tell him he (CALLERY) was now "out". GARRISON

mentioned that GERVAIS should deal with ELMS instead of BOASBERG in receiving the payoff money, but stated that he would not want BOASBERG out completely because he might "blow the whistle on everybody". GARRISON went on to explain how he would put the matter of anti-pinball legislation to the governor in terms of the governor's own self-interests:

GARRISON: ( ) but I am going to tell John [John McKeithen, Governor of Louisiana], John, don't kill yourself as senator.

GERVAIS: By attacking this?

GARRISON: You might not be running in '72 -- you might be running several months later --

GERVAIS: For the senate, for the senate, huh?

GARRISON: Yeah ... New Orleans, always think of New Orleans -- the Irish Channel and the Ninth Ward. He will understand.

GERVAIS: Uh-huh.

GARRISON: He will understand. The Irish Channel and the Ninth Ward, a guy got bottle of beer, on a pinball machine, bang, bang, he gets another beer, bangs it -- that's New Orleans.

GERVAIS: Yeah. Yeah.

GARRISON: ( )

GERVAIS: Hello, baby.

GARRISON: ( ) that's not New Orleans, that's South Carolina and Virginia --

GERVAIS: Yeah.

GARRISON: That's not New Orleans --

GERVAIS: Yeah, all right.

GARRISON: The Channel, baby, and the Ninth Ward, cause whoever I'm for, they're for.

GERVAIS: Okay.

GARRISON: In other words, I'm gonna guarantee him --

GERVAIS: Okay, that'll satisfy him --

GARRISON: Don't worry, I'm going to tell him, look --

GERVAIS: See, I haven't committed, I haven't, I said, listen, I don't know anything, I can't give you no answers, I have to find out --

GARRISON: John, I'm going to tell you --

GERVAIS: I even said, listen, I might have to bring this package back to you -- [give the thousand dollars back if GARRISON refused to take that small amount]

GARRISON: No.

GERVAIS: (laughter)

GARRISON: ( ) Don't bring him a dollar. ( )

GERVAIS: Okay.

GARRISON: Tell them this, tell them I'm gonna, I'm gonna go to John and tell him you happened to be my personal choice but if I change my mind at the last minute and name Carlos Marcello, he will be the next senator from New Orleans.

GERVAIS: Uh-huh. Yeah, yeah, that'll shake him up.

GARRISON: I'll tell him, I'm just kidding him --

GERVAIS: Kid him, yeah, kid him, sure.

GARRISON: We're friends ( ) but he knows I'm only half kidding him --

GERVAIS: Yeah, yeah, he don't want to tempt you.

GARRISON: Yeah.

GERVAIS: Right after March the first I'll be back ... like you're gonna be --

GARRISON: Treat these guys as friends, as business' friends.

GERVAIS: Okay.

GARRISON: And, uh, have them respect our word like we respect theirs.

GERVAIS: Right.

GARRISON: And it goes on forever like to you and me and Callery --

GERVAIS: Right.

GARRISON: And he said always face to face --

GERVAIS: Yeah.

GARRISON: Never any other way --

GERVAIS: Right, okay, let me go. See you later. And right after March the first -- hello, baby.

(42) On Tuesday, March 2, 1971, Captain FREDERICK SOULE, SR., met with PERSHING GERVAIS in Room 752 of the Fontainebleau Motor Hotel in New Orleans. They discussed how much cash was in the sealed envelope that Captain SOULE had given to GERVAIS in the restroom of the Fontainebleau Motor Hotel on February 19, 1971, after SOULE had met with HARBY S. MARKS, JR., at the Jung Hotel. SOULE also discussed how much payoff he used to get when he was Commander of the New Orleans Police Department Vice Squad:



GERVAIS: But, listen, but didn't he pull some kind of switch on us the last time --

SOULE: I --

GERVAIS: Cause let me say this --

SOULE: He's always trying to switch --

GERVAIS: You know he gave me, all he gave was a thousand for the man [GARRISON].

SOULE: Yeah.

GERVAIS: For January and February.

SOULE: Oh, I thought that was for one month.

GERVAIS: Two months.

SOULE: Oh.

GERVAIS: January and February.

SOULE: I thought you got that per, per month.

GERVAIS: No, indeed. Same as you --

SOULE: Oh --

GERVAIS: The same identical thing.

SOULE: I thought that was per month.

GERVAIS: No. January and February, one for two --

SOULE: I'm going to tell you, now, listen, let me tell you, if he comes up with this ((     )), I might go one more time for the two months because he's waiting for April --

GERVAIS: April.

SOULE: But if the, but if the legislature, uh, lets them along, he's going to have to pay the ((     )) price per month, that's --

GERVAIS: A thousand a month, that's ridiculous really --

SOULE: It, it ain't 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 -- [the sealed envelope that SOULE gave GERVAIS on February 19, 1971, in the Fontainebleau Motor Hotel restroom].

SOULE: Yeah.

GERVAIS: I, you know I ain't going to ((     )) you --

SOULE: Yeah.

GERVAIS: When I, 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 --

GERVAIS: (laughter)

SOULE: You know, I, if I was him --

GERVAIS: But I didn't want to -- I guess he thinks I got a thousand too, you see.

SOULE: But he, uh --

GERVAIS: You know, (( )), you got the envelope.

SOULE: I didn't know what, I didn't know what --

GERVAIS: Well, I mean you know ( ) they ain't no ( ) don't worry --

SOULE: But, uh -- uh --

GERVAIS: But, uh --

SOULE: No, I think that ought to be a month, man, gee --

GERVAIS: There's no question about it, that's cheap enough, but like you said, we got to go to April.

SOULE: I'm going to tell you, I, you know, we leveling with each other --

(knock at door)

GERVAIS: Wait a minute, wait!

(conversation at the door)

Getting careless there, Freddie.

SOULE: (laughter) I'm going to tell you the truth, you understand --

GERVAIS: Yeah.

SOULE: Now, when I run, when I was running the Squad [SOULE commanded the New Orleans Police Department Vice Squad from May 5, 1962, to June 30, 1968], I used to get seven and a half a month --

GERVAIS: Seven and a half a month?

SOULE: Course that was only, only for me and that's what I got --

GERVAIS: Jesus Christ, that was pretty good.

SOULE: Well, that's all I got, that's why I say, you, that's what I got, I had to be tough with them, you see, he [CALLERY] used to tell me if TAC ain't come up, I would knock the piss out of TAC, you understand, but they all coming up and I was getting --

GERVAIS: ( )

SOULE: -- seven and a half a month. Plus was what I was getting from you, so --

GERVAIS: Yeah.

(knock at door)

SOULE: (laughter)

GERVAIS: That wasn't bad -- yeah. That wasn't a bad deal at all.

SOULE: So, uh, I used to get about fifteen hundred every two months, you see --

GERVAIS: Every two months, that wasn't bad. But, listen --

SOULE: But I, I was getting that even before I was doing business with you, that was the only thing I was out getting, you see when I --

GERVAIS: Well, you had to get that the minute, you got, they must have got you in the Squad, huh?

SOULE: Yeah. Well, as soon as I got in there, I knew Aruns, Aruns [CALLERY] approached me and, uh -- well, first I was getting less, he was coming with just for Boasberg and this and I started rapping a few other --

GERVAIS: (laughter)

SOULE: And he said, look, you want to take this down and take this and so, anyway, I had, you know, it kept going up and up.

GERVAIS: But you got 750, you know Aruns must have been swallowing 250 --

SOULE: Sure.

GERVAIS: At least --

SOULE: He stole a little bit --

GERVAIS: Maybe five hundred.

(43) On March 3, 1971, LOUIS BOASBERG telephoned PERSHING GERVAIS. During the conversation, GERVAIS informed BOASBERG that he had talked to FREDERICK SOULE and that in the future, he (GERVAIS) would be the go-between between BOASBERG and SOULE for passing the payoff money to SOULE. BOASBERG also made arrangements with GERVAIS to have HARBY MARKS deliver the payoff money to him

(GERVAIS) the coming Friday.

==GERVAIS: Hello.

BOASBERG: Hi, this is Mr. Reynolds [an alias for LOUIS BOASBERG].  
I just got back in town.

GERVAIS: Oh, Mr. Reynolds, (laughter), I always got to hesitate.

BOASBERG: (laughter) Uh-huh.

GERVAIS: Yeah, ah, you just got, yeah, I know.

BOASBERG: Just got back. I'm gonna probably see my friend.

GERVAIS: Well, let me say this to you now, he came to see me.

BOASBERG: Um.

GERVAIS: You know, Fred [SOULE].

BOASBERG: Uh-huh.

---GERVAIS: You understand.

BOASBERG: Uh-huh.

GERVAIS: And ah, he's, he's a little queasy about, he would rather, ah, ah, the total contact be made with me and then me to him.

BOASBERG: Oh, all right.

GERVAIS: Rather than the other way, now this is his idea.

BOASBERG: That's better.

GERVAIS: So we'll keep em comfortable, we'll do it that way.

BOASBERG: And ah, I mean, in any real estate deal like that, its much better, because you, hell --

GERVAIS: Yeah, right. And I know more about what I'm doing.  
Right.

BOASBERG: You don't count in this deal at all, see.

GERVAIS: No, right.

BOASBERG: Yeah.

GERVAIS: Right, yeah, so there's less contact.

BOASBERG: I agree.

GERVAIS: Right.

BOASBERG: Uh.

GERVAIS: So, when will I see you.

BOASBERG: Uh, I tell you what I'll do, I'm gonna you a little bottle of perfume [payoff package] by my boy, Harby Marks.

GERVAIS: Harby Marks?

BOASBERG: Yeah, I'm going to sent him out. I tell you what I'm going to do.

GERVAIS: Uh-huh.

BOASBERG: Ah, ah, I'm gone to send him out Friday. He's okey  
with anything, he's --

GERVAIS: Yeah, I know. He's your man.

BOASBERG: Heavens, yes, he's my man.

GERVAIS: Right, Friday.

BOASBERG: He's my boy, ah, what time is convenient?

GERVAIS: Friday, I would say a good time would be, you see I make  
it a practice now, I come in the back way here. Cause I  
don't want people grabbing me, I don't even want them to know  
when I'm around.

BOASBERG: Uh-huh.

GERVAIS: So, he could ...

BOASBERG: Ask for you at the desk?

GERVAIS: Huh?

BOASBERG: Ask for you at the desk?

GERVAIS: No, he walks in and grabs the house phone and asks for  
me.

BOASBERG: Oh, I got it, I got it.

GERVAIS: Then nobody sees me.

BOASBERG: Any time, it doesn't make any difference, any time its  
convenient for you.

GERVAIS: All right, well, let me say.

BOASBERG: You don't need the perfume for that gal before, Friday,  
tomorrow's Thursday.

GERVAIS: No, Friday's okay.

BOASBERG: Yeah.

GERVAIS: Friday, say about ah, let's make it about 12 o'clock.

BOASBERG: 12 o'clock, what you want, Christian Dior perfume?

GERVAIS: Christian Dior's fine.

BOASBERG: All right.

GERVAIS: Okay?

BOASBERG: Okay, black.

GERVAIS: Friday.

BOASBERG: See you later.

GERVAIS: Bye-bye.

BOASBERG: Okay.

(44) On March 5, 1971, PERSHING GERVAIS talked by telephone from Room 752 of the Fontainebleau Motor Hotel in New Orleans, to Captain FREDERICK A. SOULE, SR., who said he received a call from BOASBERG'S "emissary" (HARBY MARKS) stating that he was sick in bed with the flu. SOULE stated that MARKS had mentioned to him that there were several policemen on the streets working pinball machines. SOULE said he told MARKS that the "prescription" was up and that "that's why they were out trying to get some new patients."

GERVAIS: Hello.

SOULE: Heah, Doctor Long (an alias for SOULE)

GERVAIS: Heah, Doctor.

SOULE: How are you?

GERVAIS: All right.

SOULE: Ah, you told me to get in touch with you today.

GERVAIS: Yeah, well, well, I haven't heard from them yet.

SOULE: Uh-huh. Ah, I've heard from his emissary. Well, to tell you his emissary is sick in bed.

GERVAIS: His emissary's sick in bed?

SOULE: Yeah.

GERVAIS: That sounds like ((. . .)).

SOULE: Well, he's ah, -- sounds that way to me too. But ah, his emissary called me early this morning. Of course he never told me anything else other than the fact that he was been in bed for two days with the flu, and he's still in bed.

GERVAIS: That ((. . .)). That ((. . .)) [BOASBERG] always got something, well -- was, was he instructed to call you and tell you that?

SOULE: No, well, I, I didn't want to talk too much on my, my phone, I was on my, he [HARBY MARKS] called me at my home. And ah, and that's about as a matter, let me tell you what happened, he, ah, I told him I said look, I didn't want, you know, he was getting a little, a little openly and I told him I didn't want to discuss anything too much with him.

GERVAIS: Uh-huh.

SOULE: And I told him I'd call him back later. Now, when I called him back later --

GERVAIS: Uh-huh.

SOULE: He wanted to know, he said he heard that there was a lot of, ah, lot of interns out on the street, you know.

GERVAIS: Uh-huh.

SOULE: And I told him, yes, that was so. Ah, I said, ah, he asked me why I said, well, I understood that, ah, that, ah, the prescription was up, you see, and that's why they were out trying to get some new patients.

GERVAIS: Uh-huh.

SOULE: Now I'm sure he must have got that word back to his head physician. However, he did tell me that he, he couldn't get out of the house.

GERVAIS: Uh-huh.

SOULE: So, so I didn't know who, who, you was supposed to meet. But the emissary --

GERVAIS: That's who I'm supposed to meet, the emissary.

SOULE: Unless he gets out, he told me he was sick in bed.

GERVAIS: That was yesterday.

SOULE: He was supposed to meet you yesterday?

GERVAIS: No, today.

SOULE: What time?

GERVAIS: Right after noon.

SOULE: After noon, huh?

GERVAIS: Yeah.

SOULE: Well, he may not show, he may, however, he might, he didn't tell me anything about not showing. I didn't know who you were suppose to meet.

GERVAIS: Yeah, I'm supposed to meet him, but let me ask you about the ah, all the guys on the street, the interns.

SOULE: Look ah --

GERVAIS: Are they ah, are they --

SOULE: Let me ask you, where you at now?

GERVAIS: I'm up in the room.

SOULE: Well, you busy?

GERVAIS: No.

SOULE: What number?

GERVAIS: 752.

SOULE: Be up there

GERVAIS: You coming?

SOULE: In the next two minutes.

GERVAIS: Oh, two minutes.

SOULE: Yeah.

GERVAIS: Okay.

(45) On March 5, 1971, Captain FREDERICK SOULE, SR., met with PERSHING GERVAIS in Room 752 of the Fontainebleau Motor Hotel in New Orleans. During the conversation, SOULE told GERVAIS how he was appointed as Commander of the Vice Squad, New Orleans Police Department, and how he was first approached with respect to payoffs from the pinball machine operators:

GERVAIS: I be damned. Well, Louie uh, what, did Louie [BOASBERG] get you in the Vice Squad -- or was it Callery?

SOULE: I, man, look, I never did know that --

GERVAIS: You never knew?

SOULE: I never did know. The only thing I knew, I was in the TACT Unit [New Orleans Police Department Tactical Unit] and, uh --

GERVAIS: Somebody had to, cause that was not a bad move.

SOULE: It had to be Callery because Callery was, I know was making a connection with (( )) --

GERVAIS: Yeah.

SOULE: Now (( )) called me in one day and he said, Freddie, he said, uh, I'm thinking (( )) in the Vice Squad, what do you think about it. I told him I don't think I want to go.

GERVAIS: You kidding?

SOULE: That's what I told him.

GERVAIS: Yeah.

SOULE: and he says, why. I said, well, I know too many people and, you know, and that --

GERVAIS: Yeah.

SOULE: And I don't want to hurt them cause I'm feeling him out too, I'm -- don't know.

GERVAIS: Yeah, right.

SOULE: I don't know what he's got in his mind.

GERVAIS: Yeah.

SOULE: He's put up a big front, you know, that he was righteous and all --

GERVAIS: Yeah, yeah.

SOULE: I said I know too many people in the game. He says, well why don't you take it, he says, -- so I said, well, okay, if you feel that way ... I said, but I want to let you know I got a lot of friends. So he said, well, I got a lot of friends too.

GERVAIS: He tell you that? Well, that's good.



SOULE: So, I went in there then [SOULE commanded the New Orleans Police Department Vice Squad from May 5, 1962, to June 30, 1968] -- uh, it wasn't long after that Callery called me asked me could he meet me and ... you know, he said, personally you need anything you can help me on. Well, so, I think he was giving me about two -- wasn't much, about two hundred a month or something like that --

GERVAIS: Yeah.

SOULE: But that was only -- course I knew he was with Boasberg [JOHN ARUNS CALLERY and LOUIS BOASBERG were partners in New Orleans Novelty Company from 1947 to 1968] and I only associated with for BOASBERG, so I used to knock the piss out of TAC and all [seize TAC Amusement Company's pinball machines for illegal payoffs to players for games won], see --

GERVAIS: Say, yeah, that brought them around (laughter)

SOULE: He say, uh, he says, look, TAC wants to come up with 200, so I said, that's all right, put it in the pot --

GERVAIS: Yeah.

SOULE: Oh, I got up to about 750 --

GERVAIS: You never could find out who, who won, who manuever, who uh, maneuvered you into the Squad though?

SOULE: (( )) never would tell me that, you know -- after a while, uh, he used to talk to me about my friend, you know, uh ... course, see, I'm sure it must have Callery anyway --

GERVAIS: Yeah.

SOULE: But he didn't even know Louie, he knew Louie but he never did talk to Louie, never had no dealing with Louie --

GERVAIS: No, he knew, but he knew, uh, Callery --

SOULE: Callery, yeah, Callery.

GERVAIS: Callery was slick.

SOULE: Well, you know, you know how I, I found out later as you know, the more, the longer you in this thing --

GERVAIS: Yeah.

SOULE: -- the more you find out. It was through (( )) that (( )) met Callery.

Later in the conversation, after discussing how BOASBERG keeps stalling and reneging on his own proposals and promises, SOULE described how prompt CALLERY had been as a go-between for payoffs:

SOULE: You, you see, another thing, when I, when I was doing business with Callery, he used to give me every three months in advance --

GERVAIS: Three months?

SOULE: I'd get twenty one hundred and something in advance --

GERVAIS: Phew.

SOULE: Three months.

GERVAIS: That's pretty good.

SOULE: You know how it got to be that way though, huh?

GERVAIS: No.

SOULE: I hit the piss out of them [seized pinball machines for illegal payoffs to players for games won]. Boy, when they didn't come up, I went out -- cause I had to have something on the record, I went out and hit them.

(46) On March 8, 1971, HARBY S. MARKS, JR., an employee of LOUIS M. BOASBERG, met with PERSHING GERVAIS in Room 874 of the Fontainebleau Motor Hotel in New Orleans. MARKS gave GERVAIS an envelope containing two thousand dollars (\$2,000) in United States Currency, which GERVAIS counted in the presence of MARKS:

GERVAIS: How you feel, doctor?

MARKS: Pretty good, pretty good.

GERVAIS: First time we, I ever really seen you?

MARKS: Huh?

GERVAIS: First time I recognized you.

MARKS: I'm Harby Marks.

GERVAIS: Harby Marks, yeah. How you doing?

MARKS: All right. Uh, look, I know he's ah, he [BOASBERG] said wait, yesterday, I don't understand, the man's crazy.

GERVAIS: Yeah, I know, he's crazy.

MARKS: Yeah.

GERVAIS: Uh ... he's always got stalls, you know.

MARKS: Yeah, put it off.

GERVAIS: First he told me you had it --

MARKS: No only -- fact I've been home since Wednesday with the flu --

GERVAIS: Yeah.

MARKS: I shouldn't have come down, I come down this morning just to take it to you.

GERVAIS: Did you, did you?

MARKS: Yeah, I should be home --

GERVAIS: Really.

MARKS: I should be home in bed. Yeah, my chest is -- had Dr. Sampson come out and look at me and this and that and he said you got a little chest cold, get some medicine --

GERVAIS: Oh, yeah, well, I'm always got it --

MARKS: Huh?

GERVAIS: I always have it.

MARKS: Aruns [CALLERY] said I'm nuts, I talked to Aruns, he said you crazy going downtown, I said, I got to go downtown -- What for?

GERVAIS: Yeah.

MARKS: Said I had some things to take care of.

GERVAIS: Yeah.

MARKS: So --

GERVAIS: Uh ... just got to be sure [sound of rustling paper], huh, you know Louie is, always gets things screwed up -- supposed to have two [\$2,000] in here.

MARKS: I don't know what's in there, I don't know nothing about that --

GERVAIS: Yeah.

MARKS: Just deliver the envelope.

GERVAIS: Right ... uh --

MARKS: ( )

GERVAIS: Ever see these things?

MARKS: Uh?

PG: UH? Ever see this -- there's something you ought --

MARKS: Ah, yeah.

GERVAIS: Always looking at to give things away --

MARKS: Official ... I be damn, hundredth anniversary huh.

GERVAIS: Yeah, one --

MARKS: Pretty neat.

GERVAIS: Two, three, four, five, six, seven [sounds of rustling paper] --

MARKS: That's pretty neat, really.

GERVAIS: Seven, ain't that nice.

MARKS: Nice for a bar, you know, rather than individual.

GERVAIS: Nice gifts, you know that --

MARKS: Yeah, real, real nice.

GERVAIS: Seven, that's 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 -- good [sounds of rustling paper throughout counting]. Listen --

MARKS: Huh?

GERVAIS: Uh, you'll see, uh, Louis when you go back, huh.

MARKS: Yeah.

GERVAIS: Tell him I need to, uh, after today ... probably tomorrow, I'm going to go see the man tonight, but I'm gonna have some messages to give him, him and the other fella.

MARKS: Uh-huh.

GERVAIS: You see, so it'll be in a day or two --

MARKS: Tell him you have a message for him in a day or two --

GERVAIS: A day or two and it should be for him and the other guy, it would be nice if they were both around so I could give it to them both and, and, uh, but maybe I'll talk, but I'll call him.

MARKS: Yeah.

GERVAIS: In a day or two.

MARKS: Good. All right.

GERVAIS: Okay.

MARKS: Okay.

GERVAIS: Okay, Harby.

MARKS: Nice meeting you, Pershing.

GERVAIS: Okay, podner. So in the meantime, course I guess we're going to be seeing each other pretty much --

MARKS: I don't know, it's up to Louie.

GERVAIS: Yeah, right. So, well, we'll work it out with Louie. Okay?

MARKS: Thank you.

Immediately upon MARKS' departure from Room 874 of the Fontainebleau Motor Hotel on March 8, 1971, Special Agents of the Internal Revenue Service entered Room 874 from adjoining Room 876. The \$2,000 passed to GERVAIS by MARKS was retrieved and retained as evidence. The Special Agents then prepared an envelope containing one thousand dollars (\$1,000) in fifty dollar (\$50) bills, the serial numbers of which were noted, for delivery to Captain FREDERICK SOULE.

(47) On March 8, 1971, soon after HARBY S. MARKS, JR., had delivered an envelope with \$2,000 in it to GERVAIS, Captain FREDERICK A. SOULE, SR., met with PERSHING GERVAIS in Room 874 of the Fontainebleau Motor Hotel in New Orleans, at which time PERSHING GERVAIS passed to SOULE an envelope containing twenty (20) fifty dollar bills. The serial numbers on the bills passed are as follows:

F 00532029 A

F 00532028 A

F 00532027 A

F 00532026 A

F 00532025 A

F 00532024 A

F 00532023 A

F 00532022 A

F 00532021 A

F 00532020 A

F 00239047 \*

F 00239046 \*

F 00239045 \*

F 00239044 \*

F 00239043 \*

F 00239042 \*

F 00239041 \*

F 00239040 \*

F 00239039 \*

F 00239038 \*

SOULE asked if it was all ones and GERVAIS told him to check it, in the following conversation:

SOULE: ( )

GERVAIS: I wished you was a real doctor.

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: What else is new, man?

GERVAIS: Nothing.

SOULE: What's this for -- how did -- what this for, you, you don't know, of course, you, he, he didn't tell you nothing he don't --

GERVAIS: Naw, he don't know -- ( )  
-- March and April, huh --

SOULE: March and April. We got to tell him next time, it's got to go up --

GERVAIS: Oh, yeah, but, but they ain't no sense in telling --

SOULE: When, when is it, April the what, you know?

GERVAIS: Oh, I don't know, let's see, January and February, March and April --

SOULE: Naw, I mean, what, what part --

GERVAIS: May the first.

SOULE: What part of April, what part of April is that, uh, session --

GERVAIS: Oh, I don't know... but we ain't due til May the first again.

(48) On March 9, 1971, PERSHING GERVAIS went to the residence of District Attorney JIM GARRISON at 4600 Owens Boulevard, New Orleans, Louisiana, where he delivered \$1,000 to GARRISON, in denominations of fifty dollar bills, which bills bore the following serial numbers:

F 00532030 A	F 00532031 A	F 00532032 A
F 00532033 A	F 00532034 A	F 00532036 A
F 00532037 A	F 00532038 A	F 00532039 A
F 00532040 A	F 00532041 A	F 00532042 A
F 00532043 A	F 00239048 *	F 00239049 *
F 00239050 *	F 00239051 *	F 00239052 *
F 00239053 *	F 00239054 *	

There follows a portion of the conversation between GARRISON and GERVAIS at this March 9, 1971, meeting:

GARRISON: Come on up, Pershing --

GERVAIS: Yeah.

GARRISON: I want to use the phone.

GERVAIS: All Right.

GARRISON: ( )

GERVAIS: Huh?

GARRISON: ( ) first of all,  
what do you want to see me about? Let's get that out of  
the way.

GERVAIS: The money.

GARRISON: Oh.

GERVAIS: Oh, this is, uh, March and April, it'll be due now --  
that won't be due again til May.

GARRISON: Uh, but, uh, our mutual friend was here --

GERVAIS: Uh-huh.

GARRISON: Uh, Knickerbocker [an alias for JOHN ARUNS CALLERY].

GERVAIS: Uh.

GARRISON: Real good, nice as he could be, but explained that  
things kind of broke down --

GERVAIS: Yeah. But he's out of it, I told you that --

GARRISON: Yeah, but you were working on repairing what, what  
was left --

GERVAIS: I wasn't working on anything. Let me say this to you, when it broke down, I thought it was broke down forever --

GARRISON: Yeah.

GERVAIS: Knickerbocker [an alias for JOHN ARUNS CALLERY] came to me and said these people wanted to talk to me, I said, well, fine, you know, send them over, I'll talk to them.

GARRISON: You mean like young TAC [JOHN J. ELMS, JR.,] and so on --

GERVAIS: Yeah, and, uh, Boasberg --

GARRISON: ( )

GERVAIS: So --

GARRISON: Sit over there.

GERVAIS: So, so they came over and talked to me and, uh ... as I told you they were very apologetic ... and, uh, they said, well at this point, they couldn't meet what they used to meet, you know, in dollars --

GARRISON: It's a long time, then it is for me.

GERVAIS: But, but they would, uh ... they would like to keep the doors open and if the legislature don't do anything --

GARRISON: Other words --

GERVAIS: -- maybe it would be better.

GARRISON: They like having, uh, having us as a back stop and so forth --

GERVAIS: They just, they just want to keep the lines, the communication going since Knickerbocker [JOHN ARUNS CALLERY] is now out.

GARRISON: Uh-huh.

GERVAIS: So, and it's that simple.

GARRISON: Well, then what, what, how much is in there?

GERVAIS: A thousand dollars.

GARRISON: Gee, that's great.

GERVAIS: Now there's a thousand every two months. See, the last one was for January and February, this is --

GARRISON: In other words, it's dropped down considerably because they've grabbed so many of their machines --

GERVAIS: Right, it's dropped down considerably --

GARRISON: But I think they're going to have to end up letting it go, I haven't looked at the law but in this state that those machines are, are not contraband and, uh, I think they may be able to -- course you can't tell -- the Federal Courts, Federal Government, isn't it?

GERVAIS: Yeah.

GARRISON: But they may be able to get them back, ultimately.

GERVAIS: Well, that's not our problem, now that's theirs --

GARRISON: If they get them back --

GERVAIS: Well, no, that ain't the problem.

GARRISON: Well, then what is the problem?

GERVAIS: The problem is that the legislature in Baton Rouge ... now, I, I thought, let me, let me, look, the last thing was January and February, this envelope [the payoff] is February and March, uh. Now April they due again, is that right -- April? Now, the 10th of May -- no, the first -- when does the legislature meet next -- May, right?

GARRISON: First week in May.

GERVAIS: The first week in May, all right. Now ... so, the first week in May, now they looking for trouble from the legislature that they might legislate them out of business ... and --

GARRISON: No --

GERVAIS: And the things that they really concerned about is the governor pushing. Now here's what I proposed to do, I was thinking ahead -- I was gonna send for Boasberg and young, uh, Tac, and say now, listen, what legislators can you count on ... so that you won't have to go over the same ground work that they --

GARRISON: That we don't have to and also so we don't have to, too.

GERVAIS: Right, precisely. So once they give me that list I bring that list to you and then you know what you have to do from there. But they really want only is the governor, that's the only one they really afraid of --

GARRISON: Uh-huh.

GERVAIS: Now, Boasberg today told me that he's been told two things -- (A) the legislature wouldn't go into it and (B) yes, they would go into it, so he really don't know. --

GARRISON: Well, I think I've helped the governor enough and gotten to know him well enough that it took this -- uh, uh, one reason it took us so long to get to know each other is because we've very much alike really as far as relating, you know, I don't relate to real easy, neither does he --

GERVAIS: Uh-huh.

GARRISON: But, uh, he trusts me now, where he's long since stopped trusting a lot of people around him cause I've never let him down --

GERVAIS: Uh-huh.

GARRISON: And, uh, if it's down to the governor, I think I can stop it --

GERVAIS: Uh-huh.

GARRISON: By Just plain asking --

GERVAIS: Right. Cause he knows --

GARRISON: I can talk --

GERVAIS: Well, it's the thing they most afraid of --



GARRISON: I, I can talk a little trash with him.

GERVAIS: Yeah. Now, Boasberg, boy, he's a whining, grimy (( )) to get money out of but, uh, uh ... I mean, he stalls and stalls, see, and I was sweating April out because I figured April the first, the leg ... he will stall us until after the legislature meets but there's no way he could stall til May ... so, uh, now, you see, Soule, I talked, I talked to Soule yesterday, when, when the April payment comes, after that, Soule says he wants more money ... he said, they will come with more money and the only way you get their attention like Sou-...

GARRISON: Where does Soule come in?

GERVAIS: Soule -- gets money for him and Frey -- since he's on the -- Soule's always gotten money --

GARRISON: Oh, he's not with me any more?

GERVAIS: Yeah, he's in your office.

GARRISON: Yeah, oh I see --

GERVAIS: But he's handling the thing for the Vice Squad.

GARRISON: Oh, oh -- (laughter)

GERVAIS: You know, he always did you see --

GARRISON: I didn't know that.

GERVAIS: Oh, yeah, he always did.

GARRISON: You mean even Frey; who's been a pain in our ass is, uh, all right as far this thing, this, uh, area is concerned?

GERVAIS: Him and Soule is making the money.

GARRISON: Okay.

GERVAIS: So, uh -- evidently that's, you know -- but, uh ... course you got to watch Soule, Soule's a bullshitter, you know, Soule will tell you something --

GARRISON: ( )

GERVAIS: For instance, for instance, Soule's got em believing that Sirgo [LOUIS SIRGO, Deputy Superintendent of the New Orleans Police Department] gets some of the money, which is not true.

GARRISON: Well, that doesn't matter.

GERVAIS: No. But anyway, okay, so that's, that's the thing in a nutshell.

GARRISON: Okay. Now let me t- ... tell you, at least we have the background, halfway in bed with, uh --

GERVAIS: Right, now, uh, when they meet and give me the names, then I'll come and deliver those names to you, the people that they can deliver and they, of course -- primarily they only asked that you try to do something with the governor --

GARRISON: And uh, they feel I can talk trash to, uh, uh --

GERVAIS: Yeah. But --

GARRISON: As, as insurance --

GERVAIS: Right.

GARRISON: The governor --

GERVAIS: And there's no sense in you talking to somebody that they already have --

GARRISON: I'll get it across to him that, uh --

GERVAIS: Well, you can -- maybe him, guys like (( )) --

GARRISON: No, uh, the, the way to present it to John [Governor John McKeithen] you got to present it in terms of his own self-interest ... as politician of the future, that, uh, the biggest thing he has in his future is, uh, he's from North Louisiana and he's got the potential tremendous vote from New Orleans --

GERVAIS: Right.

GARRISON: And we want to keep it that way --

GERVAIS: Right.

GARRISON: That's how I got the last judgeship for the old regulars --

GERVAIS: Right.

GARRISON: See. And, uh, just after I got one before ... two in a row ... but that just gives me a certain amount of control in the court, --

GERVAIS: Of the situation --

GARRISON: -- the money there and in other words I've been, uh, impress John with the fact that I'm getting nothing out of it, it's for him --

GERVAIS: Uh-huh.

GARRISON: You see. Well, I'm -- sell him the same way on this -- that the largest part of New Orleans, the Ninth Ward, the Irish Channel, or places like that, the pinball machines are a source of amusement and, uh, livelihood for small businesses and he could destroy himself with that --

GERVAIS: Right.

GARRISON: And, uh, just to be vague about the thing and let it peter out --

GERVAIS: Uh-huh.

GARRISON: But do not be known as the governor who cut out pinball machines in New Orleans, because if you run for the Senate against Ellender you're going to lose New Orleans --

GERVAIS: Yeah. Uh-huh.

GARRISON: Lose an awful lot of small people.

GERVAIS: Yeah.

GARRISON: Cause they're going to think of you as Mr. Clean and New Orleans is like South Louisiana, they don't like the ... you see --

GERVAIS: Yeah, yeah.

GARRISON: That's the way I'd sell it.

GERVAIS: Right.

GARRISON: It's okay, anyway, but I want to get --

GERVAIS: Hi, Jim.

Child: Hello.

GARRISON: Honey, uh, I'm -- going to have to start -- I'm gonna want to watch the show too, but I have to talk to Pershing about business first, so --

Child: How long?

GARRISON: In about five minutes, watch it on granny's TV and then come in here in five minutes --

Child: Okay.

GERVAIS: Let me say this about Freddie [SOULE], Freddie shocked me. You know Freddie been getting money from pinballs as long as we have --

GARRISON: Uh-huh.

GERVAIS: Maybe longer.

GARRISON: Uh-huh.

GERVAIS: How much you think he's got stashed away?

GARRISON: How much?

GERVAIS: Seventy five thousand dollars.

GARRISON: Jesus Christ!

GERVAIS: Never, never spent a penny of it. Just salted it and salted it -- seventy five thousand.

GARRISON: Wow --

GERVAIS: And he's had eight years of it too --

(49) On March 13, 1971, LOUIS BOASBERG met with PERSHING

GERVAIS in Room 376 of the Fontainebleau Motor Hotel in New Orleans. BOASBERG said he has talked to attorneys about the new federal law [Organized Crime Control Act of 1970]:

BOASBERG: Now look -- I talked to Bally's attorneys from Washington and Chicago, they are afraid of the federal law:

GERVAIS: (cough)

BOASBERG: Guy Johnson's given me one opinion, I've got 10 opinions, Jake Martin give me another one, my man Foto gave me another one -- look -- here's what I'm afraid of, Pershing, I'm afraid that in this law, it states that a Federal officer, any FBI man, any federal officer can do the same thing

that a city policeman or a state policeman can do or a member of the District Attorney's office, can go out and get a pay-off, a cash payout on a machine, and charge the operator, not the location, the location doesn't come under that federal law because he doesn't take in 2000 dollars a day or he hadn't got that many employees, so what they'll do to make an example, a test case, they may do this before the legislature -- they may charge some operator, you know who the operator's going to be, it's going to be me, probably going to be one of the Marcellos, probably TAC ... see --

BOASBERG also discussed how he is attempting to build a legal defense for himself if he's charged with violating the federal law:

BOASBERG: Sent them letters, to the locations stating all the laws in favor of merchandise, tell them, don't pay anything but merchandise, pay off at your own risk. I've, I've given written instructions to my collectors to tell everybody to pay merchanside. Now, my lawyer wrote up some form and I'm, uh, have each ... --

GERVAIS: Any merchandise or whatever they happen to sell in the particular location.

BOASBERG: Anything but money.

GERVAIS: Anything but money.

BOASBERG: Anything but money, I'm telling them that. Operate legally, no pay outs. Now, my attorney's written up a thing I'm going to get all --

GERVAIS: Let me interrupt a minute though. Isn't merchandise the same as money?

BOASBERG: Not under the law, Pershing.

GERVAIS: Under the federal law, too?

BOASBERG: Under our law we can pay merchandise, it's legal to pay merchandise, you understand?

GERVAIS: Uh-huh, I see.

BOASBERG: So to protect myself, now look, let's say that you got, you got one of my machines in your place --

GERVAIS: Right.

BOASBERG: All right, so you get, Pershing, you get caught --

GERVAIS: I got a barroom.

BOASBERG: You got a barroom. And, and --

GERVAIS: Ah, guy give you 5 dollars ( )

BOASBERG: Now, wait, now, the FBI man comes in there and he catches you and, uh, who, who owns your machines? New Orleans Novelty Company. Bam! They charge Boasberg, New Orleans Novelty Company with conspiring, you understand, with conspiracy to break the state laws. So we go to court and, uh, my attorney gets up and says, well, your honor, Mr. Boasberg has warned these people repeatedly, look, here it is, letters to, to, to Mr. Gervais here, Mr. Gervais was warned and he puts Mr. Gervais on the stand, you get on the stand, he'll say, Mr. Gervais, didn't,

didn't they, did you receive letters, did you receive copies of this letter, you have to admit you did, is this your signature on this, where they warned you and that you pay off at your own risk. Yes, you have to admit that. So, I got to have some defense. If you break, if you break the law, Pershing, it's not my fault, I can't help it.

GERVAIS: But, you said they don't charge me, they charge you.

BOASBERG: Yes. Yes, but I got to have some defense. They're not gonna charge you, gonna charge me.

GERVAIS: I think you have to go a step further than that. Uh, so a guy hits five dollars on my machine, now he entitled to get five dollars of whiskey or beer, right?

BOASBERG: If you paying, whiskey or beer, if you pay the FBI man, he can't do you a thing.

GERVAIS: Nothing.

BOASBERG: Nothing.

GERVAIS: Course you and I know, no (( )) location's going to do that.

BOASBERG: We know that. (laughter) We know that.

GERVAIS: Right. So they're going to order them money.

BOASBERG: Of course, we know that. But I don't know it, I don't know -- look, that I told the grand -- I told the grand jury, the, the state grand jury --

GERVAIS: Yeah.

BOASBERG: The one Voltz (phonetic) had going, I said, I said, I'm not going to insult your intelligence by saying that a lot of these locations don't pay cash, I said, look, they would pay the chief of police, the district attorney, I said, they need the money, so, so much, but I said, I don't know it and my collectors don't know it. I said, I can't swear that any one of my locations pay in cash, I said, lot of times, somebody hits some games and they pay them double -- merchandise or cash or anything else.

GERVAIS: Well, let me ask you this now. How long ago did you send the letters out?

BOASBERG: Oh, I sent the letters out even before the law was passed. I been sending them out. I sent 3 or 4 of them in the past year or two --

GERVAIS: Don't you get people calling you up and saying what the (( )) are you talking about?

BOASBERG: Yes, I do, and over the phone I say, well, you, you better, you better, you better positively pay merchandise only, and so, of course, one of my men says, well, you know --

GERVAIS: They go back --

BOASBERG: Got to protect him.

GERVAIS: Yeah, right. They go back and pave the road, sure.

BOASBERG: So far as I know --

GERVAIS: In other words, you rely on your route man?

BOASBERG: Far as I'm concerned, I'm operating legally.

GERVAIS: (cough)

BOASBERG: Nobody better say when, when, when --

GERVAIS: But how many route men you got? You can't hardly trust them all?

BOASBERG: Four collectors.

GERVAIS: Four? Oh, well --

BOASBERG: I'll, I tell you what we're doing, on the, on the four collectors. We give them a piece of business, we put them in the partnership --

GERVAIS: Ohhhhhh --

BOASBERG: See?

GERVAIS: So then they got out and they can smooth --

BOASBERG: They can get the Fifth.

GERVAIS: They can smooth out --

BOASBERG: They could take the Fifth, they couldn't take the Fifth, uh, uh, uh, if they were employees, you understand --

GERVAIS: Right, not only that though, they, they're protected ... they can go out to the location --

BOASBERG: Pershing, when, when, when one of my collectors go to a location and the location has got ... 50 dollars, he's paid off 50 dollars, ostensibly that was for merchandise, we reimburse them for merchandise --

GERVAIS: Right.

BOASBERG: See?

GERVAIS: Right, but I mean, you got your machines in my (( )) joint, and you tell me I can only pay merchandise, if I get in trouble, I'm in trouble by myself, I'm going to tell you, next time you come here, the (( )) machine is going to be on the sidewalk --

BOASBERG: Oh --

GERVAIS: You know.

BOASBERG: You tell, if I tell you, if you did pay merchandise, you're taking, you taking at your own risk -- you understand?

GERVAIS: Uh-huh.

BOASBERG: Now TAC's got a sign on his machines, tokens or merchandise, he's got a sign on the top of his --

GERVAIS: They have tokens, too?

BOASBERG: They, TAC operates tokens -- yeah, they operate tokens.

GERVAIS: And they let you buy a bunch.

BOASBERG: If you go, you can -- yeah, we get slips. We have little yellow slips that state, uh, so-and-so free, a

number of free games, you can -- you know, on our games you can play 'em off later, the proprietor can put them back on the machine, see --

GERVAIS: He can.

BOASBERG: Yeah.

GERVAIS: He can rig that --

BOASBERG: I got a key to put them back on. If you go hit 50 free plays and you say, well, I'll come back later, and you -- so he gives you a slip.

GERVAIS: Oh, oh.

BOASBERG: But now where's what we're facing, we're facing the federal ... and of course the state ( ) --

GERVAIS: (cough) But first you got to --

BOASBERG: I'll tell you if we, but we --

GERVAIS: (cough) But the (( )) letters are going to kill the business though, I mean, if you really (( )) toed the line with them (( )) locations, and, and don't give them no help at all ... (( )) -- I think the business would just die off.

BOASBERG: Most people would pay -- if, if, if Garrison [District Attorney], Giarrusso [Superintendent of Police] and Aaron Kohn [Executive Director, New Orleans Metropolitan Crime Commission] walked in together, they would pay them off. Those people are desperate for money, Pershing.

GERVAIS: They going to pay regardless...

BOASBERG: They can't exist --

GERVAIS: No matter what you tell them.

BOASBERG: Do you, do realize how many places have got games in the city right now that are starving to death?

GERVAIS: (cough)

BOASBERG: There are no loans being made available --

Toward the end of the conversation, GERVAIS was assured by BOASBERG that the latter's employee, HARBY S. MARKS, JR., (who had delivered the March 8, 1971, payoff to GERVAIS) could be trusted:

BOASBERG: Say, don't forget now, uh, uh, Harby anything you do, well, he's all right.

GERVAIS: Oh, yeah.

BOASBERG: Aruns --

GERVAIS: Huh?

BOASBERG: He's my right hand man and he's Aruns' man --

GERVAIS: Both the them, huh?

BOASBERG: ( ) anything he'll do --

GERVAIS: You know I never saw that man before, heard his name a thousand times --

BOASBERG: One of the finest, most trustworthy persons that you'll ever --

GERVAIS: Yeah.

BOASBERG: He is.

GERVAIS: He came up and knocked ( )

BOASBERG: Well ( ) next time you see Callery, you ask him about Harby.

GERVAIS: Yeah, yeah.

BOASBERG: You can trust him with your life.

GERVAIS: Yeah, right, right, yeah. That's the first time I'd ever laid eyes on him. Well, Freddie [SOULE] talks well about him, Freddie likes him.

BOASBERG: Oh, yeah, sure. Everybody, everybody, everybody that knows him talks well about him --

GERVAIS: Yeah, I don't know the guy, had never saw him before. And I asked him if I ever had and he told me no.

BOASBERG: No, no, he never has.

GERVAIS: We talked a few minutes and then he left.

BOASBERG: Uh-huh.

GERVAIS: But, uh--

BOASBERG: I, I trust him in anything, anything at all.

(50) On March 27, 1971, JOHN ELMS, JR., met with PERSHING GERVAIS in Room 860 of the Fontainebleau Motor Hotel. During the conversation GERVAIS informed ELMS of JIM GARRISON'S planned approach to the governor with respect to opposing any anti-pinball machine legislation in the 1971 session of the legislature. They also discussed some of the State Senators and House members whom ELMS thinks he or certain other persons can contact for the purpose of obtaining their influence in the event that anti-pinball machine legislation is introduced, as well as individuals whom ELMS has previously contacted. GERVAIS and ELMS also discussed payoffs for games won on the pinball machines and the use of tokens in an attempt to avoid the state gambling laws and federal laws.

ELMS and GERVAIS also had some discussion about how much money the various pinball dealers had contributed to payoffs:



GERVAIS: He's [BOASBERG] paying -- he's paying a little more than you are, isn't he?

ELMS: Yeah, but he really should be, cause -- oh, man, I had some trouble with my uncle [LAWRENCE LAGARDE of TAC Amusement Company] a good, you know all that trouble we had?

GERVAIS: Yeah.

ELMS: Did, uh, you know, Louie [LOUIS BOASBERG], you know, kept wanting to down, down, down --

GERVAIS: Yeah, I know --

ELMS: And, uh, so, uh, the first day I come back and told my uncle [LAWRENCE LAGARDE] ... and, uh, he said, no, (( )) Boasberg --

GERVAIS: Yeah.

ELMS: Don't give him anything --

GERVAIS: Yeah.

ELMS: I talked to my uncle a little more and he finally said, go ahead ... and then, the same day we're up here, I asked Louie outside I said, now how much did you say I'm supposed to come up with ... and he upped it from two fifty to five hundred or something or six hundred --

GERVAIS: Uh-huh.

ELMS: And I says are you sure that's what you told me the last time, he says, yes, that's what I told you. Okay. Cause I had forgotten --

GERVAIS: Yeah.

ELMS: And when I went to see Lawrence, man, he called Boasberg a (( ))).

GERVAIS: (laughter)

ELMS: And my uncle's straight as a arrow, that (( )) don't curse, he don't dr-, he don't do nothing --

GERVAIS: Yeah. Uh-huh.

ELMS: And for him to get mad like that, phew.

GERVAIS: But, yeah, but, I, if, I, as I understood it, that money, before this, we made our deal, that, the deal with Soule, you, you're in, you know about that -- what I understood, he didn't come up with nothing for Soule, he got a free ride --

ELMS: Just for those one or two months there --

GERVAIS: Two months.

ELMS: Yeah.

GERVAIS: He got a free ride, I believe you and Nims picked up all the freight.

ELMS: Uh, Bob [ROBERT NIMS of Lucky Coin Machine Company, Inc.] didn't even, you know, he contributed once.

GERVAIS: Once? Well, it was two months, I believe, it was only two, three months, I think --

ELMS: Yeah, cause Aruns said he was going to handle it with uh --

GERVAIS: With Boasberg and Boasberg never come up.

ELMS: Never would come up.

GERVAIS: So he owes that money then, he actually owes you the money.

ELMS: Yeah, I'm never going to get it though.

GERVAIS: Naw.

ELMS: Well, actually, even, even Charlie, I had to ( ) I ask Charlie [CHARLES PACE of Palace Amusement Company], I know Charlie and Frank [FRANK CARACCI, former partner with CHARLES PACE in Palace Amusement Company] would come up --

GERVAIS: Uh-huh.

ELMS: But, uh, they owe me some money, uh, they owe me about forty-eight hundred from a good while ago.

GERVAIS: Charlie?

ELMS: Yeah, but of course, the pinballs went out and I said, (( )), you know --

GERVAIS: Yeah.

ELMS: Bob Nims --

GERVAIS: Is he, is he back in town? Bob Nims?

ELMS: I think he was back and left.

GERVAIS: Went off again.

ELMS: I got my uncle ( ) how the (( )) you come up with all the (( )) money? But, (( )), what you gonna do?

GERVAIS: All what money? Huh.

ELMS: You know, just -- (( )) I'm out here, there (( ))), I'm out about, I'm out about seven thousand now --

GERVAIS: Uh-huh.

ELMS: Over the last year.

GERVAIS: Picking up that freight with, uh, Callery. (coughing).

ELMS: (( )), I can't (( )) Aruns, (( ))), you can't squeeze blood out of a turnip, right --

GERVAIS: No, no.

ELMS: And Aruns tries hard --

GERVAIS: Forget it --

ELMS: And if Aruns can't get it, there ain't no sense --

GERVAIS: From Boasberg --

ELMS: -- anybody else trying to get it. I think before Aruns --

GERVAIS: But all, all, all it was you maybe could get even -- if Boasberg picks up most the freight here -- you know, if it, if we go beyond the next meeting of the legislature ... so, uh, of course that's going to be uncomfortable he says he's gonna be putting, handle, putting up most of the dough. Of course, uh ... what's the division now, a third and two-thirds or, wh- --

ELMS: Uh ... I think I'm coming with five hundred (500) every two months --

GERVAIS: He's coming with, he's coming with fifteen every two months.

ELMS: Two months. Yeah.

GERVAIS: You come with five hundred every two months, he comes up with fifteen hundred every two months --

ELMS: I been coming up with six hundred, six or seven hundred --

GERVAIS: Six or seven hundred --

ELMS: Yeah.

GERVAIS: Every two months --

ELMS: Yeah.

GERVAIS: And he's picking up the rest.

ELMS: The rest.

GERVAIS: Up to 2000 cause ... uh ... you see, I give Soule his --

ELMS: You see we only got 60 machines out --

GERVAIS: Right. Right, well, I know that, of course, let me tell you, Soule's very pushy.

ELMS: I never did meet Soule, I don't believe.

GERVAIS: Oh, man, he's pushy, always pushing, pushing, pushing for more dough, more dough -- and, uh, of course, I don't tell him anything, now, and he told Boasberg he wanted me to handle his money too, see ... cause Boasberg's is Soule's boy, you know how it is, they all tight, Callery you know -- but, uh --

ELMS: Well, what's, what's the story with, uh, what's his name.

GERVAIS: Frey?

ELMS: Frey [Sergeant ROBERT FREY, Commander of the New Orleans Police Department Vice Squad], yeah.

GERVAIS: Well, Soule's got Frey under control, see. Soule gets the money and he, him and Frey cutting it up. Now Soule's the only guy I know that's ever been able to turn Frey.

ELMS: Yeah. That Frey, that Frey ain't --

GERVAIS: I don't know nobody else that ever turned him, but Soule turned him -- and I know that he turned him, you know, so, uh ... but, uh, hell I thought you knew Soule --

ELMS: Uh --

GERVAIS: You know, because of the previous deal that --

ELMS: I thought --

GERVAIS: With Callery.

ELMS: I always knew the name -- this or that, you know --

GERVAIS: You heard it a couple of times --

ELMS: The old man was sick and --

GERVAIS: Because you see that wasn't -- you know, when that was going on, they would not tell me ... that they were talking to Soule, Nims had talked to me, Callery talked to me [NIMS and CALLERY met with GERVAIS on October 15, 1970 regarding ELMS' claimed "connection" with an unnamed official (see paragraph 18 above)] everybody -- they would leave me, they would meet you across the street over there, you know, and I would say, well ((            )), man, you guys talking to me but you keeping me in the dark, I don't know what you're talking about -- you see -- and later on down the road I found out they were talking to Soule, Boasberg talked to him, Calle-, and I don't know why but thought that Soule came to see you, but you said you never seen him so --

ELMS and GERVAIS also discussed BOASBERG'S contact with LAWRENCE LAGARDE and how BOASBERG attempted to increase the January and February, 1971, contribution to the payoff by TAC Amusement Company. GERVAIS mentioned that BOASBERG has not yet paid his part of the payments to SOULE for September and October of 1970. ELMS said that BOASBERG does not want to pay his part as LAGARDE and JOHN ARUNS CALLERY made that deal without consulting him.

ELMS: And, uh, said Jesus Christ, Louis [BOASBERG], and he [LAWRENCE LAGARDE] turned Louie down flat, uh, and Louie called me --

GERVAIS: Uh-huh.

ELMS: I told him the next time I came to town I'd see him, he said, well, look, I tell you what, you know, why don't you give me five hundred or whatever it was every two months -- Jesus Christ, you know --

GERVAIS: Yeah.

ELMS: Two hundred fifty a month, John --

GERVAIS: Yeah.

ELMS: So said, well, sure, well, Louie, and I asked Lawrence, he hit the ceiling, and he come back with trying to get more and they finally compromised for five or six or seven --

GERVAIS: Five, six, or seven hundred every month -- I'm amazed that Boasberg knew what -- came up with the rest.

ELMS: But now see, Louis is close -- uh, he'll, he'll set a figure in his mind, see, he, he don't want to come up with only so much and he'll come up with that much --

GERVAIS: Yeah.

ELMS: But then, after that, you'd have to kill that (( )) to get any more money out of him.

GERVAIS: Money out of him yeah ... but, but he owes you money from that deal with Soule.

ELMS: Yeah, well, he said that's between Aruns ... and Lawrence, he said they made a deal without --

GERVAIS: Consulting --

ELMS: -- consulting him.

GERVAIS: But it was for his benefit --

(51) On April 6, 1971, JOHN J. ELMS, JR., met with PERSHING GERVAIS in Room 874 of the Fontainebleau Motor Hotel.

ELMS and GERVAIS discussed some of the members of the legislature whom they could count on to oppose anti-pinball machine legislation in the May, 1971, session of the Louisiana state legislature and ELMS mentioned one payoff which was handled by JOHN ARUNS CALLERY. Later in the conference, ELMS and GERVAIS discussed which pinball operators had contributed to the payoffs for the months of September, October, November and December, 1970.

(52) On April 28, 1971, Captain FREDERICK A. SOULE, SR., met with PERSHING GERVAIS in Room 449 of the Fontainebleau Motor Hotel in New Orleans. SOULE, who had a copy of a document relating to the Organized Crime Control Act of 1970 with him, read portions of it together with GERVAIS. SOULE said that Sergeant ROBERT FREY is concerned about receiving payoffs since the enactment of the Organized Crime Control Act of 1970: "He, uh, don't want to get out, but he's scared to stay, is what it amounts to." Captain SOULE said that the federal government could send him (SOULE) to the penitentiary but he would still get \$700, \$800 a month pension. GERVAIS told SOULE that he (GERVAIS) was selling some property, wanted an out of town safety deposit box, and said to SOULE: "You told me you had a connection out of town" (On February 11, 1971, GERVAIS was told by SOULE about an out of town

safety deposit box containing \$75,000 that SOULE had made with CALLERY and GERVAIS). SOULE replied that his deposit box with the \$75,000 in it is at the Irving Bank, in Irving, Texas, that it's in his and his wife's name, and that he uses his postal employee brother's Irving, Texas address.

(53) On May 3, 1971, HARBY S. MARKS, JR., met with PERSHING GERVAIS in Room 358 of the Fontainebleau Motor Hotel. MARKS gave GERVAIS an envelope containing \$2,000, which GERVAIS counted in the presence of MARKS, who told GERVAIS that the Vice Squad had recently seized a pinball machine at the Broad Inn, 131 South Broad Street and that BOASBERG wants to know if it's routine or what! Immediately upon MARKS' departure from Room 358 Special Agents of the Internal Revenue Service entered Room 358 from adjoining Room 356. The money passed to GERVAIS by MARKS was retrieved and retained as evidence. The Special Agents then prepared an envelope containing \$1,000 in fifty dollar bills, the serial numbers of which were noted, for delivery to Captain FREDERICK SOULE.

(54) On May 3, 1971, PERSHING GERVAIS talked by telephone from Room 358 of the Fontainebleau Motor Hotel in New Orleans, with Captain FREDERICK A. SOULE, SR.:

OPERATOR: Hello.

GERVAIS: 943-5940.

OPERATOR: Hold on just a minute, Gervais.

GERVAIS: All right.

...

FEMALE: Hello.

GERVAIS: Hello. This is Doctor Gray [an alias for PERSHING GERVAIS], is Freddie home?

FEMALE: Dr. Gray?

GERVAIS: Yeah ( )

FEMALE: Just a minute.

GERVAIS: ( ) Dr. Gray.

SOULE: Hello.

GERVAIS: Hello, there.

SOULE: Who's this, Dr. Gray?

GERVAIS: This is Dr. Gray.

SOULE: Uh, well, uh --

GERVAIS: Dr. Carter [an alias for FREDERICK SOULE]?

SOULE: Yeah, yeah, I've been a little sick there, doc, uh --

GERVAIS: Well --

SOULE: Got the flu, you know.

GERVAIS: Yeah? I got some medicine here I think gonna make you feel pretty good.

SOULE: Oh, yeah. (laughter)

GERVAIS: Uh --

SOULE: Uh, who you saw, Old Lyndon [an alias for LOUIS BOASBERG]?

GERVAIS: Yeah. He sent his man out.

SOULE: Oh, good. All right, I'll see you tomorrow then.

GERVAIS: Tomorrow?

SOULE: I'll come by your office and get a prescription.

GERVAIS: You must be sick if you don't want to come get this medicine today.

SOULE: (laughter) No.

GERVAIS: (laughter)

SOULE: I'll see you tomorrow.

GERVAIS: ( )

SOULE: It's all right?

GERVAIS: Yeah, it's okay. About what time?

SOULE: Well, what time'll be convenient for you, doc?

GERVAIS: Well, let's make it about one.

SOULE: Tomorrow afternoon, right.

GERVAIS: Yeah, about one o'clock tomorrow.

SOULE: At your office, huh?

GERVAIS: Yeah.

SOULE: Okay, doc.

GERVAIS: Okay.

SOULE: Talk to you then.

GERVAIS: All right, bye-bye.

(55) On May 4, 1971, Captain FREDERICK SOULE, SR., met with PERSHING GERVAIS in Room 358 of the Fontainebleau

Motor Hotel in New Orleans, where SOULE received from GERVAIS,

an envelope containing one thousand dollars (\$1,000) in fifty dollar bills. The serial numbers on the bills passed are as follows:

L 03452203 A	B 07836808 A	K 00688720 A
G 03014182 A	F 03704202 A	L 00044644 A
B 01621409 A	F 00530253 A	G 02972011 A
F 00065105 A	D 00134771 #	D 00716587 A
E 03756711 A	C 03004372 A	C 03826357 A
B 04544100 A	G 02923981 A	G 04172841 A
G 06037830 A	B 33429876 A	

SOULE counted the money in GERVAIS' presence:

GERVAIS: Listen, check this cause I might, uh, not checked it too good.

SOULE: All right [sound of rustling paper].

GERVAIS: Counted it three times I got -- [sound of rustling paper].

SOULE: That's it.

GERVAIS: That's it.

GERVAIS asked SOULE about a pinball seizure at 131 South Broad Street that HARBY MARKS had complained about:

GERVAIS: No ... this, uh, Broad Inn --

SOULE: Broad Inn?

GERVAIS: Yeah.

SOULE: Whose that?

GERVAIS: Boasberg, you knocked him off --

SOULE: Oh, yeah, yeah, you told me.

GERVAIS: 131 South Broad, Friday. He asking question, what am I going to tell him.

SOULE: Uh, you know, tell them, you could say ( ) I have to find out more facts about it, Frey told me to ask you something about it.

GERVAIS: Fro-, Freto (phonetic) and another guy.

SOULE: What kind of case they made, did they get paid off, did they --

GERVAIS: I don't know, I don't know a thing about it, they asked me to find out about it.

SOULE: Uh --



GERVAIS: Got to give them some kind of answer, cause they caught me cold, you know.

SOULE: Yeah, I know they knocked him off Friday.

GERVAIS: What was Friday?

SOULE: Friday was the first.

GERVAIS: I don't know.

SOULE: Saturday was the first. (sigh)

GERVAIS: What did, what did, uh, Frey say about it?

SOULE: Well, he said that they accidentally knocked them off ( ) so he said, it's just, just something he put them out to do just --

GERVAIS: Yeah. He's going to get the report on them some (( )) ( )

SOULE: I'll get the reports. Yeah. I, it's probably, they witness a payoff, you know, and under those conditions difficult to control.

GERVAIS: He didn't ask you when he told you they got them -- you can't call him and ask him, huh?

SOULE: You let, let me go see him and talk to him cause he's --

GERVAIS: He afraid -- to take a phone --

SOULE: No, no, no --

GERVAIS: Just be good if you could just ask him not -- whether, you know, what kind of case it is. I'd love to let them know.

SOULE: He wants you to let them know right away?

GERVAIS: Well, it's, he's just a little nervous, said, listen, this is a funny situation, I'd like to kind of relax them.

SOULE: Well, (( )), they didn't do anything ( ) whole two months went by -- not like they ain't had it in four months -- ( )

GERVAIS: Yeah.

SOULE: Yeah, I understand your point, right.

GERVAIS: See, I would just like to be able to go right back and tell them something --

GERVAIS asked the telephone switchboard operator for 822-3912, identified by SOULE as a "straight line" to Sergeant FREY. SOULE took the phone and the following was heard by

GERVAIS: Yeah, Bob, how you been?

Fine, how things going?

Man, you busy this morning.

Yeah, I, I understand.

Listen, you remember the other day I spoke to you about this society joint?

Well, they ever do anything on that?

The attorney called you?

What was his name, Bob?

Was it ((            ))?

GERVAIS: ((            ))?

SOULE: Was it ((            )), that's --

((            ))?

((            )) called?

I be damn, must be him, then --

Okay, then, Bob, listen, I wanted another thing I wanted to ask you, remember the case you told me you made, I think it was one day last week --

Was that ah, uh, did they get, get actual, did they witness a payoff, or --

I see, they, they, they got the payoff itself.

Right, right.

Okay, then, Robert --

Okay, fine, man.

Yeah.

Right, very good.

Okay, Bob, hey look, I'll see you tomorrow, I came up to see you this morning, but, uh, you weren't there --

I wanted to see you, uh, you know, I got something important to tell you about, I wanted to see you.

Okay?

All right, see you later.

Right.

SOULE: They went to the place and got paid off, just an accident, that's all, tell 'em it's just one of those things, it was an accident.

GERVAIS: Did he say it was an accident?

SOULE: They got, they gotta expect that cause they gonna be after 'em all the time.

GERVAIS: Yeah, well, I mean, he didn't have no drive on, or nothing?

SOULE: Oh, no, no drive, no. You know he just can't control these kids at all times.

SOULE said further that in addition to his safety deposit box in Irving Texas, he has one in his wife's name at the Whitney Bank at Canal and Broad Streets in New Orleans, in which he has about a thousand dollars, together with insurance and other papers. SOULE said that whenever he goes off, he leaves the keys to his deposit boxes with his daughter. SOULE also mentioned that there is a good little bank in Slidell, "right as you coming along the left of the highway".

(56) On May 28, 1971, PERSHING GERVAIS met with SANTO DI FATTA in the dining room of the Fontainebleau Motor Hotel in New Orleans. DI FATTA said he had been swindled out of \$150,000 by some con-men from St. Louis who had promised him financing in the amount of almost six million dollars and as a result he (DI FATTA) had put up \$150,000 "good faith" money; that he wanted these persons extradited to "my home town" by District Attorney JIM GARRISON; that he was looking for his money back and not for revenge; that the FBI is working up a fraud case against these swindlers, but that he (DI FATTA) wanted the men extradited by GARRISON before the federal government indicted them, since he felt that a federal indictment of the swindlers would lessen the chance of his getting his money back.

DI FATTA: Yeah, see, so thing is, uhh, that don't, it don't work out, see. Now, what's bothering me is this. IF the FBI closes in on them, that I can understand, you can't go back with the FBI and say okay, now, the man paid me, don't charge him.

GERVAIS: Oh, no, you can't do that.

DI FATTA: See, you can't do that. But with the D.A.'s office, it can be done.

GERVAIS: Yeah, but except for one thing, even if the D.A.'s office extradites this guy --

DI FATTA: Yeah.

GERVAIS: All right. That still don't stop the FBI.

DI FATTA: No, I know it, but at least, though -- as it, as it is now --

GERVAIS: Do those people know the government's checking them.

DI FATTA: Yes, yes, yes.

GERVAIS: All right, if they know that, what do they care about another matter, another, you know this guy down here.

DI FATTA: For this reason, if you bring them down here, they in my home town.

GERVAIS: Yeah, but you can only bring one guy, remember.

DI FATTA: You can't bring the rest?

GERVAIS: Nope. You can only bring the one guy that was here, in this state.

DI FATTA: Now if he could get him down here, he don't want to go to (( )) jail, you understand, that and what he'll do, he'll say okay, you (( )), we hooked, we got to give this man his money back, you understand?

GERVAIS: I see.

DI FATTA: Now this is the idea of getting him down here.

GERVAIS: All right.

DI FATTA: You follow me? And if it would get him down here, let's say he does get parole or something ... you understand. Or whatever we can do, the idea we've got to get him down here!

During the conversation DI FATTA said that the \$150,000 he was swindled out of was part of the \$250,000 selling price TAC Amusement Company agreed to pay him for his pinball company (DI FATTA sold a coin machine route of more than 100 machines, which he operated from before 1962 under the name of New Orleans Coin Machine Company, to TAC Amusement Company on November 17, 1969). DI FATTA also discussed with GERVAIS his participation in pinball payoffs at CALLERY'S instigation, with JOHN ELMO PIERCE as the "pickup man":

GERVAIS: The old deal, the pinball deal.

--DI FATTA: Oh, yeah, Elmo --

GERVAIS: When you was coming up with money every --

DI FATTA: Pierce, Pierce's was my contact.

GERVAIS: Elmo Pierce.

DI FATTA: Elmo Pierce.

GERVAIS: Did he originally contact you? Didn't Callery --

DI FATTA: No, no, we had a meeting, you see, and Callery talked to me, you know, we, we got to do something, do so-and-so --

GERVAIS: Right, right.

DI FATTA: All right.

GERVAIS: Okay. And so you was in from the beginning to the end, right.

DI FATTA: Right to the end.

GERVAIS: Til you got out of business.

DI FATTA: Right.

GERVAIS: Okay, so that's what I'll tell him now, your prorata was what a month?

DI FATTA: Actually ( ) give them, uh, a 100, a week.

GERVAIS: A hundred a week.

DI FATTA: Yeah, 400 a month.

GERVAIS: 400 a month. To Elmo Pierce.

DI FATTA: Right.

GERVAIS: And Pierce ( ) Okay, so, well, Callery knows it then.

DI FATTA: Definitely, definitely.

GERVAIS: All right.

DI FATTA: Oh, yeah.

GERVAIS: Okay.

DI FATTA: ( )

GERVAIS: Cause they had two or three of those things going you see. Okay. So what you ought to do now --

DI FATTA: In other words, I know the score.

GERVAIS: Yeah, oh, I know you know the score. Right, okay. Now ... uh ... so, uh, Callery, well, you had the meeting with Callery personally, no bullshit in between.

DI FATTA: No, this was all cut and dry.

GERVAIS: Yeah, okay.

DI FATTA: Cut and dry.

GERVAIS: All right. Okay.

DI FATTA: I was --

GERVAIS: Now --

DI FATTA: I was one of the boys.

GERVAIS: Yeah, I understand, but I mean, it was just you and Callery had the --

DI FATTA: Oh --

GERVAIS: -- understanding and then --

DI FATTA: Yeah.

GERVAIS: -- he sent Pierce to you.

DI FATTA: Yeah, right.

GERVAIS: Elmo Pierce, okay.

DI FATTA: Right.

(57) On May 28, 1971, in Room 118 of the Fontainebleau Motor Hotel in New Orleans, Louisiana, PERSHING GERVAIS delivered to District Attorney JIM GARRISON, United States currency in the amount of \$1,000 which had been furnished to him (GERVAIS) by Special Agents of the Intelligence Division, Internal Revenue Service, which had been previously substituted for the one thousand dollars (\$1000) delivered to GERVAIS by HARBY MARKS on May 3, 1971 (see paragraph 53 above). The currency consisted of (20) fifty dollar bills with the following serial numbers:

H 00373987 A	L 04874107 A	B 04625704 A
F 00060986 A	E 01444184 A	G 00104035 A
G 06135106 A	K 00507463 A	E 03263847 A
F 00426364 A	K 00638805 A	L 10974320 A
G 02918734 A	C 07040717 A	F 00273270 *
B 02830944 A	B 02567998 A	G 03999802 A
H 00008963 A	G 03378585 A	

Part of the conversation that took place at this meeting was as follows:

GERVAIS: I got a whole lot to say, not much time to say it, man, I been trying to get to you ever since Boasberg come to see me --

GARRISON: Well, you don't know that, you don't know the trouble I've had, boy.

-GERVAIS: I know, you had trouble, I've had, too.

GARRISON: ( )

GERVAIS: I'm so long carrying this (( )) thousand its driving me nuts. I'm scared to death I'm going to lose it.

GARRISON: Huh. Well, that's ( )

GERVAIS: First, now listen ... uh --

GARRISON: You got, at least you got something started, huh?

GERVAIS: Yeah. Now, wait, I got a couple of things I got to get out my mind. Now, let's see, Boasberg ... no Boasberg, okay.

GARRISON: I had a four page letter from him about my book.

GERVAIS: From who, from Boasberg?

GARRISON: Boasberg. Send fifty bucks to the library, he did.

GERVAIS: Sent fifty dollars to the library?

GARRISON: To the library and wrote me four pages about the book.  
I mean, it affected him that much.

GERVAIS: I be damned. ... Listen, uh, got a little problem  
with Soule, Soule wants to up the ante.

GARRISON: Oh ( ) uh, cut that shit out, man, we --  
uh, leave well enough alone.

GERVAIS: Well, okay, but I'll, I'll have to handle that, but  
he's giving me a problem.

GARRISON: All right, well, you tell him that --

GERVAIS: I'll, I'll handle it.

GARRISON: Just say a very wise head, that, uh, that you have  
a lot of confidence in, has a feel for the situation --

GERVAIS: He says that now is not the time.

GARRISON: You said it, exactly!

GERVAIS: All right. Now, let's see, not -- Santi Di Fatta --

GARRISON: The legislature's coming up -- uh, they got some  
of the guys that keep pushing for that thing to come  
through, you know --

GERVAIS: They do? they do?

GARRISON: Oh, yeah, they keep pushing on it.

GERVAIS: Listen, I know when I see Boasberg, you know Boasberg's  
due again on the first ... the first of the month --

GARRISON: Yeah.

GERVAIS: You know, just a few days he's got to come back again.

GARRISON: He alone has sent me a thousand?

GERVAIS: Oh, no, no, no. Him and, uh, Nims.

GARRISON: Oh.

GERVAIS: Uh, not Nims, him and TAC. Young TAC.

GARRISON: Oh.

GERVAIS: Ya see.

GARRISON: That's good!

GERVAIS: And don't forget it. Now --

GARRISON: But I, but I -- don't get greedy, that's what always  
catches these bastards --

GERVAIS: I know --

GARRISON: Man --

GERVAIS: Listen, let me ask, let me, let me tell you, well,  
you making me forget some things --

GARRISON: I'm sorry, I'm, I'm bowed down on, at your feet  
and, in apology, you ass.

GERVAIS: (laughter)

GARRISON: (( )) --

GERVAIS: (laughter) Wait, wait, listen ... uh ... what about  
the legislature, are they going to do anything?

GARRISON: No.

GERVAIS: Then --

GARRISON: Obviously they are well under control and were well  
taken care of last time because they can't really get  
started, but every day --

GERVAIS: You haven't had to talk to the governor?

GARRISON: No --

GERVAIS: Yeah.

GARRISON: But I can tell you that every day somebody brings it  
up, but, uh, they, uh, don't get, uh, past, uh, they don't  
even get started on the vote --

GERVAIS: Uh-huh.

GARRISON: So they took care of them pretty good last time, I  
mean, uh --

GERVAIS: Yeah.

GARRISON: You know, our boy who goes up there --

GERVAIS: (cough) Yeah, yeah, yeah, Knickerbocker [an alias for  
JOHN ARUNS CALLERY].

GARRISON: He's the best.

GERVAIS: Listen, Santo DiFatta came to see me, out of the blue  
now. He never did come see me personally, even though he  
was in this ball game from the very beginning --

GARRISON: Okay, I get you.

GERVAIS: Never did, he always talked to --

GARRISON: Remained significant.

GERVAIS: Well, yeah, he always talked to Callery --

GARRISON: ( )

GERVAIS: -- and he was always in the, he was always a con-  
tributor til he got out -- all right.

GARRISON: Right.

GERVAIS: Now, he got fleeced out a 150,000 dollars --

GARRISON: What?

GERVAIS: I don't want, I don't want to bore you with all the  
details --



GARRISON: Okay.

GERVAIS: It's interstate, it's out of St. Louis but the people came here ... and talked to him, one of the people and the second one came here and picked --

GARRISON: And put a big story on him and he gave them a hundred fifty thousand --

GERVAIS: A hundred fifty thousand -- good faith money because they were going to give him a loan of a, about five or six million . . . Now, what he wants, he wants to know can he charge the ones who came here --

GARRISON: Yeah, but I'm trying to figure out, I mean we may have to bullshit a little --

GERVAIS: All right.

GARRISON: Uh, in other words, you know what I mean --

GERVAIS: Yeah, well, all he wants is harrassment.

GARRISON: Yeah.

GERVAIS: And get the guys -- not only harrassment, but get them here, that way he's got a chance of getting his money.

GARRISON: It all depends on what he'll say in the statement.

GERVAIS: He'll say they was here -- he'll, let me, listen to the story, I don't want to bore you with all the details but it's good --

GARRISON: After you hear his statement, draw up a rough statement for him, uh, uh, no, wait --

GERVAIS: No, wait --

GARRISON: Look at it --

GERVAIS: Wait, let me say this to you --

GARRISON: And I'll tell you what elements are needed.

GERVAIS: Wait, wait a minute, he's got a file this thick by the Pinkerton Detective Agency and the whole layout and, uh, they are hot, they are absolute frauds, and, uh --

GARRISON: They came here and stole his money.

GERVAIS: The government, the government's about to make a case on the guys --

GARRISON: Well, they stole his ((            )) money then.

GERVAIS: Yeah, oh, no, no doubt about it, a 150,000 --

GARRISON: Well, ((            )) there's no problem --

GERVAIS: All right, so --

GARRISON: Tell him, uh --

GERVAIS: And he said after he collects it, he will show his consid-, his happiness and consideration.

GARRISON: Tell him, uh, that's great, but even, uh, without it, uh --

GERVAIS: Yeah.

GARRISON: I don't forget!

GERVAIS: Yeah, right. Okay.

GARRISON: I mean, you know, I don't forget. He's helped me or where the (( )) would I be?

GERVAIS: And, uh, he wants to --

GARRISON: I wouldn't be in this excellent shape I'm in now.

GERVAIS: Yeah. Well, what should I do, tell him do see, uh -- cause he's got to reach back for me this evening ... time is of the essence, he really needs --

GARRISON: Time is of the essence, he should go -- to the office and, uh go to Lou [LOUIS IVON, Chief Investigator in GARRISON'S office] and, uh, say I sent him. If he can't find Lou, find Red [STEVE BORDELON, an investigator in GARRISON'S office] and tell him I want a, a statement strong enough to justify extradition of two men who stole --

GERVAIS: It'll be strong, it'll be strong.

GARRISON: -- who stole money from him.

GERVAIS: Hundred fifty thousand. Tell them to check with you.

GARRISON: Yeah.

GERVAIS: Okay.

GARRISON: But leave, uh, that activity out of it.

GERVAIS: What activity?

GARRISON: Uh, p, p-b, pinballs.

(58) On June 18, 1971, STEVE BORDELON, an investigator in District Attorney JIM GARRISON'S office who is also his driver, paid in cash for GARRISON'S eleven hundred dollar (\$1100) hotel bill at the Fontainebleau Motor Hotel in New Orleans. From the money with which the above bill was paid, Special Agents of the Intelligence Division, Internal Revenue Service, retrieved thirteen (\$650) of the twenty (20) fifty dollar bills which had been provided to PERSHING GERVAIS by Special Agents of the Intelligence Division and delivered to District Attorney JIM GARRISON by GERVAIS on May 28, 1971 (see paragraph (57) above). The serial numbers of the bills delivered to GARRISON by GERVAIS on May 28, 1971, and recovered from the Fontainebleau Motor Hotel after BORDELON paid GARRISON'S hotel bill, are as follows:

L 04874107 A	L 10974320 A	B 04625704 A
G 02918734 A	K 00507463 A	G 03999802 A
G 06135106 A	B 02567998 A	G 00104035 A
E 03263847 A	G 3378585 A	B 02830944 A
C 07040717 A		

The above thirteen (13) fifty dollar bills (\$650) were retrieved by Special Agents of the Intelligence Division, Internal Revenue Service, and retained as evidence.

(59) At my direction, a Special Agent, Intelligence Division, Internal Revenue Service, Dallas, Texas contacted a Postal Inspector at Dallas, Texas, who determined from Postal Service records that as of June 21, 1971, the only Postal Service employee in Dallas, Texas, with the last name "SOULE" is Leroy J. Soule who resides at 303 Sharon Street, Irving, Texas.

(60) At my further direction a Special Agent, Intelligence Division, Internal Revenue Service, has consulted the current telephone directory for Irving, Texas, and has determined that as of June 21, 1971, there are three banks in Irving, Texas: The Irving Bank and Trust Company, 111 East Irving Boulevard; First National Bank of Irving, Texas, 440 South Nursery Street; Southwest Bank and Trust Company of Irving, 2520 West Irving Boulevard.

(61) I have examined the United States Income Tax Returns filed by FREDERICK A. SOULE, SR., and his wife ELOISE L. SOULE, of New Orleans, Louisiana, for the calendar years 1965, 1966, 1967, 1968 and 1969 and I can state that the only sources of reported income are the City of New Orleans, Uniform Allowances, State of Louisiana, Fairgrounds Race Track and interest income. Based on the statements of FREDERICK A. SOULE, SR., as set forth in this affidavit and upon my examination of the joint federal income tax returns filed by FREDERICK A. SOULE, SR., and ELOISE L. SOULE, I have determined that FREDERICK A. SOULE, SR., has unlawfully, knowingly and willfully omitted income in substantial amounts from his United States Income Tax Returns for each of the

years 1965, 1966, 1967, 1968 and 1969, upon which omitted income there is due and owing to the United States substantial additional tax, and subscribed each of these returns under the penalties of perjury, each of which United States income tax returns contains a written declaration that it is made under penalties of perjury, knowing the returns to be false as to a material matter, in violation of Title 26, United States Code, Section 7201 - "Attempt to evade or defeat tax" and Section 7206(1) - "Fraud and false statements", and that the safe deposit box rented by FREDERICK A. SOULE, SR., at the Irving Bank and Trust Company, 111 East Irving Boulevard, Irving, Texas, contains approximately seventy-five thousand dollars (\$75,000) which constitutes evidence and which is to be used as evidence of said violations. Further, based on the foregoing information contained in this affidavit I have reason to believe and do believe that the heretofore mentioned currency was also used in violation of Article 90 of the Louisiana Criminal Code, R.S. 14:90 - "Gambling"; the New Orleans City Code, 1956, Section 27-2.2 "Same [Gambling generally - Defined] - Prohibited" and Section 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, Section 1511 - "Obstruction of state or local law enforcement", Section 1955 - "Prohibition of illegal gambling businesses", Section 1952 - "Interstate and foreign travel or transportation in aid of racketeering enterprises", Section 2 - "Principals", and Section 371 - "Conspiracy to commit offenses or to defraud United States", and that such currency constitutes evidence within the meaning of Title 18, United States Code, Section 3103(a) - "Additional grounds for issuing warrant", and within the meaning of Warden v. Hayden, 387 U.S. 294 (1967), and is to be used as evidence in the trial of persons who have violated the heretofore mentioned statutes.

(62) On Tuesday, June 29, 1971, at approximately 4:15 p.m., HARBY S. MARKS, JR., an employee of LOUIS M. BOASBERG, met with PERSHING GERVAIS in Room 274 of the Fontainebleau Motor Hotel in New Orleans. MARKS gave GERVAIS an envelope containing two thousand dollars (\$2000) in United States currency, a thousand of which was for delivery to District Attorney JIM GARRISON and a thousand of which was for delivery to Captain FREDERICK A. SOULE, SR., of the New Orleans Police Department. GERVAIS counted the money in MARKS' presence. Immediately upon MARKS' departure Special Agents of the Intelligence Division, Internal Revenue Service, who had been monitoring the conversation between MARKS and GERVAIS, entered Room 274 from adjoining Room 276. The two thousand dollars (\$2000) passed to GERVAIS by MARKS was retrieved and retained as evidence.

(63) On June 29, 1971, at approximately 8:33 p.m., PERSHING GERVAIS entered the front door of 4600 Owens Boulevard, New Orleans, Louisiana, where he delivered to District Attorney JIM GARRISON an envelope containing United States currency in the amount of one thousand dollars (\$1000) which had been furnished to him (GERVAIS) by Special Agents of the Intelligence Division, Internal Revenue Service, and which had been previously substituted for GARRISON'S share of two thousand dollars (\$2000) delivered by HARBY MARKS to GERVAIS earlier in the day (see above paragraph). The currency in the envelope delivered to GARRISON consisted of twenty (20) fifty (50) dollar bills with the following serial numbers:

E 00401286 A	B 00228906 *	L 09047609 A
B 35462914 A	H 00169547 A	F 01636750 A
K 00555445 A	A 03595293 A	G 02501629 A
G 02992515 A	K 01405237 A	E 01563454 A
C 01707737 A	C 02751243 A	A 00320501 A
H 03730080 A	H 03512405 A	L 03258794 A
B 00539681 A	L 02105915 A	

GARRISON took the envelope from GERVAIS, unlocked the middle drawer of the desk in the first floor office (study) at his 4600 Owens Boulevard residence and put the envelope containing the money into the drawer. GARRISON then closed the drawer and re-locked it.

GERVAIS had been searched by Special Agents of the Intelligence Division, Internal Revenue Service, prior to being furnished with the above described envelope and money, and from the time GERVAIS was furnished with said envelope and money he was kept under constant observation by Special Agents until he entered GARRISON'S residence. Special Agents of the Intelligence Division monitored the entire conversation between GARRISON and GERVAIS while GERVAIS was inside GARRISON'S residence. At approximately 8:45 p.m., Special Agents observed GERVAIS exit the front door of GARRISON'S residence. GERVAIS was kept under constant observation by Special Agents until he was again searched by them at which time GERVAIS no longer had on his person the envelope and money described above.

The entrances and exits to Owens Boulevard where GARRISON'S residence is located have been under observation by Special Agents since GERVAIS departed the residence. The Special Agents have made periodic observation of the residence itself. A Special Agent reported to me at 1:50 a.m. on June 30, 1971 that the residence of GARRISON is dark and that there is no sign of activity; that the two automobiles at the residence have not been moved since GERVAIS reached the residence the previous evening; and that no one has been observed entering or leaving the residence after the departure of GERVAIS.

(64) On June 29, 1971, between 11:00 p.m. and 11:15 p.m., PERSHING GERVAIS talked by telephone from Room 274 of the Fontainebleau Motor Hotel in New Orleans to Captain FREDERICK A. SOULE, SR., New Orleans, Police Department, at the latter's home,

and advised him that HARBY S. MARKS, JR., had delivered his (SOULE'S) and Sergeant ROBERT N. FREY'S payoff due July 1, 1971, and arranged to meet SOULE the following morning, June 30, 1971, at 8:00 a.m. at the Fontainebleau Motor Hotel. Special Agents of the Internal Revenue Service had previously obtained twenty (20) fifty (50) dollar bills in United States currency to be substituted for SOULE'S and FREY'S share of the two thousand dollars (\$2000) delivered by HARBY S. MARKS, JR., earlier in the day (see paragraph (62) above). The bills to be passed to SOULE by GERVAIS on the morning of June 30, 1971, bear the following serial numbers:

F 00023369 A	L 05036269 A	C 01483303 A
K 00552614 A	K 00563563 *	C 02041051 A
K 00740396 A	K 00540956 A	
G 00421632 A	E 00168017 *	E 10538276 A
E 03941081 A	E 08294569 A	D 05019446 A
B 05383867 A	F 00079804 A	B 09948788 A
G 10211671 A	B 00765324 A	B 01338304 A

(65) Your affiant has reason to believe and does believe that the individuals named in paragraph (3) above have been and now are committing offenses in violation of the laws of the United States of America, to wit, the offenses set forth in paragraphs (A), (B), (C) and (D) below, and with respect to Captain FREDERICK A. SOULE, SR., the additional offenses set forth in paragraph (E) below:

(A) The "Organized Crime Control Act of 1970", Title 18, United States Code, Section 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, Section 27-2.2 - "Same [Gambling generally - Defined] - Prohibited", and Section 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.

(B) The "Organized Crime Control Act of 1970", Title 18, United States Code, Section 1955 - "Prohibition of illegal gambling businesses", and Section 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, Section 27-2.2 - "Same [Gambling generally - Defined] - Prohibited", and Section 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.

(C) Title 18, United States Code, Section 1952 - "Interstate and foreign travel or transportation in aid of racketeering enterprises", and Section 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.

(D) Title 18, United States Code, Section 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, Sections 1955, 1952 and 2, Article 90 of Louisiana Criminal Code, 1956, Section 27-2.2 - "Same [Gambling generally - Defined] - Prohibited", and Section 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.

(E) The "Internal Revenue Code of 1954", Title 26, United States Code, Section 7206(1), "Fraud and false statements", in that on or about February 6, 1966, January 21, 1967, February 23, 1968, April 1, 1969, 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.

Floyd D. Moore, Chief  
Intelligence Division  
Internal Revenue Service

Subscribed and sworn before me this 30th day of June, 1971

United States Magistrate