

# Reason for Firing Two Given

By JOHN McMILLAN

The firings of Capt. Frederick A. Soule Sr. and Sgt. Robert N. Frey from the New Orleans Police Department resulted from their refusal to take lie detector tests and from unsatisfactory answers as to why they had marked money in their possession when apprehended. The Times-Picayune has learned.

The police officers have been charged by the federal government with Dist. Atty. Jim Garrison and seven others in connection with a pinball gambling-bribery case.

The two former police officers and DA Garrison are accused of accepting bribes from pinball operators in order that illegal

pinball gambling could flourish. Soule, a former vice squad commander who was assigned to Garrison's investigative staff and Frey, who commanded the vice squad, were suspended from the police force shortly after their arrest June 30. They were fired Oct. 26.

### SEEKS BENEFITS

Soule applied for retirement benefits, but joined Frey in appealing his dismissal to the Civil Service Commission.

Their records before the commission contain letters of dismissal from Police Supt. Clarence B. Giarrusso setting forth the reasons for the firings.

In the letter to Soule, Giarrusso remarked on a statement the officer gave to police investigators:

"In this statement, you related that your purpose in being at the New Orleans International Airport, where you were taken into custody by the federal officers, was to inquire as to prices of plane tickets from the several non-domestic airlines flying to Mexico City."

"A subsequent check by agents of the Internal Affairs Bureau with all airlines flying from New Orleans to Mexico revealed that none of their personnel had entertained such an inquiry from any person remotely fitting your description. Further, there are no flights to Mexico City from New Orleans by non-domestic airlines."

### MARKED MONEY

The letter of dismissal continues:

"At the time of your arrest at the New Orleans International Airport you were in possession of marked money which had, according to the (federal) government's affidavit, been substituted by the Internal Revenue Service Agents for money paid to their undercover agent by the pinball machine company operators to be passed on to you and Sgt. Frey to beneficially influence your conduct as police officers towards the pinball machine companies gambling operations. The written statement

of the investigators, accounting for your possession of the government's marked money at the time of your arrest, were questionable. Therefore, I instructed that you be requested to voluntarily submit to a polygraph examination to verify your written statement, which you insisted was truthful.

"You agreed to this examination, but because of the late hour and your apparent state of physical exhaustion, the examination was postponed at your request until the following day, July 2, 1971, at which time you were instructed to return to the Internal Affairs Bureau for the purpose of submitting to the polygraph examination."

### HELD VIOLATION

The letter goes on to state that Soule appeared July 2 and told Internal Affairs officers he was applying for retirement and would not voluntarily submit to a polygraph examination.

"Upon being advised of your intentions," Supt. Giarrusso wrote, "I directed that you be ordered to cooperate in the here concerned investigation by submitting immediately to this polygraph examination to verify the truthfulness of your statement of July 1, 1971."

Giarrusso said Soule then submitted a second statement:

"In this statement, you advised . . . that you would not obey this order directing you to submit to a polygraph examination. Your refusal to cooperate and obey the order of a supervisory officer constituted a violation . . . of the 'Rules for the Administration of the Department of Police.'"

The superintendent concluded:

"Your refusal to cooperate in this investigation, your untruthfulness and refusal to obey proper orders from a supervisory officer, as well as the adverse notoriety concerning your arrest while in possession of the government's marked money was below the standards of service as prescribed by the 'Rules of the Civil Service Commission for the City of New Orleans.'"

### POLYGRAPH GIVEN

In Frey's letter of dismissal,

GIARRUSSO WASTE

"The written statement and answers which you gave the investigators accounting for your possession of the government's marked money at the time of your arrest which, according to government affidavit, was evidence of payment to you by pinball machine owners through Capt. Soule to influence your official conduct as commander of the vice squad, were not satisfactory."

Giarrusso said that he ordered Frey to take a lie detector test but because of Frey's apparent physical exhaustion, he was told to get a night's rest and report July 2, 1971.

"At the appointed time," the letter states, "you reported to the detective bureau where Sgt. Eugene Fields, a qualified polygraph operator, administered to you a thorough polygraph examination. At this time, it was determined that you had taken a prescribed medication prior to your examination and also, in the opinion of Sgt. Fields, you were in a state of 'adrenal exhaustion.' Based on these factors, it was Sgt. Field's opinion that the examination which was administered you while you were in this physical state and after having taken the prescribed medication, was inconclusive.

"Upon being advised of the inconclusive results of this polygraph examination, I summoned you to my office and solicited your cooperation in bringing this investigation to a speedy conclusion by returning to the detective bureau the following day, July 3, 1971, and submitting to a subsequent polygraph examination. You will recall that at this time I impressed upon you the urgency of resolv-

ing this matter immediately and explained to you that a delay of two weeks, which you requested, would be impossible and attempted to afford you every reasonable opportunity to vindicate yourself of the government's allegations against you. Thereafter, you refused to voluntarily submit to the subsequent polygraph examination which was determined to be necessary to the satisfactory resolution of this matter."

"Upon your refusal and at my instruction, Maj. (James H.) Arnold, who had been present

throughout our meeting, along with other members of my staff, ordered you to cooperate in the here concerned investigation and instructed you to return to the detective bureau the following day and at that time submit to the necessary polygraph examination. Following Maj. Arnold's orders, you advised those present that you would not obey the order directing you to submit to the polygraph examination. You insisted that you be permitted to rest two weeks before taking another polygraph test.

"Your refusal to cooperate in this investigation and to obey the reasonable order of a supervisory officer constituted a violation . . . of 'Rules for the Administration of the Department of Police'."

The Civil Service Commission had 90 days from Jan. 6, the date of the former police officers' hearing, to make a decision on their dismissals.

A federal grand jury empaneled to investigate organized crime indicted the two officers, Garrison and seven others Dec. 3. All face trial on the charges.

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