

Soule granted immunity in trial

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EDITOR'S NOTE: The following story was gathered and compiled by States-Item staffers Lanny Thomas, Ed Lepoma and Bill Rainey.

A former policeman who has pleaded guilty in the federal pinball bribery case was granted immunity from prosecution today, paving the way for his appearance as a government witness in the trial of Dist. Atty. Jim Garrison and two others.

Frederick A. Soule Sr., a former police vice squad commander and a former investigator in Garrison's office, was granted immunity, along with pinball figure Santo DiFatta, by U.S. District Court Judge Herbert W. Christenberry, who is presiding over the trial of Garrison and pinball figures John Aruns Callery and Robert Nims.

The immunity frees Soule and DiFatta from prosecution for any violations arising from their testimony. The only charges not covered by the immunity are perjury and false swearing.

Soule WAS one of two former policemen indicted with Garrison and seven pinball figures on a charge of conspiracy to obstruct law enforcement by giving and taking bribes to protect pinball gambling. Robert N. Frey, commander of the vice squad at the time of the arrests, has been granted a separate trial and is also expected to testify for the government.

Soule and DiFatta were granted immunity after attorneys conducted a last-ditch effort to bar the use of what may be the government's most devastating evidence — the controversial Pershing O. Gervais tapes.

The defense spent most of the morning cross-examining Lt. Ernest Nash, a voice identification expert with the Michigan State Police.

Nash yesterday had identified voices on the Gervais tapes, including those of the three men on trial. Nash has been qualified by the court as a voice identification expert.

UNDER CROSS - EXAMINATION Nash said no two people have voices exactly the same, just as no two have identical fingerprints.

Christenberry was expected to rule later today on the admissibility of the tapes. He previously ruled they are admissible.

Gervais, a former close friend and aide of Garrison, gathered the tapes while he worked as a Justice Department undercover agent. The tapes are said to contain discussions of bribery between Gervais and the defendants between November 1970 and June 1971.

Yesterday Nash testified the tapes contain conversations between Gervais and:

—Garrison, Callery and Nims, the only three standing trial from the 10 indicted by a grand jury.

Soule, a one-time Garrison aide, who has pleaded guilty.

—John J. Elms Jr., a partner in TAC Amusement Co., who has pleaded guilty.

—Louis M. Boasberg, owner of New Orleans Novelty Co., who entered a guilty plea last week. Callery is his former partner.

Eric Gisleson, head of the government's Organized Crime Strike Force in New Orleans, said he wants to admit only the tapes that pertain to the defendants on trial.

Each of the conversations is between Gervais and one of the defendants, Nash testified. One tape, however, contains a three-way conversation between Gervais, Elms and Boasberg.

Nash said the tapes were sent to him in Lansing, Mich., by the Internal Revenue Service, and he matched the

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voices with known voices of the defendants through a scientific analysis.

THE KNOWN voices of the defendants were recorded when they were arrested by federal officials. They identify themselves, said Nash.

Nims' attorney, Louis C. LaCour, objected to that recording being

brought into the case, charging that his client had not been advised of his rights. Christenberry overruled.

Nash told the nine men and three women on the jury that to obtain a positive identification of the voices he matched 10 pairs of sounds. These sounds, he said, were transmitted into sound patterns through an electronic spectrograph. On a spectrogram, a sheet of paper, these patterns were analyzed for similarity with the sounds of known voices, he said.

Nash said he would not consider the identification "positive" unless he could find 10 matching pairs of sounds. Some of the sounds could not be matched, he said.

ON A FEW of the tapes, the sounds were those of the defendants "in all probability," he said. This brought objections from the defense, but Christenberry again overruled.

Nash said he has testified in court about 50 times on matters pertaining to voice identification. He considers the science reliable, he said.

The courtroom at 400 Royal St. is all set for playing of the tapes.

Headphones have been provided for each juror, attorney and defendant. Headphones will enable them to hear the conversations free of interference.

THE AUDIENCE will hear the tapes through two speakers in front of the courtroom on each side of the judge's bench. One is atop a pinball machine.

Garrison's attorneys have charged that the tapes were "fabricated and manipulated" and that the conversations are out of context.

But Nash said he had examined them closely and could find no trace of splicing.

Nash took the witness stand minutes after pinball dealer John Elmo Pierce stepped down from more than two and a half hours of grueling questions.

PIERCE, UNRUFFLED, repeated the testimony he gave in the same courtroom earlier this year—that he attending a meeting in November, 1967, setting up \$50,000-a-year bribery payments for protection from the vice squad. He said he helped collect that money.

Garrison was the only defendant who Pierce did not link with what attorneys referred to as an "early warning system."

Pierce, operator of Pierce Amusement Co., was the key witness in the Bally pinball gambling trial and he is the first of seven original defendants in this case expected to testify as government witnesses. He was granted a separate trial and immunity from prosecution.

He told the court for the first time yesterday that the bribes were paid three months in advance because "police don't give credit."

AS BEFORE, Pierce said he worked with Soule, then vice squad commander, to set up a system whereby Soule would alert him to impending vice squad raids on gambling pinballs.

The meeting arranging for the protection money was in Nims' office, he said. He said the amounts to be paid quarterly were:

- Lawrence Lagarde Sr., TAC Amusement Co., \$5,000.
- Boasberg, \$5,000.
- Nims, \$1,000.
- DeFitta, Palace Amusement Co., \$1,300.

—Emile Willie, owner of Broadmoor Music Co. and Algiers Music Co., \$500. Nims' share later was raised to \$2,000, Pierce said.

Pierce said he received a "free ride" because he was the contact man and the collector.

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BY CLARENCE DOUCET

'Puzzling'

8-24-73 T-P

Dear Diary,
Dropped in on the "Garrison trial" Thursday just in time to hear United States Atty. Gerald Gallinghouse concluding his direct questioning of John Elmo Pierce.

Real-life courtroom scenes are so unlike the movies and television. Not that "real-life" doesn't have its dramatic moments, but there is never any reason to suspect that the person sitting next to you is going to suddenly jump up and bolt for the door because testimony has revealed him to be the real guilty party, and he is making a last dash for freedom.

Well, Mr. Pierce, who operates a coin machine company, was then cross-examined by Louis Lacour, a former U.S.

Mr. Pierce testified that beginning in 1967 and up until November, 1970, he and others in the pinball machine business were tipped off about impending raids on these gambling-type pinball machines. They were paying for this service, he said. Paying in advance because "the police don't give credit."

There was a lot of back-and-forth between Mr. Pierce and Mr. Lacour about whether the policeman tipping them off would actually say there was going to be a "raid." Mr. Pierce said the policeman would simply say something like, "I'm going to look at some real estate."

He then amplified that a little, saying the policeman might say, "I'm going to look at some real estate; like all of Tulane Avenue, for the next 24 hours."

This, of course, would be the tip-off that for the next 24 hours the heat would be on for lounges and other businesses on Tulane Avenue that had gambling-type pinball machines.

Mr. Lacour also asked Mr. Pierce what was his best location as far as making money off pinball machines, and Mr. Pierce answered quickly it was Wallace and Raoul's. I had almost forgotten Wallace and Raoul's once existed. He said his share of the take from the machines there was about \$500 a week, or about \$25,000 a year.

But near the end of Mr. Lacour's cross-examination there was what seemed a lot of repetitive questioning, and finally Mr. Pierce just came right out and told Mr. Lacour, "You puzzle me."

Mr. Lacour was quick on the uptake.

"Frankly, you puzzle me," he told Mr. Pierce.

Now, how's that for drama?

Well, I couldn't really take too much more so I went downstairs and stood outside to watch what has been referred to as "Jim Garrison's Middy Show."

Seems that the Orleans Parish DA has been instructed not to comment on the trial, and every day, when the trial recesses for lunch, a crowd gathers around Mr. Garrison and asks him questions.

Thursday he read the "weather ear" from The Times-Picayune, and when he was finished he looked up at the sky and said it appeared to be "slightly cloudy outside and a little different inside." Other than that, he said, he had no comment.

Well, after all this excitement I figured it was time for lunch.

I ran into John McMillian who is covering the trial, and together we went someplace to get a hamburger. Conveniently, John alleged he did not have any money, and I offered to pay for his lunch provided he repay me as soon as possible — meaning immediately if not sooner.

Lunch was all right until the waitress brought the coffee. "Whew, is that hot!" she exclaimed as she placed the glass containing the steaming coffee on the table before spilling some. I was temporarily distracted, and when I reached for the same glass, I dropped it, exclaiming, "Whew, is that hot!"

By now about half the coffee had spilled on the table, and the other half was still in the glass.

"It's hot, huh?" John asked.

"You puzzle me," I told John.

"Frankly, you puzzle me," he replied.

We then walked back to the courthouse, but John insisted on cashing a check so he could repay me, and after he handed me three bucks, I released my thumb ever so slowly from the hammer of the revolver I was holding against him in my pocket.

"Well, what are you going to do now?" he asked.

"I don't know," I said, "I might go over to the New Orleans Athletic Club and watch them get their building fixed up. What are you going to do?"

"Well, I guess I'll go back upstairs to the courtroom."

"On second thought," I said, "I think I'm going to look at some real estate," and then I added, "We should do this more often, John."

"What's that?" he asked.

"Have lunch together. You're a cheap date."

John looked up at the sky and said it appeared to be "slightly cloudy outside," but other than that he had no comment.