

# VOICE ON TAPES SAID GARRISON'S

Mich. Expert Testifies  
in Bribery Trial

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One of only 10 voice identification experts in the world testified in U.S. District Court here Thursday that tape recordings made by federal agents contained the voices of New Orleans Dist. Atty. Jim Garrison, Robert E. Nims, John Aruns Callery and others.

Lt. Ernest Nash, who is in charge of the Michigan State Police Voice Identification Unit, identified the voices recorded in scores of conversations made in the federal government's investigation into pinball bribery.

Garrison, former New Orleans Police Department Capt. Frederick Soule and former police Sgt. Robert Frey are accused of accepting bribes from New Orleans pinball dealers in return for not making arrests or instituting prosecution on the illegal gambling activities.

The pinball figures charged are Nims, the owner of REN Enterprises; Callery, a former partner in New Orleans Novelty Co.; Louis Boasberg, the owner of New Orleans Novelty; John Elms Jr., and Lawrence Lagarde Sr., partners in TAC Amusement Co.; Harby Marks Jr., an employe of Boasberg's; and John Elmo Pierce, the owner of Pierce Amusement Co.

All but Garrison, Nims and Callery have either been severed from the case or pleaded guilty.

All the conversations were recorded by Pershing Gervais, Garrison's former chief investigator who worked in an undercover capacity for the government. They all contain his voice in addition to others, according to Nash.

It is alleged that the pinball dealers paid bribes to Garrison and the police officers, the details of which were out-

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lined by Pierce prior to Nash's testimony.

Nash, who was qualified as an expert in "voice print" identification, had listened to the tape recordings before the trial and made "spectrograms" from them.

The recordings were not played in court. However, the government has said it intends to use them as evidence.

In fact, headsets for all the principals in the case, the jury, the judge and court personnel were installed when court opened Thursday.

Loudspeakers were installed for others to hear the recorded conversations.

Nash said he made the identifications by comparing the tapes in question with tape recordings which were known to be the voice of the defendants.

Louis C. LaCour, who represents Nims, objected, saying the known recordings were made after his client was arrested and before the defendants were advised of their rights.

However, Nash said that the recordings were made while they were reading the statements against self-incrimination.

Nash explained that "voice prints" are made on a device which burns the time and frequency patterns of a particular voice into a "spectrogram."

In demonstrating the results between the spectrogram made of the known voice of Garrison and one which he said proved to a recorded conversation between Garrison and Gervais, Nash said both spectrograms bore "the same general characteristics." "Bars falling in the same general configuration," "the same concentration of energy."

In one comparison, Nash said, he used the word "no" which he compared with the word "November" as uttered by the district attorney.

He also demonstrated the results using the word "but."

For a positive identification, Nash said, he must "find 10 pairs (of characteristics) that match."

In several tape recorded conversations, Nash would only identify the speaker "in all probability," not positively. He said he could not find the 10 pairs of characteristics needed for positive identification.

Dr. Fred J. Barnett, one of Garrison's attorneys, objected to Nash's testimony, saying the method hadn't proved its reliability.

U.S. Dist. Judge Herbert W. Christenberry overruled his objection, saying "It's a new science and I suppose the same objections were made when fingerprints were first introduced."

In identifying one tape recording, Nash said: "It is my opinion that the two speakers are Mr. Gervais and Jim Garrison."

Of another recording, he said, "Mr. Gervais is speaking to a person he calls 'Doctor' who is John Aruns Callery."

He then identified numerous recordings which he said contained the voices of Garrison, Nims, Callery, Soule, Boasberg and Elms.

## LENGTHY TESTIMONY

Pierce's lengthy testimony Thursday basically was a rehash of names, dates, places and events that he had given earlier this year in the Baily Manufacturing Corp. trial, also held in Federal District Court here, in which he was a key witness for the prosecution.

He related from the witness stand Thursday that he had attended a meeting in 1967 with Nims, Boasberg, Lagarde, John Elms Sr., John Elms Jr., Vincent Marfello and Frank Caracci to discuss means of keeping local pinball machine dealers from "bumping" one another, in other words, taking each other's machine locations. A second purpose of the meeting, Pierce continued, was to talk

about holding down the amount of money loaned by the pinball operators to various bar owners.

An unofficial, unwritten agreement was reached on the "bumping" practices, said Pierce, but he didn't recall that an agreement was made on the loan amounts.

The witness testified that later that year, in November, 1967, he was notified to attend a meeting in the offices of Lucky Coin Machine Co., 1711 St. Charles Ave., owned by Nims. When he arrived late, Pierce said, Nims, Callery, Lagarde and Emile Willie already were there.

It was at this second meeting that a bribery scheme to ensure an "early warning system" against pinball raids was discussed, and amounts were established for each of the participating pinball firms to pay on a quarterly basis, giving the predetermined cash amount to Pierce each three months.

## EVERY THREE MONTHS

Pierce said that Elms and Lagarde of TAC were to contribute \$5,000 every three months; Boasberg the same for New Orleans Novelty; Nims, \$1,000 for Lucky Coin; Willie, a pinball operator not indicted in either the Baily or Garrison cases, \$500, and Santo DiFata, another pinball distributor, \$1,200.

Noting that the money was to be collected in advance, Pierce remarked this was because "police don't give any credit."

Pierce testified that it was several days after this second meeting of operators that Callery arranged a meeting between Pierce and Soule at the Howard Johnson Restaurant on Gentilly Road. Pierce said that he and Soule made an agreement that Soule would notify him when police were planning a raid on illegal pinball operations.

Notification, Pierce testified, would come by means of a telephone call. "Mr. Soule would call my home and tell me he was going out to look at some real estate," and would indicate the area in which the "real estate" or pinball machines, would be checked. In turn, Pierce would then pass on the cryptic warning to other concerned operators, who would relay the message to the individual retail locations concerned.

In related testimony, Pierce said that he later learned that

Nims was operating more machines than originally thought when his \$1,000 fee was set, and Pierce suggested to Callery that Nims' ante be hiked. The two met with Nims who agreed to pay \$2,000 each three months from then until the fall of 1970 when the protection fund was terminated, Pierce said, because of federal agents seizing many area pinball machines in a gambling crackdown.

#### FUND LASTS TO 1970

In all, Pierce stated, the fund lasted from December, 1967, until the federal raids in September, 1970.

After Pierce collected the alleged bribe money each three months, he would then bring it personally to Callery, "but if I couldn't reach Mr. Callery, if he was out of town or something, I would give it to Ralph Bosworth," also at Boasberg's office.

Just prior to Pierce's testimony Thursday, he was granted immunity by Judge Christenberry on the statements he was to make in court.

On a related topic, Pierce told the court that in January of 1962 Boasberg asked him to go to Washington, D.C., to appear before a House Committee investigating interstate commerce in connection with a bill aimed at preventing the interstate shipment of gambling devices. Pierce said he went to Washington and read a statement before the committee prepared by a Bally attorney who also served as a lobbyist for the pinball industry.

Under cross-examination, Pierce admitted Thursday, as he had during the Bally trial, that he had lied under oath to the House committee by telling its members that he awarded merchandise prizes for games won when, in fact, he actually awarded cash.

"Sometimes when you're in an illegal business you have to lie to keep going," he added, admitting that he had lied in Washington to protect mainly himself, but also others in the industry here.

#### HEAVY QUESTIONING

Under heavy questioning from LaCour on various aspects of his Bally trial testimony, Pierce's voice broke slightly and he became emotional.

"Mr. LaCour, this whole affair has been on my mind for a

long time and I've lost a lot of sleep over it and so has my family, and believe me I'm trying to the best of my ability to tell the truth, so help me God."

On another occasion after questioning by LaCour, Virgil Wheeler, Callery's defense counsel, began trying to punch holes in Pierce's prior Bally testimony and find discrepancies between what he had said then and statements he had made earlier Thursday under Gallinghouse's interrogation. Often Wheeler pointed out a discrepancy in a name, date or conversation, and Pierce once shot back: "Mr. Wheeler, I just made a mistake. I'm a human being. I can't remember all of these things. I didn't take notes."

Under Wheeler's questioning, Pierce again admitted having lied to the House Committee in 1962.

"Then," Wheeler asked, "isn't it a fact that you would lie to save your own hide?"

"No," replied Pierce. "My testimony is that I lied then but I am telling the truth now, so help me God."

Throughout the trial's fourth day, Garrison sat quietly at his defense table, often motionless, frequently reading as he has done on past days of the trial.

However, Garrison's moment came when the lunch recess was called and he stepped into the sunlight in front of the courts building, to be met by a bevy of reporters.

Obviously keeping in mind that he had been warned by Judge Christenberry about discussing the case with newsmen, the DA methodically pulled a ragged newspaper clipping from his top coat pocket and read:

"The weather today is going to be fair to partly cloudy. Winds will be variable to easterly at five to 25 miles an hour. It looks like it's going to be rather cloudy outside," he added, glancing upward, "otherwise inside, slightly different."

The Garrison weather report concluded, he added: "That's all I can say now. I'm going to lunch."

After the luncheon recess, Louis Merhige, another Garrison attorney, cross-examined Pierce, who said he had never

given Garrison a bribe, had never met him, or had any connection with him.

The trial resumes at 10 a.m. Friday.

#### English Says Quote on Pinballs Wrong

Lloyd English Jr., the proprietor of a restaurant and bar at 3200 St. Claude Ave. and a witness in the ongoing trial of Orleans Parish District Attorney Jim Garrison, said Thursday that he was incorrectly quoted in The Times-Picayune Thursday.

He was quoted as saying that he averaged between \$100 and \$200 a week on each pinball machine. He said he had testified instead, that he had three machines on the premises, and that, together, they took in this amount of money.