

STATES-1

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'Man at top' bribed, Soule says in court

By LANNY THOMAS

A witness in the pinball bribery trial of Dist. Atty. Jim Garrison has testified he was told that the "man at the top" in the DA's office got a cut on the bribe money.

The witness, a former vice squad commander and a former investigator for Garrison, said yesterday that one-time government informant, Pershing O. Gervais, made the statement to him in 1970.

Garrison has been district attorney since 1962.

The testimony came from former police Capt. Frederick A. Soule Sr. as he confessed to pocketing about \$50,000 in pinball bribery money over an eight-year period.

Soule told a jury of nine men and three women he took bribes from Gervais and pinball operators John Aruns Gallery, Robert Nims, Louis M. Bossberg and an employe of Boasberg, Harry Marks. Gallery and Nims are on trial with Garrison.

HE SAID Gervais passed bribery money to him and he handed money to Gervais.

Defense attorneys objected to Soule quoting Gervais on grounds the testimony was hearsay. U.S. Dist. Court Judge Herbert W. Christberry sustained and instructed the jury to disregard the "man at the top" statement. Garrison, Gallery and Nims are charged with obstructing law enforcement by giving and taking bribes to protect pinball gambling.

Soule, one of the government's key witnesses, implicated Garrison in the bribery ring at the same time he stunned the court with \$83,000 in cash he emptied from a briefcase.

He said the cash was part of pinball bribery money he obtained between 1963 and 1971. Soule said he got the other \$13,000 "illegally," but he did not say how.

SOULE, who pleaded guilty in the case and was granted immunity from prosecution, headed the New Orleans Police Department vice squad from 1962 to 1968. From 1968 until his arrest on June 30, 1971, he was an investigator for Garrison.

For more than two hours yesterday, he told the court how he met in secret

with pinball dealers, took their payoffs and provided them with tips on vice squad activities.

He said he kept the bribe money in a pickle jar buried in the back yard of his home and was "afraid to spend it."

Wrapped in seven packages of aluminum foil, he opened the money before the jury. It was in \$100 and \$50 bills. The money was taken to a safety deposit box at the Whitney National Bank.

Soule also confirmed to the jury that his voice is on the controversial tapes gathered by Gervais when Gervais was an undercover agent.

"THIS IS my voice," he said. "I recall my voice. I recall the conversation I had with Pershing Gervais."

Soule apologized to the jury for "obscenities" he said they will hear on the tapes. "I don't normally use this kind of language."

The government is expected to play those tapes when court resumes Tuesday morning. Soule also will return at that time for more questioning. Court will not be in session Monday because

the son of a juror is undergoing surgery.

Of 10 persons originally indicted in the Garrison case, four have been granted separate trials and three have pleaded guilty.

Those severed are John Elmo Pierce, owner of Pierce Amusement Co.; Marks, an employe of New Orleans Novelty Co., Lawrence Lagarde Sr., a partner in TAC Amusement Co., and Robert N. Frey, who was commander of the vice squad at the time of the arrests.

OTHERS WHO have pleaded guilty are John Elms Jr., Lagarde's partner, and Boasberg, a former partner of

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Callery in New Orleans Novelty Co.

Dressed in an olive green suit and bow tie, the 53-year-old Soule appeared calm and relaxed as he told the jury intricate details of the bribery scheme.

He said he called Callery, Pierce and Marks and gave them tips, often giving a description of vice squad officers.

"Vice squad officers sometimes would tell me they were gaining confidence in some place and were about to make an arrest," he said. "When they would tell me that, I would alert Callery, Marks and Pierce and they would warn owners."

Pierce already has testified that a group of owners contributed more than \$50,000 a year for protection.

SOULE SAID the bribes all started in early 1963 when the vice squad began to "spread out" in the city after focusing its attention on Bourbon Street B-drinking and prostitution.

He said Callery arranged a meeting at Maxein's Restaurant, 3030 Earhart Blvd., at which they agreed on a payoff of \$300 a month for tips.

The following June, Callery asked for more help Soule testified, and the payoffs were increased to \$700 a month. They continued through June, 1968, he said.

"Callery was very punctual; very prompt and very businesslike," said Soule.

Callery, he said, told him the bribes came from New Orleans Novelty, TAC Amusement, Lucky Coin Machine Co. and Pierce Amusement Co.

Soule said he became ill in June, 1968, and was unable to return to work until the following September and did not receive bribes during this time. It was about this time he was transferred from the vice squad to the district attorney's office.

CALLERY BEGAN paying \$500 a month again in January, 1970, Soule testified. He said he learned that Frey, as vice squad commander, was getting ready to crack down on pinball gambling and advised Callery.

"In August, 1970, I was approached by Boasberg and he offered to continue this. He offered me \$1,000 for a two-month period. He asked me if I could talk to Frey."

Soule said he told Boasberg that he would try to persuade Frey.

"We discussed putting together a package and I told him (Boasberg) I wouldn't do this unless the district attorney's office was taken care of. And I told him an additional \$1,000 was necessary."

With "persuasion," Frey agreed to the deal, said Soule, and he then met Boasberg in September, 1970, at the Jung Hotel.

Boasberg said, however, he was having trouble getting money from dealers, Soule testified. He said he discussed the problem with Gervais and Frey and they agreed to \$1,000 payments instead of \$2,000.

Boasberg said he represented the same pinball companies as Callery, Soule said.

"Callery got in touch with me in mid-September and said he was going to pick up the package and give me \$1,000 for August and September," said Soule.

Gallinghouse asked, "Did you receive that money?"

Answer: "Yes. We made contact around Oct. 1. We agreed to meet on a Sunday morning atop a rooftop garage at a shopping center at Elysian Fields and Gentilly." Both Callery and Nims met him there, he said.

"Nims offered to give me \$1,000 in the car, but I told Nims I had been doing business with Callery and I preferred he give the money to Callery."

Soule said Callery and Nims then got out of the car and Nims gave Callery the money. "Nims left and Callery gave me the money."

SOULE SAID the next payoff came Jan. 15, 1971.

"Boasberg contacted me and we had breakfast at the Jung Hotel and he told me he wanted to handle his commitment. He told me he had arranged for a \$1,000 payoff."

He said Marks delivered the money the following morning at a restroom in the Criminal Courts building.

"The same day I went to the vice squad office and saw Frey and laid \$250 on his desk. He asked, 'What is it for?' I said it is for what you have done.

"When I left it was still on the desk. He was very reluctant to take it. I said that's for you—for the help you have been giving me."

Soule said he believes Frey went along with the deal primarily because he (Soule) was Frey's senior officer and Frey did it out of respect. "I don't believe he did it for the money."

ANOTHER \$1,000 payment came in a sealed envelope from Marks in February, 1971, Soule testified. He said Boasberg told him in advance the \$1,000 was for "the district attorney's office."

Soule said he met Gervais in a restroom at the Fontainebleau Motor Hotel and gave him the \$1,000.

On March 4, 1971, Gervais handed him \$1,000 at the same meeting place, Soule testified.

"I negotiated with Boasberg to give the payments to Gervais. Boasberg said he would give the money to Gervais and me. It was always in advance."

Early in May, 1971, another \$1,000 bribe came and \$300 of it went to Frey, said Soule. "I kept the other \$700 for myself."

He said later during the month Gervais gave him still another \$1,000—again at the Fontainebleau.

"Did you give any to Frey," asked Gallinghouse.

"No," said Soule. "I was afraid to give him too much money. I was afraid it would scare him off."

SOULE THEN described the events that led to his arrest on June 30, 1971.

"On June 29, I got a call late at night from Gervais. He identified himself as Dr. Blue and addressed me as Dr. Gray. He said he had medicine for me and for me to meet him at the Fontainebleau. I told him I wouldn't come out that late at night.

Soule said Gervais told him he was anxious for Frey to get the gambling machines off the street "because a man was coming into town with some new machines."

The following morning, Soule said, he met Gervais in his room at the Fontainebleau and they called Frey at his Slidell home, asking him to come to New Orleans.

Soule said Gervais gave him \$1,000 and he then met Frey at the Meal-A-Minute on Claiborne Avenue. He said he split the \$1,000 with Frey.

Soule testified that he then tried to call Gervais at the Fontainebleau and could not reach him.

HE SAID HE remembered Gervais saying he was to fly out of town that morning and he and Frey went to the airport, looking for Gervais.

Frey, Soule recalled, got a call on the police radio to return to headquarters and left him at the airport.

Soule said federal agents placed him under arrest at the airport as he was phoning the district attorney's office to tell them he would be late for work.

The accounts given under oath by Soule and Pierce differed little. Both said they planned the tipoff scheme at a Howard Johnson's hotel and that Soule would always say he was going out to look at real estate when he was warned of an impending vice squad raid.

Soule said he and Callery would address each other on the phone as "Mr. Murphy." Boasberg was known as "LBJ" or "Lyndon Johnson," he said.

Judge Christenberry asked if there was a code name for Frey? "Yes," said Soule. "He was the friar or the monk."

Santo DiFatta, former owner of New Orleans Coin Machine Co., testified he paid \$100 a week for protection from the vice squad. He said he paid money to Pierce.