

THE STATES-ITEM

Vol. 97—No. 68

Wednesday, August 29, 1973

New Orleans, La.

10 Cents

Nothing illegal, jury told

SOULE: NO ORDERS BY DDA

Testimony on A-10
By ALLAN KATZ
and LANNY THOMAS

A former police vice squad commander today told a federal court jury that Dist. Atty. Jim Garrison never asked him to do anything improper.

Frederick A. Soule Sr. also testified that he lied in some of his tape-recorded conversations with Pershing O. Gervais.

Soule went under cross-examination by defense attorneys as the pinball bribery trial of Garrison and two pinball figures moved into its seventh day. Soule has pleaded guilty in the case and is a key government witness. Gervais, Robert Nims and Jean Avens Gallery are charged with conspiring to obstruct law enforcement by giving and taking bribes to protect pinball gambling. They went on trial Aug. 20 before U.S. Dist. Court Judge Herbert W. Gendahlberry and a jury of nine men and three women.

TAPED CONVERSATIONS between Soule and Gervais, a controversial gov-

ernment informer, highlighted yesterday's court action.

In some of the tapes, the names of Mayor Moon Landrieu, Police Supt. Clarence B. Giarrusso and Joseph Giarrusso, the former police superintendent, were mentioned.

Under cross examination by Louis B. Merhige, a Garrison attorney, Soule said today he has "no knowledge whatsoever that he (Landrieu) participated in anything that has to do with this (bribery case)."

"What about former Police Supt. Joseph Giarrusso?" Merhige asked. "Did you bribe Giarrusso?"

"No, I did not," Soule replied.

Q. What about Jim Garrison? Have you ever given him a bribe? Has he ever asked you to do anything improper?"

A. No. I have never given him a bribe. He has never asked me to do anything improper.

Soule had testified yesterday that he had no knowledge Clarence Gervais ever accepted a bribe or did anything improper.

Soule, who has been granted immunity from prosecution on charges aris-

ing from his testimony, admitted he and Gervais solicited payoffs from various groups in return for protection from vice squad arrests.

Some of those solicited, Soule said, were lottery companies, football card dealers, bath houses frequented by homosexuals and handbook operators.

"WHAT ABOUT prostitution?" Merhige asked.

"I had very little dealings with prostitution," Soule replied, "because I didn't fully approve of it."

During his cross-examination of Soule, Merhige asked:

"Gervais was what is known in slang jargon as a 'shakedown artist,' was he not?"

"I guess some people would call him that," Soule answered.

SOULE SAID Gervais "played rackets" and defamed this as learning from Soule when vice squad officers had made pinball and gambling arrests, but did not have sufficient evi-

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dence for a conviction.

In some cases, Soule said, Gervais would then go to defendants and tell them that for a price he could get the case fixed. In some cases the defendant would pay, he said, and believe that Gervais had fixed the case. In

reality, he said, the case would be dropped for lack of sufficient evidence.

Soule said Garrison's office had a high percentage of convictions in pinball gambling cases and the DA's office never had prior knowledge of pinball raids.

Soule astonished courtroom spectators Friday when he turned over to the government \$63,000 he said he had received in protection money.

Merhige questioned him today about that money.

Soule said he has discussed with his attorney the possibility of amending his tax returns for the years in which he received the money and paying the taxes due.

Q. You hope to get \$40,000, don't you?

A. I would be foolish if I didn't. **MERHIGE ASKED** Soule if it weren't a practice to call pinball operators and "extort" the money when they were slow in making their payoffs. "Yes, to some degree," Soule answered.

He admitted he had threatened to seize 25 pinball machines owned by New Orleans Novelty if a \$2,000 payoff was not made.

Harby S. Marks Jr., an employe of New Orleans Novelty Co., followed Soule to the stand and the government played tape recordings of three conversations between Marks and Gervais.

Marks is a defendant in the case, but has been granted a separate trial.

Marks said he twice gave Gervais envelopes containing cash, but did not know until Gervais opened them that they contained money.

A rustling sound, presumably the counting of money, could be heard in the recordings.

There were 10 tapes played for the jury yesterday. In several of those Gervais indicated Garrison took pinball bribes.

In the tape implicating Joseph Giarrusso, Soule said pinball dealers panicked when Giarrusso left office because he ordered a crackdown on pinball gambling. He suggested that Giarrusso was paid off by TAC Amusement Co. and that Giarrusso ordered arrests when he left office as a cover-up. The tapes were filled with obscenities.

Soule's comments about Joseph Giarrusso went like this:

"... Now Joe Giarrusso didn't give a . . . and I know he was getting taken care of. How, I don't know, but he's smart. See, when he got out, right before he got out, he puts Frey (vice squad commander Robert Frey) out there to knock the machines off. So when he leaves, they don't know.

"In other words, Joe was supposedly handling things for them (TAC), you see, because I wasn't getting that for

the last six months. I didn't get a dime. I got out of it. They wanted to cut me out."

Gervais: "Yeah, well, when you left the vice squad they cut you, right?"

SOULE SAID he was cut out of the bribes for several months after he was transferred to the district attorney's office in 1968.

Later in the same tape, Soule said: "Before Joe Giarrusso left, he put . . . made Frey get out and knock a few machines off. So when—they never had anybody they could talk to him before, somebody had a in with Joe. think it was TAC. . . ."

Still later, during the face-to-face conversation at the Fontainebleau Motor Hotel, Gervais mentioned giving money to Garrison during a discussion of payoff amounts.

"You know I can't bring, I would take it, but I can't bring to Garrison \$500 for two months. He will hit me in the . . . head with a chair."

Soule: "Yeah, right."

Gervais: "First thing he's going to think is I stole some money."

LATER, GERVAIS again talked about giving money to Garrison.

"I'm going to tell you, a lot of people, you know, you ain't silly, you know I got to bring that . . . to the giant, so I got to get him with enough . . . I can't. . . ."

Asked by U.S. Atty. Gerald J. Gallinghouse, who Gervais referred to as "the giant," Soule answered that it was Garrison.

Reference to Garrison was made in still another discussion of alleged payoffs from Gervais to Garrison on March 2, 1971, at the Fontainebleau.

That taped conversation went like this:

Gervais: "A thousand a month, that's ridiculous, really."

Soule: "It, it ain't no 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?"

Soule: "Yeah."

Gervais: "I, you know I ain't going to . . . you."

Soule: "Yeah."

GERVAIS: "WELL, I brought it to Garrison."

Soule: "Yeah."

Gervais: "He just snatched it out of my . . . hand."

Soule: "Yeah, I can understand."

Gervais: "But he thinks I got money and I don'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 bastard—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."

Soule said he got \$750 a month in bribes when he was vice squad commander.

Garrison was implicated in yet another Gervais-Soule conversation, on April 28, 1971, at the Fontainebleau.

Gervais: "No, two, one, one thousand for you and Frey, one thousand for Garrison, right. All right. That's, but that carries us all the way."

Soule: "We don't want that."

Gervais: "Til July the first."

Soule: "We don't want that."

Gervais: "But that's your deal with him."

Soule: "No, we didn't make a one, one-month deal, the deal was you, one thousand . . ."

Gervais: "I know, but you, May the first, right?"

Soule: "Take 1,000, that's for one month only."

Gervais: "Naw, I'd say let's, let's take it . . . and come back in a couple of days and tell him that it can't be that way any more. It's got to be the first of the month and the end of the month.

"And also we got to talk to Garrison about that too. See what he says. You see, he don't push. Garrison's not going to push."