

Soule is cross-examined by Garrison's attorney

Former Police Capt. Frederick A. Soule went into cross-examination today as the public bribery trial of Dist. Atty. Jim Garrison entered the seventh day.

Soule was being cross-examined by Louis B. Merhige, a defense counsel for Garrison.

Merhige first questioned Soule about the immunity the former vice squad commander was granted by the federal government after Soule pleaded guilty in the current case.

Soule said his guarantee of immunity extended only to future cases and did not cover the case presently before the court.

Merhige then went into a discussion of names that came up when the tapes between Soule and government informant Pershing Gervais were played yesterday.

Q. Were there untrue statements on the tapes that were played yesterday?

A. I would think so.

Q. Did you ever lie to Gervais?

A. Yes, my conversations with him were not always factual.

Q. Let's go into some of the names that came up on the tapes yesterday. What about the name Landrieu? Can you identify him?

A. Yes, he is mayor of the city. Let me say at this time I have no knowledge whatsoever that he participated in anything that has to do with this.

Q. What about former Police Supt. Joseph Giarrusso? Did you bribe Giarrusso?

A. No, I do did not.

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 that was improper.

Merhige then went into Soule's relationship with Gervais, the criminal activities the two participated in together and those illegal activities that Soule knew about where Gervais acted independently.

Merhige asked if Gervais could be called a "shakedown artist?" Soule replied, "Some people could agree to that term."

Merhige asked if Gervais ever "played results" and

asked Soule to define what that meant.

Soule responded "playing results" occurred when Soule

would find that one of his vice squad officers had made an arrest but did not have sufficient evidence to get a conviction.

Soule said he would then let Gervais know this and in some case, Gervais would go to the defendant and tell him he could get the case fixed in exchange for some money.

He continued that the case in fact was going to be dismissed for lack of evidence, but in some instances the defendant would pay Gervais and believe that Gervais had the case fixed.

Merhige then asked about the kind of activities Soule and Gervais were involved in together.

Q. What kind of businesses did you and Gervais solicit for payoffs for protection from vice squad raids?

A. Lottery companies, football cards, bath houses frequented by homosexuals, handbooks, dice games.

Q. What about prostitution?

A. I had very little dealing with prostitution because I didn't fully approve of it.

Soule also said "when the nine or ten members of the vice squad were taken off of plainclothes duty and were placed in uniform for regular patrols—as during the aftermath of Hurricane Betsy—he, as vice squad commander, would sell that information to the pinball interests.

Under further cross examination by Merhige, Soule also explained how, when cadets from the police academy were assigned to him for the purpose of playing pinball machines to catch bar owners who paid off, Soule would provide descriptions of the recruits to the pinball industry so the undercover operatives could be spotted and payoffs could be avoided.

Under further questioning, Soule testified when pinball gambling arrests were made,

the district attorney's office in every instance instituted prosecution if the evidence warranted and a high percentage of convictions resulted.

He also said the DA's office never had advance knowledge of pinball raids and were not informed of them until the raids were completed.

Soule was asked by Merhige if he'd ever been advised that he would be prosecuted for tax evasion on the \$63,000 in bribe money he brought into the court room last Friday.

He said he had not.

Soule testified he had discussed with his attorney amending his tax returns for the years in which he received the money so that he could pay the taxes due.

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

A. I would be foolish if I didn't.

Soule never said outright that he had figured out a way to keep the money. But, in reference to his attorney, he said, "he laid the pros and cons on the table and I said this is the best package."

Referring to the vulgarities in the taped conversations between Soule and Gervais, Merhige asked, "Is it necessary to talk that way when you talk to Gervais?"

The question brought an objection from U. S. Atty. Gerald J. Gallinghouse and Judge Herbert W. Christenberry sustained it.

Merhige rephrased the question.

"Isn't it necessary to talk that way to the criminal element..." Gallinghouse interrupted with another objection and Judge Christenberry again sustained, saying it was the same question in "disguised" language.

Merhige then asked Soule if it were not a practice to call pinball operators and "extort" the money when they were slow to make their payoffs.

Soule answered, "Yes, to some degree."

Soule also was asked if he had not threatened to seize 25

pinball machines if Harby Marks, an employe of New Orleans Novelty Co., did not pay him \$2,000?

"I recall making phone calls to Marks urging him to get in touch with (Louis) Boasberg and get the money due," Soule said.

A question about Gervais living with a woman brought an objection from Gallinghouse. Christenberry sustained, telling Merhige that no mention of women was made in the tapes.

Soule also testified that an assistant D.A. was responsible for the prosecution of vice squad cases, rather than Garrison. He said Garrison was more an administrator.

Soule also told the court he had never tried to "fix" a case with the district attorney's office and no one in that office had ever tried to extort money from him.

That completed Merhige's cross-examination and Virgil Wheeler, attorney for defendant John Aruns Callery, a former partner of New Orleans Novelty Co., took over questioning.

Wheeler asked Soule if Callery had ever told Soule that he wanted to get out of the pinball business.

Soule replied, "I will say in all fairness that Mr. Callery and I talked on many occasions and that both expressed an intention to get out."

Soule testified that he and Callery both intended to get out of the illegal pinball activities after the federal Omnibus Crime Bill was passed in late 1970.

Wheeler asked if Soule had any recollection of Louis Boasberg's telling him Callery intended to get out of the illegal pinball business.

Soule responded, "I only have a very vague recollection to that effect."

Wheeler then asked if Soule put into effect all the pressures on the pinball industry that he indicated he would bring to bear in conversations with Gervais.

Soule said, "I had a lot of discussions with Gervais, but

Big Jim on mayorship:

'I'm scared of winning'

By ALLAN KATZ 8-29-73 S-I
Dist. Atty. Jim Garrison said today he will qualify to run for public office again in a few days—but claimed to be undecided between mayor and district attorney.

Garrison, however, interviewed outside federal court by reporters covering his federal pinball bribery trial, seemed to give more than a slight hint of which way he will go when he admitted:

"The reason I'm a little afraid to run for mayor is that I might get elected."

Garrison said the reason he is reluctant to run for mayor and isn't sure he

would want to be elected if he ran is that the job entails "so much house-keeping."

Garrison, who has served as DA of Orleans Parish since 1961, said of the mayor's job, "On the other hand, the plus is that there's so much you can do that will determine what kind of city this will be and what its future will be 10 years from now."

Garrison claimed he was surprised to learn that qualifying dates are at hand and said he hasn't given much thought to politics because of the trial.

"I will definitely run," he said. "I just haven't decided yet exactly what I'm going to run for but I should know in a week or so."

Marks tells of envelopes for Gervais

8-29-73 S-I
Harby S. Marks Jr. was the second witness to testify today in the federal court pinball bribery trial.

Marks was an original defendant in the case but has been granted a separate trial. While he was on the stand three taped-recorded conversations between him and Pershing Gervais were played.

Marks said on each of the three meetings with Gervais he gave Gervais envelopes but never knew what was inside them until Gervais opened them. He said Louis M. Boasberg, a defendant who has pleaded guilty, had asked him to deliver the envelopes to Gervais.

Judge Herbert W. Christenberry asked, "You didn't know what was inside the envelopes?"

A. No. Not until he opened it up.

Q. You didn't suspect?

A. No.

In the first taped conversation, made March 8, 1971, Gervais told Marks to tell

Boasberg he had a message to give him. Marks said in court today he never told Boasberg.

During the second meeting on May 3, 1971, Gervais took \$2,000 from an envelope Marks gave him.

Gervais was heard counting still more money during a taped conversation between him and Marks on June 29, 1971, which apparently totaled \$2,000.

Marks said he twice gave an envelope to Soule—once at the Jung Hotel and "once at an office building where he works."

Asked by Eric Gisleson, head of the Organized Crime Strike Force in New Orleans, if he knew what was in those envelopes, Marks said he did not.

Marks said he received phone calls from Soule warning him of pending Vice Squad raids.

"How many?" Gisleson asked.

"I can't say that. Maybe eight or nine times," Marks said.

I didn't put all that we talked about into practice. Often, I just went along with Gervais.

At that point, Wheeler concluded his examination of Soule and Louis C. LaCour began his cross-examination of Soule in behalf of his client, Robert Nims.

In response to questions, Soule testified that Gervais was one of the key informers the Vice Squad had from 1965 to 1971.

He said Gervais gave him about 40 per cent of all his leads on cases and was a very good source of information.

LaCour then asked why there were so many obscenities expressed in the conversations between Gervais and Soule.

Soule said, "When in Rome, do as the Romans do. I'm not usually that vulgar, but when engaged in conversations with Gervais, he used a lot of vulgarity. I went along with him."

LaCour then asked about the allegations against former Police Supt. Joseph Giarrusso that Soule had made in his taped conversations.

Soule replied, "Well, in the case of Joe Giarrusso I knew of a personal hatred by Gervais for Giarrusso. I went along with Gervais. I knocked Giarrusso to him."

LaCour then asked if Soule might have said untrue things about other persons in his conversations with Gervais.

Soule said, "It's possible."

In regard to Nims, Soule said his only meeting with that defendant was on or near Oct. 4, 1970. He said he always felt Nims was represented, in effect, by Boasberg in negotiations with Soule and Gervais.

Under cross-examination, Soule said he was told by Boasberg and others, from time to time, that Nims was thinking about getting out of the pinball business or was reluctant to come up with bribe money.

Soule also said he believed Nims had gotten out of the pinball business around November, 1970, and could recall a conversation where Gervais had told him Boasberg was planning to buy out Nims.