

Boasberg's 'lobbying' fee

GERVAIS GASHT NOT BRIBED

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testimony on A-18

BY LANNY THOMAS
and ALLEN KATZ

A pinball executive testified today he said Pershing Gervais paid \$6,000 in 1971 not he considered it payment for legislative lobbying rather than a bribe to protect pinball gambling.

Louis M. Boasberg, owner of New Orleans Novelty Co., testified in the federal pinball bribery trial of Dist. Atty. Jim Garrison and pinball executives Robert Nims and John Aruns today. Boasberg has pleaded guilty in the case.

The government contends Gervais, a government informer, acted as a middleman between pinball operators and Garrison and two police officers in a bribery scheme to protect the pinball operators from gambling arrests.

Boasberg said today he paid the money to Gervais in hopes of getting Garrison to persuade former Gov. Jovan J. McKeithen to influence the legislature not to outlaw gambling type pinball machines.

BOASBERG admitted he paid \$2,000 in bribe money to Frederick A. Soule Sr., a former Police Department Vice

Squad Commander. Soule also has pleaded guilty in the current case in which 10 persons were indicted but only three are standing trial. The indictment charged the 10 with conspiring to obstruct law enforcement by giving or taking bribes to protect illegal pinball gambling.

Boasberg said the payments to Gervais and Soule were for himself and TAC Amusement Co. He said the payments were delivered by Harry Marks Jr., a New Orleans Novelty employe who also was indicted but has been granted a separate trial.

The \$2,000 paid to Gervais, Boasberg said, was in \$2,000 installments delivered March 8, May 3 and June 28, 1971. The 10 men were arrested on June 30, 1971, a day after Boasberg said he made the last payment. Soule received \$1,000 payments on Jan. 15 and Feb. 18, 1971, Boasberg said.

BOASBERG testified he met with Soule, then an investigator in Garrison's office, to discuss problems the (Boasberg) was having with the Vice Squad.

He said he told Soule he wanted to prolong the pinball business until the coming session of the legislature "to see if we couldn't legalize the machines."

He said he asked Soule if something could be done about raids being made on pinball locations and Soule agreed to talk to Sgt. Robert Frey, his successor as Vice Squad commander, about the raids. Frey also was indicted but has been granted a separate trial and is expected to testify for the government.

Boasberg said Soule at first told him Frey was reluctant to make a deal but in a subsequent meeting said Frey had said he "might be able to do something."

Boasberg said he was not paying for warnings on Vice Squad pinball raids. Soule has testified he was paid to warn dealers of raids and he gave some bribe money to Frey.

UNDER cross-examination by Virgil Wheeler, an attorney for Callery, Boasberg said, "There hasn't been a candidate running for office in New Orleans who hasn't approached us (pinball dealers) or had his campaign manager approach us."

He said Callery handled campaign contributions for him. "I told him, please handle it. Do anything you want. I'm fed up with it," Boasberg said.

Today's session followed bombshell testimony yesterday that former Police Supt. Joseph Giarrusso deeply implicated in what may have been an exclusive pinball bribery pact.

The startling testimony that Giarrusso was paid bribes added a new dimension to the trial, now in its eighth day.

There now is testimony that there were two separate pinball bribery schemes involving one-time high ranking police officers:

—One in which the former police chief received payoffs.

—Another for the district attorney's office and the vice squad.

TAC Amusement Co. officer Lawrence L. Lagarde Sr. dropped the biggest bombshell when he testified yesterday he paid Giarrusso \$30,000 to insure his gambling pinball machines would not be raided.

The testimony took practically everyone in the courtroom by surprise.



Louis M. Boasberg

Even Garrison appeared stunned.

Lagarde, who was severed from the Garrison case, revealed making payoffs to Giarrusso as he was being cross-examined by Dr. Frederick Barnette, a Garrison attorney.

Moments earlier, Lagarde testified as a government witness that he made

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six quarterly payoffs of \$5,000 each for protection between December, 1968, and March, 1970.

"Was the money ever given to any of the defendants in this case?" Lagarde was asked by Michael Ellis, chief assistant to U.S. Atty. Gerald J. Gallinghouse. Lagarde said, "No."

Lagarde was not asked where the \$30,000 went until Barnette cross-examined him.

Barnette bore down: "You said there were six payments for \$30,000 and none of the money went to any of the defendants in this case?"

Lagarde: "Yes."

Barnette: "Who got the money?"

Lagarde, obviously hoping the question would not be asked, looked nervously at the floor and hesitated. Then, Barnette repeated the question.

Lagarde, in a low tone, answered: "To a former city official."

Barnette: "Did he have a name?"

LAGARDE THEN turned to U.S. Dist. Court Judge Herbert W. Christenberry and asked if he had to answer. Christenberry told him he did.

Lagarde again was reluctant, but he answered: "Joe Giarrusso."

Garrison, who had been thumbing through papers, looked up from the table with a frozen stare.

Lagarde was asked if he had informed Gallinghouse of the payoffs. He said he had, but not until "a week ago Tuesday."

He told the jury the money was delivered to Giarrusso through a "messenger."

Giarrusso was implicated in bribes Tuesday during the playing of taped conversations gathered by former government informer Pershing O. Gervais. He again issued a denial, saying, "I have never held a conversation with Mr. Lawrence Lagarde regarding payoffs, tipoffs or anything else. . . I don't care if 15 people implicate me, my position is still not changed."

HE SAID he has "absolutely not" taken bribes. Giarrusso is seeking a City Council seat in the upcoming elections.

As court resumed today the jury heard 13 tape-recorded conversations between Gervais and Louis M. Boasberg, owner of New Orleans Novelty Co. Boasberg has pleaded guilty in the case.

In one of the recorded conversations Gervais tells Boasberg that Garrison would go to Gov. John McKeithen in an effort to have anti-pinball legislation killed. The tape was made March 13, 1971.

At one point, Gervais tells Boasberg, "See, see, that's what I mean, see his (Garrison's) pitch to McKeithen is gonna be . . . 'I cannot deliver New Orleans to you if you're going to be remembered as the guy who raised the most hell about pinballs.'"

Yesterday Lagarde indicated that Giarrusso was receiving payoffs prior to 1968. He said the late John "Tac" Elms Sr., former owner of TAC, informed him prior to his death in September, 1968, that he was making quarterly payoffs of \$5,000.

He said a few weeks after Elms' death, Callery approached him and asked if he were aware of "TAC's obligations." Lagarde said he told Callery he was and he would continue to meet them.

Lagarde said his partner, John Elms Jr., the son of "Tac" Elms, also was aware of the payoffs. Elms has pleaded guilty to the conspiracy charge and also is expected to testify in the trial.

The first \$5,000 payment to Giarrusso was made in December, 1968, Lagarde said. Four more were made in 1969, and the last in 1970, he said.

LAGARDE POINTED the finger of guilt at Giarrusso only a few hours after former police Capt. Frederick A. Soule Sr. testified he had no knowledge that the former police chief, Garrison or Mayor Moon Landrieu had taken bribes.

But in a taped conversation between Soule and Gervais—played Tuesday—Soule accused Giarrusso of being paid off by TAC. He said Giarrusso ordered a crackdown on gambling when he left office so it would appear he was enforcing the law.

Soule also implicated Giarrusso's brother, police Supt. Clarence Giarrusso, in the tapes. But he retracted those statements in courtroom testimony. Soule testified to taking payoffs himself.

Lagarde also testified to other payoffs of smaller amounts.

When TAC purchased New Orleans Coin Machine Co. in November, 1969, from Santo DiFatta, TAC picked up DiFatta's \$100 a week payoffs for protection.

LAGARDE SAID Callery, a partner in New Orleans Novelty Co., came to him in November, 1970, and told him Boasberg was paying off someone and wanted him to contribute.

Lagarde said he refused to give Callery money and then Callery approached him again in three weeks, "demanding money." He said he con-

sented that time and gave Callery "either \$1,000 or \$1,500."

Lagarde said he told Callery then he wanted no part of Boasberg's deal and would give him no more money. He said he also told Elms not to give Boasberg money.

Later, Boasberg cornered Elms and got a \$1,000 commitment from him, Lagarde testified.

"I GOT abusive with Boasberg for going to Elms," said Lagarde. "I told him Elms was a young boy and immature. But since a commitment was made I gave him \$500 and told him that's it and not to bother us anymore."

Lagarde said he later made two \$300-a-month payments to Boasberg, the last in May, 1971.

He said he never gave any money to Garrison.

He also denied attending a meeting at the office of Nims at which pinball dealer John Elmo Pierce claimed he and others agreed on payoff amounts. Pierce testified earlier that Lagarde was at that meeting.

Taped conversations between Gervais and figures charged in the bribery suggest TAC Amusement Co. had payoff obligations to someone else.

It was more strongly indicated yesterday in conversations between Gervais and Boasberg, Boasberg, who pleaded guilty, took the witness stand yesterday. He was to return today.

Boasberg told Gervais in several taped conversations he could not get money from Lagarde or Elms — money which was to go to Gervais.

IN A conversation with Boasberg on Jan. 18, 1971, at the Fontainebleau Hotel, Gervais remarked: ". . . You know it was represented to me at first that young Elms had a connection, see, in the city. . ."

In the same conversation, Boasberg complained that he could not come up with the amount of money Gervais was demanding. At one point, in apparent reference to Garrison, Gervais commented:

"I am sure. I am sure that Jim's going to grab anything he can get whether it's chicken feed or not 'cause he got hit with a tremendous hospital bill . . ."

In a Jan. 27, 1971, conversation with Gervais, Boasberg said he had talked with Lagarde and Lagarde refused to pay additional money. He said Lagarde told him he had other obligations and he was getting out of the pinball business on the advice of lawyers.

Lagarde also was worried that the legislature was going to outlaw the machines, Boasberg said.