

Giarrusso brother named as courier

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Pinball payoff money to former Police Supt. Joseph Giarrusso was delivered to him by a brother who worked for a pinball machine company, the federal pinball bribery trial jury was told today.

John Elms Jr., co-owner of TAC Amusement Co., testified that the messenger was Harold "Hap" Giarrusso, an employee of TAC.

Elms' testimony came in the ninth day of the trial of Dist. Atty. Jim Garrison and pinball executives Robert Nims and John Aruns Callery, accused of obstructing law enforcement by giving and taking bribes to protect pinball gambling.

GIARRUSSO'S NAME came into the trial Wednesday when Elms' partner, Lawrence Lagarde, testified TAC had paid Giarrusso \$30,000 in 1968 and 1969.

Elms' testimony that Giarrusso's brother delivered the payoffs came while he was under cross-examination by Dr. Frederick Barnette, a Garrison attorney.

Barnette asked Elms if the money was entirely for Giarrusso. Elms said he did not know.

Elms said earlier today that Pershing Gervais once refused to take a \$500 payoff to Garrison because it was too small.

In a tape-recorded conversation with Elms, Gervais, a former Garrison investigator who became a government undercover agent, said, "I'm not going to the man with that."

In live testimony, Elms said "the man" was Garrison.

IN THE CONVERSATION, recorded Jan. 31, 1971, at the Fontainebleau Motor Hotel, Gervais told Elms that Lagarde had given \$500 to Louis M. Boas-

berg, while Elms had agreed to pay \$1,000.

Elms and Lagarde are partners in TAC Amusement, and Boasberg is owner of New Orleans Novelty Co. They were among 10 persons indicted in the case. Boasberg and Elms have pleaded guilty, and Lagarde has been granted a separate trial.

In a Feb. 11, 1971, conversation with Elms, Gervais said the amount agreed to was \$1,000 every two months.

Boasberg "brought a nickel instead of a dime," Gervais told Elms. The "nickel" and "dime" meant \$500 and \$1,000, Elms said.

IN THE SAME conversation, Gervais said Boasberg had come "with one (\$1,000) for the other fellow and

he suggested I take the \$500 and swallow it. I said . . . I can't do nothing by myself."

In testimony yesterday, Elms said that shortly after his father, John Elms Sr., died in September of 1968, Lagarde told him the elder Elms had a \$5,000 quarterly obligation to meet. It was virtually the same story Lagarde had told the jury Wednesday.

Lagarde testified that he and Elms paid Giarrusso \$30,000 in six installments of \$5,000 each, beginning in December, 1968.

Elms said the money went to Giarrusso for protection from raids on pinball gambling machines. It was delivered in a whiskey bottle, he said.

Elms testified he never paid bribes to Garrison or to police Supt. Clarence B. Giarrusso. He did tell the jury, however, that he gave Callery, a partner in New Orleans Novelty Co., "either \$1,000 or \$1,500" with the understanding it was going to the vice squad.

Elms said he committed \$1,000 to Gervais in January, 1971, with the understanding the money was going to Garrison.

Emile Willie, former owner of Algiors Music Co., followed Elms to the witness stand.

He testified he gave Pierce \$500 every three months and that in return for those payments Pierce called him to warn him about vice squad raids.

EARLIER YESTERDAY, Boasberg testified he gave \$6,000 to Gervais to give to Garrison between March and June, 1971.

Boasberg pleaded guilty to the conspiracy charge and agreed to testify for the government. But he apparently did not provide evidence the prosecution was seeking.

He testified the payoffs to Garrison were for the DA to try to persuade former Gov. John J. McKeithen to influence the legislature not to outlaw daily bingo gambling-type pinball machines. He said he paid no "bribes" to Garrison.

Boasberg, however, admitted giving former police Capt. Frederick A. Soule

two bribes of \$1,000 each for protection from the vice squad.

IN THE COURTROOM of U.S. Dist. Judge Herbert W. Christenberry, the jury heard taped conversations between Boasberg and Gervais, in which Boasberg talked about the difficulty of getting money from TAC officials for Garrison.

They did not say, however, what that money was for.

They talked of the possibility of getting Garrison to talk to McKeithen about stalling legislation that would outlaw bingo pinball machines.

Under cross examination by Louis Merhige, a Garrison attorney, Boasberg said legislation he mentioned in the tapes was in reference to a bill he proposed to legalize cash payoffs. He said he drafted a bill that would have limited payoffs to \$10 in cash or merchandise and would have required a \$500 state and a \$500 city license on the machines.

Then, during redirect examination, U.S. Atty. Gerald J. Gallinhouse asked Boasberg if he ever presented the bill to Garrison through Gervais. Boasberg said "no."

HE SAID he wanted Garrison to urge McKeithen to take a hands-off approach to any legislation that would ban the machines from the state.

"I thought Gervais could talk to Garrison and tell him it would be a bad political move," said Boasberg.

Boasberg said state Sen. Adrian Duplantier of New Orleans had told him McKeithen was going to work vigorously to outlaw the machines in the 1971 legislature. Duplantier said he was also against the machines, said Boasberg.

Gallinhouse asked Boasberg why he used code names such as "Johnson" and "Reynolds" when he spoke to Gervais. The defense objected at that point, saying it was a question that should have been asked during direct examination. Christenberry sustained the objection.