

Illegal Pinball! Payoff Steps Outlined in Garrison Trial

20 Witnesses Testify in Bribery Case

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and JOHN McMILLAN

The step-by-step procedures involved in illegal pinball payoffs were outlined in Federal District Court here Wednesday by 20 witnesses during the third day of the bribery-conspiracy trial of District Attorney Jim Garrison and two amusement company officials.

The score of witnesses testifying in Judge Herbert W. Christenberry's court included New Orleans bar operators who had made illegal payoffs to pinball-playing customers, and employees of various local amusement firms which owned the devices.

Also on trial with Garrison in the case are John Aruns Callery, a former distributor of pinball machines and reputed lobbyist for the pinball industry; and Robert E. Nims, owner of REN Enterprises, which includes the Lucky Coin Amusement Co.

U.S. Attorney Gerald J. Gallinghouse, head government prosecutor, is alleging that Garrison, Callery, Nims and seven others—who either have pleaded guilty or been granted separate trials—participated in a conspiracy against enforcing the law governing payoffs on pinball machines.

The conspiracy, it is charged, included the paying and re-

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ceiving of bribe money between the defendants.

The witnesses called Wednesday told basically the same story, relating how the various amusement company collection men would visit their places of business on a regular basis, reimburse them for whatever amount the machine meters

showed had been paid out to game-winning customers, and split the remainder of the take 50-50 with the bar owner.

In some cases, witnesses said, a "service charge" ranging from about \$2 to \$10 was skimmed off the top. Some said the service charge was to cover licenses for the machines, while others testified they did not know what the extra money was for.

Other than the testimony, the only other action Wednesday related to the case was the acceptance by the court of two large boxes of records which had been subpoenaed by the prosecution from the Bureau of Revenue, City of New Orleans.

The boxes were placed in Judge Christenberry's courtroom for use later in the trial, which is expected to go on another three to four weeks.

Others originally indicted with the three now on trial are Frederick Soule Sr., a former captain with the New Orleans Police Department who was assigned as an investigator in Garrison's office, and former police Sgt. Robert Frey who was vice squad commander.

The five other pinball figures charged are John Elmo Pierce, owner of Pierce Amusement Co.; John Elms Jr. and Lawrence Lagarde Sr., partners in TAC Amusement Co.; Louis Boasberg, owner of New Orleans Novelty Co., and Harby Marks Jr., an employe of Boasberg's.

Each of the 20 witnesses testifying Wednesday earlier had been granted immunity from prosecution by Judge Christenberry upon request by the government.

First to take the stand was Alphonse "Curley" Gagliano, who owns bars at 500 St. Charles Ave., 506 Carondelet St. and 506 Poydras St. He said that he paid off on pinball machines for years until the federal crackdown in 1971. He added that the machines in his bars were supplied by Boasberg and Nims.

Gagliano said his income from the machines averaged \$7,000 to \$8,000. He said he had made loans from Boasberg and Nims and repaid them from the profits of the pinball machines.

Gagliano said that from time to time he would get tips not to payoff on the machines because "the heat's out," meaning undercover police officers were concentrating on pinball gambling.

On cross-examination he said that he and several of his employees had been arrested and prosecuted by the district attorney's office for paying off on the machines.

Emile Rufin, the owner of Ye Olde College Inn, 3016 S. Carrollton Ave., testified that he also paid off on pinball machines and was warned to be careful about making payoffs.

On cross-examination, he said employees of his had been arrested and prosecuted for paying off on the machines, but that the last arrest was in 1960.

Roy Hutchinson, the head bartender at a restaurant and bar at 620 Iberville St., said that he paid off on the machines but was careful because if a policeman was paid "they're liable to take you for a ride," presumably to jail. He said the pinball machines in his bar made approximately \$250 a week.

Frank T. Macagnoni, the owner of the Original Brown Derby at Louisiana Ave. and Freret St., said he would receive telephone calls occasionally telling him not to make payoffs on the machines because the police were cracking down.

Asked on cross-examination whether he had ever paid off to a policeman, he replied: "I couldn't be paying off policemen. I didn't get arrested."

John Bordes Sr., the owner of a bar and liquor store at 2024 Metairie Road, said he used to be a collector for New Orleans Novelty Co.

He said his collections from pinball machines ranged from \$100 to more than \$1,000 a day.

He also said he collected a \$5 service charge from some people who had machines in their barrooms.

Lloyd English Jr., the proprietor of a restaurant and bar at 3200 St. Claude Avenue, said he averaged between \$100 and \$200 a week on each pinball machine.

He also said he was informed when "the heat was on," and told not to pay off. He said he meant by the "heat" that members of the vice squad "were making arrests."

"They'd come in, hang

around a while, get to know you and play the machines. If you paid off to them they would arrest you," he testified.

Clay Roberts, who owns a bar at 3152 Calhoun Street, said he formerly paid off on the pinball machines in his establishment.

Thomas Magsido, who owns a bar at 6208 Elysian Fields Avenue, said when he was arrested for paying off on his pinball machine TAC Amusement Co.—which owned the machines—furnished him a lawyer and would also warn him occasionally that "police might be in the area."

Bertrand Kiern, the owner of a bar at 234 N. Telemachus, had two TAC pinball machines in his establishment and paid off on them.

Sam Maggio, who owns bars at 740 Dauphine and 940 Elysian Fields Avenue, said he had pinball machines owned by TAC and Mims' firm. He added that he received tips not to pay off because police were cracking down.

Joseph P. Accardo Jr. said he presently is a public relations man for TAC Amusement but formerly was a collector for TAC who would visit bars, empty the cash boxes from machines and reimburse the owners for payoffs made during the past week.

His collections, he added, ranged between \$100 and \$200 a machine a week.

He said he didn't have to warn bar operators to be careful who they paid off because it was "generally known" that they could be arrested if they paid off on games to the wrong people, meaning the police.

Samuel Jacob, 5520 S. Claiborne Ave., operator of the Little House Restaurant and former owner of Tranchina's Restaurant, told the court that while at Tranchina's he derived between \$100 and \$200 weekly from the New Orleans Novelty Co. pinballs there, amounting to a net of between \$6,000 and \$12,000 annually.

He was sometimes warned by telephone from New Orleans

Novelty "when the police were out," but never was arrested.

Under cross-examination by Louis Merhige, an attorney for Garrison, Jacob said his payoffs were done openly, over the bar, but that he would not knowingly have paid off a policeman "out of respect to the police."

Harry Hillensbeck, 804 St. Charles, owner of the Hummingbird Hotel and Lounge, said his Lucky Coin Co.-owned machines netted him between \$20 and \$200 weekly.

The witness told Louis LaCour, attorney for Nims, that Nims never had advised him to make pinball payoffs.

Abraham Midler, 1828 Prytania, former owner of the Harmony Inn at 1020 Harmony St., testified that he had received phone calls while operating at the Harmony address warning him "when the vice squad was on the prowl."

The tipoffs, he added, were from the Lucky Coin Co. whose machines at the Harmony Inn took in from \$200 to \$300 weekly.

Midler told Merhige in reply to a defense question that he never had knowingly paid off a police officer for fear of arrest and prosecution.

Other witnesses who testified Wednesday included:

—Sal Sciafani, 2036 Magazine, owner of Corona's Bar, 2032 Magazine;

—Marvin M. Delpido, a former collector for Lucy Coin;

—Louis Gilberti, 1463 Mirabeau Ave., a retired route supervisor for Lucky Coins;

—Henry Cogreve, 5100 Magazine, owner of Crone's Bar at that address;

—Mrs. Florence Gibliant, 5538 Pasteur Blvd., former owner of the Straight Day Bar and Lounge, 2761 Canal.

—Joseph Trovato, a collector for Lucky Coin, was scheduled to be called but his testimony was dismissed as it was agreed by both sides that it would have been essentially the same as the other collectors.

At the lunch recess Garrison said Judge Christenberry had ordered him not to make public statements about the trial.

"I can't even comment on the

weather," he said. Asked whether he thought the judge's order violated his constitutional rights, he said if so, he didn't believe the judge was doing it intentionally.

Garrison, who has been reading a book during the court proceedings, was asked whether that was an indication that he was "cocksure" that he would be found innocent.

He believes "A man would have to be a fool to be cocksure when he is on trial in federal court, but I am confident."

During court, Judge Christenberry told defense attorneys that he had "grave doubts" that television tapes of statements by Pershing Gervais would be admissible as evidence.

During his opening statement Merhige said that if the government put Gervais on the stand they would introduce the television statements of Gervais denying that Garrison was guilty and that he was forced to work for the government.

Gervais worked undercover for federal agents, making tape recordings of alleged payoffs by pinball executives to Garrison, Soue and Frey.

Testimony in the case will resume at 10 a.m. Thursday.