

DA 'BRIBBE TAPE' PLAYED, U.S. SAYS \$1,000 PASSED

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and ED LEFOMIA

The federal pinball bribery trial jury today heard a tape recorded conversation during which former government informer Pershing Gervais gave Dist. Atty. Jim Garrison what the government claims was a \$1,000 bribe payment. The recording was played before the jury in the trial of Garrison and pinball executives John Aruns Gallery and Robert Nims, charged with conspiring to obstruct law enforcement by giving bribes to protect pinball gambling.

The recording was made, the government contends, at Garrison's home. In the recording Gervais tells Garrison he has \$1,000 for January and February of 1971 and that he'll have another \$1,000 in for March and April. The government says the tape was made in February of 1971. Gervais says Louis Boasberg, a pinball dealer who has pleaded guilty in the case, is "scared to death" of what the legislature will do in April. "So I got this \$1,000 here . . . here. Want me to put it in the chiffo-robe or where?"

Garrison says no. Then Gervais says, "Shift over, what else?" At that point, the government contends Garrison snatched the envelope containing the \$1,000 from Gervais and Gervais says, "Thousand. Hey, Jesus Christ . . . you burned my fingers. Bring the butter up here . . . Jesus Christ you burned my fingers." Gervais: "You might want to take it out of the envelope. It's a Fontaine-bleau envelope. . . ." The two discuss pending anti-pinball

legislation the legislature is to take up. Garrison says, "Tell them . . ." Gervais: "That you'll do for in the legislature." Garrison: "Tell them it is a personal pride of mine that I do everything I possibly can for people who have helped me . . . and if I can't I can't." Gervais: "Now the man they fear most is the governor." Garrison: "Well tell them I will go to the governor and tell the governor it's damn tough to vote in New Orleans because the word is bad . . ."

and I've got to explain I spend half my days trying to explain that this is not true. It's not true."

Gervais later tells Garrison that the pinball dealers "also do things with the vice squad."

He says the dealers "know nothing about us." Later he says, "But they assume."

Gervais: "You know who handles it?"

Garrison: "Who?"

Gervais: "Freddie Soule."

Garrison: "Oh, sure."

Gervais: "Yeah, he handles it for Frey."

Garrison: "Up in the office. Find out about it."

Before putting on the tape of Garrison and Gervais, the prosecution laid the groundwork with testimony from federal agents telling of the preparations made for taping the conversation.

Internal Revenue Service agent Floyd D. Moore described elaborate preparations and monitoring which took place Feb. 25, 1971, when the

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government contends Gervais visited Garrison's home at 4600 Owens Blvd.

Moore said he assisted in wiring Gervais' coat with transmitting and recording devices and took an inventory of contents Gervais had on his person.

Among the contents, Moore said, was \$1,000 in \$50 bills. Another agent, Joel Lanoux said a \$1,000 bribe given to Gervais by a pinball company executive for Garrison was intercepted and replaced with the 20 \$50 bills from which serial numbers had been recorded by agents.

Agents testified Gervais was fitted with a tiny microphone concealed in his jacket pocket with a battery pack in another pocket and an antenna taped inside his lapel.

Moore said that after Gervais was wired and inventoried, Gervais got into a 1970 Chevrolet convertible with FBI agent Arlie G. Puckett. Moore said he got into an unmarked government car with special agent James O. Gann and both cars left the Fontainebleau Motor Hotel and proceeded to a point on Harrison Avenue.

He said Gervais stopped at a McKenzie's bakery on Harrison and bought a cheesecake. Then the two cars went to Harrison Avenue in City Park and Puckett got out of the Gervais car and got into the trunk. The trunk contained recording and monitoring devices, he said.

Moore said he again searched Gervais to be sure he had not got rid of the \$1,000 while he was in the bakery alone.

Moore said Gervais then drove the car to the front of Garrison's home and parked at the curb. Another FBI agent, Irving Johnson was in another car across the street, Moore said.

Moore said he then drove to St. Bernard and Mirabeau and that he and agent Gann had a radio receiver and a tape recorder with which they hoped to

listen to the Garrison-Gervais conver-

sation.

Moore said Gann turned the tape recorder off because something appeared to be wrong but that he and Gann listened to some of the conversation. He said the reception on his end was not good.

Ho said about an hour later the car which Gervais was driving came out on Harrison and he and Gann followed Gervais back to Harrison and City Park. He said Puckett got out of the trunk of the car and both cars went back to the Fontainebleau.

In the hotel, Moore said, Puckett told him that Gervais had given him a crumpled blue envelope which was empty. Moore said he again searched Gervais and the contents of his person were virtually the same as when he left the hotel.

Some observers of the trial have speculated the government will "have" to put Gervais on the witness stand to give the tapes credibility. But it now appears the prosecution will argue their authenticity on two points:

—The testimony of IRS agents who monitored and recorded the conversations.

—The testimony of a voice identification expert who said he matched voices on the tapes with "known" voices of defendants.

Neither the government nor defense appears to want Gervais as a witness because of his controversial past.

After the arrest of Garrison and others on June 30, 1971, the government sent Gervais off to Canada to live. Gervais returned to New Orleans several months later and stirred up a storm of controversy by accusing the government of coercing him into being its spy.

But a hearing was held and U.S. Dist. Court Judge Herbert W. Christenberry, who is presiding in this trial, ruled that Gervais worked for the government on his own accord.