

Harold
**SOULE DISPLAYS \$63,000
COLLECTED, THEN HIDDEN**

**Bribes Allegedly Paid to
Top Man in DA Office**

By DON HUGHES
and JOHN McMILLAN

Former New Orleans Police Department Capt. Frederick Soule Sr., displayed in U.S. District Court here Friday \$63,000 in alleged bribe money which he said he kept hidden part of the time in a pickle jar buried in his back yard at 3250 Gentilly Blvd.

Soule told the court he passed money on to Pershing Gervais, who told him part of it was for the "man at the top" in the district attorney's office.

He also testified that he gave some money to former police Sgt. Robert Frey, who accepted it reluctantly.

His testimony came in the trial of New Orleans Dist. Atty. Jim Garrison, Robert Nims, owner of REN Enterprises, and John Aruns Callery, a former partner in New Orleans Novelty Co.

Soule said that both Callery and Nims gave him money for information regarding pinball raids.

Also, Louis Boasberg, owner of New Orleans Novelty, and Harby Marks Jr., an employe of Boasberg's, passed on bribe money to him, Soule testified.

Boasberg; Marks; Frey; John Elms Jr. and Lawrence Lagarde Sr., partners in TAC Amusement Co.; John Elmo Pierce, the owner of Pierce Amusement Co., and Soule originally were charged in the case but have either pleaded guilty or have been granted a separate trial.

Soule, 53 years old, said the \$63,000 was recovered by the government only Friday because his wife had hidden it.

He said she told him she had burned it.

Soule said that when he was arrested his wife didn't believe he had been receiving any money.

"When she found it, she was very depressed. She told me she was going to burn it. In fact she told me she had," said Soule.

Soule said U.S. Atty. Gerald J. Gallinghouse talked her into giving them the money Friday morning.

He said that besides the pickle jar, he used a bank deposit box in Irving, Tex., to hide the money, as well as a silverware box in his home.

When he displayed it in court it was wrapped in aluminum foil. He said he had never spent any of the money he received

Cont. in Sec. 1, Page 14, Col. 1

Continued from Page 1

because he was afraid to do so. Soule said he first started receiving money in 1962 after the vice squad and the district attorney's office cleared up much illegal activity on Bourbon Street and began concentrating on pinball gambling.

Said Soule: "I got a call from Mr. Callery and we met to arrange for payoffs for police protection." He said his first payments were in 1963 when he received \$300 a month paid in quarterly installments.

"Then in mid-1953 they increased it to \$700 a month," Soule said. He identified those making the payments as operators of New Orleans Novelty; TAC Amusement Co.; Lucky Coin, a subsidiary of REN Enterprises; Pierce Amusement Co.; and Broadmoor and Algiers Amusement Co.

Soule said his bribe was increased from \$300 to \$700 a month because Callery told him he needed more "help."

He said Callery was "very punctual, very prompt" in his payments. "He paid me quarterly and always in advance," Soule said.

He said the payments stopped in 1968 after he became ill and was transferred out of the vice

squad and to the district attorney's office. But they resumed in 1970.

Soule added:

"In January of 1970, I was able to relay to Mr. Callery that they (the police) were building up a case against pinball machines and he began paying me \$500 a month.

"In August of 1970 I talked with Boasberg and he wanted to continue this, and he gave me \$1,000 for a two-month period."

Soule said he termed his arrangement with the pinball operator "putting together a package."

"I told Boasberg I wouldn't do it unless the district attorney's office was included. He said 'okay' and was told that another \$1,000 was needed."

Soule told of bringing Frey—who succeeded him as commander of the vice squad—into the deal.

He said he discussed it with him on a trip to Colorado to pick up a prisoner. "I used quite a bit of persuasion to have him agree to this."

Then Soule said Boasberg told him he was having trouble raising extra money for the office. He said that Gervais—who worked undercover for the government in developing the case against Garrison and the others—agreed to accept less.

"Frey said he didn't want any part of it," but grudgingly went "along with anything I did," Soule testified.

"In September of 1970, we put together a \$1,000 package," Soule added.

Then in October of that year, he said he met Callery and Nims in a shopping center at Gentilly and Elysian Fields. Soule said, "Nims agreed to pay for the next two months. Mr. Nims offered to give me a thousand dollars.

"I told him to give it to Mr. Callery and have him give it to me. They stepped out of the car, and Mr. Callery came back and he gave me the thousand dollars."

Soule said that, when he gave the money to Gervais,

Gervais told him that two parts of the money were for "the man at the top."

He said he had a long-standing relationship with Gervais because they were police officers together and "we were getting a little money from hand-book operators."

Soule said that in January of 1971, he met Boasberg at the Jung Hotel coffee shop.

"We made arrangements for a \$1,000 payment. Harby Marks delivered the \$1,000 to me at 8 a.m." in a restroom in the Criminal District Court building, said Soule.

"Later that day I laid \$250 on Frey's desk. He said, 'What's that for?' I said, 'This is for you, Bob.' He said: 'What do I have to do for it?' I said: 'Nothing, Bob, just let me know what you're doing.' He was very reluctant to accept it."

Soule said that in mid-February, Boasberg made arrangements for a meeting. He said Marks brought an envelope containing \$1,000 which was to be given to "the district attorney's office."

Soule said Boasberg told him "this payment was for the district attorney's office."

Soule said he took the money to the Fontainebleau Motor Hotel and gave it to Gervais in the men's room.

After that, Soule said he arranged for Boasberg to make the payments directly to Gervais, and that Gervais would pay him. He added:

"In early May, I got another thousand dollars for the next two months from Pershing Gervais. I didn't give Frey any more.

"I didn't want to give him too much. I didn't want to scare him off. He was so reluctant to take it. I don't think he gave me information for the money.

"He was just loyal to me."

Then Soule told of incidents leading up to his arrest.

June 29, he said, he received a late call from Gervais, who identified himself as "Dr. Blue. He called me Dr. Gray, and said 'I've got some medicine for you.'"

Soule said he was anxious for him to talk with Frey about getting gambling machines "off the streets" because "he said a man was coming into town with some new machines."

June 30, Soule said, he called Frey from Gervais' room at the Fontainebleau and arranged to meet him at the Meal-A-Minute to talk about the new pinball machines.

Before he left, Soule said Gervais gave him \$1,000, which he said he split with Frey when they met. Gervais said he asked him to telephone him after he talked with Frey.

He tried to call him but Gervais was gone, he said.

Then he remembered that Gervais told him he was going to fly out of town so he asked Frey to drive him to New Orleans International Airport.

On the way Frey received a radio message to go to City Hall. He said Frey let him out at the airport.

Soule said he was unsuccessful in locating Gervais and was calling the district attorney's office to say he would be a little late when he was arrested.

Frey was arrested on Williams Boulevard in Kenner.

Soule said he would warn pinball dealers of impending raids and tell them when officers were developing a base in a particular pinball location.

He also said he provided them descriptions of police officers working undercover.

Soule said that several code names were used by principals in the case.

He said that he would call Marks from a pay phone near a church and "tell him it was Father Mallory and ask him to come to church. Then I would warn him of impending raids."

He said he referred to Boasberg as Lyndon Johnson. If a payment was late, Soule said "I would tell Pershing Gervais that Lyndon Johnson reneged."

"Mr. Callery was Mr. Murphy if he called me. If I called him I was Mr. Murphy."

Soule also identified a number of tape recordings and verified that his voice was on them.

He said, "I want to apologize to the ladies on the jury because I uttered some obscenities and vulgarities. I had no idea they'd have to listen to this."

The government then showed the jury blowup photographs of 13 locations where Soule allegedly met with pinball dealers to receive bribe money.

Other witnesses testifying Friday were Lt. Ernest Nash, chief of the Michigan State Police's Voice Identification Unit; and Santo DiFatta, a former pinball dealer.

They were cross-examined by Garrison's attorneys, Fred J. Barnett and Louis H. Merhige.

In Friday morning's testimony, Lt. Nash, under cross-examination by Barnett, asserted that spectrographic voice analysis, commonly called voice prints, has reached the same degree of accuracy as fingerprints in identification of a person.

"No two people have a voice that is exactly the same and no two people have fingerprints that are exactly the same," Nash told the court while being questioned by LaCour.

After LaCour asked if identification by voice prints is not in its infancy, Lt. Nash replied: "It's all relative. It is now relative to the creation."

In perhaps his strongest statement of the day, the witness testified that "there is no chance of error" in identifying a person by a spectrograph when the analysis is performed by an expert in the field, such as himself. He further maintained that he had never made a mistake in a voice print identification.

During his testimony Thursday afternoon, Lt. Nash said that he had analyzed dozens of tape recordings given to him by agents of the Internal Revenue Service office from New Orleans, and compared the voices on them with the known voices of the defendants in the bribery-conspiracy trial.

All of the tapes contained Gervais' voice, he continued, in conversation with Garrison, Nims, Callery and others charged in the case.

He said in reply to a question from Barnett that he did not know if the tapes given him by the IRS agents were original recordings or copies, and had made no effort to determine if they were originals. However, Nash added that it would make no difference in identifying the voices on them.

In outlining what he did after receiving each group of tapes, Lt. Nash said he first listened to them to determine if they were of sufficient quality for analysis. He also decided whether they were tampered with by paying special attention to background noises, clicks made by a splice in the tape, and whether or not people talking occasional-

ly were speaking at the same time as would be the case in normal conversation. He said the tapes definitely had not been tampered with. Thirdly, he made his spectrographic analysis of the tape and compared the prints with those of known voices on a separate tape.

Lt. Nash conceded that in some instances it would be impossible to make a positive identification of a person's taped voice if that person was in an emotional state, such as anger, when the recording was made.

The only other witness called by the prosecution Friday morning was DiFatta, former owner of the New Orleans Coin Co., which he sold to TAC Amusement in 1969.

DiFatta, 57, 7301 West End Blvd., testified that about 1967 he was contacted by Boasberg, who proposed that DiFatta pay him \$100 a week in protection money to assure that police would not raid any locations using his Bally bingo pinball machines. DiFatta said he agreed to the plan and began paying the \$100 weekly to Pierce.

DiFatta said that, while paying protection money, from 1967 until he sold the business in December, 1969, only one of his locations was raided. He paid the fine and the raided bar resumed operations.

Being cross-examined by Merhige, DiFatta swore that he had never personally given Garrison a bribe, never asked Garrison for a favor and never met him, either on business or socially.

"I can truthfully say that I have never had a cup of coffee with him, and if he passed me by he would just pass me by," DiFatta concluded.

Due to an operation scheduled for a member of a juror's family, the trial will not reconvene Monday.

The next session will begin at 10 a.m. Tuesday.