

# DA fired Gervais for 'shakedowns'

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Testimony on A-5. *4-2*

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Dist. Atty. Jim Garrison fired Pershing Gervais as his chief investigator because of Gervais' "shakedown tactics," a witness today told the jury in the pinball bribery trial of Garrison and two others.

Lynn Loisel, a policeman assigned to Garrison's office, testified that Garrison told him he had fired Gervais because Gervais approached a lawyer with a pending court case and "offered his services for cash."

Loisel was questioned by Garrison who yesterday began acting as his own defense lawyer in the U.S. District Court trial. Garrison and pinball figures John Aruns Callery and Robert Nims are charged with conspiracy to obstruct law enforcement by giving and taking bribes to protect pinball gambling.

Loisel testified that when the DA learned Gervais had approached the lawyer, "and put the evidence together you fired him."

How long after I learned of this was it before I removed him?" Garrison asked.

"Almost immediately if not immediately," Loisel replied.

U.S. Dist. Court Judge Herbert W. Christenberry asked Loisel if Gervais was fired or asked to resign.

"I don't really know," the policeman said. "But I think he (Garrison) said fired."

He said he had heard reports Gervais was taking pinball bribes but was unable to confirm that.

The judge asked, "What made you think he was getting pinball payoffs?"

A. We heard he was.

Loisel said he began investigating Gervais' "shakedown" tactics in April or May of 1971.

"Did you succeed in finding any shakedown operations?" Garrison asked.

"Yes," said Loisel.

Q. Where did he operate?

A. At the Fontainebleau Motor Hotel. Loisel said he had an off-and-on

friendship with Gervais. He said Gervais learned he was being investigated and asked Garrison to transfer him (Loisel) out of the DA's office.

He said he found Gervais was shaking down places and telling possible victims he represented the district attorney's office.

Loisel said he "told them (potential victims) if they were paying they were wasting their money because he (Ger-

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vais) had no position in the DA's office."

He said he learned that Gervais was getting \$100 a week from the Canal Street Steam Bath.

"This went on until the night before he left town," Loisel said.

Loisel said he frequently heard Garrison say Gervais owed him money.

Loisel was cross-examined by Michael Ellis, a member of Gallinghouse's staff.

Under cross-examination Loisel said Gervais was fired because he took a \$3,000 bribe from a lawyer, Burt Klein, to fix a case sometime prior to 1965.

He said Klein filed an affidavit saying he bribed Gervais and that Garrison fired Gervais after he learned of it.

Ellis asked if Gervais was prosecuted on a charge of taking a bribe.

Loisel said he wasn't because Klein didn't want to proceed in the matter.

"Why wasn't Klein called and asked to testify?" Ellis asked.

"You can't make someone testify if he doesn't want to," Loisel said.

Loisel also testified there was no grand jury investigation of the alleged bribe to Gervais.

He said he could not recall the name of the victim in the case, and he never heard anymore about the case after Gervais was fired.

Earlier today, Garrison's chief assistant testified the DA never interfered with his prosecution of gambling cases.

First Asst. Dist. Atty. John Volz was one of a succession of assistants called

by Garrison in an effort to show he never interceded in the prosecution of gambling cases.

Garrison's former defense lawyer, Dr. Frederick Barnett of Boston, was among the spectators in the packed courtroom. Barnett said he expects to watch the trial for a day or so but no longer has any connection with it.

The 6-foot, 8-inch district attorney who took over his own defense yesterday, questioned Volz while seated in a swivel chair. Garrison was alone at the table he had previously shared with Barnett and Louis Merhige of New Orleans.

Each of Garrison's assistants called has testified the DA never interfered with their prosecution of pinball ca. Under cross-examination by U.S. At Gerald J. Gallinghouse, they testified they never prosecuted owners of pinball machines seized in bars and other locations.

The trial of Garrison, Callery and Nims began Aug. 20. The government rested its case yesterday.

Callery's attorney, Virgil Wheeler, rested his case yesterday without calling any witnesses.

Garrison claims the government turned up no evidence that he did anything to protect pinball gambling.

How the district attorney will explain \$4,000 in money he allegedly received from government informer Pershing O. Gervais in taped conversations heard by the nine-man, three-woman jury remains to be seen.

The jury heard testimony that the money was payoffs from pinball dealers.

Garrison, acting as his own counsel, suffered two defeats in a blazing opener to his defense.

**AFTER HE** had just dismissed his two attorneys and taken over his defense, he asked Judge Christenberry to recuse himself from the case and to declare a mistrial. Judge Christenberry denied both motions.

Garrison said Christenberry had spoken with "unintentional bias" Tuesday when he said the government had presented "abundant evidence to establish the guilt of all defendants if the jury believes the evidence."

The statement, said Garrison, was a misinterpretation by the news media and was seen and heard by an audience of one million. The DA, who is seeking re-election, said the statement as reported implied guilt and hurt him politically.

What Christenberry actually said was that sufficient evidence of guilt had been brought against the defendants by the government to warrant the case being decided by the jury.

**IF THERE** had been no evidence of guilt presented, then under the law, a directed verdict of acquittal would have been in order, the judge said.

Christenberry's statement was made in the absence of the jury as he denied motions for directed verdicts of acquittal.