

Here's what Garrison's top aide told the court

The first witness called by Dist. Atty. Jim Garrison was First Asst. Dist. Atty. John Volz.

Q. Mr. Volz, how long have you been first assistant DA?

A. Since December 1970.

Q. What was your function in the office prior to that?

A. Prior to that, I was in charge of homicide cases, and prior to that, in charge of vice and narcotics cases.

Q. When were you in charge of vice and narcotics cases?

A. From October 1965 to September 1968, I was in charge of narcotics and vice cases. From September '68 to June '69, I worked for the Justice Department. I returned to the office and from June '69 until September '70, I was again in charge of vice and narcotics cases.

Q. THEN THERE were two separate periods when you were in charge of vice operations?

A. Yes.

Q. When you were promoted to the position of heading the vice and narcotics section, do you remember who promoted you?

A. You did, sir.

Q. Would you describe for the jury the mode of our office operations, as you understand them?

A. As I understand our operations, the first assistant DA reports to the district attorney—which would be you—and in the hierarchy of the office there are several assistants who hold executive positions. They are more or less autonomous in their positions within the responsibility for vigorous prosecution wherever it is warranted. I might add that the policy of the office has always been vigorous prosecution where the evidence warranted and only matters of the highest policy level are referred to you.

Q. DURING THE PERIOD you have been first assistant DA, who has been in charge of vice cases?

A. Byron Legendre, John Estejay and Paul Cullen.

Q. During that time, have any of them complained of any obstructions with their duties.

A. Absolutely not.

Q. During your tenure, have you found the prosecution of pinball payoffs to be vigorous and effective?

A. Yes, absolutely.

Q. I want to direct your attention to the period when you handled vice and narcotics cases. What was your specific function?

A. My specific function was to insure prosecution wherever the evidence was sufficient. In other words, I reviewed police reports and decided which cases to prosecute. I ought to say that in the majority of cases, I instructed my assistants in the vice section to vigorously prosecute.

Q. IF AN ASSISTANT were to be systematically failing to do his duty, would you have perceived it?

A. I believe I would have.

Q. Who told you to vigorously prosecute in that area?

A. I'm sure you did, on more than one occasion.

Q. Was there ever any doubt in your mind as to my policy on prosecution of pinball payoffs?

A. No sir; if there had been, I would have discussed it with you.

Q. Do you recall our policy as to holding pinball machines until the trial date?

A. Our policy, as I understood it, was to hold the machines until the trial date. However, at some point there was a problem in storing, and the machines may have been released on several occasions.

Q. CAN YOU RECALL our rationale for holding the machines until trial?

A. The rationale was that the defendant would be more anxious to get the case over with if we held the machine pending trial.

Q. Did I ever ask you to do anything improper?

A. No, sir, you did not. I might add that even had I been inclined to do something improper, I would not have

because of what would have happened to me.

Q. What do you think might have happened to you?

A. I felt that if I did not vigorously prosecute, I would have been fired or possibly worse.

Q. Who did you think might fire you?

A. The only person who could have—you.

Q. Did I ever ask you to do anything improper in any case of any kind?

A. Never.

ON CROSS-EXAMINATION, Volz was asked by Gallinghouse if the pinball machines that were returned to location owners after their arrest were the Bally Bingo-type such as that displayed in the courtroom.

Volz said, "I don't know. I never actually saw them."

Q. To whom were they released?

A. It would vary. I presume they were released to the owners. It might have been an attorney representing the defendant or a person representing the owner. I was not concerned. I presume the police department would release them to the right person. I only prepared a statement that they were not needed as evidence.

Q. Isn't it a fact that the machines were released by the clerk of Criminal Court on receipt of a letter from the district attorney's office?

A. TO MY recollection, the clerk had no space to store the machines. The clerk was the custodian of evidence but I doubt he kept them all. He said some of the machines were stored in the auto pound.

Q. Wasn't it on the authorization of the district attorney's office that machines were returned to owners?

A. I don't think we could authorize them to be returned to a specific person. We did

not have say-so who got them. We just made a statement that they were not needed as evidence.

Q. Weren't the owners anxious to get them back?

A. Yes, I presume they were.

Q. Why?

AT THIS POINT, Louis C. Lacour, attorney for Robert Nims, objected to the line of questioning, saying Volz could not testify to what other people thought.

The judge sustained the objection.

Q. Were owners of pinball machines ever arrested and prosecuted?

A. I can't recall any owners who were arrested or prosecuted, but there could have been some. I don't know who owns all the machines.

Q. You did know that New Orleans Novelty Co., Lucky Coin Machine Co. and TAC Amusement Co. own most of the machines?

A. Yes, I learned that in 1970 as a result of a grand jury investigation.

Gallinghouse then asked if defendants in this case had ever been arrested for engaging in illegal gambling businesses.

A. No.

Q. WHO WAS the assistant DA that was in charge of the grand jury investigations of pinball gambling?

A. William Alford.

Q. How long did he serve as legal advisor to the grand jury in the investigation?

A. I believe he was legal advisor to the grand jury until September and October 1970.

Gallinghouse again asked Volz how long Alford had been active in the investigation.

A. I believe the investigation was in June or July 1970. I don't know how long it lasted.

Q. Isn't it a fact that he (Alford) was removed in 30 days?

A. I don't know that.

Q. He was removed, wasn't he?

A. Yes.

Q. Who removed him?

A. I DON'T KNOW that.

Volz then testified that either Garrison or an assistant was in a position where they could have removed Alford.

Q. Did Garrison ever tell you he had learned or received information that former Police Capt. Frederick A. Soule Sr. received bribes from pinball operators?

A. No, sir. Mr. Garrison never told me such a thing.

Q. Did he ever tell you that Sgt. Robert Frey received bribes?

A. No.

Q. Did he ever tell you that he received bribes?

A. No.

Volz was then asked when he first learned that bribery allegations had been brought against Garrison and others.

A. I BELIEVE I learned that from you the day of their arrest.

Q. Did you ever cause an investigation to be made into the reports of alleged illegal gambling, businesses paying bribes to Garrison, Soule, and Frey?

A. There was an Orleans Parish Grand Jury investigation to some extent.

Q. How many witnesses were called?

A. I cannot recall any witnesses that were called in that matter.

Volz said no prosecutions resulted from the investigation.

Gallinghouse asked him what the role of Soule was in the DA's office.

A. HE WAS the ranking police officer in the office. But where I was more aware of his function was, he was our expert in handbook-type cases. Soule would submit a

memorandum to whether there was sufficient evidence in the case. He said he determined whether there was sufficient evidence on the basis

of Capt. Soule's report.

Q. Do you know whether or not any collectors for the pinball companies have ever been arrested?

A. Not to my knowledge.

On questioning by Lacour, Volz testified that when machines seized in an arrest were released to the locations,

evidence was retained in DA's office to verify the chins. He said photogr of the machines usually taken.