

Frey Tells Court Friendship Led Him to Take Bribe Money

Garrison Trial's Second Week Closes

By JOHN McMILLAN and DON HUGHES

Former New Orleans Police Sgt. Robert N. Frey Friday testified in U.S. District Court here with remorse in his voice of how he was involved by an older and trusted friend in the alleged pinball bribery case of Dist. Atty. Jim Garrison and others.

Frey, whose arrest in June of 1971 was a shock to many of his fellow officers, told how his friendship with former police Capt. Frederick Soule Sr. led him to accept money he said Soule forced on him.

He was the final witness as the second week of the trial of Garrison; Robert E. Nims, owner of REN Enterprises; and John Aruns Callery, a former partner in Cont. in Sec. 1, Page 2, Col. 1 New Orleans Novelty Co., concluded.

Frey and Soule — whose earlier testimony in the trial basically corroborated Frey's — were arrested with Garrison, Nims and Callery as were Louis Boasberg, owner of New Orleans Novelty; John Elms Jr., and Lawrence Lagarde Sr., partners in TAC Amusement Co.; Harby Marks, an employee of Boasberg's; and John Elmo Pierce, owner of Pierce Amusement Co.

All but the three defendants have either pleaded guilty or have been granted a separate trial.

In earlier testimony Friday, Elms named Harold "Hap" Giarrusso Sr., a TAC employe, as the messenger who he said delivered \$30,000 in six payments of \$5,000 each to

Joseph I. Giarrusso, his brother, who was then police superintendent.

Elms testified that Harold Giarrusso took the cash bribe payments to his brother in a box also containing a bottle of whiskey.

The witness was not asked whether Harold Giarrusso was aware that the money was in the box along with the whiskey.

It was during testimony Wednesday when Lagarde — Elms' cousin and another partner in TAC — first linked Joseph Giarrusso to a pinball protection bribery plan.

When Elms took the stand Thursday, he, too, said that Joseph Giarrusso was paid bribe money by TAC.

Joseph Giarrusso, who now heads Giarrusso Security Services Inc., has denied ever receiving any bribes. He will testify on the matter before a federal grand jury at 10 a.m. Sept. 13.

Frey said Soule first approached him about receiving additional money on a trip to Colorado in September of 1970. Frey said from the witness stand:

"He asked me how was I doing financially. I said, 'As well as any other police officer — getting by.'

Frey testified Soule then asked whether he needed any money and Fred said, 'I told him 'no.'"

"He then asked me how I liked being commander of the vice squad. I said: 'Fine, I like it very much.'

"He told me I would lose my job if I didn't go along. He said everybody else was getting theirs' and I might as well, too.

"I asked him who he meant and he told me Clarence Giarrusso (the present police superintendent), Jim Garrison and (Mayor) Moon Landrieu.

"I told him I didn't want any part of it."

He later said that he had "no reason in the world to believe" Clarence Giarrusso ever received any bribe money. He testified the same concerning the mayor.

Under cross examination by one of Garrison's attorneys, Fred J. Barnett, Frey said that, while he was commander of the vice squad, gambling cases presented to the office were "for the most part" accepted and vigorously prosecuted.

After his first discussion about money with Soule, the subject did not come up again until January of 1971. Frey testified. "Soule came into my office and put \$250 on my desk," Frey testified:

"I said: 'What's this for?'"

Frey said Soule told him, "don't worry about it." He said that Soule left and he was called to answer a civil disturbance and left also. When he returned the money was there.

Several months later, Frey said, Soule again came to his office. He said:

"He shut the door and put \$300 on my desk. I asked him what it was for, and he said it was from a friend. I said I didn't like playing this game and that I wanted out.

"My first impulse was to go and talk to someone, but I didn't know who to talk to."

He said he believed the police chief, district attorney and the mayor were on the take, also.

Frey said he still did not want to inform on a friend, but he now realizes he should have "thrown him (Soule) out of my office."

Again, Soule came to see Frey, he said, this time June 1.

"He came to my office with a computer print-out listing locations of pinball machines. He said we may have to use it one day to help my friend," Frey said.

Frey added he understood that it was to be used to be selective about "who to hit," meaning what pinball locations.

"That (list) was never used by me," Frey said. He added:

"I would like to say at this time no member of my (vice) squad had any inkling of what Soule was doing, and no member ever did anything wrong."

Frey's final meeting with Soule occurred June 30, the day of his arrest.

He said Soule called and asked to meet with him.

They met at a restaurant on Canal Street and Frey said Soule told him Pershing Gervais "had a new deal."

A tape recorded conversation between Soule and Gervais discussing the "new deal" previously was played in court.

Gervais worked in an undercover capacity for the federal government in the investigation, which resulted in the defendants' arrests.

Frey said Soule told him they could make substantial money if he would "put pressure on illegal pinball machines" in order to allow new machines to operate without competition.

Frey said he told Soule that he would not be able to use all the men in the vice squad on pinball machines alone without permission of the police superintendent.

"He told me someone was talking to the chief at that moment," Frey said. "I was scared. I should have gone to the chief (superintendent), but I was scared."

Frey said Soule put an envelope in his pocket, and when he asked what it was, he said Soule told him "It's your first payment. Again I should have hit him, but I didn't."

Frey said he drove Soule to the airport and left him there. As he was driving back through Kenner, Frey said he was arrested by federal agents.

He later resigned from the police department. He is currently a journeyman plumber.

Aaron Kohn, managing director of the Metropolitan Crime Commission, testified that Garrison was aware of illegal pinball gambling in New Orleans.

Kohn said he first made such information available to Garrison in 1967 when Garrison was an assistant district attorney.

He also traced the history of his running battle with Garrison over pinball gambling.

Kohn said he told Garrison that "the real source of the problem had not been attacked. There was a long history of getting the little guy in the stores and barrooms but that these people had never been used to get the bosses of the rackets."

Under cross-examination, Kohn denied he had a personal dislike for Garrison.

"I think he's a pretty sick man, and I can't have a dislike for sick people," Kohn said.

In the first tape recording played to the court Friday, a conversation Feb. 11, 1971, between Elms and Gervais, Ger-

vais made mention of Boasberg bringing him "a nickle instead of a dime, for two months..." adding, "... no way I'm going to go to the man with that."

Eric Gisleson, acting chief of the Organized Crime Strike Force in New Orleans, asked Elms what he understood Gervais to mean by "nickle" and "dime" and whom he understood "the man" to be. The 31-year-old Elms replied that the first reference meant that Boasberg brought Gervais \$500 instead of \$1,000, and that he understood "the man" to be Garrison.

Elms testified that he did not know Garrison personally, had never given him a bribe and had spoken to him only twice.

The first time, he added, was at a political function at the Governor House Motor Hotel, and the second occasion was at the same location at which time Elms gave Garrison a cash political contribution of between \$1,000 and \$1,500.

However, he further stated that he had given a like sum of money to Charles Ward, an opponent of Garrison for the office at that time, and conceded that making political contributions was "a part of the business" and that it was common practice to donate to both sides in a political race.

Under questioning by Barnett, Elms said that he had read and heard that Gervais was known around town as "Mr. Fix It," meaning that Gervais knew the proper channels and had inroads to help people out of sticky situations by means of his contacts. However, he added that he had no personal knowledge that Gervais could "fix" anything and was in fact, reluctant to do business with Gervais because of his reputation.

Elms said he heard of Gervais as "just being no good," and was warned not to deal with him because he was "untrustworthy."

Elms testified that he really was not sure if Gervais was pocketing any bribe money given him to distribute, but he felt it was likely that Gervais would keep some for himself.

Asked if Garrison was involved in receiving any part of TAC's alleged payments to Joseph Giarrusso and Soule, Elms said he had no knowledge of involvement on Garrison's part. He further denied that he had ever met with or conspired with Garrison in connection with the pinball machine business.

Asked if he felt that Gervais had accurate facts of dates, payments and amounts, while they were discussing collections of bribe money during their various meetings and telephone conversations, Elms replied, "I think both of us were trying to reconstruct what had happened."

The only other witness to take the stand Friday morning was Emile Wille, 4243 Vendome Pl., operator of Algiers Music Co., formerly known as Broadmoor and Algiers Music Co.

Wille, who was not indicted following the June 30, 1971 crackdown on gambling, admitted from the witness stand that he was approached in December, 1967, by Pierce. Pierce allegedly asked him to begin making protection payments to prevent police raids on his Bally bingo pinball machines.

Wille said he agreed and began that month delivering to Pierce's home \$500 every three months through September, 1970.

Being cross-examined by Louis C. LaCour, attorney for Nims, Wille said that he did not know what Pierce did with the money after receiving it, although he understood it was to buy him a notification service in case of impending vice squad raids on pinball payoffs in bars and other locations. Pierce did notify him in advance of such raids, Wille added.

He further stated that he did not recall ever attending a meeting with Nims, Callery and others to discuss pinball payoffs and an early warning system on raids, and that he does not know Garrison and has never met him.

Since Monday, Labor Day, is a legal holiday, the trial will not resume until 10 a.m. Tuesday.