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DAWON ON FIRST BALLOT, JURY DIDN'T GO ON TAPES

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By WALTER PETERLIN
and LANNY THOMAS

One of the jurors who freed District Atty. Jim Garrison of bribery charges revealed today the 12-member panel agreed unanimously on the first ballot the evidence was insufficient for conviction.

"Everyone felt the same way," the juror, who asked not to be identified, said this morning. "We didn't do no favor to nobody. We went on the evi-

dence we had and that evidence was insufficient."

The juror also said the panel "didn't go that much on the tapes." The nine men and three women returned the not guilty verdict at 3:45 p.m. yesterday, rocking Garrison back into the thick of politics and giving him his greatest triumph since he scored a stunning upset win in the 1961 district attorney's race.

The juror said the panel did not take a vote on a verdict until 2:30 p.m. yesterday and claimed the delay in the

balloting was caused by an examination of the evidence and a review of the testimony.

A second juror, who also asked to remain anonymous, said the jury wanted to look at the evidence before voting. That juror also said only one ballot was taken.

THE DRAMATIC ending to the DA's five-week-old trial came two years, three months and 27 days after he was arrested at his home by federal agents.

Garrison, 52, and Pinball executives Robert Nims, 45, and John Aruns Calery, 63, waited two suspenseful days for the verdict.

The trial began Aug. 20 and the jury got the case Tuesday night and deliberated 15 hours before returning the verdict of not guilty for all defendants.

Actually, despite the wait, the issue was never in doubt, the juror revealed today.

"If I had thought they had done something wrong, it would have been different," the juror explained.



**Free
man**

Dist. Atty. Jim Garrison and his wife Liz are all smiles as they leave federal court after a jury found Garrison not guilty in pinball bribery trial. (AP photo by Jack Thornell.)

Even though the prosecution leaned heavily on tape recorded conversations government informer Pershing O. Gervais claims he made of bribery transactions, the jury gave little weight to them.

"I didn't go that much on the tapes, one of them you couldn't even make out," the juror said in explaining that the jury depended primarily on the testimony, especially that of former police Capt. Frederick A. Soule Sr. and Gervais.

THE JUROR declined to comment on the truthfulness of Gervais' testimony, but did say the district attorney got the better of Gervais when the two squared off during cross examination.

The juror said some of the members of the jury found it hard to believe that Soule had the \$63,000 produced in court for as long as Soule claimed and a few even thought it was possible the federal government had given him the

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money a few days before the trial.

Soule testified that he began collecting the money from pinball operators in the early 1960s and had hidden it in several places, once even buried in a pickle jar in the backyard.

The juror said the panel felt that some money had been passed to Garrison but it was their feeling that it was to go to Baton Rouge for legislation to make the pinball machines legal or to the district attorney's campaign fund.

AS TO EXPERT testimony about the validity of the tapes, the juror said it was a question of the prosecution experts and the defense authorities cancelling themselves out.

The juror noted that Lt. Ernest Nash of the Michigan State Police, who testified for the prosecution, said he had worked on 3,000 tapes and had never made a mistake.

"I couldn't believe that," the juror said. "There's no man on this earth that never made a mistake."

The government had charged that Garrison and his co-defendants conspired to obstruct law enforcement by giving and taking bribes to protect illegal pinball gambling.

A **GUILTY** verdict could have brought five years in a federal penitentiary and a \$20,000 fine for Garrison and spelled the end of a long political career.

Garrison predicted all along the case would have no effect on his chances for re-election. He reaffirmed his prediction of a first primary victory yesterday.

Like a soldier at attention, Garrison stood erect and faced the moment of decision in the courtroom of U.S. Dist. Judge Herbert W. Christenberry with little emotion.

It wasn't until Judge Christenberry adjourned court that a smile swept across Garrison's face and he was surrounded by attorneys and spectators who packed the courtroom.

Liz Garrison, the DA's attractive blonde wife, fought back tears in her front row seat as she heard the verdict read.

OUTSIDE, she embraced her husband. Her eyes were filled with tears.

Nims, with his wife at his side, left the courthouse, saying: "Thank God for the jury system." His wife was seated beside Mrs. Garrison when the verdict came and she burst into tears.

Callery and his wife, Ruth, who testified in the trial, took the verdict quietly. "I'm happy," he said. "Thank God

for the jury system of justice."

GARRISON CLAIMED from the moment he was arrested on June 30, 1971, that the case was a frameup because of his probe of the Kennedy assassination.

The charges were branded "ridiculous and ludicrous" minutes later when U.S. Atty. Gerald J. Gallinghouse faced newsmen. "And he knows it," added Gallinghouse.

The chief prosecutor of Garrison said he was disappointed with the verdict but accepted it with "humility."

SITTING AT a table on each side of Garrison when the verdict came were Louis Merhige and Dr. Frederic Barnett, two attorneys whom Garrison had fired earlier in the trial because of a disagreement over handing of the defense.

Garrison was the first defendant declared innocent.

Moments before the verdict was read Judge Christenberry made it clear he would not allow any emotional outbursts.

"Anyone who cannot restrain himself regardless of the verdict should leave," said the 75-year-old judge. "The court will not tolerate any demonstrations in this courtroom."

Christenberry then asked the jury foreman if a verdict had been reached. "Yes, we have, your honor."

After looking at the slip of paper containing the verdict, the judge handed it to the clerk who read it.

"We the jury find defendant Jim Garrison not guilty," he read. He repeated the same line for Nims, then Callery.

MERHIGE WAS looking at the jury and apparently relaying an expression of gratitude for its decision when Judge Christenberry ordered: "Mr. Merhige. Restrain yourself please."

The courtroom and hallway were empty when the jury notified the judge at 3:15 p.m. it had reached a verdict. Thirty minutes later, the courtroom was full.

Garrison waited out the ordeal at the Royal Orleans Hotel, across the street from the courthouse.

Garrison Acquitted, Elated at Vindication

9-24-73
NEW ORLEANS (AP) — "Oh, ye of little faith," Dist. Atty. Jim Garrison said to newsmen as he emerged from court cleared of a charge of taking bribes to protect gambling interests.

A U.S. District Court jury, after deliberating for 15 hours, yesterday rejected what U.S. Atty. Gerald Gallinghouse called an airtight case.

Two pinball executives tried with Garrison were acquitted of giving bribes.

Garrison, 52, and the executives, John A. Callery, 63, and Robert E. Nims, 45, were charged with conspiracy to obstruct justice. They were accused of giving or taking bribes to protect illegal pinball machine

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gambling, once a multimillion-dollar business here.

Garrison called the verdict a vindication of his claim that he was framed in revenge for insisting that the 1963 assassination of President John F. Kennedy in Dallas was a conspiracy involving the "warfare sector of the United States government."

He said the jury of nine men and three women "recognized a government attempt to accomplish retribution against an individual who had frequently criticized the federal government," he said.

"That's ridiculous and ludicrous, and he knows it," snapped Gallinghouse.