

# Jury wrestles with DA's fate

By JACK DEMPSEY  
and BILL RAINLEY

A federal jury here today continued to wrestle with the fate of Dist. Atty. Jim Garrison and two others in the second day of deliberations in the pinball bribery trial.

The 12-member jury resumed deliberations at 9 a. m. today and paused only briefly for sandwiches as it poured over transcripts of tape recorded conversations the government contends involved payoffs to protect illegal gambling.

About 50 tape recordings, accompanied by typewritten transcripts, were introduced as evidence. The prosecu-

tion says the tapes are secretly recorded conversations about bribery payoffs made by an informer during the investigation which culminated in the trial of the New Orleans DA and two pinball company executives.

Garrison says the tape recordings are fakes put together by the government to get even with him for the embarrassment his investigation of the Kennedy assassination caused them. Defense attorneys made a hasty plea to the 5th U.S. Circuit Court of Appeals Wednesday when the jury asked to review transcripts of four of the tape recordings.

U.S. District Court Judge Herbert W. Christenberry didn't wait for the ap-

peals court to rule, however. He turned the transcripts over to the jury immediately after talking to attorneys in his chambers.

WITHIN hours, the appeals court ruled, denying the defense request for an order prohibiting the transcripts going to the jury.

Garrison, 52, and pinball company executives John Aruns Callery, 63, and Robert Nims, 49, are charged with conspiring to obstruct law enforcement by giving or taking bribes to protect illegal gambling.

Maximum penalty is five years in prison or \$20,000 fine.

Originally, ten men were under in-

dictment in the federal conspiracy trial. The list included two former police officers and five pinball company executives. The others either entered guilty pleas or got separate trials. Three of them testified against Garrison, Nims and Callery.

ONE OF them—former police Capt. Frederick A. Soule Sr.—provided one of the trial's high spots when he produced a pickle jar containing \$63,000. He said that was his share of the bribery money spread around by the pinball industry to prevent raids on their gambling-type machines. He said he

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had been afraid that spending it would have made him appear too well-heeled for a New Orleans policeman.

The star of the show, however, was Informer Pershing Gervais, whose off-stage voice coming from one tape recording after another was the backbone of the prosecution's case. The voice of the burly ex-cop and one-time best friend of Garrison continually steered secretly recorded conversations back to the subject of bribery.

Gervais finally took the stand as the prosecution's last witness.

Gervais recapped the prosecution's story of how he was wired for sound and sent into meetings with Garrison and others by federal agents hiding nearby.

He told how agents had searched him before and after his visit to Garrison's home the night he allegedly delivered marked money to the DA.

HE AFFIRMED what a voice expert had said—that the tapes were genuine recordings of actual conversations—el-

ther in face-to-face talks or over tapped phones.

But the trial reached one of its emotional high points when Garrison rose to his full 6-foot-5 height and questioned Gervais about what he had thought was a close friendship.

In the recordings, in interviews with newsmen and during the trial, Garrison had referred to Gervais as his closest friend—a buddy since their days together in the pre-World War II Army.

Gervais, however, recalled things somewhat differently.

HE SAID someone else was his "best friend." Garrison, he said, was merely "a friend."

Gervais' two-day turn on the stand came near the end of five weeks of testimony.

Following his appearance, the prosecution introduced some rebuttal witnesses, Garrison and U. S. Atty. Gerald Gallinghouse delivered their final remarks, and the case went to the jury late Tuesday evening.



**Pershing O. Gervais,**  
the prosecution's chief witness against  
Dist. Atty. Jim Garrison, heads for  
a federal grand jury session today to  
"tell as much as I can" about crim-  
inal activity in the New Orleans area.  
See story on A-3. (States-Item photo.)