

The U.S. attorney charged that Garrison attacked the "veracity and integrity" of Gervais only because Gervais, as a government agent, had broken up the bribery ring.

GERVAIS WAS a "trusted friend and confidant" of Garrison who had delivered \$147,000 in bribes to the DA for eight years before becoming a government agent, Gallinghouse argued. "We do not need to defend Gervais," said Gallinghouse. "We certainly do not approve of his illegal dealing with Soule (former police Capt. Frederick Soule) and Garrison. And we do not condone his language.

"But remember Garrison appointed Gervais to a position of public trust and he held it until 1965," said Gallinghouse.

Garrison made Gervais his chief investigator shortly after he took office in 1962, a job Gervais held until he left in 1965.

GARRISON OPENED his statement, quoting the Declaration of Independence and claiming a person can lose rights because of "the very size and power of government."

Gallinghouse responded: "Does Mr. Garrison think he should be above the law. Thomas Jefferson certainly didn't mean to endorse the type of action in this case."

He said the following words are chiseled on the Orleans Parish Criminal Courts building, which contains Garrison's office: "The Impartial Administration of Justice is the Foundation of Liberty."

Louis C. LaCour, who represents Nims, and Virgil Wheeler, counsel for Gallery, argued Monday there was a separate conspiracy during the period of the indictment and their clients had no part of it.

But Gallinghouse maintained yesterday there was only one conspiracy. It was hatched by Garrison and Gallery in 1962 and it lasted to the day of the defendants' arrest in 1971, he said.

In a two-hour charge to the jury, U.S. Dist. Court Judge Herbert W. Christensen said it must find that only one conspiracy existed—and that it occurred after Oct. 15, 1970. Defendants are charged under the federal Omnibus Crime Bill which became law on that date. The period of the indictment is Oct. 5, 1970 to June 30, 1971.

DEFENDANTS can only be found guilty if they were members of a conspiracy after Oct. 15, the judge said. He explained that if there is evidence of a conspiracy prior to Oct. 15, that evidence may be used in determining whether a conspiracy after that date was a new one or a continuation of the previous one.



Dist. Atty. Jim Garrison walks a few paces behind John Aruns Gallery as they head for federal court where a jury is deliberating their pinball bribery trial. (States-Item photo by James W. Guillot.)

with his wife, Liz, and several attorney.

meys. "It would be cocky for me to say how long I thought the jury would be out," he said in response to one reporter's question. "But I am confident in the people of this area and I am confident about the outcome of this case. I feel confident and I think that says everything that has to be said."

The jury's task is to decide if Garrison and pinball dealers Nims and Callery are guilty or innocent of the government's conspiracy charge. The jury's decision must be unanimous. The government claimed the defendants conspired to obstruct law enforcement by giving or taking bribes to allow illegal pinball gambling in New Orleans.

A CONVICTION could mean five years in prison and a \$20,000 fine for each defendant.

For nearly three hours yesterday, Garrison argued his innocence, saying the bribery case was a mere "creation" by the government and its former Pershing O. Gervais.

Speaking slowly, his voice quivering, Garrison cast Gervais as a "manipulator" who would lie and exploit anyone for money.

Gervais, he said, was lured and tricked by the government into making a bribery case that didn't exist. The DA reviewed government evidence piece by piece and said none proved he violated any law.

Much of his summation dealt with an attack on Gervais, the responsibility of a juror to administer justice and the government's methods of investigation.

Gallinghouse spent an hour rebutting Garrison's closing arguments and an hour in rebuttal of defense arguments for Callery and Nims.

"You should consider whether the conspiracy for which the defendants are charged was a new conspiracy or a conspiracy that became dormant or inactive because of some interruption, such as raids on the machines," Christenberry said.

If a conspiracy is found, he said, there must be evidence of "specific intent" to violate the laws of Louisiana.

CHRISTENBERRY said while co-conspirators may have "joined or dropped out" of the conspiracy, this does not remove the guilt of the original conspiracy. "But if there is sufficient evidence a defendant withdrew prior to Oct. 15, then you must acquit that defendant."

Only one overt act by a co-conspirator to further the objectives of the conspiracy must be proved, the judge said. And that overt act, he added, does not have to be a criminal act.

"To be a member of a conspiracy," the judge said, "the person does not have to know all the details or all the members. If he joins conspiracy knowing it is to violate the law, and he plays only a minor part, he is guilty," said Christenberry.

He said "mere association" is insufficient to convict. "The evidence must show that a person willfully participated in a conspiracy with a specific intent of furthering its objectives."

JUDGE CHRISTENBERRY instructed the jury to look at all defendants in the case—even those who were severed or pleaded guilty—in deciding if a conspiracy existed. Evidence against each defendant should be weighed separately, he said.

The judge advised the jury that the use of recordings and informants such as Gervais are legitimate tools of law enforcement.

"The use of informants by law enforcement agencies not only is standard, but is often a necessity to obtain information of secretly committed crimes and the identity of criminals," he said. "It has long been recognized by the courts as proper."

Judge Christenberry also informed the jury it is customary for the government to provide for the welfare and security of witnesses. The attorney general may provide them jobs or money, he said.