

ated story page A-5 VANNA LHOWVE

ral pinball bribery trial. ots of taped conversations and live mony heard in the six-week-old executives today asked for tran-Atty. Jim Garrison and two pinjury deliberating the fate of

evidence but promised to consider istenberry told the jury's request and three women it is customary jury to deliberate a case without Dist. Court Judge Herbert W jury or nine

he jury did not take a lunch brea rby restaurant. had sandwiches sent in from a

arrison was waiting out the jury's arrison, John Aruns Callery and rict Court is located. Fisherics Building where the U.S. oss the street from the Wild Life the Royal Orleans Hotel

protect pinball gambling.

The case went to the night but deliberations this morning. jury early las not begin

Judge Christenberry told the

rors to discuss among themselves the testimony and said if it becomes necessary, "we may arrange for the jury to hear certain tapes again. not been transcribed. He told the estimony by witnesses in the trial Most of the government's case was

four were granted separate trials. the case. Three pleaded former Pershing Gervais and most of conversations between government inthe 10 defendants originally indicted in based on more than 50 tape-recorded and

ert Nims are on trial on a charge

onspiracy to obstruct law enforce-

by giving or taking bribes to

cuss testimony among jury members. Christenberry told the jury, is to dis The purpose of deliberation, Judge

> tions." rely on your own recollection of whathe evidence is. That is the customar way of deliberating," the judge said "I suggest you begin your delibera "BY AND LARGE, you will have to

Garrison's wife, Liz.

Garrison said he was "relaxed and confident" as he awaited the jury's the hall. Among those present was began deliberations in a room Christenberry's courtroom as the jury There was a small crowd in Judge the jury's down

day it heard the prosecution fire the that shot. verdict.

are not for sale, and when a "LAW ENFORCEMENT and justice

tice," U.S. Atty. Gerald J. Gallingthe law it breeds contempt for jusofficial such as Mr. Garrison breaks house charged in rebuttal.

thinks he is—is above the law," inghouse told the jury. "No man-no matter how big he Gar

trayed the public trust by taking bribes to protect the pinball industry. "The people cry for justice and it is up to you to give it to them. He be-Gallinghouse then said it was

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guilty against Garrison, Nims and Callery. "Evidence establishes guilt beyond a reasonable doubt," he said. "solemn duty" to ask for a verdict of

Garrison appeared in good spirits, saying he has "confidence" in the jury as he left the courthouse last night

the bribery ring. as a gevernment agent, had broken up rity" of Gervais only because Gervais, rison attacked the "veracity and integ-The U.S. attorney charged that Gar-

ernment agent, Gallinghouse argued. for eight years before becoming a govdelivered \$147,000 in bribes to the DA and confident" of Garrison who had GERVAIS WAS a "trusted friend

Soule) and Garrison. And we do not Soule (former police Capt. Frederick said Gallinghouse. "We certainly do not approve of his illegal dealing with "We do not need to defend Gervais,"

But remember Garrison appointed condone his language.

and he held it until 1965," said Galling-Gervais to a position of public trust

C961 UT in 1962, a job Gervais held until he left vestigator shortly after he took office Garrison made Gervais his chief in-

power of government." Rights because of "the very size and his freedoms provided under the Bill of ence and claiming a person can lose quoting the Declaration of Independ-GARRISON OPENED his statement,

Garrison think he should be above the Gallinghouse responded: "Does Mr.

He said the following words are chismean to endorse the type of action in law. Thomas Jefferson certainly didn't

son's office: "The Impartial Adminis-Courts building, which contains Garrieled on the Orleans Parish Criminal

Mims, and Virgil Wheeler, counsel for Louis C. LaCour, who represents Liberty." tration of Justice is the Foundation of

no part of it. of the indictment and their clients had separate conspiracy during the period Callery, argued Monday there was a

was hatched by Garrison and Callery day there was only one conspiracy. It But Gallinghouse maintained yester-

on that date. The period of the indict-ment is Oct. .5, 1970 to June 30, 1971. Omnibus Crime Bill which became law ants are charged under the federal it occurred after Oct. 15, 1970. Defendonly one conspiracy existed—and that Christenberry said it must find that In a two-hour charge to the jury, U.S. Dist, Court Judge Herbert W. in 1962 and it lasted to the day of the defendants' arrest in 1971, he said.

spiracy after Oct. 15, the judge said. He explained that if there is eviguilty if they were members of a con-DELEMBYALZ csu ouly be tound

date was a new one or a continuation mining whether a conpiracy after that that evidence may be used in deterdence of a conspiracy prior to Oct. 15,

Dist Atty. Jim Garrison walks a few paces

by James W. Guillot. their pinball bribery trial. (States-Item photo federal court where a jury is deliberating behind John Aruns Callery as they head for

with his wife, Liz, and several attor-

out," he said in response to one reporthow long I thought the jury would be "It would be cocky for me to say

Defendants

"But I am confident in the people of er a duestion

has to be said." and I think that says everything that outcome of this case. I feel confident this area and I am confident about the

Jury's decision must be unanimous. ernment's conspiracy charge. lery are guilty or innocent of the govson and pinball dealers Nims and Cal-The jury's task is to decide if Garri-

The government claimed the defend-

allow illegal pinball gambling in New. ment by giving or taking bribes to ants conspired to obstruct law enforce-

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

Garrison argued his innocence, saying For nearly three hours yesterday,

tion" by the government and its inthe bribery case was a mere "crea-

Carrison cast Gervais as a "manipula-Speaking slowly, his voice quivering, tormer Pershing O. Gervais.

tor" who would lie and exploit anyone

Gervais, he said, was lured and tricked by the government into making

dence piece by piece and said none The DA reviewed government evia bribery case that didn't exist.

the government's methods of investity of a juror to administer justice and an attack on Gervais, the responsibili-Much of his summation dealt with proved he violated any law.

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

of the previous one.

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

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

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

tor to further the objectives of the conspiracy must be proved, the judge said. And that overt act, he added, Only one overt act by a co-conspira-

members. If he joins conspiracy knowthe judge said, "the person does not have to know all the details or all the "To be a member of a conspiracy," does not have to be a criminal act.

He said "mere association" is insufsaid Christenberry. ing it is to violate the law, and he plays only a minor part, he is guilty,"

tent of furthering its objectives." ed in a conspiracy with a specific inshow that a person willfully participatficient to convict. "The evidence must

biss ad Al defendant should be weighed separatepleaded guilty—in deciding it a conspiracy existed. Evidence against each CASE - EVER those who were severed or jury to look at all defendants in the JUDGE Christenberry instructed the

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

information of secretly committed criminals," ard, but is often a necessity to obtain torcement agencies not only is stand-"The use of informants by law en-

by the courts as proper." he said. "It has long been recognized

general may provide them jobs or security of witnesses. The attorney ernment to provide for the welfare and the jury it is customary for the gov-Judge Christenberry also informed

money, he said.