

DA's aide testifies

ALCOCK KE LAW FOILED

By ALLAN KATZ
and LANNY THOMAS

A former chief assistant to District Attorney Jim Garrison testified today he tried to prosecute pinball machine owners on gambling charges but was blocked because he could not grant prospective witnesses immunity.

James L. Alcock, first assistant district attorney in Terrebonne Parish, a former Garrison first assistant and a former Orleans Parish Criminal District Court judge, was called as a defense witness in the federal pinball bribery trial of Garrison and two pinball figures.

He was questioned by Garrison, who is serving as his own defense lawyer. Alcock said that in 1969, "I decided as first assistant DA that rather than prosecuting the barmaids who paid off (on pinball machines) to go up the ladder and try to get the pinball operators . . ."

ON AUG. 31 and Aug. 28, 1968, Alcock said, he "called three individuals charged with making pinball payoffs before the grand jury. I offered not to prosecute them and to have their police records pulled. In other words, I tried to give them immunity. At

the time, Louisiana did not have a general immunity statute. The attorneys for these three, because there was no immunity statute, recommended they refuse to testify and to stand on the Fifth Amendment."

Alcock said he "intended to get at the pinball operators but did not have the proper laws to get at them."

Garrison is on trial with pinball figures John Aruns Callery and Robert Nims in U.S. District Court. They are charged with obstructing law enforcement by giving and taking bribes to protect illegal pinball gambling. Garrison asked Alcock who gave him instructions to conduct an investigation of pinball operators.

"I don't recall getting any instructions from you," Alcock replied. "I certainly reported to you. You were knowledgeable of the investigation. You gave me the green light."

Q. Did you have my approval or disapproval?
A. I had your approval or I wouldn't have done it.
Q. If you had had an immunity law in 1969 would it have made a difference?
A. If the immunity law passed by the state in 1972 had been available in 1969, attorneys could not have

advised their clients to take the Fifth. I wanted to get the operators. It's no challenge to prosecute a barmaid who has paid off.

Alcock said that while he was in the DA's office prosecution of pinball gambling cases was "vigorous." He said Garrison never asked him to do anything improper.

On cross examination U.S. Attorney Gerald J. Gallinhouse probed at Alcock's contention he tried to prosecute pinball operators.

"Did you subpoena the owners of pinball companies?" Gallinhouse asked.

"NO, WE did not. We had to crawl before we could walk," Alcock said. Q. Did you subpoena the office workers from these companies?
A. No, we did not.
Alcock told Gallinhouse that at one time he brought to a grand jury hearing books of Louis N. Boasberg, owner of New Orleans Novelty Co. He said he examined the books as did the grand jury, but could find no evidence pinball operators were splitting profits with location owners.

PROBE

At that point U.S. District Court Judge Herbert W. Christenberry expressed surprise Alcock could not determine if the pinball owners and location owners were splitting the profits.

Alcock, who said he is an accountant, said the books were kept for the length of the grand jury session then returned to Boasberg. Boasberg was indicted in the case and has pleaded guilty.

"THEN THE only persons you prosecuted were the individuals who actually paid off—the barmaids and bartenders?" Gallinhouse asked.

"And the location owners," Alcock said.
Earlier today, three persons testified Callery was in Europe on Oct. 4, 1970, and could not possibly have met anybody in the Gentilly Shopping Center. Mrs. Ruth Callery, wife of the defendant, was the day's first witness. She was questioned by Garrison.

Mrs. Callery said she, her husband, their daughter Marsha and a friend of their daughter left for Europe on Sept. 21, 1970, and returned to New Orleans Oct. 14.

Former police Capt. Frederick A. Soule Sr. testified earlier that he met Nims and Callery near a Gus Mayer store in the Gentilly Shopping Center on Oct. 4, 1970.

SOULE, CHARGED in the bribery case, has pleaded guilty.

Garrison showed Mrs. Callery a photograph of a Gus Mayer store and said, "If someone testified they met your husband here Oct. 4, 1970, isn't it a fact this could not possibly have been true?"

"Yes. We were in Spain," Mrs. Callery answered.

Marsha Callery and Mrs. Merle Segura, the friend of the daughter, gave the same testimony.

He said because there was no general immunity statute in Louisiana, attorneys for those called advised their clients not to testify.

Yesterday, two investigators in Garrison's office testified that in 1970 the DA told them he had information Soule and Sgt. Robert Frey, head of the vice squad, were involved with pinball operators. Frey was indicted in the current case but has been granted a separate trial.

But investigators Louis Ivon and Lynn Loisel said Garrison never launched a full-scale investigation of the report. They said they checked out the information with the DA's knowledge, but found no evidence.

IVON, GARRISON'S chief investigator, and Loisel, his chauffeur who doubles as an investigator, were among witnesses Garrison called in an effort to show his office took a hard line on pinball gambling prosecutions. Ivon and Loisel are policemen assigned to the DA's office.

Both investigators, under tedious cross-examination, testified the DA's office never pressed an intense investigation of Soule and Frey.

Ivon and Loisel also said they gained information through "informers" that Pershing O. Gervais, once a Garrison aide, "shook down" people after he left the DA's office under the pretense he was still working for Garrison.

But no effort was made to prosecute Gervais, they said.

The testimony of Loisel and Ivon came in Garrison's first full day as his own defense lawyer in the case where he, Callery and Nims are charged with conspiring to obstruct law enforcement by giving and taking bribes to protect pinball gambling.

Emerging from the courtroom late yesterday, Garrison commented on his

first full day as his own attorney.

"I would say that any attorney who represents himself in court has at the end of the day a tired man for a client."

GARRISON'S attorneys were allowed to withdraw Wednesday after telling Judge Christenberry they and Garrison no longer saw eye to eye on how the defense should be handled.

Ivon testified shortly after he took the stand that Garrison fired Gervais in 1967 for attempting to shake down an attorney. Gervais then continuously downgraded the DA's office and "knocked" Garrison because the DA wouldn't do him favors," said Ivon.

Garrison is attempting to establish a motive for Gervais working as a government spy. Between November, 1970, and June, 1971, Gervais gathered taped evidence the government is using in the case.

Ivon said after Gervais was fired he became "the type of person I wouldn't have in my home."

HE SAID a "friend" told him in April, 1970, that Gervais was shaking down people on the street—bookmakers, cardplayers and massage parlors—telling them he represented the DA.

"I told Garrison this," said Ivon, "and he said go ahead and investigate. I put Loisel on it."

Ivon said Loisel went to three bars and gathered information that Gervais was a shakedown artist.

He said Gervais learned that Loisel was investigating him and asked that Loisel be transferred from the DA's office. But Garrison refused, said Ivon.

Ivon, questioned further by Garrison, said Gervais once told him Soule and Frey were "fooling with bonding companies and pinball operators."

Garrison said he had similar information, Ivon testified, and instructed him to look into it.

"You (Garrison) told me to see if I could find out anything about Soule," said Ivon. "I could not find any evidence that Soule was doing anything wrong."

HE SAID Garrison then told him: "This is just another of Gervais' games."

Judge Christenberry asked Ivon to explain what he meant by "games."

"This was his (Gervais) technique—to go around all the time and say people were stealing. He accused everybody of being a thief—the mayor, the police superintendent, even the Pope."

Christenberry wanted to know what fault Gervais found in the Pope.

"He was a thief too—a goof," Ivon replied. Spectators broke into laughter.

Garrison then commented: "I guess he included me in that category too."

Ivon: "Yes. You were the big goof."

Ivon also testified that Gervais once offered Garrison a \$3,000 bribe to prosecute the owners of a new type of pinball that was to be introduced to the city.

"Did Gervais indicate I was going to accept \$3,000?" asked Garrison. "No," said Ivon. "He said the big goof turned it down."

On cross examination, Ivon admitted he's still "very friendly" with Gervais despite the statement that he wouldn't have him in his home. He said he visited Gervais about three months ago in Brookhaven, Miss., where Gervais operates a pizza parlor.

Ivon also admitted that he drove a city-owned car to Brookhaven to conduct lie detector tests for Gervais.

"And you used city-owned gasoline?" queried Gallinghouse. "No, I put gas in myself," Ivon said.

Gallinghouse bore down on the "investigation" Ivon said he made of Soule, Frey and Gervais.

Ivon said he told then Assistant Dist. Atty. Byron LeGendre he was investigating pinball bribes but he did not use Soule's name.

Gallinghouse: "How did you expect LeGendre to know you were investigating Soule when you didn't use his name?"

Ivon said he did not have a great deal of evidence against Soule. "It would have been embarrassing to use his name. You just don't do that."

JUDGE Christenberry asked Ivon if he "tried" to talk to pinball operators. Ivon said he did not.