

Testimony by Johnson

The first witness called by Dist. Atty. Jim Garrison today was attorney Guy Johnson.

Q. Do you know Pershing Gervais?

A. Yes, I do.

Q. When did you first meet Gervais?

A. 1946.

Q. Have you had discussions with Gervais and others regarding this case?

A. On many occasions.

Q. Where were these discussions held?

A. Mostly in my office.

Q. Were any representatives of the government present?

AT THIS POINT the prosecution objected that Garrison was straying from the point to be brought out by this particular witness. U.S. District Court Judge Herbert W. Christenberry upheld the objection.

Q. Did you have occasion to be present at a meeting with Gervais where the subject of a possible bribe came up?

A. Not a bribe as such, but all of Gervais' conversations always involved money. He was always interested in money.

Q. Did the subject of \$100,000 come up?

At this point, there were a flurry of objections and Christenberry asked how the meeting came to be called.

A. At no time did I ever go to Pershing Gervais. We met once in the office of Russell Schoonekas and six or eight times in my office.

Q. WHAT SUMS OF money were discussed at these meetings?

A. We had various discussions about \$10,000, \$50,000, and \$100,000. Gervais said to me in the presence of Norban Perry (chief of IRS intelligence) that he would dance for anyone who would pay him—the man who had the money.

Q. Did anyone offer Gervais \$10,000 for his tapes?

A. No, sir.

Q. Tell us how this meeting where the money was offered was set up.

A. The first time I saw Gervais after he returned, his at-

torney had asked if the defense attorneys in the case would like to talk to Gervais. I said I'd be glad to talk to him. Schoonekas set up a meeting for a Saturday morning.

AT THIS POINT, Christenberry asked why he saw Gervais if he knew he wanted money.

A. Because he said he had tapes that might clear all the defendants.

Q. What tapes are we talking about?

A. We're talking about tapes Gervais made independently on his own. At the Saturday meeting, he played a variety of tapes. He intimated he had other tapes that would clear all the defendants.

Q. How did the \$100,000 come up?

A. Pershing Gervais had an expression in which he spoke of weighing people—how much they would stand. He mentioned the two most prosperous defendants and said they would go for \$50,000 each.

Q. Did he say he could clear all the defendants?

A. The defense attorneys said, 'Pershing, who'd believe you?' and he said he'd do it on an 'if come' basis—that the money would be put in escrow and paid to him if the defendants went free.

Q. DID YOU offer Gervais any money?

A. No, he was the one who talked money all the time.

Garrison tendered the witness, and the cross-examination was by Michael Ellis, assistant U.S. attorney.

Q. Mr. Johnson, who do you represent in this case?

A. Louis Boasberg.

Q. What was the disposition of that case?

A. He pled guilty.

Q. Who was at the meeting that took place on Saturday?

A. I was there, Schoonekas, Cecil Burglass, Lagarde the attorney, possibly Mr. Masinter, Mr. Irvin Dymond, who came late and left early, and Virgil Wheeler.

Q. Who did these attorneys at the meeting represent?

A. Various defendants in the case.

Q. Where did you meet?

A. In Schoonekas' office.

Q. AND THE chief of IRS intelligence was in your outer office?

A. That was another meeting.

Q. You say various tapes were played at the Saturday meeting?

A. Yes, between Gervais and agents of IRS and the Justice Department.

Q. How many tapes were played?

A. None in their entirety; just portions of certain tapes.

Q. Who made the offer to sell the tapes?

A. Pershing Gervais said that he had the tapes, that we could listen to them, and he had still other tapes.

Q. What else did he say?

A. THAT THE government had walked out on him. He said he'd testify and clear everyone. He also said that if we wouldn't pay, he'd go back and see the government and see what they might offer.

Q. What was Mr. Schoonekas doing all this time?

A. He, Schoonekas, said, 'My God, Pershing, are you offering to perjure yourself?' Pershing raised his right hand to the sky and he said, 'you God if you're up there; strike me dead.'

Q. Did Mr. Schoonekas continue to represent him?

A. Mr. Schoonekas left Mr. Gervais soon after.

Q. When?

A. I don't know when.

AT THAT POINT, Christenberry asked how Johnson could have dealt with Gervais after Gervais offered to perjure himself. Johnson replied, 'Your honor, I don't trust Pershing Gervais, and I've known him for 25 years.'

Q. Have you represented other defense witnesses in this case?

A. Yes, I've represented Louis Ivon and Judge (James) Alcock.

On cross-examination, Johnson was asked by Wheeler, 'Is it not a duty and obligation for an attorney to interview and get the facts in a case?'

A. It is a right and a duty.

Q. Wouldn't it be derelict if you didn't speak to the key government witness?

A. It would.

Q. Was there anything we were particularly concerned with and why was I there?

This was in reference to the meeting of defense counsel with Gervais in Schoonekas' office.

JOHNSON'S ANSWER: "We had all heard the TV show, and it seemed that the witness was willing to talk; and we wanted to know what he had testified and what made him change his mind."

Q. Did Gervais ever mention any figures in my presence?

A. No, not that I know of.

Q. Did any defense counsel agree to go along?

A. Nobody wanted to deal with Gervais under any circumstances.

Q. What did I tell you?

A. Something profane.

Q. Did I ever authorize you to make an offer for the tapes?

A. I don't think I ever even talked to you about the tapes.

Garrison then put Schoonekas on the stand.

SCHONEKAS SAID he went to the courthouse yesterday and met Christenberry in his chambers and then met with U. S. Attorney Gerald J. Gallinghouse, along with several other government officials and Gervais.

He said he would not testify about that meeting because it would violate his attorney-client privilege and would be unethical.

Schoonekas said Gallinghouse asked Gervais at yesterday's meeting if he would waive that attorney-client privilege and Gervais said no.

"I'm not going to risk having my license taken away," he said in refusing to testify about the meeting between himself, Gervais, defense counsel and others in his office.

Christenberry said he did not think the attorney-client privilege was applicable in this case because testimony already had been heard about

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what transpired in the meeting.

"This privilege does not exist in the presence of you and your client when statements are made that in no way affect the two of you," the judge said.

SCHONEKAS SAID, "If your honor wants to get a ruling from the Ethics Committee, then very well." The judge responded, "The ethics committee doesn't run this court."

Still refusing to testify, Schonekas said, "With all respect, your honor, I refuse to testify because of my attorney-client privilege."

Christenberry said, "I'm going to give Mr. Schonekas a little time to think this over. I hate to order him to testify, but this attorney-client privilege doesn't apply."

Christenberry then called a 10-minute recess.

Earlier in his testimony, Schonekas acknowledged that he did represent Gervais as an attorney but at Gervais' request. He said Gervais asked him to come to his office and discuss representing him because his previous attorney, Ed Baldwin, had withdrawn.

SCHONEKAS' REFUSAL to testify about the meeting in his office came up when Garrison asked him if the "subject of money" came up at the meeting.

"I can't testify about the subject of money and violate my attorney-client relationship," he said.