

# Gervais testimony from yesterday's court session

Here is selected testimony by government informer Pershing O. Gervais in yesterday's session of the public bribery trial of Dist. Atty. Jim Garrison and two pinball figures.

Gervais is questioned by prosecutors Michael Ellis and K. Eric Gisleson. Defense attorneys are Garrison, Louis Lacour and Virgil M. Wheeler Jr.

Gervais' testimony opened with an answer to a question by Ellis that he had met Harry Marks, a defendant who has been given a separate trial, in 1971.

Marks was identified by Gervais as an employe of Louis Boasberg, who has pleaded guilty. He said Boasberg sent Marks to him.

Q. What was he sending him up to do?

A. To deliver money.

Q. For whom?

A. To—for me to divide between Mr. Garrison and Capt. Soule.

Q. Did Mr. Marks bring this money to you at the Fontainebleau?

A. He did.

Q. How much money did he bring to you?

A. Two thousand dollars.

Q. Why two thousand dollars?

A. One thousand for Capt. Soule and Lt. Frey, one thousand dollars for Mr. Garrison.

Gervais identified the envelope and said he counted the money audibly so that it could be picked up by transmitters and taped by government agents.

He then testified Soule came to his hotel room.

Q. Did you give any money to Mr. Soule?

A. I did, one thousand dollars.

Q. Where did the thousand dollars that you gave to Mr. Soule come from?

A. That was marked money, furnished to me by members of Internal Revenue.

Q. That same day they furnished you this money?

A. Yes, sir.

Q. Was the delivery of the money to Mr. Soule also monitored and recorded by mem-

bers of the Internal Revenue Service?

A. It was.

THE COURT:

Was that money that was substituted for the money that Mr. Marks brought up?

A. It was, yes, sir.

Q. Did you have occasion to go to Mr. Garrison's residence the next day?

A. I did.

Q. Prior to going to his residence, were you again at the Fontainebleau?

A. Yes, I was.

Q. Did you again put the body transmitter on?

A. I did.

Gervais explained the transmitter was different from the one used when he first taped a conversation at Garrison's home. The reason for the change was because there was interference in the first taping, he said.

Q. Was anything given to you?

A. The money to deliver to Mr. Garrison.

Q. Where did that money come from.

A. From Internal Revenue Agents.

Q. Was this the substituted money that Mr. Marks had given to you?

A. It was.

Q. How much money was given to you for delivery to Mr. Garrison?

A. One thousand dollars.

Gervais said he drove to Garrison's home and an agent was in the trunk of a car with a receiving unit.

Q. Upon entering the residence, did you have a discussion with Mr. Garrison?

A. Yes.

Q. Did you give him anything?

A. I gave him the money.

Q. All one thousand dollars?

A. Yes, sir.

Gervais then said he drove back to the hotel where he heard a replay of the tape and it reflected the conversation he had with Garrison.

Q. Approximately two months after the second payment to Mr. Garrison, did you again

receive money from Mr. Marks?

A. I did.

Q. And where did you receive the money?

A. Same place, Fontainebleau Motel, a room in the Fontainebleau.

Q. How much did you receive on that occasion?

A. Two thousand dollars. I went through the same procedure. I counted it out audibly for the purposes of transmission in Mr. Marks' presence.

Q. I show you Government Exhibit 59. Is this similar to the type of package that Marks delivered to you?

A. Yes, it is.

Q. After Mr. Marks left your room, what if anything, did you do with the money in the envelope?

A. I left it lying, as I did the first time, on a table. The agents were in the adjoining room. They came in and I turned the money over to them.

Q. Did they substitute other money for the money you received from Marks?

A. They always did, yes, sir.

Q. What did you do with the money they substituted? Did you give any money to Mr. Soule?

A. To Mr. Soule, yes, sir.

Q. How much did you give to him?

A. One thousand dollars.

Q. Where was this?

A. In the Fontainebleau.

Q. Did there come a time when you met with Mr. Garrison at the Fontainebleau?

A. That particular delivery.

Q. Where did that delivery take place, the delivery to Mr. Garrison?

A. At a room in the Fontainebleau. It was Mr. Garrison's room.

Gervais again said marked money was substituted.

Q. Was Mr. Garrison in the hotel room when you arrived?

A. He was.

Q. Did you hand the bribery money to him at that time?

A. I did.

He testified he returned to his room and listened to tapes again, as before.

Q. Mr. Gervais, did you have occasion to recover any of the money that you had delivered to Mr. Garrison at the Fontainebleau Motel?

A. On that particular delivery, yes, sir, I did.

Q. Please explain to the ladies and gentlemen of the jury what happened. How did you come to recover any of this money?

A. I learned from the cashier, Miss Audrey—I think Catalanotto, or something of that—phonetically, it sounds like Catalanotto.

Mr. Garrison's investigator, Mr. Bordelon, had just paid his bill with a lot of big bills. It occurred to me, since it was immediately after the delivery of these bills, that it was a good probability that the marked money was among those bills.

I got ahold of Mr. Lerman, who was the manager there, and I related the story to him as told to me by the cashier, and told him that it was necessary for me to get those exact bills to determine whether or no they were still in the till, so to speak, or they hadn't been mixed with other money.

So Mr. Lerman got Miss Audrey and she immediately identified those bills because she had received no other big bills previously or since.

I had a big check to cash. I cashed it, and in the process of cashing that check, I recovered the bills.

Gervais then identified the check he had cashed at the hotel. He said he gave the marked money to an agent.

Q. Now, after this date, June 18th, 1971, did you again

receive pinball bribery money for delivery to Mr. Garrison?

A. I did.

Q. From whom?

A. From Mr. Marks.

Q. How much did he bring to you on that occasion?

A. Two thousand dollars.

Gervais said Garrison called him to say he wanted to meet with him that night. He said the money was marked with a fluorescent powder.

Q. Did you give him the thousand dollars?

A. In his study, yes, sir, as opposed to — previously had always been a bedroom, I believe, in every instance. But this instance, it was in the downstairs study.

Q. What, if anything, did you do with the money when you gave it to him?

A. He didn't—I gave it to him in an envelope. He did not remove it from the envelope.

He put it in his desk top middle—top middle desk drawer and locked it.

**THE COURT:**

Did he lock it with a key? Was it the kind of lock that you need a key to lock?

A. Yes, sir.

Q. Did you see Mr. Soule the following day?

A. I did.

Q. Where was this?

A. At the Fontainebleau, early in the morning.

Q. Did you give him anything?

A. A thousand dollars.

Q. Did you have any conversations with Mr. Soule when you gave him that money?

A. Yes, I did.

Q. What, if anything, did you tell him?

A. It was a preconceived story, the purpose being to be sure that Mr. Soule would locate Lt. Frey, Capt. Soule would locate Lt. Frey immediately that morning.

Q. Why was it necessary for him to meet with Sgt. Frey that day?

A. Well, it was a safe bet that if he met him, if I gave him an occasion to meet him or reason to meet him, at that meeting he would also give Lt. Frey his share of the money, thereby assuring they would both be in possession of this bribery money.

The plan worked, as I understand it.

Q. In other words, for them to be arrested with the money on them?



DA Jim Garrison . . . defendant and defense counsel

—States-Item photos.

A. Yes, sir.

Q. What did you do after Soule left the Fontainebleau?

A. I immediately, with Agents, left the Fontainebleau, went out to the airport and took a plane and left the state.

Q. Mr. Gervais, the four thousand dollars that you delivered to Mr. Garrison between the time of the Federal raids in November until you left town in June of 1971—was this money for the same purposes as other money that you had delivered to Mr. Garrison from 1962 up until the time of the Federal raids?

A. It was.

Q. Was that purpose for protection of the pinball bribery—or pinball industry?

A. Industry, yes, sir.

Q. Prior to leaving New Orleans, did you give the members of the Internal Revenue Service permission to use your name in connection with the arrests and other actions after that?

A. I did.

Q. Did you also give them permission to use the tape recordings of the conversations that you had had with the various defendants?

A. I did.

Q. At the time you left New Orleans, were you to be a government witness?

A. A testifying witness?

Q. Correct.

A. I was not.

Q. Why did you leave New Orleans?

A. It was my idea.

Q. Please explain. Can you elaborate on that?

A. Yes. Since I was going to permit the Government to surface my identity, my role in this whole thing, I just felt it prudent. It was a good idea that I would just be out of the country, because I wanted to be out and because I just did not want my family to be exposed to all of the things that accompany this kind of situation.

Gervais testified he did not receive any money from the government before leaving for Canada and was not being paid for his cooperation.

The witness then described his stay in Canada.

Q. While in Canada did you make certain statements to any of the news media?

A. I did.

Q. During the course of these statements did you allege, among other things, that the case was a fraud, that you were seduced, it was a frame and that you were threatened — statements to that effect?

A. Yes, in that general tenor.

Q. What caused you to make these statements, Mr. Gervais?

A. Well, it was the prudent thing to say if I was coming back to New Orleans.

Q. Were these statements, in relation to the facts and circumstances of this case, true or false?

A. To this case?

Q. As it pertains to the facts in this case?

A. Absolutely false in every respect.

**THE COURT:**

Q. What was false? Let me get that clear — the statements that you made up there?

A. Yes, sir.

Q. Did you have any meetings with anyone when you returned?

A. I met — I had a meeting with — I came down. As a result of these phone calls, I came to New Orleans alone, leaving my family in Canada; and I met with Mr. Garrison to be sure that there would there be no problems, but I turned.

And quite the contrary, I was assured not only would would have some real friends.

So under these guidelines, I returned to Canada and made arrangements to move my family back to this area, which I subsequently did.

Gervais said he lived for a time in Pass Christian, then moved to Brookhaven.

Gervais said he changed his mind and agreed to testify after two witnesses alleged that he tried to shake down a lawyer while employed with the DA's office.

The government tendered the witness and Wheeler cross-examined Gervais about his reasons for leaving the police department and going to work with the Metropolitan Crime Commission.

Gervais then was asked

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about his meeting with Arums Callery, a defendant in the case identified by Gervais as the pinball figure who gave him money for Garrison.

Q. Now, prior to Mr. Callery's advent or coming into this agreement with you, had you ever received any payments or bribe monies for—ostensibly for police protection in connection with the pinballs from anyone other than Mr. Callery prior to that time?

A. Never.

Q. You never received money personally from anyone prior to Mr. Callery?

A. Not one cent.

Gervais testified he had talked with Soule about the pinball business and payments.

He said Boasberg came to see him; "he wanted to maintain the bribery and keep the doors open."

Gervais then related how he got into the federal investigation and the arrangements for going to Canada.

Garrison then took over cross-examination and went into how the two (Garrison and Gervais) had met and served together in the service.

He also asked about their earlier days in the DA's office.

Gervais then explained about immunity granted him by the government and said the only two exceptions were perjury and contempt.

Garrison then went into the money Gervais owes the federal government for taxes.

Gervais was asked at length about the IRS investigations of Gervais and Garrison.

Q. Can you recall telling them (the agents) that you felt that this investigation was caused by the U.S. Attorney General's Office in their attempts to get Garrison?

A. I think I made such a statement.

Q. Can you recall saying that ordinarily you would be willing to cooperate and answer the questions, but that you believed the whole thing was politically motivated and that the government was trying to use you to get to Garrison?

A. Generally that might be pretty accurate, except I don't recall that ordinarily I would be willing to cooperate. Matter of fact, I believe I

made some pretty strong remarks about my unwillingness. As a matter of fact, I recall that I volunteered. I pointedly asked them there if they were to help me.

Q. Can you recall stating to these two IRS agents that you had had no particular connection with Garrison since you left his employ; that you never associated with Garrison socially and Garrison has never been at your house?

A. I don't recall it. But, that's a pretty accurate statement.

Q. In other words, you don't recall the words, but that's the substance that you recall, generally.

A. I don't recall saying that specifically; however, that would have been my sentiment if that question had been asked.

Gervais conceded his cooperation with the government increased after he had obtained a \$22,000-a-year job in Canada.

He said that while he had cooperated with the government, he did not permit agents to go into his safety deposit box.

Garrison then asked about Gervais' position with regard to the DA's office.

Q. Did you ever have occasion to encourage people to believe that you were representing me with regard to any of your business at the Fontainebleau?

A. Never.

Q. Did you ever collect — have occasion to collect money from anybody engaged in illegal activity, either in the name of the District Attorney's Office or the vice squad?

A. The vice squad.

Q. Have you ever had a man by the name of Joe Bailes pay you \$100 a week for protection?

A. I never heard the name Joe Bailes.

Q. Have you ever heard of the Manhattan Tavern at 4700 Carrollton Avenue?

A. That has no — doesn't ring any bells with me.

Q. Have you ever heard of a bookmaker named Leo Olsen who had operations on Manchester Avenue and Annette Street?

A. Yes, I did.

Q. Did he ever pay you protection money, end quote?

A. Did he ever personally pay me protection money?

Q. Yes.

A. Yes, he did.

Q. How much did he pay you?

A. I don't have any idea.

Q. Why did he pay you, from your own conclusion?

A. Why did he pay me?

Q. Yes.

A. Because he thought he was getting protection.

Q. Was he really getting protection?

A. I doubt it.

THE COURT: Protection from whom?

A. From the vice squad.

Questioned further about protection money, Gervais explained that some people insisted on paying him even though he claimed he could not help them.

Q. But previous to that situation where you thought they might be working for the government, where people insisted on paying you money, did you permit them to do so?

A. Well, of course, I can tell you. If you'd like, I can volunteer a little story about some gypsies that — if you would like to hear it.

Gervais testified at length about a television interview in which he claimed he was coerced by the government into helping with the investigation.

THE COURT:

Q. You said you said a lot of things; why did you say those?

A. Because I was furious at the Justice Department. I was outraged and I was striking back, so to speak. I was motivated by that.

Q. You thought you had been done an injustice, is that correct?

A. Yes, sir, correct.

Q. Did the interviewer in any way suggest the sort of interview she wanted?

A. Oh, of course, no, sure, not that.

Gervais claimed that some of the statements he made in the interview were irresponsible, but some may have been responsible, such as one he made in which he said the government was out to get Garrison.

He also said in that interview that he thought the case against Garrison was a fraud.

Gervais was questioned at length about perjury.

Q. Well, let me phrase the question this way: If you knew you would not go to jail,

would you fail to tell the truth under oath whenever it was convenient for you?

A. That's too general a question to ask, you know?

Q. Well, then, let me change the word whenever, which may be too broad. If an occasion developed when it was particularly convenient for you and you knew that you would not go to jail, would you possibly fail to tell the truth under oath?

A. Then I would have to weigh what you mean by particularly convenient as opposed to whatever the problem is. You see, it's still general; you've got to be real specific for me to give you an answer.

BY THE COURT:

Q. Let me ask you a question: Do you know any reason why at this time you should feel that if you do commit perjury you will not be prosecuted?

A. Quite to the contrary, sir.

Q. Now, with reference to this present case, is it not a fact that since the indictment in this particular case was returned, the indictment which includes me and these two other gentlemen, defendants in this particular case; is it not a fact that you made an offer to a lawyer to clear Louis Boasberg, John Elms and myself of all the charges in exchange for \$100,000.00?

A. \$100,000.00; who did I make this offer to?

Q. If it will help refresh your memory, Attorney Guy Johnson?

A. That is the absurdity or absurdities.

Q. Well, I appreciate your answer. But, in fairness to you, I must put you on notice that I must ask you to reconsider your answer briefly.

A. I will reconsider my answer the truth of the matter.

THE COURT: Where and when was this supposed to have happened?

GARRISON: In Mr. Johnson's office, sir.

THE COURT: When?

GARRISON: I don't have a date.

WITNESS: Things happened in Mr. Johnson's office, I will be glad to go into. But, it's not what Mr. Garrison was saying—

ELLIS: Your Honor, I think the witness ought to be allowed to explain any transaction Mr. Garrison is referring to in this

matter.

**THE COURT:** Go ahead, explain.

**GARRISON:** I have no objection at all.

**WITNESS:** Okay. The attorney furnished me by Mr. Garrison, by name, Russell Schonekas made an overture to some of the defense for a—I don't remember the number, but I get the number \$50,000.00; that they could write the script. The second phase that Mr. Schonekas brought to me was that he had a proposition—he called that I had to meet him out and I met him at night in front of Lenfant's on Canal Blvd., and Mr. Schonekas told me that the defense; he didn't name them, wished me to sue the federal government; that they would underwrite all expenses, all of my expenses, and pay him a legal fee.

Mr. Schonekas prevailed upon me to go along with it. I refused.

Additionally, in Mr. Johnson's office, he walked in to me and offered me \$10,000.00 for the tapes that I had made of the Justice Department in the name of Mr. Wheeler, in his office; yes, sir.

Not in your presence, but in your name.

**WHEELER:** Repeat that latter part of the statement, please?

**WITNESS:** Mr. Johnson walked into his office, offered me \$10,000.00 for tapes I had made of the Justice Department in the name of Virgil Wheeler. You were sitting in an outer office when he made this offer.

**THE COURT:** Q. Who made the offer?

A. Mr. Johnson, Guy Johnson. He also went into some detail about going around and picking up, collecting well in excess of a hundred thousand dollars for a convicted gambling figure; what in the world that boy's name is out of Baton Rouge, Nelson, Nelson something.

Matter of fact, closer to two hundred thousand dollars, and turn it over to some doctor in Jefferson Parish. The doctor ultimately claimed that he was robbed and reported a whole lot lesser amount, some fifteen or twenty dollars.

Mr. Johnson asked if I knew anybody would collect this money, jovially, of course, he was laughing.

Subsequently to that, Mr. Schonekas reported this to Mr.

Gallinghouse in my presence, started it and made me finish it up in his office.

This is Mr. Johnson.

Gervais then testified that Garrison paid to have his (Gervais') furniture shipped back to New Orleans from Canada. Garrison denied it.

**BY MR. ELLIS:**

Q. Please continue.

A. He paid—I had no money to move here, to move my furniture back. He paid for this with cash money. Time was the expedient because he wanted to run for the Supreme Court. I was trying to kind of delay, but time was expedient and he got be back here.

From time to time, there was some coaching, that's irrelevant—not irrelevant, but not nearly so important as what I have just narrated.

Q. When you met with Mr. Garrison, was this after you left General Motors in Canada; had you quit your job?

A. I can't specifically say that it was after I quit or just prior. But, I was already committed that I was going to come back.

**BY THE COURT:**

Q. You mean you had already made up your mind you were going to come back?

A. Yes, sir, I had made that commitment to myself.

**BY MR. ELLIS:**

Q. How is it Mr. Russell Schonekas came to be your attorney?

A. Mr. Garrison offered; first he offered me, F. Lee Bailey as his—to use his words: My quarterback.

Q. For what purpose?

A. To represent me. I had one interest in the beginning and I thought was the only legitimate complaint, the only legitimate cause of action I had and that's incidentally what I discussed on the phone, in that phone booth in Delta, British Columbia. I told him my wishes were to sue the Justice Department for damages, for the return of my tapes, that I felt that since they had defaulted in their obligation to me that they were obliged to return me whole, in my original position, and that would not be possible unless I had my tapes returned to me.

He arranged to send Mr. Kadish up to see me. Mr.

Kadish interviewed me. I went into depth. That, at that time, was my only position, no other position. During the interview, Mr. Kadish says, what about Mr. Garrison; is he innocent: I said he absolutely isn't. If he told you that, he made a big error. Mr. Kadish, subsequently by telephone, informed me that he thought I had a cause of action, but they just could not represent me. He then offered to make recommendations and I said no, thank you.

Your Honor, just for purposes of the record, I think he is on a hearsay basis as to what somebody else said, Mr. Kadish, to this witness. I would like you to instruct him to only testify as to matters within his own personal knowledge.

**THE COURT:**

Well, this is talking to a defendant.

I already instructed the jury as to the effect to the other two defendants.

**WHEELER:**

I understand, yes, but I believe he is saying Mr. Kadish.

**THE COURT:**

Yes, that's right. Go ahead, that's correct.

**EXAMINATION BY ELLIS:**

Q. You also mentioned the fact that there came a time when Mr. Russell Schonekas offered somewhere in the neighborhood of \$50,000.00 so that they could write—

A. He didn't offer that, he made this overture to me of defense counsel.

Q. On your behalf?

A. In my presence, he said: You can write the script. That was the language.

Q. Did you tell him to make those overtures?

A. To bolster this, if Mr. Gisleson, Mr. Gallinghouse, will recall, that at that time they refused to speak to me except through Mr. Schonekas. I then enlisted the aid of another person to tell them that I was afraid to talk to Mr. Schonekas; I did not trust him.

Q. This is the same Mr. Schonekas who Mr. Garrison got to represent you?

A. Yes, sir, he sent him to me. He offered me the firm of Deutsch, Kerrigan & Stiles or Schonekas; and as I pointed out, I could talk to Schonekas in a manner that I did not believe I could talk to Deutsch, Kerrigan & Stiles, since I was not familiar with them.

And Mr. Schonekas showed up in a room at that motel, whichever it was, at Canal and Claiborne, and at that time we agreed that he would represent me.

Q. At the time that Mr. Schonekas came to see Mr. Gallinghouse, do you know whether or not Mr. Schonekas had told Mr. Gallinghouse that he was representing you, but he had been sent to you by Mr. Garrison?

A. I don't think he said that. I have no recollection of him saying that, no.

Q. You mentioned another instance where Mr. Johnson, Mr. Guy Johnson made an offer of \$10,000.00 for the tapes that you had made?

A. Yes, sir.

Q. And this took place where?

A. In Mr. Johnson's office. Mr. Wheeler was not present; he was in another outer office.

Q. What was your response to that offer?

A. I said without—I just was not interested.

**ELLIS:**

Q. Mr. Gervais, when Mr. Schonekas made a statement in your presence to the effect that for \$50,000 certain individuals could write the script, would you please clarify what happened and where that took place?

A. This took place in a meeting—and I am not quite sure of it, but I think the meeting was in—it was in his own office. That I am sure of, in which various members of the defense counsel was there. Almost all of them were there.

Q. Did you authorize him to make that statement?

A. No, sir, not as such. We had some light jocular discussion about it and, of course that would be, you know, absurd.

I certainly wouldn't let them write the script and then have

to back it up with a lot of perjury and have myself go to jail for a mere \$25,000, because, you know, Mr. Schonekas was — would get the other twenty-five.

I am sorry to have to mention his name, but it is forced. It is out of my control.

Q. Mr. Gervais, these statements that you gave to Miss Rosemary James in British Columbia, statements to the effect that the case was a fraud or that it was a frame of Mr. Garrison, are those statements correct or incorrect?

A. Incorrect.

Q. The fact that you have testified today and yesterday concerning what transpired and your participation in the investigation, are those facts correct or incorrect?

A. They are absolutely correct, absolutely truthful, with the absolute knowledge that perjury charges would surely follow if they were not.

Q. Do you have any reason whatsoever to lie to this jury?

A. None whatever. It is to my every advantage to tell the whole truth, not just part of it but all of it.

Under the — this is a chance for a rebirth for me, this immunity, because once I get it all out here, I am forever thereafter clean.

Garrison wound up the questioning of Gervais by asking if Gervais could remember testifying.

Q. Well, for the time being let me just see if I can refresh your memory by just asking you if you remember testifying?

A. Okay.

Q. Can you remember ever having, in the last year or so, testifying. "In spite of the evidence in the news. I can never get this D. A.'s office to do anything for me, primarily Jim Garrison. I couldn't get him off his ass to do anything for me."

A. It is a pretty good description, but I would have to agree with it as a matter of fact, whether I testified to it or not.

I had a real problem getting you up off your ass to do anything, even when I was working for you.

GARRISON: I will settle for that. No questions.