

GARRISON, GERVAIS TRADE HEATED ORAL FIREWORKS

Witness Details Offers by Other Attorneys

By **DON HUGHES**
and **JOHN McMILLAN**

Tempers flared in Federal District Court here Thursday as Dist. Atty. Jim Garrison and star government witness Pershing O. Gervais engaged in a heated verbal exchange on the final full day of testimony in the month-old bribery trial.

In addition to the verbal fireworks, Gervais during testimony also brought the names of several local attorneys into his story of the tangled web of occurrences which he said transpired during the past year before the trial began.

During his second day on the witness stand — a day which saw the government end its case — government informant Gervais told of a meeting in the office of attorney Russell Schonekas, once an unsuccessful candidate for DA of Jefferson Parish, at which some defense attorneys in the current trial were present.

Gervais said that Schonekas was hired as an attorney for him by Garrison — the man on whom he had allegedly spent months gathering information in cooperation with Internal Revenue Service agents, on illegal pinball bribes.

Gervais, a 53-year-old former chief investigator for Garrison, said at this meeting Schonekas

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"made overtures" to the defense lawyers present in an attempt to have them pay Schonekas and Gervais \$50,000, which would have allowed the defense "to write their own script."

50-50 SPLIT

The idea, Gervais said, was that Schonekas would get \$25,000 and Gervais would get the other \$25,000.

He did not authorize the attorney "as such" to make such a proposal to the defense counsel. Gervais testified, but said he had jokingly talked with him about it prior to the meeting.

At another point in Gervais' testimony, he stated that attorney Guy Johnson, a former Orleans Parish assistant DA, offered him \$10,000 for the tape recordings which he had made of conversations between himself and the 10 persons who were arrested on bribery conspiracy charges on June 30, 1971, including Garrison and his two co-defendants—John Aruns Callery and Robert B. Nims.

Gervais said Johnson offered the \$10,000 for the tapes in the name of attorney Virgil Wheeler, who was seated just outside Johnson's office at the time.

Wheeler is currently representing Callery in the trial, in Judge Herbert W. Christenberry's court.

Gervais said he told Johnson then he wanted no part of the \$10,000 offer.

NO POSSESSION

Actually, according to testimony from Gervais himself and IRS agents, Gervais never had possession of the tapes and could not have provided them to Johnson.

The verbal flareup between Garrison and Gervais came as Gervais claimed under prosecution questioning Garrison paid him cash to have Gervais' furniture brought back to New Orleans from Canada where he lived for a year after Garrison's arrest in 1971.

Garrison rose and strenuously

objected, shouting that the assertion was a lie.

'DEAD IN THE EYE'

"It certainly is true, and I'm looking you dead in the eye," yelled Gervais from the witness chair.

The silver-haired former New Orleans policeman told the court that shortly before leaving for Canada in 1971 near the end of the IRS probe into pinball bribery, he had told Criminal District Court Judge Charles Ward — a former assistant DA under Garrison — that Garrison would soon be arrested, and told him he (Gervais) knew the reason why, "but I did not go into all the details."

Gervais said Ward then asked him permission to tell William Alford, then a Garrison assistant who had been Ward's law partner, of Garrison's impending arrest so that Alford could quickly disassociate himself with Garrison's office.

Gervais said he gave his permission.

Gervais, now a pizza restaurant operator living in Brookhaven, Miss., explained the circumstances surrounding Garrison acquiring Schonekas as an attorney for him.

As Gervais told it, Garrison had called him several times while he was living in Vancouver, Canada.

Garrison was interested in running for the Louisiana Supreme Court at that time, Gervais continued, and "time was expedient. He wanted to get me back here" to file suit against the Justice Department for damages and return of the tapes Gervais had cooperated in making.

RELOCATION SET

The Justice Department had arranged for the relocation of Gervais and his family to Canada, he said.

Gervais said Garrison even sent Mark Kadish, a law partner of famed attorney F. Lee Bailey, to see him and discuss Gervais' possible return to New Orleans and the filing of such a suit.

Asked why he insisted to federal officials he be relocated out of the country after the 1971 arrests, Gervais said he did not want his family subjected to the publicity he felt sure would come out of the matter and also because he feared Garrison would bring charges against him for something.

Outside the courtroom Gervais repeated his assertion that Garrison planned to arrest him as the result of his testimony. "I've been hearing that for months," Gervais said, adding that such action was the way Garrison operated.

'STROKE OF A PEN'

"He once told me," Gervais said, "he could have a man arrested just by the stroke of a pen."

Garrison would not deny he planned to arrest Gervais, either.

Instead, he said he could not comment on it "objectively" while he was on trial. He said he would have to wait until he returned to the DA's office and then consider it.

In testifying on Garrison's offer of an attorney, Gervais said the DA told him he could "use my quarterback," referring to attorney F. Lee Bailey, whom Garrison wanted to have as his own defense attorney here. However, Bailey is currently involved in defending himself in a mail fraud suit in Orlando, Fla., which reportedly will go on as long as 20 weeks.

AGREES TO RETURN

Gervais said he finally consented to return to New Orleans, meeting with Garrison when he got back here.

He said Garrison offered him the employ of the law firm of Deutsch, Kerrigan and Stiles or of Schonekas.

He said he chose Schonekas because he felt he could better relate to him than the other firm's attorneys.

It was following this selection, Gervais continued, that Schonekas made the \$50,000 "overture"

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to some of the defense attorneys in this case so that they could "write the script."

Schonekas was seen leaving Judge Christenberry's chambers following Thursday's session.

In testifying on Schonekas' purported offer, Gervais said: "I'm sorry I had to mention his name, but it's out of my control."

Gervais said that between the time he left his job as Garrison's chief investigator in 1965 and the DA's arrest in 1971, he had reason to visit Garrison on several occasions.

These visits were for only two reasons, he added — either to deliver bribe money from pinball operators, or upon Garrison's request to get Gervais involved in taking part in his investigation of the John F. Kennedy assassination probe.

"I certainly didn't drop in to drink tea," Gervais quipped.

WAR MEETING

Garrison began his cross-examination of Gervais by having the witness recount how they met in the army at Camp Shelby, Miss., and served together in the National Guard unit which eventually was federalized during World War II.

But Gervais told him, "I didn't socialize with you. I didn't go to town with you. I didn't even leave the base with you."

Garrison asked whether he named Gervais as his first sergeant when he became battalion commander. Gervais replied, "I was the first sergeant but I never attended a drill. I never even had a uniform."

Gervais admitted that when he was accused of accepting a bribe during the middle 1960s, Garrison took his part after he told him he had not taken the bribe.

'CLIP JOINTS'

The DA then asked him whether he recalled the campaign which closed down the "clip joints" on Bourbon Street. "I think I originated the idea," Gervais replied.

Garrison said, "I'll join you in taking the credit."

Then Garrison attempted to question Gervais about his son who was killed while serving in the Army in Vietnam. He had asked if Gervais remembered the time his son was killed.

Gervais replied, "I don't want to use my son. I don't want to hide behind that."

Garrison persisted and Judge Christenberry told him sharply, "Don't you think it is peculiar to ask a man when his son was killed? You don't think he would forget a thing like that do you?"

SON'S DEATH

Federal agents have said Gervais agreed to work for them after his son died because he told them he didn't want his death to have been in vain, which he felt would be the case if corruption and graft continued.

Garrison then asked Gervais about the frequency of their visits after Gervais left the DA's office in 1965. Gervais said they had little contact.

"I had occasions to visit you.

They would not have been without purpose. Not just to drop in, always a purpose," Gervais said. He testified on direct examination by the government Wednesday that he continued to bring bribe money from Callery to Garrison after he left the District Attorney's office.

GRANT OF IMMUNITY

Then Garrison began questioning Gervais about the grant of immunity under which he is testifying. The grant protects him from any type of prosecution except for perjury or contempt of court.

"Do you expect not to be prosecuted?" Garrison asked. Gervais considered the question and smiled, "That's kind of a funny question."

Garrison rephrased it and Gervais replied that of course he didn't expect to be prosecuted as the result of his testimony because that was the purpose of the immunity grant.

Garrison proceeded to illicit from Gervais that he owes the government \$8,000 as a result of the amendment tax returns he filed before going to work for the government as an undercover agent.

He said that he had owed the money since the returns were filed several years ago and had not been asked to pay the money since that time.

TAX RETURNS

He also said he recalled telling IRS agents back in 1968, before he began cooperating with the government, that Garrison was not concerned with money and if there was a mistake on the DA's tax return it was the result of carelessness and Garrison could just as well have overpaid as underpaid. The agents were questioning him

about the district attorney at the time.

Later, he said, they began investigating him. He had testified about that on direct examination by Assistant U.S. Atty. Michael Ellis. He said after agreeing to work with the IRS agents he told them to investigate him and if they couldn't find anything illegal he would work with them and tell them about his activities if the information would not be used against him.

But prior to that time Garrison brought out Gervais had the government agents they told the government agents they were trying to use him to get to the DA, and that their investigation was political.

He said he wouldn't make his records available when the agents first began investigating him because "I didn't want to help them to make a case against me." He also said he refused to allow them to examine his safety deposit boxes. He said they were aware of only one box and he told them he had two.

Garrison apparently brought up the safety deposit boxes because one of his investigators, Lynn Loisel, testified previously that Gervais kept diamonds stored in the boxes.

Garrison asked whether "there was a time when you had no cooperation (with the government) and then a time when you were making \$22,000 a year?"

Gervais agreed that after he worked with the government on its case against Garrison he changed his name, moved his family to Canada and went to work as a traffic manager for General Motors at \$18,000 a year. The government had agreed to get him a job at \$22,000 a year, he said but it fell through and he held the government to its obligation and got \$4,000 annually "to make up the difference."

LITTLE EFFORT

Gervais had testified previously that his job required little effort and he became "disenchanted and disappointed" with it. He said he was only required to show up two days a week to fulfill his duties.

"Are there many more positions like that left in Canada?" Garrison asked. It brought laughter from the court spectators and Gervais.

Gervais also told Garrison the government paid him — "I hate to use the term" — \$50 a day subsistence while his family was en route to Canada. His reference to the "term" of \$50 a day was his previous testimony that pinball operators paid the DA \$50 per day for protection against prosecution for their illegal gambling activities.

Gervais said he wanted to leave the country after the investigation ended June 30, 1970, "because I didn't want to expose my family" to the reaction which he said he felt would fol-

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low the arrests of Garrison and the others.

'PAUL MASON'

Gervais said he had his name legally changed to "Paul Mason" and has not since had it rechanged to Pershing Gervais. But, he said, "I answer to Pershing Gervais. I sign checks Pershing Gervais and I bought a house as Pershing Gervais."

Garrison also introduced as evidence copies of false birth certificates the government provided for Gervais' two children. Gervais said they were necessary for his children to be allowed to enter school in Canada.

"I wanted to start a whole new life," he said.

Garrison also read a copy of a letter stating the terms of an agreement Gervais made with the government. The agreement was signed by John Wall, formerly head of the federal Organized Crime Strike Force in New Orleans.

RETURN LIMITED

Part of the agreement required that Gervais not return to the United States without prior approval of the Justice Department. It was the result, Gervais said, of his returning to New Orleans in September of 1970 without permission. He said he came back at that time because he and his family were unhappy with the situation in Canada, but after making the agreement with the government he returned to Vancouver, B.C.

While being questioned by Ellis, Gervais testified he returned to New Orleans in the spring of 1971. But before returning he said he talked with Garrison on the telephone. "It was the prudent thing to do. Once I had made up my mind I was coming back to New Orleans I had to make peace in order not to be harassed," he said.

He said statements when he

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returned about being "coerced and seduced" into working for the government were "absolutely false."

CHARACTER SMEAR

Gervais told Ellis that he had agreed only to testify for the government after his character had been besmirched on the witness stand by Garrison's investigators Lynn Lois el and Louis Ivon. He said he realized that if he were "going to remain in the small community I had to clear my name." Gervais lives in Brookhaven, Miss. "I just couldn't let those clowns hang it on me like that," he said. He said he was specifically concerned about the attack upon local attorney Burton

Klein by investigators who Gervais and Klein both testified lied about Klein concerning an alleged bribe.

Ellis also led Gervais through testimony about the four bribe payments he said he gave Garrison during 1971.

Gervais told of getting the money from Harby Marks, an employe of Louis Boasberg, the owner of New Orleans Novelty Co., having the serial numbers recorded and then delivering it to Garrison.

VERIFIES TAPE

He said tape recorded conversations of the money exchanges were accurate. He also testified about paying former police Capt. Frederick Soule Sr. who gave some of it to former Police Sgt. Robert Frey.

Soule pleaded guilty and Frey has been granted a separate trial. Both testified for the government in the case.

Gervais also told how he recovered some of the marked money he paid Garrison by cashing a \$2,350 check at the Fontainebleau Motor Hotel. Garrison had paid a bill there with the money, he said. That money has been presented in court as evidence.

And Gervais also identified a piece of paper with the name "Charles Cabell" on it. He said

he wrote the name down after being urged by Garrison to find out whether the man had been registered at the Fontainebleau near the time President John F. Kennedy was assassinated.

If he had been, Gervais said Garrison was going to arrest him. That conversation was recorded by the government and in it Garrison tells Gervais that Charles Cabell was the deputy director of the Central Intelligence Agency when the President was shot to death in Dallas and that Cabell's brother was the mayor of Dallas at the time.

LAST "DELIVERY"

Gervais also told of how he took \$1,000 to Garrison for the last time on June 29, 1971. He said the DA locked it in a drawer of his desk with a key.

When federal agents arrested the DA the next day they said he told them he did not have a key to the desk at home. They pried it open and recovered the \$1,000, they said.

Under cross-examination by Virgil Wheeler, Callery's attorney, Gervais admitted he was fired from the police department in the 1950s for being in New York City with a woman to whom he was not married and for running a business without permission.

Gervais broke out in laughter when Wheeler asked if it wasn't true that his real reason for going to New York was "to exchange diamonds into money." He denied the allegation after he stopped chuckling.

Then Wheeler had Gervais recount much of his previous testimony about his activities with Garrison, Callery and others.