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## JURY ACQUITS GARRISON, NIMS, CALLERY IN PINBALL BRIBE CASE

Jubilant D.A. Renews Assault on  
Justice Department

By JOHN McMILLAN  
and DON HUGHES

Dist. Atty. Jim Garrison was found not guilty of accepting bribes by a nine-man, three-woman jury in U.S. District Court Thursday afternoon.

Two co-defendants, John Arnus Callery, former pinball executive; and Robert E. Nims, the owner of REN Enterprises; were also acquitted.

Garrison came into the courtroom for the verdict with his arms folded and a stern expression fixed on his face.

But when the verdict was read he fell into the arms of his co-counsel, Fred J. Barnett and Louis Merigge, whom he had dismissed midway in the trial but who sat with him at the counsel table to hear the jury's decision.

Garrison's estranged wife embraced him.

Mrs. Nims, who has attended the trial almost every day of the six-week ordeal, burst into tears and threw her arms around her husband. Mrs. Cal-

lery, who testified in her husband's behalf, made her way to him.

Garrison's investigators, friends and followers surrounded the six-foot, six-inch DA in the corridor outside the courtroom. Backslapping and handshaking were the order of the day.

On the courthouse steps the jubilant district attorney began attacking the federal government and said his assaults on it were just beginning.

**'ABSOLUTELY CORRUPT'**

"The Department of Justice of the U.S. government is absolutely corrupt but this time they got beat," he said, as his followers clapped and shouted.

Said Garrison: "We had a jury with a lot of common sense," he said. "They recognized the plot against a man who had been criticizing the government."

"I have only just begun to criticize the government," he added.

He said he predicted the jury, which began deliberations Tuesday night, would reach a verdict Thursday afternoon and it would be "not guilty."

**BIRTH CERTIFICATES**

Garrison, who had shown a fascination during the trial with birth certificates provided by the government for Pershing O. Gervais' children when their names were changed and they left the country for Canada after his participation in the case as an undercover officer became known, commented on them again.

"When I saw those birth certificates forged by the Department of Justice I knew those tapes had to be altered. There was nothing the federal government would not do," he said.

Tape recorded conversations between Garrison and Gervais where the DA allegedly accepted \$1,000 in bribes on four separate occasions were the prime evidence against him.

Garrison said he did not take the stand in his own defense because "I decided not to play their game in their ball field." He said he believed the government fabri-

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cated evidence to use against him if he took the stand.

He then began discussing his pet theories about the assassination of President John F. Kennedy and the military-industrial complex's involvement in Southeast Asia.

He has often said the federal government was responsible for the assassination and he repeated it.

"If they did that to Jack Kennedy — one of the finest men who ever lived — what would they do to me?" he asked.

He added "I don't think the federal government will be finished with me for years and conversely I won't be finished with me for years."

Garrison said he wanted to become more available to the press also.

"In the last few years I certainly wouldn't say we had a real disagreement with the press but we had our differences. I want to say the press was completely fair to me during this trial," said the DA.

**AUDIT PLANNED**

He said he was having a certified public accountant make an audit of his net worth and he intended to hold a news conference to discuss it.

Surrounded by his friends, attorneys and admirers, Garrison then made his way to the Royal Orleans Hotel, which has been his headquarters during the trial, to celebrate.

After the district attorney left, U.S. Atty. Gerald J. Gallinghouse, who prosecuted the case with Asst. U.S. Atty. Michael Ellis and Eric Gisleson, the acting head of the Organized Crime Strike Force here, told reporters:

"Let there be no mistake about this. We will continue to enforce the law. I would hope that those who enjoy temporary victories will not gloat too much."

"We broke up a multi-million dollar gambling business," he said. "We broke up what was a very corrupt system. In a real sense, the people are not total losers."

**TAX CASE 'FRAUD'**

There is a pending income tax case against Garrison and he termed it "so blatantly fraudulent that I seriously doubt the government will be able to come into court with a straight face."

"If they want to I'll dance with them again and I'll win again."

During the trial Gervais, who testified against Garrison, said the DA would try to have him arrested, but Garrison said, "don't believe in vindictiveness. I have no plans to hurt anybody for any particular reason."

"I'm not mad at anybody."

Earlier in the courtroom, immediately following the reading of the verdict, the government attorneys appeared somewhat dejected, but Gallinghouse chief prosecutor in the case was philosophic about the outcome.

"We must accept it," Gallinghouse commented. "We feel that it was a magnificent investigatory and prosecutive effort, and we had felt confident that we had established the defendants' guilt beyond a reasonable doubt. However, we must and we do accept the verdict of the jury."

Gallinghouse's two fellow prosecutors, Ellis and Gisleson appeared equally surprised at the verdict.

As the defendants walked from the courtroom into the hallway, they were swamped by well-wishers, receiving handshakes and pats on the back.

Nims, whose attractive blonde wife had been in tears since the not guilty verdict was read for her husband, was smiling broadly for almost the first time since the lengthy proceedings began.

"I'm just overwhelmed, delighted," Nims commented; "I had confidence that the jury would return a verdict of not guilty in my case. I'm just delighted." Nims then boarded the elevator with his wife, who was still weeping with joy.

Callery said: "Well, of course, I'm very happy for my family, my wife and my daughter. All I can say is I'm very happy about it. I feel I've been vindicated."

The jury sent a message to U.S. District Judge Herbert W. Christenberry at 3:15 p.m. they had a verdict.

Twenty minutes later Garrison and his two co-defendants were free men.

**SENTENCE NIMS**

Nims, however, still faces sentencing on his conviction of

conspiring to use illegal pinball gambling machines shipped to New Orleans through interstate commerce.

That trial, held last spring, also had Callery as a defendant, but he was severed after he became ill during the proceedings.

Besides Garrison, Nims and Callery, seven other men were arrested and charged with the defendants when they were picked up on June 30, 1971.

Three of them, former New Orleans Police Department Capt. Frederick Soule Sr.; John Elms Jr., a partner in TAC Amusement Co., and Louis Boasberg, the owner of New Orleans Novelty Co., pleaded guilty to the charges of which Garrison, Nims and Callery were acquitted.

The other four, Lawrence Lagarde Sr., Elms' partner; Harby Marks Jr., an employe of Boasberg; former police Sgt. and commander of the Vice Squad Robert Frey, and John Elmo Pierce, the owner of Pierce Amusement Co., were severed from the trial.

The verdict, as in all federal cases, was unanimous as it had to be.

**MORNING ARRIVAL**

Gervais, accompanied by several Internal Revenue Service agents, arrived on the steps of the courts building at 400 Royal about 10:30 a.m. carrying a heavy briefcase filled with what he said were his personal records.

The investigator turned pizza salesman said he was back in New Orleans "to tell as much as I can" to the grand jury concerning crime in the New Orleans area, adding that such testimony "might take quite a while but I wouldn't want to make a career of it."

"I will tell them anything and everything they want to know," the silver haired ex-sleuth commented. "I am prepared to start from day one — from the date of my birth, so to speak."

Gervais said he plans to remain in Brookhaven, Miss., where he now resides and "will continue living, for want of a better word, a normal life."

**FADING AWAY**

"I should think that the world will little note nor care less what I do," he continued when asked of his plans for the future.

Reminded that during the trial attorney Guy Johnson testi-

fied Gervais tried in 1972 to get \$10,000 for some tape recordings Gervais supposedly made in connection with the bribery case, Gervais replied: "I could care less what Guy Johnson said. He has problems of his own."

Gervais testified earlier it was Johnson who offered him \$10,000 for the tapes.

Of the material in his briefcase, Gervais said it included items pertaining to the years he worked as Garrison's chief investigator.

After briefly speaking with reporters, Gervais, still surrounded by IRS agents, proceeded to the grand jury room.

Earlier Thursday, the only discernible action around the jury room was the delivery to the jurors of a blackboard and chalk which they requested. They reportedly wanted these to list the dates of various occurrences in the case.

It was two years and 20 days after his arrest on June 30, 1971, that Garrison was brought to trial.

On Aug. 20, 1973, the three-woman, nine-man jury was empaneled. Then Gallinghouse told them on Aug. 21, the first day of active trial work, he intended to prove Garrison was paid bribes by Callery and Nims to obstruct the enforcement of the state's anti-gambling laws regarding illegal payoffs on pinball machines.

Louis Merhige, who was Garrison's co-counsel with Fred J. Barnett before they were relieved of their duties by the DA, told the jury Garrison was innocent; that tape recordings of the district attorney allegedly accepting bribe payments from government undercover agent Pershing O. Gervais were fraudulent and the case against his client was a frame by the federal government.

Louis C. LaCour, Nims' counsel, and Virgil Wheeler, who represented Callery, deferred their opening remarks.

While the press and the public anxiously waited for the first playing of the tape recordings, which were said to reveal the district attorney of Orleans Parish accepting four bribe payments of \$1,000 each during the first six months of 1971; the

government prosecutors began slowly building their case.

Nineteen persons who operated establishments where pinball machines were placed testified they made illegal payoffs on the machines to patrons who won games. Then the employees of the pinball owners reimbursed them for the payoffs and split the proceeds, they testified.

The next day the government put Lt. Ernest Nash of the Michigan State Police on the stand. He testified he had examined more than 50 tape recordings made by Internal Revenue Service intelligence agents of alleged conversations between Gervais and the defendants.

Nash, one of only 10 voice print experts in the world, said the tapes had not been altered, spliced or tampered with in any way, shape or form.

He said he compared the recordings with other recordings made of the defendants' voices after their arrest and it was their voices on the tapes.

But the first big bombshell, the first dramatic incident, occurred when Soule took the stand and pulled out \$63,000 from a brief case and showed it to the jury.

He said he had received it as bribes since 1962. And he kept it hidden in a large pickle jar which he buried in the backyard of his Gentilly home.

Soule testified he received bribe money from pinball executives and eventually, through pressure and trickery, corrupted Frey, his subordinate and friend, into accepting some money although Frey did nothing for it.

He said he also carried pinball bribe money to Gervais for delivery to Garrison.

Then the first tape was played.

It was a conversation between Soule and Gervais in which Gervais was complaining about the small amount of money, \$500 for two months, that pinball dealers were trying to pay for protection.

Soule said he understood Garrison was used to receiving more.

The reason for the reduced payments, according to testimony, were the raids on the pinball machines by federal agents in November of 1970 which knocked a dent in profits of the machine owners.

Then another Soule-Gervais meeting had Gervais complaining even \$1,000 a month in bribe money was "ridiculous, really." But he said he took it to Garrison and the DA "snatched it out of my hand."

Soule told Gervais he was "lucky he didn't pull your arm off."

And Soule told in a conversation taped on Jan. 13, 1971, Nims gave Callery \$1,000 to give to him while they were sitting in a car.

LaCour and Wheeler, later in the trial, attacked Soule because he said in court the exchange took place on Oct. 3 or 4, 1970. Both men were out of town on that date.

The government argued Soule's error only meant the transaction occurred later than he thought and put it after Oct. 15, 1970, the date cited in the indictment as the beginning of the case against the defendants.

On Oct. 15, 1970, the U.S. Congress passed an Omnibus Crime bill under which the defendants are charged.

A still more dramatic — and unexpected event — occurred when Lawrence Lagarde Sr. admitted in court TAC Amusement Co. had been paying former police Supt. Joseph T. Giarrusso \$30,000 in bribe money a year.

As a result Giarrusso was taken before a federal grand jury on Sept. 13.

John Elms Jr., Lagarde's partner in the firm, confirmed the testimony. Giarrusso received bribes.

He also identified his voice on tape recordings in which he discussed with Gervais the paying of bribes to Garrison.

Boasberg took the stand and identified a tape recording of a three-way conversation between him, Elms and Gervais in which they discussed the possibility of having then-Gov. John J. McKeithen halt his opposition to the gambling-type pinball industry in Louisiana.

Then Boasberg testified he paid Gervais bribes on three occasions in 1971 in order to get Garrison to intercede with McKeithen on behalf of the pinball industry.

On the last day of August, Frey testified as a witness for

the government, recounting his trusted friend Soule, had corrupted him.

He said Soule forced the money on him without telling him what it was for, but when he caught on, Soule told him he might as well take it because the DA, the mayor and the po-

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lice chief were accepting bribes also.

Soule said there was no evidence the mayor was on the take and only told Frey that to hem him in.

Aaron Kohn, the managing director of the Metropolitan Crime Commission, testified to show Garrison had long possessed knowledge of the pinball owners' part in the gambling on the machines.

He told of providing Garrison with plans for prosecuting the "big men" instead of the "little people" in the business. Kohn said he didn't dislike Garrison because "I think he's a pretty sick man and I can't have a dislike for sick people."

Internal Revenue agents who worked on the investigation finally took the stand to identify the recordings of conversations between Nims and Gervais and Callery and Gervais in which the pinball business was discussed.

Headsets were provided for the jurors, the judge, the defendants and their attorneys, the court personnel and the press. Spectators heard the conversations over loudspeakers.

The big moment in the trial arrived when the first conversation between Garrison and Gervais was played and in addition to the headsets and loud speakers, the principals and the press were provided with transcripts of the conversations — conversations which were littered with the roughest of profanities. Only a few of those recorded did not utter obscenities of one sort or another.

Certainly Gervais and Garrison were not exempt.

The first conversation between Garrison and his former chief investigator occurred on Feb. 25, 1971, when Gervais allegedly handed the DA \$1,000.

Gervais says: "Thou s a n d, hey, Jesus Christ, you . . .

burned my fingers. Bring the butter up here. Jesus Christ, you burned my fingers James," apparently indicating that Garrison had snatched the money out of his hand.

In a conversation recorded March 9, 1971, Garrison asks Gervais, "Well, then what, what, how much is in there," when Gervais arrives at his house with an envelope full of money.

Gervais: "A thousand dollars." Garrison: "Gee, that's great."

Gervais: "No there's a thousand every two months. See, the last one was for January and February, this is . . ."

Garrison: "In other words, it's dropped down considerably because they've grabbed so many of their machines."

The DA also tells Gervais he will intercede with McKeithen for the pinball dealers. Gervais also informed Garrison Soule and Frey were on the take.

Garrison replies: "You mean even Frey, who's been a pain in our . . . is, uh, all right as far as this thing, this area is concerned."

It was revealed the serial numbers on bills which were allegedly given to Garrison had been recorded and a number of them recovered after the DA had one of his investigators pay his bill at the Fontainebleau Motor Hotel where he had a room.

Employees of the hotel testified Gervais had cashed a large check there and asked for big bills and Garrison's room rent had been paid in large bills. Steve Bordelon, the DA's investigator, also testified he paid the bill in money of large denominations.

Government agents testified the payment had been made to the DA in Room 118 at the hotel where Garrison was staying under the name L. V. Nee.

The last-recorded conversation between Gervais and the DA took place on June 29, 1971, the night before Garrison and the others were arrested.

Gervais, agents testified, delivered \$1,000 in an envelope to Garrison's house at 4600 Owens Blvd. The money and the envelope

had been dusted with fluorescent powder.

Gervais allegedly gave it to Garrison, who locked it in a desk drawer.

As Gervais left the house, he muttered into the transmitter attached to his body, "So perish all enemies of this country."

The next day Garrison was arrested and the money retrieved from his desk drawer which he refused to open, claiming he didn't have a key. IRS agents pried it open. When the DA was examined following his arrest traces of the fluorescent powder were found on his hands.

Agents also arrested the other defendants, including Soule and Frye, who each had \$500 in marked money on them.

It was shortly after this point in the proceedings the government rested its case in the main, Garrison parted with his attorneys and began representing himself, and Wheeler rested Callery's case, offering no defense.

In his opening statement Garrison said he felt Judge Christenberry had spoken with "unintentional bias" by commenting the previous day he felt there was "abundant evidence to establish the guilt" of the defendants should the jury believe that evidence. On those grounds he asked the judge to recuse himself.

With the recusal motion denied, Garrison called former assistant DAs who each testified Garrison had never asked them to do anything improper and that pinball payoff cases had been prosecuted "vigorously" by Garrison's office.

He also called police Supt. Clarence B. Giarrusso, who said he had received no complaints concerning gambling cases about Garrison's office.

Later, in conducting his own defense, Garrison called upon a string of Criminal District Court judges, including Mathew Braniff, Oliver Schulingcamp, Israel Augustine, Frank Shea and Alvin Oser, who all echoed the vigorous prosecution given by Garrison's office to pinball payoff cases.

Yet another leading aspect of the DA's defense strategy was

to discredit Gervais, picturing him as untrustworthy and a liar.

Former Assistant DA Ross Scaccio, now a candidate against Garrison, said Gervais had twice offered him bribes, adding he didn't accept them nor did he prosecute Gervais because "it was a head to head" situation.

DA's investigator Lynn Loisel said Gervais dealt with burglars and told of the informant having a safety deposit box filled with diamonds he can't get to.

Garrison's chief investigator, Louis Ivon, told of being present when the DA fired Gervais within 24 hours after learning Gervais had tried to shake down attorney Bert Klein in return for fixing a case.

Ivon said Gervais felt everybody was a thief. "He even talked about the Pope. He said the Pope was a thief and a goof," Ivon recounted.

The DA's chief assistant, John Volz, related Garrison was once "bragging" to him prior to his arrest in 1971 of rejecting a bribe offer of \$3,000 weekly.

Perhaps Garrison's most colorful witness was Dr. Louis Gerstman, a professor of speech and hearing sciences in New York, who was admitted by the court under a barrage of prosecution objections, to testify as the DA's voice and tape expert.

Dr. Gerstman said he had found the one tape recording sent him for analysis had been tampered with, Garrison's voice having been spliced into it in different places.

He said he had both listened to the tape and played it through a vacilloscope in his laboratory, and termed it a "fraudulent fabrication."

However, on cross-examination Gerstman admitted he had studied only one of the more than 50 tapes which had been played in court as evidence, and he had rendered his expert opinion the tape had been altered after examining only the first fourth of the reel.

The professor's testimony directly contradicted that of Lt. Nash who had said none of the tapes had been tampered with; that they were true reproductions of the voices of Gervais and the 10 persons arrested.

Garrison also hammered away on the fact that prior to 1972 no district attorney in Louisiana had the benefit of a general immunity statute with which to grant immunity to witnesses testifying in such cases as gambling trials.

He called a number of former Orleans Parish DAs and several DAs from other areas of the state, who all verified it would have been extremely difficult to bring a pinball operator to trial because of the lack of authority to grant immunity to witnesses.

Garrison noted many times federal authorities at this time had the power to grant general immunity.

The trial's most electrifying moment, prior to the verdict, was the surprise appearance of star government witness Gervais, the mystery man whose voice had been heard on tape in court for days.

The 53-year-old pizza parlor owner and former top sleuth for Garrison told the court his former boss had been receiving \$50 a day in bribe money from pinball operators from 1962, the year he took office, until 1970, and then lesser amounts until the date of his arrest in 1971.

Gervais said he had been corrupted by Garrison, who refused to make waves with the pinball operators. He said Garrison told him he had received a \$10,000 campaign contribution from the pinball industry when campaigning for office in 1961.

"Big deal. If they gave you a contribution for good government, let's give 'em good government," Gervais said he told Garrison.

But, according to Gervais, Garrison replied: "No, there will be another campaign."

It was after that conversation, the witness continued, the DA introduced him to Callery.

He said they met at Dan's Chinese Restaurant on Bourbon Street where it was decided \$50 daily, to be paid monthly and later semimonthly, would be the amount to be given Garrison "strangely enough so that he would do nothing" against the pinball industry.

Gervais said Garrison had "absolutely no doubt" where the money, which he delivered personally to the DA, was coming from.

The former investigator said despite what Loisel had

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testified to previously, he had not been fired from the DA's office, but he resigned after a power dispute with Garrison's then-chief assistant Frank Klein.

A plaque given Gervais by Garrison two months after Gervais' departure from the office was presented as evidence. It praised Gervais as being the best investigator a DA could have.

Gervais further testified to his role in the secretive tapings while cooperating with IRS agents; his duties and collection and payoff man of pinball bribe monies and of his visits to Garrison's home to deliver separate \$1,000 payments to the DA.

On June 30, 1971, the day of the arrests, Gervais said he followed through with his plans and left New Orleans for a new life in Canada, bearing the new identity of Paul Mason. His wife and two children also used the family name Mason.

But he said he soon became

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—Photo by A. J. Adams of The Times-Picayune Staff.

**SMILING TRIUMPHANTLY**, Dist. Atty. Jim Garrison and his wife, Liz, emerge from federal court Thursday following Garrison's

acquittal in U.S. District Court of pinball bribery charges.



—Photo by Horace J. Patterson of The Times-Picayune Staff.

**MOMENTS AFTER HE** was acquitted by a federal jury of conspiracy to obstruct law enforcement by participating in a bribery scheme, John Aruns Callery, one of three defendants in the trial, emerges from the courthouse and accepts the congratulations of a bystander. The jury found him and the others not guilty on its third day of deliberation.

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disenchanted with his new life in Canada and with the treatment he had received from the U.S. Justice Department which handled his relocation arrangements.

He subsequently returned to the United States and settled his family in Brookhaven, Miss.

Much of Gervais' testimony amounted to a bombardment of allegations and insinuations against various persons, including several attorneys he accused of trying to bribe him for tapes he had personally made concerning the case.

These charges were countered later from the stand by those against whom Gervais had made the allegations.

After scores of witnesses and millions of words of testimony, the trial began to wind down Monday as the government and prosecution delivered a full day of closing arguments.

Gallinghouse described the case as a giant jigsaw puzzle, and said the government had put the pieces together. Gleson recounted testimony that had taken place and told the jury the case was a "classic conspiracy."

Ellis drew a verbal portrait of what the prosecution was alleging, pointing out crucial testimony and pertinent evidence against the defendants.

He outlined Gervais' role and those of the other seven who were arrested with Garrison, Callery and Nims.

Wheeler, in his closing argument on behalf of Callery, contended his client had no role in the pinball industry by the time the indictment period began on Oct. 15, 1970, adding there were really three separate conspiracies, the last being within the indictment time frame and hav-

ing been initiated by Boasberg.

Wheeler said Callery was merely a source of information to Gervais and not an active participant in the "Boasberg agreement," as the attorney termed it.

In his final statement defending Nims, LaCour lashed out loudly against Soule's testimony and the fact that the former captain had returned to the stand to change his recollection of the date he allegedly received a bribe payment from Nims in 1970.

LaCour said that no evidence had been produced to show Nims was a part of the third, or Boasberg agreement.

The concluding highlights came Tuesday as Garrison delivered his emotional two-hour, 50-minute closing statement, decorated with quotes from Robert Browning, the Declaration of Independence and Alice in Wonderland.

The DA, his voice cracking and his eyes near tears, at one point said over the past two years he "has had to bear the knowledge that my children must have had some doubts."

The DA blamed the federal government for bringing about the conspiracy "without foreknowledge" and charged there probably would never have been any allegations of a conspiracy were it not for Gervais, "a man very close to genius when it comes to manipulation of people."

He condemned trickery and deceit and violation of the law, all of which he said were used by the government in building its case.

Garrison praised the operation of his office from 1962 to the present, and belittled the prosecution's witnesses against him and his co-defendants.

He asked the jury to believe the opinion of his tape expert,

Dr. Gerstman, and discredit that of Lt. Nash, who had claimed he had never made a mistake in voice identification.

"In addition to whatever sentence is imposed," said Garrison, "if a mistake is made by the jury we must bear the scars."

But the final attack prior to Judge Christenberry's charge to the jury was in the hands of Gallinghouse, who used his booming voice dramatically to proclaim that "law enforcement and justice are not for sale."

When a public official like Mr.

Garrison breaks the law it breeds contempt for justice. It is sad but true that he betrayed a public trust."

Calling the group "an unholy alliance," Gallinghouse said that Nims and Callery were equally guilty as Garrison, and the evidence in the record showed all three were partners in an illegal conspiracy to obstruct law enforcement.

With the end of final and rebuttal arguments and the judge's charge, it was in the jury's hands in the middle of the sixth week.



—Photo by A. J. Adams of The Times-Picayune Staff.

ROBERT E. NIMS speaks with newsmen outside the federal court Thursday after being acquitted, along with Dist. Atty. Jim Garrison and John Aruns Callery of bribery charges. Nims still faces sentencing on his conviction last spring of conspiring to use illegal pinball gambling machines shipped to New Orleans through interstate commerce.