

whose testimony contradicted that of former Police Capt. Frederick Soule Sr.

And the government stipulated the evidence supplied by the witnesses did in fact place defendant John Aruns Callery in Europe at the time Soule said Callery took \$1,000 from Nims and gave it to him.

Mrs. Ruth Callery, the defendant's wife, said she, her husband, her daughter and a friend of her daughter's were in Europe from Sept. 21, 1970, until Oct. 14, 1970.

Soule had testified that Callery gave him the money at a shopping center on Oct. 3, 1970. He later said he had checked his calendar and that the money exchange was on Oct. 4.

A hotel bill indicated that Callery was in Spain on Oct. 4.

Mrs. Callery, her daughter Marsha, and Mrs. Merle Segura, the friend, all testified that Callery was with them the entire trip and could not have been at the shopping center.

GRAND JURY PROBE

A one-time assistant DA and Criminal District Court judge, James Alcock, testified that while he was working for Garrison he attempted to conduct a grand jury investigation to get indictments against the owners of pinball machines.

However, he said it was unsuccessful because Louisiana had no general immunity statute at that time.

Alcock said that the investigation was during the summer of 1969. He said he called three people who had been arrested for making payoffs on pinball machines before the grand jury.

"I told these people if they would cooperate with us to get the higher ups I would not prosecute them. I was trying to give them immunity," he said.

"I repeatedly told them I would not prosecute them but their attorneys advised against them testifying since I didn't have the authority."

He said that Garrison was aware of the investigation and approved of it "or I wouldn't have done it." He said that if

the general immunity statute which was passed in 1972 had been effective the attorneys would not have advised their clients to take the Fifth Amendment.

Alcock said that in his investigation "we are trying to get back up the ladder to the operators. It's no challenge for a prosecutor to try a barmaid for paying off when she may have no choice."

HEATED EXCHANGE

Under cross-examination by U.S. Atty. Gerald J. Gallinghouse, the exchange became heated on several occasions. Alcock said that Louis Boasberg, the owner of New Orleans Novelty Co. and an original defendant in the case who pleaded guilty, was called before the grand jury investigating pinball owners. He said Boasberg brought his records.

"What records?" Gallinghouse asked.

"The records of his company," Alcock replied.

"What records?"

"The records of his company."

Asked whether he examined the records, Alcock replied he did.

"How did you examine them?"

"How? We looked at them."

In response to a question by the judge, Alcock said he was an accountant. He said the records did not indicate gambling payoffs.

PRESS KNEW FIRST

Concerning a grand jury investigation into pinball machines initiated by former assistant DA William Alford, Alcock said he was mad about it and so was Garrison. He said it

wasn't the subject of the investigation which concerned him and Garrison, but the fact that Alford held a press conference about it without ever telling his superiors the investigation was under way.

"Garrison was displeased just as you would be displeased if one of your assistants launched an investigation on his own," he replied to a question by Gallinghouse. "At least I don't see them announcing them on TV," he said.

The investigation continued, he said, but no indictments resulted from that probe also because of the lack of immunity.

Alcock also attacked the credibility of Gervais. Gervais, who worked in an undercover capacity for the government in developing the case against the defendants, was described as feeling everybody had a "price."

"I found his approach to life, his ethics, his morality, offensive."

Alcock also said Gervais was bitter because "he could not get any help out of the Orleans Parish District Attorney's Office."