

Judge issues contempt threat

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A defense attorney today was threatened with a contempt of court citation in the pinball bribery trial of Dist. Atty. Jim Garrison and pinball executives John Aruns Callery and Robert Nims.

The attorney, Virgil M. Wheeler, who represents Callery, drew notice of possible contempt from U.S. District Court Judge Herbert W. Christenberry after the two engaged in a loud verbal exchange over Wheeler's questioning of a government witness.

Wheeler was cross-examining Jerry W. Brents who had testified that Callery received \$440,000 from pinball machine companies between 1966 and 1971.

Wheeler asked Brents whether he had obtained his information from a general ledger or made his deductions on the basis of canceled checks alone.

Judge Christenberry excused the jury and said Wheeler had told him in a private conference at the bench that he (Wheeler) did not know if a general ledger existed.

"Yet, you are questioning this witness as though there were a general ledger," said the judge.

Wheeler responded loudly that he did not know whether there was such a

ledger and stated his objections for the record to the court reporter.

"I'm sorry you did that, Mr. Wheeler," the judge said. When Wheeler attempted to answer him, Judge Christenberry said he was placing the attorney on notice of contempt.

At that point the judge called a brief recess.

When court resumed neither the judge nor Wheeler gave any hint of their argument of a few minutes before. After further questioning Brents was excused and the judge recessed the trial until mid-afternoon.

The flareup came as the government prepared to rest its case against the district attorney and the two pinball executives.

Garrison, Callery and Nims are charged with conspiracy to obstruct law enforcement by giving and taking bribes to protect illegal pinball gambling.

The jury heard taped conversations last week which allegedly indicate Garrison took \$1,000 bribes from pinball dealers on three occasions.

It also heard testimony that some of that money was recovered by federal agents after Garrison paid a room tab

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of more than a \$1,000 at the Fontainebleau Motor Hotel in June, 1971.

As the fourth week of the trial opened today Brents, responding to a Wheeler question, said he did not see all of Callery's books and could not tell how much of the \$440,000 might have been loans and how much payments.

He said some of the canceled checks he examined indicated they were loans but, "It has been my experience that you can type anything you want to on a check."

He said the payments to Callery's Business Research Counselors Inc. were primarily from New Orleans Novelty Co. and State Novelty Co., both primarily owned by Louis N. Boasberg who has pleaded guilty in the case.

Defense attorneys are expected to attack the credibility of taped conversations which implicate Garrison by focusing on Pershing O. Gervais' controversial past.

Gervais, once a friend and an investigator for Garrison, turned government informer and secured the taped conversations. The tapes are the government's main evidence against the district attorney.

Garrison's defense will be argued by New Orleans lawyer Louis Merhige and Dr. Frederic Barnett, a member of the Boston law firm of F. Lee Bailey. Mark Kadish, another member of that law firm, was helping defend Garrison at the beginning of the trial. However, he has not been in the courtroom for the past two weeks. He reportedly is preparing to defend Bailey in a mail fraud case in Florida.