

Contradicted by tape evidence

Boasberg testimony disputed

By LANNY THOMAS

Evidence heard yesterday in the bribery trial of Dist. Atty. Jim Garrison and two others contradicts testimony last week of pinball dealer Louis M. Boasberg.

Boasberg testified his sole purpose in getting together with government informer Pershing O. Gervais in late 1970 was to discuss impending legislation detrimental to the pinball industry.

But defendant John Aruns Callery, a former partner of Boasberg, mentions no such discussion in a taped conversation in which he tells Gervais why Boasberg wants to meet him.

THE CALLERY-GERVAIS tape was one of several played yesterday as the government laid the groundwork for the eventual airing of Garrison's taped conversations with Gervais. The prosecution also sought to prove through the tapes that defendants were still involved in a bribery scheme in late 1970 and early 1971.

Garrison, Callery and pinball dealer Robert Nims are on trial for conspiracy to obstruct law enforcement by giving and taking bribes to protect pinball gambling.

Gervais, the government says, delivered bribes from pinball dealers to Garrison.

Boasberg, owner of New Orleans Novelty Co., pleaded guilty. He testified he told Callery he wanted to talk to someone who could get Garrison to persuade former Gov. John J. McKeithen to remain neutral in a legislative fight over outlawing gambling-type pinball machines.

Callery, Boasberg testified, told him Gervais was the man to see, and Callery brought them together. Boasberg also testified he paid Gervais \$6,000 in 1971 for this service.

IN A TAPED conversation of one Boasberg-Gervais meeting, played to the jury last week, pinball legislation — among other topics — was brought up. But whether payoffs discussed by the two were bribes or lobbying fees is certain to be debated later

by the prosecution and defense.

In yesterday's tape, recorded Dec. 11, 1970, Callery tells Gervais that Boasberg wants to see him to "cry poor-mouth."

Callery says Boasberg wants to meet Gervais at Union Passenger Terminal and that if anyone sees the two together Boasberg will say he wanted to talk to Gervais about a book Boasberg is writing.

Gervais tells Callery that he will only meet Boasberg at the Fontainebleau Motor Hotel.

"To change my pattern is a tipoff," says Gervais. "I talk to every, every . . . human being in the world here (Fontainebleau)."

Later in the conversation, Callery says:

I know what he (Boasberg) wants to talk. He's going to be crying on you like he's crying on my shoulder."

CALLERY SAYS Boasberg would tell Gervais: "Why don't you go back and tell him (Garrison) business is bad . . . that I got to take care of my employes. They come first . . ."

Gervais: "That's okay."

Callery: "I said (to Boasberg), 'If you want to take care, take care of them out of your capital . . . You a millionaire . . . If you want to, close the business up. But if you want to stay in business, you have got to, there's no way you can stay in it without . . .'"

Gervais: "Without taking care of people."

Callery: "Without taking care of people — there's no way."

Gervais: "He's . . ."

Callery: "I said, 'What do you expect? Do you expect Garrison to take all this heat in a time like this? This is worse now than it's been before.' I said, 'You are lucky to be on the street . . . Why should Garrison take any heat now?'"

EARLIER IN the conversation, Callery and Boasberg discuss the financial hardship created by the seizure of pinball machines in November,

1970, by federal agents. Hundreds of machines were confiscated because they were not properly registered under a new federal law.

Gervais talks about taking money to Garrison and mentions Boasberg has not paid his share since August, 1970, and may be offering a smaller amount. And he says Garrison has been accustomed to "big money."

In the course of the conversation, Gervais reluctantly agrees to meet Boasberg.

He tells Callery: "I don't want to meet him. I don't know him . . . This is crazy . . ."

For all these years, everything's been going through you. Now, when all the steam and heat and everything comes up, all of a sudden he's (Boasberg) insisting on talking to me. You know, tell him if he wants to talk to me, I'm here."

IN A DISCUSSION of previous payoffs, the Callery-Gervais conversation goes:

Gervais: "What was his (Boasberg) pro rata before?"

Callery: "His pro rata in the thing before was . . . \$4,500. Of course you know . . . it was a package deal."

Gervais: "I know. Why ain't we . . . all worrying now about his pro rata?"

Callery: "His pro rata in the deal before was . . . they were putting up, I would say, usually . . ."

Gervais: "For Garrison."

Callery: "Forty per cent."

Gervais: "Well all right, so . . ."

Callery: "Which is what? Forty per cent of, which was really a deal set up years ago . . ."

when he (Boasberg) actually had more machines . . ."

Callery also tells Gervais that Boasberg wants him to "handle" Vice Squad Commander Sgt. Robert Frey and "by-pass" then police Capt. Frederick A. Soule Sr. He says Boasberg has been unable to come to an agreement with Soule.

Both Soule and Frey have testified they took bribes. Soule pleaded guilty and Frey was severed from the case.

Gervais makes several references to Garrison in the tape, saying he can't offer the district attorney "a hundred dollars a month."

"If he (Boasberg) told me, like a couple hundred dollars . . . I wouldn't tell Garrison nothing. I'd just swallow it . . ."

Three Internal Revenue Service agents testified yesterday they made taped conversations between Gervais and Callery and Gervais and Nims. And, after the tapes were played, they verified them as being accurate.

The court took a recess today because of a death in the family of one of the jurors.

U.S. Dist. Court Judge Herbert W. Christenberry allowed the juror to attend the funeral. The trial, now in its third week, resumes at 10 a.m. tomorrow.