

Questioned by Garrison A-5

Testimony of Alcock

Dist. Atty. Jim Garrison today called to the stand and questioned James L. Alcock, who served as first assistant DA in New Orleans from 1969 to December 1970, served as a criminal court judge from Dec. 18, 1970, to the end of 1971 and returned to the DA's office as an executive assistant DA.

Alcock is now first assistant DA in Terrebonne Parish.

Q. When you were a judge, did you preside over any pinball cases?

A. I probably did. I don't recall any. Most of these defendants entered pleas of guilty; they were rather routine cases.

Q. Do you recollect from your time as a judge whether the DA's office was vigorous or less than vigorous in the prosecution of pinball cases?

A. Very vigorous. I can't recall any case as an assistant DA myself that I didn't vigorously prosecute.

Q. Was there any difference in the intensity of prosecution when you were an assistant DA and when you were as a judge?

A. NONE WHATSOEVER.

Q. Did you have any duties as first assistant DA that involved the grand jury?

A. Definitely. An assistant DA was in charge of presenting cases to the grand jury, but he was under my direction.

Q. Can you recall if the DA's office ever sought to investigate owners and operators of pinball machines?

A. In the summer of 1969 we began a general investigation into organized crime. I decided as first assistant DA, rather than just prosecuting the barmaids who paid off, to go back up the ladder and try

to get the pinball operators. On Aug. 21, 1969, and again on Aug. 28, 1969, I called three individuals charged with making pinball payoffs before the grand jury. I offered not to prosecute them and to have their police records pulled. In other words, I tried to give them immunity. At the time, Louisiana did not have a general immunity statute. The attorneys of these three, because there was no immunity statute, recommended they refuse to testify and stand on the Fifth Amendment.

THEY DID what their attorneys advised; they refused to testify. They took the Fifth. I intended to get at the pinball operators, but I did not have the proper laws to get at them.

Q. Who gave you instructions to conduct this investigation?

A. I don't recall getting any instructions from you. I certainly reported to you. You were knowledgeable on the investigation. You gave me the green light.

Q. Did you have my approval or disapproval?

A. I had your approval, or I wouldn't have done it.

Q. If you had an immunity law in 1969, would it have made a difference?

A. If the immunity law passed by the state in 1972 had been available in 1969, attorneys could not have advised their clients to take the Fifth. I wanted to get the operators. It's no challenge to prosecute a barmaid who has paid off.

A. ABSOLUTELY NOT.

Alcock said he used to go to the Fontainebleau Motor Hotel for coffee and he saw Pershing Gervais there constantly.

Alcock said Gervais always

came to the table where he and others from the DA's office were sitting.

On cross-examination, U.S. Atty. Gerald Gallinghouse asked if Alcock ever asked Gervais to leave the table.

A. No, I didn't do that. But I found his attitude and approach to life obnoxious.

Q. Did he talk to you about criminal activities?

A. What do you mean by criminal activities?

Q. Violations of the Louisiana law?

A. No, but he was bitter because he couldn't get any help out of the DA's office.

GALLINGHOUSE, in his cross examination of Alcock, questioned whether the grand jury investigation headed by Alcock really tried to get at the pinball operators.

This led to several angry exchanges between Gallinghouse and Alcock.

Q. Did you subpoena the owners of the pinball company?

A. No, We did not. We had to crawl before we could walk.

Q. Did you subpoena the office workers from these companies?

A. No, we did not.

Q. THEN the only persons who you prosecuted were the individuals who actually paid off—the barmaids and bartenders?

A. And location owners.

Q. After Louisiana passed an immunity statute in 1972, what use did you make of it?

A. I didn't. But, I want to make it clear that I was not first assistant DA in 1972.

Q. Did you discuss it with Mr. Garrison—the use of the immunity statute in 1972?

A. I did not discuss it with him.