

BRIBERY DEFENSE HALTED JUST BEFORE PUNCH LINE

Garrison Witness About to Speak on Tapes

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and JOHN McMILLAN

The pinball bribery and conspiracy trial of Dist. Atty. Jim Garrison and two pinball executives concluded its fourth week in true movie serial fashion Friday, when the testimony of a defense witness called by Garrison was halted by a government objection right at the punch line.

The end of the week's testimony came as Louis Gerstman, a professor of speech and hearing sciences at City College of the City University of New York, was beginning to answer Garrison's first question on the validity of a tape recorded conversation between the DA and government informant Pershing Gervais.

Garrison had just asked Gerstman, who had been allowed by U.S. District Court Judge Herbert W. Christenberry as an expert witness on voice identification, if he had reached a conclusion on the reliability of the tape — one of four in which Gervais allegedly was making a \$1,000 bribe payment to the DA.

Gerstman, also a psychology professor who said he had studied magnetic tape reliability since 1933, replied:

"Yes, I have reached the conclusion that . . ."

At that point the prosecution raised an objection on the grounds that it did not know the

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tape Gerstman received by special delivery mail on Sept. 8 was indeed that which the government said it recorded between Garrison and Gervais on Feb. 25, 1971.

Attorneys for both sides then took part in a lengthy discussion at Judge Christenberry's bench, ending when the judge announced that the trial would be recessed until 10:30 a.m. Monday.

However, it won't be until Tuesday when the court hears the details of Gerstman's conclusion, since he will not be returning to the stand until then.

EXPERT STATUS

The admission of Gerstman as an expert witness was objected to by Eric Gisleson, acting chief of the Organized Crime Strike Force here, on the grounds that the professor had admittedly listened to and analyzed only one of the scores recordings of the defendants' voices played earlier in the trial. He added that Gerstman said he had testified in court only once before on the subject of tape reliability.

Judge Christenberry overruled Gisleson's objection, telling the jury that ordinarily witnesses are not permitted to express opinions, but in such cases when the jurors are laymen in a subject, experts may express opinions "and the jury may accept the opinion or not, as they see fit."

Garrison is being tried along with John Aruns Callery, a former partner in New Orleans Novelty Co., and Robert E. Nims, owner of REN Enterprises, on charges of conspiring to obstruct justice by paying and accepting bribes to protect illegal pinball machine gambling.

Callery and his attorney, Virgil Wheeler, rested their case earlier this week without presenting a defense.

OWN DEFENSE

In another surprise move earlier in the week, Garrison parted ways with his two attorneys, Fred J. Barnett of Boston, Mass., and Louis B. Merhige of New Orleans, saying that they had different philosophies on

now his defense should be conducted.

Judge Christenberry allowed this unusual move and Garrison has since assumed his own defense.

Earlier Friday, Garrison called three witnesses who gave virtually identical testimony that they were in Spain with Callery on Oct. 4, 1970.

It was on that date that former police Capt. Frederick Soule Sr. testified that he met in New Orleans with Callery and Nims to receive bribe money.

REAL COUNTERFEIT

While on the stand late Friday, Gerstman said that he had once prepared demonstrations for the Audio Engineering Society by splicing magnetic tapes to change the structure of what a person had actually said while recording.

He said he had made tape splices "in a professional fashion" dozens of times and afterwards demonstrated that the splices were not detectable upon voice print analysis.

The professor added that he had found it possible to take words from a conversation and splice them together in a different order so that when played the person is saying something entirely different.

These statements were in direct contradiction to testimony given during the early days of the trial by Lt. Ernest Nash of the Michigan State Police, also certified by the court as a voice print expert.

Lt. Nash, who was in court Friday but did not take the stand, had earlier testified that it would be impossible to splice a tape so that it could not be detected by an expert in the field, such as himself.

He said he had analyzed all of the government's tapes and verified that they had not been spliced or altered in any other way.

Additionally, a number of Internal Revenue Service agents who participated in making the tapes with Ger-

vais' cooperation have testified that they monitored the conversations as they were taking place, and the taped conversations are the same as those which they heard while monitoring.

Gerstman said that it had essentially always been his belief that spectrograms, or voice prints, were not reliable in voice identification.

However, Gisleson produced a letter, which the professor identified, written by Gerstman in 1971 in which he said in part that he had changed his opinion on spectrograms "in some degree."

ASSISTANT DA'S

The only other defense witnesses called Friday afternoon were Mike Escudaier and Michael Karmizan, both assistant DAs under Garrison.

Escudaier, now in charge of narcotics cases, said Garrison had never asked him to do anything improper or unethical.

Karmizan, a former supervisor of narcotics and vice cases, including gambling cases, said he had supervised the handling and prosecution of many pinball payoff cases, adding that Garrison never interfered with such prosecution.

Garrison, Callery, Nims and seven others who have since either pleaded guilty or had their cases severed, all were arrested on June 30, 1971, and later indicted by a federal grand jury.

The others, all of whom have testified in the current trial as witnesses for the government, are Soule, a former vice squad commander who was assigned to Garrison's office at the time of his arrest; and former police Sgt. Robert Frey, then vice squad commander;

Also involved were Louis Boasberg, owner of New Orleans Novelty Co.; Harby Marks Jr., an employe of Boasberg; Lawrence Lagarde Sr. and John Elms Jr., partners in TAC Amusement Co., and John Elmo Pierce, owner of Pierce Amusement Co.

THREE CONTRADICT

During the morning session Garrison put on three witnesses