

The Government's Case: I

Pinball Bribery Affidavit Text

(Editor's note: The States-Item will publish, in daily installments, the text of the complaint filed by Floyd D. Moore, special agent for the Internal Revenue Service, against District Attorney Jim Garrison and others charging pinball bribery.

(The text will be used verbatim, except that obscenities will be deleted.

(Today's installment comprises the introduction to the 113-page document).

(1) The "Organized Crime Control Act of 1970," Title 18, United States Code, SS1511—"Obstruction of state or local law enforcement," in that from on and before Oct. 15, 1970, to the present time, at and near New Orleans, La., in the Eastern Judicial District of Louisiana Jim Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons, both known and unknown, did unlawfully, knowingly and willfully conspire to obstruct the enforcement of the criminal laws of the State of Louisiana and ordinances of the City of New Orleans, to wit, Article 90 of Louisiana Criminal Code, R.S. 14:90—"Gambling"; the New Orleans City Code, 1956, SS27-2.2—"Same (Gambling generally—Defined)—Prohibited," and SS5-58.1(c)—"Authority of (City) Council; grounds for revocation of suspension (of city permits for retail sale of beverages of low alcoholic content . . . where illegal gambling is intentionally conducted on the premises); hearing," with the intent to facilitate illegal gambling businesses, to wit, the illegal operation and use of Bally in-line gambling-type pinball machines which are and were placed in public places for use by the general public and upon which payoffs are made for free games accumulated by the player, one or more of the above named persons during the time alleged having committed an

act or acts to effect the objects of said conspiracy, and one or more of the above named persons being an official or employee, elected, appointed or otherwise, of the State of Louisiana and a political subdivision of the State of Louisiana, namely, Jim Garrison, who is district attorney of Orleans Parish, La., Capt. Frederick A. Soule Sr., of the New Orleans, La., Police Department who is assigned to the staff of District Attorney Jim Garrison as an investigator, and Sgt. Robert N. Frey, who is commander of the Vice Squad of the New Orleans, La., Police Department; and one or more of the other above named persons being engaged or having been engaged in conducting, financing, managing, supervising, directing and owning all or a part of each of said illegal gambling businesses, all of which gambling businesses involve five or more persons who conduct, finance, manage, supervise, direct and own all or a part of said businesses, all of which businesses have been and remain in substantially continuous operation over a period in excess of 30 days and all of which have had a gross revenue of \$2,000 in a single day.

(2) The "Organized Crime Control Act of 1970," Title 18, United States Code, SS1955—"Prohibition of illegal gambling businesses," and SS2—"Principals," in that at and near New Orleans, La., in the Eastern Judicial District of Louisiana, Jim Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons, both known and unknown, did unlawfully, knowingly and willfully, from on and before Oct. 15, 1970, to the present time, conduct and aid and abet each other in the conduct of illegal gambling businesses in violation of the criminal laws of the State of Louisiana and ordinances of the City of

New Orleans, to wit, the operation and use of Bally in-line gambling type pinball machines which are placed in public places for use by the general public and for which payoffs are made on games won by the players in violation of Article 90 of Louisiana Criminal Code, R.S. 14:90—"Gambling"; the New Orleans City Code, 1956, SS27-2.2—"Same (Gambling generally—Defined)—Prohibited," and SS5-58.1(c)—"Authority of (City) Council; grounds for revocation or suspension (of city permits for retail sale of beverages of low alcoholic content . . . where illegal gambling is intentionally conducted on the premises); hearing," all of which illegal gambling businesses involve five or more persons who conduct, finance, manage, supervise, direct and own all or a part of such businesses, and all of which businesses have been and remain in substantially continuous operation for a period in excess of 30 days and have had gross revenue of \$2,000 on a single day.

(3) Title 18, United States Code, SS1952—"Interstate and foreign travel or transportation in aid of racketeering enterprises," and SS2—"Principals," in that from on and before July 1, 1966, to the present time, at and near New Orleans, La., in the Eastern Judicial District of Louisiana, Jim Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons both known and unknown, did unlawfully, knowingly and willfully use and cause to be used in interstate commerce between the State of Illinois and the Eastern Judicial District of Louisiana, Transportation facilities of common carriers for the shipment of Bally in-line gambling type pinball machines and parts therefor, with the intent to promote, manage, establish and carry on, and facilitate the promotion, management, establishment and carrying on

of an unlawful activity, to wit, the operation and use of Bally in-line gambling type pinball machines which are placed in public places for use by the general public and for which payoffs are made on games accumulated by the players in violation of Article 90 of Louisiana Criminal Code, R.S. 14:90—"Gambling," and thereafter the above-named persons did perform and cause to be performed acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity; and further that the above named persons did aid and abet each other in the above-named pursuits and acts.

(4) Title 18, United States Code, SS371—"Conspiracy to commit offenses or to defraud United States," in that Jim Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons both known and unknown, did unlawfully, knowingly and willfully conspire to commit offenses against the United States, the State of Louisiana, and the City of New Orleans, to wit, Title 18, United States Code, SS1955, SS1952, and SS2, Article 90 of Louisiana Criminal Code, R.S. 14:90—"Gambling," the New Orleans City Code, 1956, SS27-2.2—"Same (Gambling generally—Defined)—Prohibited," and SS5-58.1(c)—"Authority of (City) Council; grounds for revocation or suspension (of city permits for retail sale of beverages of low alcoholic content . . . where illegal gambling is intentionally conducted on the premises); hearing," said offenses more particularly described in Paragraphs (2) and (3) above, which are incorporated herein, one or more of the above-named persons having committed an act or acts to effect the objects of the conspiracy.

(CONTINUED TOMORROW)