

The Government's Case: 'V' Pinball Affidavit Text

(Editor's Note: The States-Item continues today with the fifth installment of the text of the affidavit charging pinball bribery filed against Dist. Atty. Jim Garrison and others by Floyd D. Moore, special agent for the Internal Revenue Service.

(The affidavit will be quoted verbatim, except that obscene terms will be deleted.

(Another installment will be printed tomorrow.)

(23) ON DEC. 3, 1970, Capt. Frederick A. Soule Sr. of New Orleans Police Department met with Pershing Gervais in Room 376 of the Fontainebleau Motor Hotel in New Orleans. Soule said that right after Joseph Giarrusso retired as superintendent of police in New Orleans (Joseph Giarrusso retired on Aug. 21, 1970), Boasberg came to Captain Soule and told the latter that no one can get to Sergeant Robert Frey, commander of the New Orleans Police Department Vice Squad, and asked Soule to talk to Frey; that Soule then invited Sergeant Frey on a trip regarding an extradition matter (On Sept. 2, 1970, Captain Soule and Sergeant Frey delivered a State of Louisiana Governor's Warrant to the Colorado Springs, Colo., Police Department and took custody of a prisoner named Paul David Pierce, who had been charged in Louisiana with possession of narcotics) at which time Soule told Frey about previous and current payoff arrangements for pinball protection and solicited Sergeant Frey's agreement to take payoffs for protection of pinballs and that that was when it started with Frey.

Captain Soule and Gervais went on to discuss how Boasberg, after initiating the corruption of Sergeant Frey, then began to delay and renegotiate regarding amounts of payments. They also discussed payments made to Soule through Callery from TAC Amusement Company and Robert Nims of Lucky Coin Machine Company, Inc.

GERVAIS: He (Louis Boasberg) started you and then wouldn't come up —

SOULE: He started — wouldn't come up because he, he told me —

GERVAIS: Why didn't you tell him, you (()), you the one that's —

SOULE: In the meantime, I speak to Callery, you know, and I tell Callery, I said, uh, I said, look, uh, I got Frey (Sergeant Robert Frey, commander of the New Orleans Police Department Vice Squad) and wants to go and I said, uh, I said, uh, how much you think we ought to hit Louie (Boasberg) for? He said, well, look, the son of a (()) owes me for the legislature, I'd like to get something for myself. I said, I tell you what, I said, before I get you to accept anything Frey, if you're going to handle it, you tack on, you say, you want to get something, tack on your, your 500 for you and ask for two thousand, so I met Louis myself when I come back, we had arranged to meet () I said look, we want two, it's going to cost, was cost him two thousand we want Callery to handle it cause we been dealing with Callery, deal with Callery, he says, oh, I'll get that, that's fine, so he went back to each one of them guys (some of the other pinball dealers) and wanted them each to come up with a share but they wouldn't do it.

GERVAIS: With him.

SOULE: They (the other pinball dealers) wanted him (Boasberg) to go (provide the entire payoff amount himself) this time, and he wanted them all to share it, so he called me back and he says, Freddie, he says, uh, none of them will go, he said, I'll go for a thousand, he said, but none of them will go. I says, well () take a thousand. So I go see, so I come back and I talk, I talk to, ah, Aruns (Callery) () and the son of a () thousand () so he (Callery) says, well, whatever you want to do, I said, well, I'll take that

and that'll take care of me and Frey and you can run the other business, so then I come and tell Louis, okay, we'll take a thousand. He says, all right, the first of the month.

GERVAIS: He's a stalling (()).

SOULE: So the first of the month comes and he (Boasberg) still don't come up, he, then I, see, we knocked a few machines off, he wants to see me, I go see him, it's about

the sixth, I said, well, you know, you never did come up, he says, well, let's start the first of next month. He said, I'll tell my people to quit paying off. But that's all I ever got, the first of the month, he always to start on the first and he don't want to catch up.

GERVAIS: No. He's a bad (()) man.

SOULE: Yes, he is.

GERVAIS: He started the thing and then he wouldn't come up.

SOULE: That's right.

GERVAIS: Let me ask you this though, if he started it and wouldn't come up, how did you finally get the (()) money?

SOULE: Well, all I did was tell Callery — after I meet with Louis, I tell Callery this was what went on, you know cause Callery's been square with me —

GERVAIS: Yeah.

SOULE: So, uh, Frey (Sgt. Robert Frey, commander of the New Orleans Police Department Vice Squad) was knocking the () when, when he didn't come up on the first, Frey went out and knocked the () out of about ten of them (The Sunday, Oct. 4, 1970 edition of the New Orleans Times-Picayune newspaper carries a story that on Oct. 3, 1970, the New Orleans Police Department Vice Squad confiscated 10 Bally in-line gambling-type pinball machines from nine establishments in New Orleans, where 17 persons were arrested for making illegal payoffs to players of pinball machines for games won), you see.

GERVAIS: He did, he did, huh.

SOULE: And I told Callery, I said, we've got 10, he said, wait a minute, and that's when TAC come up with the (()) money.

GERVAIS: Oh.

SOULE: So, uh, TAC (TAC Amusement Co.) come up with it, Frey called the investigation off, so we got 500 apiece from TAC.

GERVAIS: Uh-huh.

SOULE: That went on for, for —

GERVAIS: A couple of month.

SOULE: Two months, and then we were gonna knock them off again and so Nims (Robert Nims of Lucky Coin Machine Co. Inc.) come up. TAC —

Soule said that he had given Frey about \$500 a month of pinball bribe money for three or four months, but that he had told Sgt. Frey that the FBI pinball raids had tightened up the money situation but that Frey could expect to get something more starting at the beginning of 1971.

(24) ON DEC. 7, 1970, Capt. Frederick A. Soule Sr. met with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel, New Orleans, La. Capt. Soule said that he had been employed by Louis M. Boasberg of New Orleans Novelty Co. as a pinball mechanic before he was drafted in World War II and that his father had been employed by Boasberg for about 40 years. When asked by Gervais whether he had met with Boasberg recently, Soule said he doesn't like to do so because Boasberg is hot and is being followed by the FBI. Capt. Soule said that when he wants to talk to Boasberg he calls Harby S. Marks Jr., an employe of Boasberg, who "does all Louis' running".

pages show this to be the business number for New Orleans Novelty Co. at 1055 Dryades St. in New Orleans) and ask for Harby Marks who was not in. Soule then told Gervais about his relationship with Marks:

SOULE: That why usually, I talk to him. All right, when I call him, there's a coin phone about a block down the way, he walks down to that coin phone.

GERVAIS: And calls you back.

SOULE: () I call, I call him at that phone and talk to him, I got the number there in my little briefcase.

GERVAIS: Oh, I got you.

SOULE: I'll, I'll contact him, I'll talk to you tomorrow.

GERVAIS: Yeah.

(25) ON DEC. 9, 1970, Robert Nims of Lucky Coin Machine Co. Inc. met with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel in New Orleans. Nims told Gervais that in the FBI pinball raids of Nov. 24 and 25, 1970, he lost 201 machines; that he is out of the business and that he doesn't think he will go back in for fear of what sort of action the federal government might take next.

Robert Nims said that Charles Pace of Palace Amusement Co. had told him (Nims) that he (Pace) is out of the pinball business be-

cause of the FBI raids and will be staying out. Nims also said that the prospective deal for payoffs to city officials about which he and Callery consulted with Gervais on Oct. 15, 1970, is finished as far as he (Nims) is concerned and that he (Nims) had been in touch with Capt. Frederick A. Soule Sr. and that Soule had received protection payoff money paid by Nims. Nims acknowledged that he knew that Dist. Atty. Jim Garrison has been receiving prior payoffs:

NIMS: Well, what does our big friend think about all of this ().

GERVAIS: Who's that?

NIMS: Huh?

GERVAIS: Who's that?

NIMS: Jim.

GERVAIS: Oh, Garrison, oh, to be honest with you I haven't talked to him yet. Only because I haven't got

enough intelligence from your side of the fence.

NIMS: Yes, yes.

GERVAIS: You see, to talk to him.

NIMS: Yes.

GERVAIS: Because naturally he is going to say what are them people going to do, or they going to stay in business or they ain't. Uh, this or that.

NIMS: Yes.

GERVAIS: But of course, when I tell him the sugar is gone.

NIMS: Right.

GERVAIS: He is going to miss that.

Continued Tomorrow