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The Government's Case: VIII

Pinball Payoff Affidavit Text

(Editor's Note: The States-Item continues today with the eighth 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.)

(28) On Jan. 13, 1971, Capt. Frederick A. Soule Sr. met with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel in New Orleans. Soule and Gervais discussed the payoffs to Soule for September, October and November of 1970 and who paid them:

SOULE: He's (Boasberg) counterfeit, he always—

GERVAIS: You know he sat here and tried to make me believe that he had been taking care of you.

SOULE: Oh, yeah?

GERVAIS: Yeah, you see, and I know — I'm, I'm call . . . I'm calling on memory, the only guy that you, that you had anything with lately was Callery and Nims.

SOULE: Callery, right, that's right.

GERVAIS: Callery and Nims.

SOULE: And, uh —

GERVAIS: I wanted to call his hand but I couldn't remember—

SOULE: I'll tell you this—

GERVAIS: He knows about

SOULE— I'll tell you this too. He quit somewhere around November, October, November, he quit and for a month or so, what right after Joe (Joseph Giarrusso, former Superintendent of Police, New Orleans Police Department, who retired on Aug. 21, 1970) went out, when Joe, when Joe went out, nobody knew nothing and, and, and Frey was in the midst of knocking the pi. . . (seizing pinball machines for illegal payoffs to players for games won), Joe, Joe Giarrusso, before he went out, sent Frey out, to build up, you know, make the cases and leave them ride. And he did call me and I bothered Frey had

about six, seven locations—

GERVAIS: Who called?

SOULE: Louie (Boasberg), uh, Louie called me and—

GERVAIS: Oh.

SOULE: Asked me to check into it.

GERVAIS: Wonder how he found out.

SOULE: He must, he must have got some wind somewhere or other that, uh, that

GERVAIS: Yeah.

SOULE: —they were out. So I checked it and I, and I came back and they had about five or six — now TAC (TAC Amusement Company) took care of us for a month or two and then Nims (Robert) Nims of Lucky Coin Machine Company Inc.), but Louie hadn't did anything for around October of last year.

GERVAIS: Yeah, but, but Louie was taking care of just you though at that time.

SOULE: Louie had never given me a penny, everything I got was from Callery.

GERVAIS: Right. Oh, yeah, but, but it was coming from Louie.

SOULE: It was coming from Louie—

GERVAIS: Yeah.

SOULE: I, I would assume that—

GERVAIS: Yeah.

SOULE: I never did ask him where it was coming—

GERVAIS: But that was, that was different. But this was a new ball game —

SOULE: Yeah.

GERVAIS: Where TAC, TAC, uh, TAC picked the freight up, I believe Callery told me for two months—

SOULE: For two months and then Nims (of Lucky Coin Machine Company Inc.) picked up for about two months—

GERVAIS: Two months—

SOULE: And he, now he, I know he hadn't come up with his part as far as I'm concerned.

GERVAIS: But you have never dealt with young Nims, uh, young, uh, Elms, John Elms (from TAC Amusement Company)—

SOULE: I wouldn't even know the guy if I run into him.

GERVAIS: He wants to talk to him but I just, and, I just—

SOULE: I don't even know

the guy, I wouldn't know him if I bumped, I know the old man now —

GERVAIS: Oh, I know him, too.

SOULE: But as far as him

GERVAIS: But —

SOULE: I know by his reputation he runs his (()) mouth.

GERVAIS: Now that's it,

you see, Boasberg wants me to talk to him.

AFTER SOME speculation by Captain Soule as to who else had been and who now might be getting payoffs from the pinball interests, the conversation continued as follows:

SOULE: Now, I can't prove it but that's something I suspect. Now, uh, Louie did tell me that —

GERVAIS: Well, listen, you know what I'd have told him (Louis Boasberg) if I was you? Say, listen, you can handle, you got somebody handling the D.A.'s office, yeah, I mean, the front office. Why don't you make that guy handle Frey? And just leave me out of it.

SOULE: Well, you know, what could I tell him, he offered me a few bucks and, uh

GERVAIS: Yeah.

SOULE: I just told him I'd go see, you see, I'm in a position, my daddy works for this guy.

GERVAIS: Still?

SOULE: Yeah. I don't want to alienate him and, uh —

GERVAIS: Naw, yeah, you can't tell him to go (()) yourself —

SOULE: I can't, no, I can't do that.

GERVAIS: ()

SOULE: So what, I tell him, I said, look, I'm just the middle man, I, I like to help you all I can, do what I can for you, but I got to go talk to the other man. Now, I talked to Frey and Frey told me, I said, Frey, he wants to give six and he says, uh, he says, well, I'm not very interested, he said, matter of fact, right now, he said, I'm so scared, he says, about the whole situation what they telling me, I just as soon get out of it. He said, however, if you want it,

I'll go for it for you, to help you out. That's the way he put it to me.

GERVAIS: Oh, yeah, but (()), I'd go, you know what I'd do, I'd hike, I'd hike Boasberg up to about 750 —

SOULE: Louie ain't going to go for it, it, the (()), I, I just —

GERVAIS: Another 150 dollars over 600?

SOULE: Well, you see, he, he's got me over a barrel, I don't want to be bickering with him and (()) with him, he, my daddy's working for him, he, he treats the old man real good —

GERVAIS: Does he?

SOULE: So, I, I —

GERVAIS: Tell him, all right, listen, it's 600 effective the first —

SOULE: You see, the way he puts it to me, zero for me

GERVAIS: Yeah.

SOULE: Do him a favor, but he does say after May —

GERVAIS: Yeah, but he knows before you all were getting a thousand a month, right?

SOULE: Oh, yeah, sure.

GERVAIS: So he figures you was getting five, the other guy was getting five —

SOULE: Yeah.

GERVAIS: So now he's going to throw a six so you can have a little ()

SOULE: That's, that's what he figures, sure.

GERVAIS: And he figures you to give Frey the five like he been getting —

SOULE: You see, the (()), we carried him for the whole month of December, he was supposed to, he said, look, he wanted to give us two apiece, 200 apiece, so I, I told, I told Frey and Frey didn't want to fool with it, I went back and said, look, we going to carry you, don't worry, we'll take care of you but we don't want a dime, he said, I'll give you a nice Christmas present, I, I said, okay, he never come with no f. . . , he never come up with nothing for me —

GERVAIS: Nothing — (laughter)

SOULE: (laughter) But I wasn't expecting nothing but we didn't didn't, didn't, didn't touch a machine in the whole

month of December?
GERVAIS: But ain't he the first guy to get you rolling that you was, wound up (—) with Nims (Robert Nims of Lucky Coin Machine Company Inc.) and all them, ain't he the first one that get you started —

SOULE: He's the first one called me, yeah.

GERVAIS: And then wouldn't, then didn't come up?

SOULE: That's right. He come up to me, he says, Fred, while back, he, he told Aruns is quit, the first, I remember the words he said, he, he asked my daddy to —

The conversation was interrupted by a telephone call then continued as follows:

GERVAIS: Uh, so, uh, he's such a stalling (—), how the

(—) did you, uh, did he send you to Nims?

SOULE: Who?

GERVAIS: Boasberg.

SOULE: Oh, no, no, no, no, no, uh, when, when Boasberg wouldn't come up with any money, Aruns had told Nims that —

GERVAIS: Oh.

SOULE: — that there was no money available. Now, Nims didn't want to, he wanted me to know that he was coming up, you see.

GERVAIS: Yeah.

SOULE: So I —

GERVAIS: You had to meet with him.

SOULE: I met him and I met Nims and I spoke with Nims and I told Nims, I said, look, I'd rather, I know what you want, I said, I'm for it, I said, but I don't want you to give me nothing, I said, because I know Callery and I rather do it that way, so he give the money to Callery and he let me know that he was giving it to Callery and Callery let me know.

GERVAIS: Yeah.

GERVAIS: Yeah.

SOULE: But as far as then, the only one's ever give me anything is Callery —

GERVAIS: Yeah.

SOULE: Of course, Callery, it didn't come out of his pocket —

GERVAIS: No, it come from —

SOULE: I, I know it come, one for, month or two come out of TAC's pocket and a month or two come out of

Nims' pocket —

GERVAIS: But you never dealt with either one of them guys direct —

SOULE: Never have got, no, never have gotten a penny from them.

GERVAIS: Um. Let's see, now that uh, so I had a mis-understanding cause I thought that Callery handled, no, matter of fact, it ain't a mis-understanding, Callery told me that he handled it once or twice but after that you handled it yourself, direct with the people.

SOULE: No, uh-uh, he's wrong.

GERVAIS: He's wrong.

SOULE: Yeah, Cause Nims, I set in the car with Nims and he wanted to give me the money, I told him wait, I said, I'd rather, I said, I know you're a nice fella and all that sort of thing, but I know Callery, I rather do business like I always do —

GERVAIS: I, I could swear that Callery told me he only handled it twice.

SOULE: Well, he, uh, he told me Callery, I know that time I got it from Nims cause

I met Nims and spoke with him, he did tell me another time, you see, when Joe Giarrusso (Joseph Giarrusso, former Superintendent of the New Orleans Police Department, who retired on Aug. 21, 1970) first went out, I don't remember, when was it, October, November, somewhere —

After some further conversation by Soule as to why and how Callery was now apparently retiring from the position of "middle man" in the transfers of monies from the pinball interests to officials, the conversation continued as follows:

SOULE: He had about five (the Vice Squad had picked up about five gambling type pinball machines) so Louie (Boasberg) got. I think they

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kind of panicked, you know, they wanted to know what was going, they had no, no pipeline. So Louie calls, now, Louie and I, Louie knows he can talk with me cause I worked for him, I know him well, I spoke many times and I think I told you this —

GERVAIS: Yeah.

SOULE: When I was in the service —

GERVAIS: Yeah.

SOULE: He gave me fifty dollars a month way back in 1940 and '42 when fifty dollars meant a lot —

GERVAIS: Yeah.

SOULE: Cause I was only getting 135 dollars a month —

GERVAIS: Guess so.

SOULE: And I had a wife and a, and a kid, so you know, he knows that I'm indebted to him to that amount, see.

GERVAIS: Yeah.

SOULE: And he knows that he can talk to me —

GERVAIS: Yeah.

SOULE: So he called me up, he said, Fred, he said, Callery wants out, he said, we have no, no pipeline, he didn't say pipeline, but we have no way of knowing anything, he said, I'd like you to find out, and so —

GERVAIS: ()

SOULE: I went to Frey and, uh, matter of fact, he had the trip going up to Denver so I arranged for him to go, he wanted to go on a little trip (on Sept. 2, 1970, Captain Soule and Sergeant Frey delivered a State of Louisiana Governor's Warrant to the Colorado Springs, Colorado, Police Department, which is 65 miles from Denver, and took custody of a prisoner named Paul David Pierce, who had been charged in Louisiana with possession of narcotics) so then during that time I got to talk to him, he said, man, we got five, when Joe Giarrusso left he told me to, you know, to build up a few cases, he said, we got five or six, so, I go back and, I, I told, when, when, when I talked to Louis, I said, look, if I have anything to do, I'll do through Callery, it's been going that way, so Louis said, okay, fine. I told Callery he had about six, well, I checked on the and about five of them were TAC's and so, course, then TAC come up with the money and, and we, we kind of, I told Frey, man, cut the goddamn things —

After some further conversation about Sergeant Frey's authority to refrain from concentrating any effort against the gambling type pinball machines for violations of Louisiana state gambling laws, Soule continued as follows:

SOULE: So anyway, he (Frey) pulled it up (stopped concentrating effort against the gambling type pinball machines) then and, Ta . . . and TAC come up with the bread,

cause TAC was, was the one, anyway, I give them the location and everything, you see, and TAC was (—) cause one of them was a place on Carrollton that had been before the (city) council four or five times —

GERVAIS: But you never did talk to TAC?

SOULE: Never did talk to them.

FURTHER conversation transpired, about Captain Soule's dealing with the pinball interests:

GERVAIS: But anyway — these guys all tell such (—) stories, though, you see they — again as I said, Callery tells me one thing, Boasberg tells, tells me something else, but I know you telling me like it is —

SOULE: Yeah.

GERVAIS: And I don't know, I don't know how to balance these guys. Callery wants to stay in touch with Boasberg said, Boasberg don't want me to tell Callery —

SOULE: (laughter)

GERVAIS: You know. And then Callery comes and tells me that he handled it twice (payoffs) for you and that, that you were handling it yourself —

SOULE: No, I never, never have, uh-uh, now he might think that Louie might have given something, Louis don't give nothing —

GERVAIS: No, no, no, he, no, he meant with, uh, with Nims —

SOULE: No, no, he, he knows that I was right there cause I told him, in other words, he, me, him and Nims in one car and he got out the car —

GERVAIS: And Nims tried to hand you the money.

SOULE: And Nims tried to hand, and I said, look, I said, you know, I know you're a nice fella and all, I said, I think it would be better if you let Callery handle that and cause I been doing — talking with Callery —

GERVAIS: Right.

SOULE: So he said, I agree with you and he walked, got right out the car and I seen him hand it to Callery —

GERVAIS: And then Callery —

SOULE: And Callery got in the car and he left, Nims left, and then Callery give it to me —

GERVAIS: He brought you the money.

SOULE: So, uh, I guess in his interpretation he could feel that maybe Nims was, you know —

GERVAIS: No, no, no, he meant, what he meant to imply to me is, he, he didn't want to fool with it no more, that you were handling it direct yourself with, uh, with Elms and Nims.

SOULE: I don't even know Elms (John Elms Jr. of TAC Amusement Company), don't even know him.

Soule said that he thinks he'll tell Boasberg that he (Soule) and Frey will take a reduced amount, but only on a month to month basis. Soule also said that at a meeting he had that morning with Boasberg, the latter said that John Elms Jr. of TAC Amusement Company would "take care of" District Attorney Jim Garrison through Gervais, as well as someone else "up in the front office of the police department", and that Boasberg would be taking care of Captain Soule and Sergeant Robert Frey. Soule also said that he is a little scared to deal with Boasberg, because "this guy's not too sharp", and that "Callery's much smarter, he's been doing it for so long".