

Garrison Case: How It Stands

By FERREL GULLORY

After 10 days of charges and counter-charges, legal moves and counter-moves, where does the joust between U.S. Atty. Gerald Gallinhouse and Dist. Atty. Jim Garrison now stand?

With all the complexities aside, Gallinhouse and other U.S. government officials are free to continue their investigation into alleged payoffs to protect pinball gambling.

GARRISON, two New Orleans police officers and seven others were arrested on June 30 for allegedly participating in bribery and gambling in violation of the federal Organized Crime Control Act.

To support their case, federal officials submitted an affidavit containing what the government says are transcripts of tape recordings of conversations during which payoffs were made or discussed. The government was aided in making the recordings by Pershing O. Gervais, a former investigator for Garrison.

Garrison counter-attacked on two fronts.

HE FIRST asked a federal court to prevent The States-Item and The Times-Picayune from printing the text of the affidavit, saying it would prevent him and the other defendants from getting a fair trial. U.S. District Court Judge Herbert W. Christenberry ruled the affidavit is part of the public record and refused to grant Garrison's request.

The district attorney, in his boldest move, then filed a series of charges against Gallinhouse and John E. Wall, head of the federal organized crime strike force in New Orleans. Garrison charged they defamed him, committed malfeasance in office and threat-

ened and intimidated Gervais.

Yesterday, Christenberry threw out all these charges, commenting, "It is clear to me that these are not good-faith prosecutions."

SO, NOW, what is the next step? Gallinhouse and the federal authorities can bring the case involving Garrison and the nine others to a federal grand jury. Gallinhouse has said that it is "reasonable to expect" a special grand jury will be empaneled to handle the case.

Garrison and eight others waived their rights to a preliminary hearing at which the federal government would have had to show "probable cause" for its action.

However, John E. Pierce, owner of Pierce Amusement Company and one of those arrested, challenged that the government had probable cause at a hearing yesterday before magistrate Morsy Sear. Wall testified that Pierce has been for many years a "bag man" to protect pinball machines. Sear declared the government does have "probable cause" and ordered Pierce bound over for grand jury action.

GALLINGHOUSE has consistently said that he is simply enforcing the law and that personalities are not involved. Garrison has continued to charge that the federal government is trying to thwart him from revealing what he says is the truth about the "warfare sector" and the assassination of President Kennedy.

But it is clear that both Garrison and Gallinhouse, each in his own way, are powerful, strong-minded and perhaps ambitious political individuals, both of whom are accustomed to being involved in public controversies.