

The Government's Case: X

Pinball Bribery Affidavit Text

(Editor's Note: The States-Item continues today with the 10th 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.)

(33) ON Jan. 31, 1971, Louis M. Boasberg of New Orleans Novelty Company, and John J. Elms Jr. of TAC Amusement Company met with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel. At the beginning of the conversation Boasberg advised Elms that he has brought Gervais up-to-date on most of the facts and told Elms that Gervais knows the deal that Boasberg has with Capt. Frederick A. Soule Sr. Elms replied that he will do the same thing that Boasberg is doing with Frederick Soule, Boasberg stated that "compared to what it was before, it's peanuts, but —" Gervais stated that from talking to Boasberg and Frederick Soule that Boasberg is paying Soule \$1,000 a month. Boasberg replied that he pays Soule \$500 a month. Boasberg said he sent Soule a thousand dollars three weeks ago but that was for January and February. Gervais told both Boasberg and Elms that he seriously doubts that District Attorney Jim Garrison will be interested in \$500 a month but that he (Gervais) will take it to him. Gervais informed the two individuals that he hated to tell Jim Garrison the payoffs would be dropping off to only \$500 a month to which Elms replied, "Yeah. Can't blame him either." Elms stated that after the session of the legislature, they could get back together and refigure the payoffs. Elms said that the FBI picked up about 360 of his gambling-type pinball machines on the raids of Nov. 24 and 25, 1970, and that it is costing him sixteen thousand dollars (\$16,000) a week in income. Gervais told Elms and Boasberg that what they are

really saying is that he can tell Jim Garrison that the five hundred dollars (\$500) per month is just temporary until after the legislature meets. Boasberg replied that it is temporary until about July as they should know something when the legislature adjourns in June, that they will re-negotiate or be out of business. With respect to future payments, Boasberg, Elms and Gervais agreed that Captain Soule would be the go-between and pass the money to Gervais for District Attorney Jim Garrison. Later in the conversation, Boasberg asked Gervais when the payoffs would start, in February or March. Gervais stated that Jim Garrison is already aware of someone in the city being paid off. Boasberg replied, "January, that's right." Gervais stated that December and January had passed without any payoffs and Boasberg said that it was the federal government raids that put a stop to "this whole deal," that "We have been trying to put a deal together for a long while." Boasberg went on to say that he and Elms "will come up with a dime (a thousand dollars) for January and February" for Jim Garrison. Boasberg said that Callery put together the arrangement whereby the pinball dealers passed money on to officials, when nobody said he could:

BOASBERG: I got a partner (Callery) who took what he wanted and I trusted him and, and, and I think he did all right, I think he did, I, I, I think Aruns has been all right, after all didn't he put this thing together —

GERVAIS: Yeah.

BOASBERG: — when nobody said he could —

GERVAIS: Oh, yeah.

BOASBERG: He put the thing all together, you got to give him credit —

GERVAIS: Oh, yeah, he done that.

BOASBERG: I'll admit that, you know, he's, he's, he's gone a little bit too much from —

GERVAIS: For some areas.

BOASBERG: You know, in some areas, it can't do any good, you know, you don't take care of this maid out

here, she can't do you any good.

GERVAIS: No, no.

BOASBERG: She might sell a few things —

GERVAIS: She'll give you a couple of towels —

BOASBERG: Yeah. That's that's Aruns — Aruns is an easy mark.

ELMS: Yeah.

BOASBERG: He's been an easy mark, he really has.

GERVAIS: Yeah.

ELMS: He's giving away your money, why not?

BOASBERG: Well — he's giving away part of his.

Boasberg and Elms discussed the danger to them from the federal law (Organized Crime Control Act of 1970) and Elms outlined his plan to lease machines to get around the provisions of the law:

GERVAIS: We will then sit down and talk about some serious futures —

BOASBERG: Yes, but give us a couple of months to get organized.

GERVAIS: Well —

BOASBERG: I mean, not immediately when the legislature closes, let's be realistic —

GERVAIS: I was talking about June, you talking about June —

BOASBERG: —about the thing, if, if they don't do that, then he's probably going to go a little bit further, course we don't know what the federals are going to do by then — and, I, I, I wished I knew —

GERVAIS: Uh-huh.

ELMS: Will we know something about the machines and just what's going to happen, uh, when this three-judge, uh, hearing supposed to be before them on February 20th, that's when the notice, uh —

BOASBERG: I know, but John, look, any federal officer who can get a payoff and you can be arrested for conspiracy, they can arrest the location owner and we can be charged with conspiracy, that's the law, I've had four attorneys, that new federal law is, is that thick and they got more, it tells you get out of business, even Bally's attorneys told me that, so we just have to play it by ear —

GERVAIS: Well —

ELMS: I'm going to lease all my games out —

BOASBERG: Um?

ELMS: I'm going to lease them out.

BOASBERG: Well, here's a good — that, that's, that is a good —

GERVAIS: But if that's true, if any federal officer can go play a game and get a payoff, see —

BOASBERG: Certainly they can.

GERVAIS: It's a wonder they haven't done that.

BOASBERG: They may be doing it now, how do you know — how many months you think they worked on that, on that registration thing (registration requirement under the Gambling Devices Act of 1962, Title 15, United States Code, Section 1173(a) (3), upon which the FBI pinball raids of Nov. 24 and 25, 1970, were based), they worked three months at least they worked — we didn't know they were working, nobody knew it — nobody knew it, did we? We had no idea —

ELMS: No word, no inkling, no nothing —

(34) On February 2, 1971, Pershing Gervais had a telephone conversation from Room 276 of the Fontainebleau Motor Hotel in New Orleans, with Louis Boasberg, wherein Boasberg described a meeting he had in his office with Lawrence L. Lagarde of TAC Amusement Company, at which time Boasberg was expecting to receive \$1,000 as TAC's end of the \$2,000 bi-monthly package that John J. Elms Jr. of TAC Amusement Company and Boasberg agreed upon at the Jan. 31, 1971, meeting with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel. Boasberg said that Lagarde threw \$500 on Boasberg's desk, rather than the \$1,000 that Boasberg was expecting toward the \$2,000 package.

(35) On February 3, 1971, Pershing Gervais had a telephone conversation from Room 276 of the Fontainebleau Motor Hotel in New Orleans, with John Aruns Callery, who stated that he would check with Lawrence Lagarde of TAC Amusement Company regarding the truth of Boas-

berg's claim that Lagarde dropped \$500 payoff money on Boasberg's desk rather than the \$1,000 promised by John

Elms Jr. Callery said Lagarde wants to talk with Callery about a subject Lagarde has talked to him about before — the leasing of pinball machines to the location owners. Callery said that he went to Garrison's house on Feb. 2, 1971, to explain about the payoff situation regarding pinballs in view of the FBI raids of November 24 and 25, 1970, and that Garrison replied "when the cow is killed there's no more milk."

(36) ON FEB. 10, 1971, John Aruns Callery met with Pershing Gervais in Room 276 of the Fontainebleau Motor Hotel in New Orleans, and said that he (Callery) had talked to Lawrence L. Lagarde of TAC Amusement Company and that Gervais had been told the truth by Boasberg about Lagarde delivering only \$500 from TAC Amusement Company to Boasberg for the payoff rather than \$1,000 as had been agreed to by John J. Elms Jr. of TAC Amusement Company. Callery said he thinks that they feel that Boasberg "has taken them in the past."

Callery began a discussion of the payoffs since August, 1970, and said that he (Callery) understood that Boasberg gave Captain Soule a thousand dollars and if he did, that is all he has put up; that Lawrence (Lawrence Lagarde of TAC Amusement Company) paid two \$1,000 payments for Soule for September and October. Callery then stated that the payments to Soule and Gervais since August were made by TAC Amusement Company and Robert Nims. Callery stated that "we" gave \$4,000 to Soule and \$4,400 to Gervais for a total of \$8,400, none of which was put up by Boasberg. Callery said that he recalls that Lawrence Lagarde put up \$5,000 of the \$8,400. With respect to the forthcoming reduction of the share of the payoff to be made to Jim Garrison, Callery stated that he thinks Garrison would be foolish to take it; that he has a chance to get out of the deal, forget about it and let it die. Callery stated

that Boasberg put up \$2,000 for the payoffs on Aug. 1, 1970, but has not put up anything since. Callery stated that the payoffs to Gervais were \$1,800 years ago (1962) when the original deal was made; that he added \$200 a little later for Gervais, and that he subsequently added another \$200 to "take care of some of the boys on the Vice Squad." Callery stated that he talked to Jim Garrison and that Garrison understood the cut in the payments; that when Callery talked to Garrison, Garrison said he had read about the FBI pinball raids in the papers and that "When the cow is dead, there's no more milk." During the conversation, Callery was told by Gervais about the latter's meeting with Louis M. Boasberg and John J. Elms Jr., and their agreement to pay \$1,000 every two months retroactive to Jan. 1, 1971. Callery replied that he doubted that Jim Garrison would take that reduced amount but he might. Callery stated that he believed he owed it to Jim Garrison to go and talk with him about decrease in the payoffs since he (Callery) had made the original deal. Callery said that he told Jim Garrison that there was only one man (Boasberg) still operating; that he (Callery) was no longer involved in the payoffs because he had had a "package going," but that the "package has been dismantled."

(37) ON FEB. 11, 1971, Pershing Gervais placed a long distance telephone call to John J. Elms Jr. of TAC Amusement Company, in Monroe, Louisiana. Elms stated that Lawrence L. Lagarde of TAC Amusement Company had contacted Louis M. Boasberg. The following is the conversation that ensued pertaining to Lagarde's contact with Louis Boasberg:

OPERATOR: Mr. John J. Elms, please, long distance is calling.
Unknown male: All right, hold on.
ELMS: Hello.
OPERATOR: Is this Mr. Elms?
ELMS: Yes.
OPERATOR: Long distance.
GERVAIS: Hey, John.
ELMS: Yeah.
GERVAIS: Heay, Gervais.

ELMS: Hey, babe, how you doing?

GERVAIS: All right, podner.

ELMS: Can you hold on for a second.

GERVAIS: Yeah, I'll hold on.

ELMS: Hello.

GERVAIS: Heah.

ELMS: Heah, baby, how you doing?

GERVAIS: All right, I'm checking on our friend, Louis.

ELMS: Yeah.

GERVAIS: Ah, you know, I don't know, I never know when that guy's () or not. He come and he brought a nickel (\$500) instead of a dime (\$1,000), for two months and, ah, he said that Lawrence (Lagarde) went and dropped that on him and said that was it, and of course I explained that, I said (()), no way I'm going to the (Jim Garrison) with that.

ELMS: No, I tell you what happened.

GERVAIS: Yeah.

ELMS: Remember we thought Lawrence wasn't willing to go along with, ah --

GERVAIS: Yeah.

ELMS: But what had happened when I was out of town --

GERVAIS: Uh-huh.

ELMS: He talked to Lawrence.

GERVAIS: He did.

ELMS: And Louie told him that, ah, instead of a dime (\$1,000) he (Boasberg) would come up with twelve fifty (\$1,250).

GERVAIS: Twelve fifty (\$1,250)?

ELMS: I mean fifteen (\$1,500).

GERVAIS: He tried to shake Lawrence for fifteen (\$1,500)?

ELMS: No, no, no, that Louie would come up with fifteen (\$1,500).

GERVAIS: Oh, oh, no, but he wouldn't do that.

ELMS: And for Lawrence to come up --

GERVAIS: With five (\$500).

ELMS: -- with five (\$500).

GERVAIS: Uh-huh. Well, he didn't do that all he offered me was five (\$500) and I, you know a nickel (\$500), I said, man, no way I am going to bring that to the man, I said it's bad enough bringing him one (\$1,000) for two months.

ELMS: Yeah.
GERVAIS: I said I just can't do it, but ah, so he said, well, podner, that's the best I could do. I said, well, I only need to know, you know, exactly and then, then that's what I'm doing calling you, cause I never know, I, you know, I meet that fella coming back.

ELMS: Right, no, well, what happened, I, I had told Lawrence that, ah, you know, that everything was ah --

GERVAIS: Yeah, set.

ELMS: Set.

GERVAIS: Uh-huh.

ELMS: And then, ah, so he went over by Louis.

ELMS: And then, ah, so he

GERVAIS: Uh-huh.

ELMS: And --

GERVAIS: Louis said he bawled, that Lawrence came in there and bawled the () out of him, threw five hundred on his desk and walked out.

ELMS: Because, yeah, because Lawrence, Louie had told Lawrence, ah, five.

GERVAIS: Uh-huh.

ELMS: Oh, no, two, no

let's yeah, five.

GERVAIS: Uh-huh.

ELMS: And that he was going to come up with fifteen.

GERVAIS: Uh-huh. Well, he didn't come up with nothing,

he come up with the one (\$1,000) for the other fellows,

you know, and then he come wanted him, he wanted you know, and then he suggested that I take the five and swallow it, I said, well, (()),

you () your money away

cause I can't do nothing by myself.

ELMS: (laughter)

GERVAIS: I said, I'm, and I wouldn't do that anyway,

You know. So he says, well, (()), I guess he, he thinks

he's got something going for him I don't know.

ELMS: Okay, well, let me

get back to Lawrence and see if I can get him and Louie to

straighten this damn thing out tomorrow. Because Lawrence

is in Baton Rouge today.

GERVAIS: Oh, well, ah,

well, let me say this that ain't

my reason for calling you,

now.

ELMS: Uh-huh.

GERVAIS: You know, cause

you know incidentally, and I

don't know if you know, you

know I didn't go looking for

this (()).

ELMS: No.

GERVAIS: Louie (Boas-

3
berg) come looking for me.

ELMS: Right.

GERVAIS: You know that, huh?

ELMS: Yeah.

GERVAIS: Yeah, okay, because I don't want to feel like I'm hustling nobody. But since they initiated the (()) thing I can't get nothing positive, and he's still holding the five (\$500), I guess he thinks that ah, somehow, somebody's going to take it, but I'm (()), I'd be embarrassed to go offer a man that.

ELMS: Yeah.

GERVAIS: You know.

ELMS: You right.

(38) ON FEB. 11, 1971, Capt. Frederick A. Soule Sr. met with Pershing Gervais in Room 276 of the Fontainebleau Motor Hotel in New Or-

leans. Soule said he had breakfast with Louis M. Boasberg of New Orleans Novelty Company the other day and was told that TAC Amusement Company has agreed to take care of the payoffs to Gervais for District Attorney Jim Garrison and that Boasberg will be taking care of Soule and Sgt. Robert Frey. Soule said that Robert Nims of Lucky Coin Machine Company, Inc., is now out of the pinball business. Soule said that the past payment he received was from Boasberg for one thousand dollars (\$1,000), which was for January and February, 1971; that Harby S. Marks Jr., employe of New Orleans Novelty Company, delivered it to him; and that he split it evenly with Sergeant Frey, commander of the Vice Squad. Soule said that the payment prior to the last one was paid by Nims and the other one before that was paid by TAC Amusement Company, and that each one was for \$1,000. Soule said that he (Soule) is going to tell Boasberg that his and Frey's share is to come through Gervais from now on; that Gervais will handle the whole package. Soule said he wants to get one thousand dollars (\$1000) a month, five hundred dollars (\$500) for him and five hundred dollars (\$500) for Frey, rather than the present one thousand dollars (\$1,000) every two months. Soule and Gervais had some conversation about savings and investments, and Soule said that he

has a safety deposit box with seventy-five thousand dollars (\$75,000) in it of money that he made with Callery and Gervais.

GERVAIS: (laughter) . . . You got money in legitimate savings account?

SOULE: I got about . . . fifteen hundred dollars.

GERVAIS: Fifteen hundred? . . . You ain't going to get much on that, Freddie.

SOULE: No, well, that's all I can afford to put in there. No, I got, I got a few thousand dollars, I got (()) safe box.

GERVAIS: But you can't (()) (()) with that money.

SOULE: No.

GERVAIS: You let that money out, you'll be in real trouble.

SOULE: I got about seventy five thousand.

GERVAIS: Do you? If you admit that, you (()), you must have a hundred fifty

SOULE: No, no, I'm, I'm, (()), I'm telling you straight. Most of it, you know ().

GERVAIS: Yeah, made with them things.

SOULE: Most through you. (laughter)

GERVAIS: Yeah.

SOULE: I, well, I, tell you the truth, I, everything I got, I got either through you or Callery—

GERVAIS: Yeah.

SOULE: Everything I got—

GERVAIS: Boasberg, huh?

SOULE: Boasberg never did give me but one time, that's all. I got everything from Callery.

Soule said that he can't do anything with that seventy five thousand dollars except when he gets old, just before he's ready to die, he'll give it to his children and that their problem with that amount of money will be less than his would be. Soule said that if he wanted to spend that money he'd have to say he won it gambling and pay taxes on it and for that reason, "I have to live modest, I can't spend it."