

The Government's Case: XI

Pinball Payoff Affidavit Text

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

(39) On Feb. 19, 1971, at 7:00 a.m., Special Agents of the Intelligence Division, Internal Revenue Service, observed Captain Frederick Soule Sr. and Harby S. Marks Jr., employee of New Orleans Novelty Company, met and conversed at the Coffee Shop, Jung Hotel, New Orleans, La. At approximately 11:30 a.m. on the same day, in the first floor men's room in the hotel part of the Fontainebleau Motor Hotel in New Orleans, Captain Soule gave Pershing Gervais a sealed brown envelope, which envelope was retrieved, still sealed, by Special Agents of the Intelligence Division, Internal Revenue Service. The envelope contained one thousand dollars (\$1000), which money was retained as evidence. The Special Agents then prepared an envelope containing one thousand dollars (\$1000) in fifty dollar (\$50) bills, the serial numbers of which were noted, for delivery to Jim Garrison.

(40) On Feb. 25, 1971, Pershing Gervais had a telephone conversation from Room 752 of the Fontainebleau Motor Hotel in New Orleans, with Captain Frederick Soule Sr., who said that the package for January and February was delivered to him by Harby S. Marks Jr. (see paragraph (39) above), and that at that meeting Marks told him (Soule) that Boasberg had told Marks that TAC Amusement Company had not fulfilled its obligation:

GERVAIS: Listen, don't forget our friend (Boasberg) on the first. Now, look—

SOULE: What?

GERVAIS: You know there was a (()) this last

time.

SOULE: How's that?

GERVAIS: Well, you know, ah, ah, he came to you (with delivery of the payoff) instead of coming to me.

SOULE: Yeah, well.

GERVAIS: So it'll be up to you, I guess, didn't you, you'd prefer to, that I would handle it wouldn't you?

SOULE: Yeah, well, I didn't get to talk to him (Boasberg), all, all I did, his, his emissary (Harby S. Marks Jr.)—

GERVAIS: Peah.

SOULE: —called me—

GERVAIS: Yeah.

SOULE: —you see—

GERVAIS: Yeah.

SOULE: — and he said can you have a little breakfast? So I went and he gave me that, now I didn't even know what it was for, but I assumed it was, you know.

GERVAIS: Yeah.

SOULE: But that was about the extent of it. So I'll have —

GERVAIS: Your meeting, but who did you meet his emissary or him?

SOULE: No, I met his emissary.

GERVAIS: Oh, I be damned.

SOULE: He didn't meet me. He, ah —

GERVAIS: He sent his emissary.

SOULE: — sent his emissary.

GERVAIS: I be God damned.

SOULE: I know the guy

pretty well.

GERVAIS: Yeah.

SOULE: The emissary tells, tells, me, the only thing the emissary (Harby S. Marks Jr.) told me, he said, Lyndon Johnson (an alias for Louis Boasberg) said to tell you that MR. T (TAC Amusement Company) didn't ah, didn't, didn't fulfill his obligation, that he had to come up, you know.

GERVAIS: Yeah. A little more.

SOULE: Yeah, just like I told you. So that's —

GERVAIS: Well, listen, you know how he'll stall when the

first of March comes.

SOULE: Oh, he'll do that, yeah.

(41) ON FEB. 25, 1971, Pershing Gervais drove to the residence of Dist. Atty. Jim Garrison, 4600 Owens Blvd., New Orleans, La., for the purpose of delivering a blue envelope containing one thousand dollars (\$1,000) in United States currency, which had been furnished to him by special agents of the Internal Revenue Service, and which had been previously substituted for the one thousand dollars (\$1,000) delivered to Gervais by Captain Frederick Soule Sr., on Feb. 19, 1971 (see paragraph (39) above). The currency consisted of (20) fifty dollar bills with the following serial numbers:

F 01287741 A, B 00180498 A,
G 01709501 A, C 00612793 A,
K 03862676 A, B 29632730 A,
D 05523382 A, H 03022344 A,
G 05503413 A, D 11029811 A,
C 06739486 A, L 00470390 A,
F 00033414 A, E 09792580 A,
C 01829343 A, G 03253432 A,
G 03163817 A, G 06763218 A,
F 00432220 A, D 05523382 A.

Gervais told Jim Garrison of his meeting with Louis M. Boasberg of New Orleans Novelty Company and John Elms Jr. of TAC Amusement Company, and stated that he had received one thousand dollars (\$1000) for the months of January and February, 1971; that in March he will receive another one thousand dollars (\$1000) for the months of March and April, 1971; and that the one thousand dollars (\$1000) every two months would be the new reduced payoff until after the legislature meets in May. When Gervais produced the envelope with the money in it, Garrison snatched it from his hand and Gervais said, "You burned my fingers! Bring the butter up! Here . . . Jesus Christ, you burned my fingers, James." Gervais informed Garrison of Boasberg's request that he (Garrison) contact the governor with respect to possible anti-pinball legislation in the coming legislature. Garrison said for Gervais to

tell Boasberg and Elms that he would contact the governor. Garrison stated, "I will guarantee them —" Gervais told Garrison that John Elms Jr. was "very apologetic" and "embarrassed" to come up with only one-third of what the payoff used to be, but that Boasberg's attitude was that that amount is sufficient. Gervais advised Jim Garrison that payoffs were also being made to the Vice Squad. Gervais also stated that if things work out with the legislature, the payoffs will go back up in amount. Garrison stated that it would take about 6 months to settle the legal points on the pinball machines seized in the FBI raids of November 24 and 25, 1970, but that in the meantime they had "a couple of guys to keep this going—for \$500 a month." Garrison mentioned that Callery had visited him to tell him he (Callery) was now "out." Garrison mentioned that Gervais should deal with Elms instead of Boasberg in receiving the payoff money, but stated that he would not want Boasberg out completely because he might "blow the whistle on everybody." Garrison went on to explain how he would put the matter of anti-pinball legislation to the governor in terms of the governor's own self-interests:

GARRISON: (J) but I am going to tell John (John McKeithen, Governor of Louisiana), John, don't kill yourself as senator.

GERVAIS: By attacking this?

GARRISON: You might not be running in '72—you might be running several months later—

GERVAIS: For the senate, for the senate, huh?

GARRISON: Yeah . . . New Orleans, always think of New Orleans—the Irish Channel and the Ninth Ward. He will understand.

GERVAIS: Uh-huh.

GARRISON: He will understand. The Irish Channel and the Ninth Ward, a guy got bottle of beer, on a pinball machine, bang, bang, he gets another beer, bangs it—that's New Orleans.

GERVAIS: Yeah, Yeah.
 GARRISON: ()
 GERVAIS: Hello, baby.
 GARRISON: () that's not New Orleans, that's South Carolina and Virginia—
 GERVAIS: Yeah.
 GARRISON: That's not New Orleans—
 GERVAIS: Yeah, all right.
 GARRISON: The Channel, baby, and the Ninth Ward, cause whoever I'm for, they're for.
 GERVAIS: Okay.
 GARRISON: In other words, I'm gonna guarantee him—
 GERVAIS: Okay, that'll satisfy him—
 GARRISON: Don't worry, I'm going to tell him, look—
 GERVAIS: See, I haven't committed, I haven't, I said, listen, I don't know anything, I can't give you no answers, I have to find out—
 GARRISON: John, I'm going to tell you—
 GERVAIS: I even said, listen, I might have to bring this package back to you—(give the thousand dollars back if Garrison refused to take that small amount)
 GARRISON: No.
 GERVAIS: (laughter).
 GARRISON: () Don't bring him a dollar. ()
 GERVAIS: Okay.
 GARRISON: Tell them this, tell them I'm gonna, I'm gonna go to John and tell him you happened to be my personal choice but if I change my mind at the last minute and name Carlos Marcello, he will be the next senator from New Orleans.
 GERVAIS: Uh-huh, Yeah, yeah, that'll shake him up.
 GARRISON: I'll tell him, I'm just kidding him—
 GERVAIS: Kid him, yeah, kid him, sure.
 GARRISON: We're friends () but he knows I'm only half kidding him—
 GERVAIS: Yeah, yeah, he don't want to tempt you.
 GARRISON: Yeah.
 GERVAIS: Right after March the first I'll be back. Like you're gonna be—
 GARRISON: Treat these guys as friends, as business friends.
 GERVAIS: Okay.
 GARRISON: And, uh, have them respect our word like we respect theirs.
 GERVAIS: Right.
 GARRISON: And it goes on forever like to you and me and Callery—
 GERVAIS: Right.
 GARRISON: And he said always face to face—

GERVAIS: Yeah.
 GARRISON: Never any other way—
 GERVAIS: Right, okay, let me go. See you later. And right after March the first—hello, baby.
 (42) On Tuesday, March 2, 1971, Captain Frederick Soule Sr., met with Pershing Gervais in Room 752 of the Fontainebleau Motor Hotel in New Orleans. They discussed how much cash was in the sealed envelope that Captain Soule had given to Gervais in the restroom of the Fontainebleau Motor Hotel on Feb. 19, 1971, after Soule had met with Harby S. Marks Jr., at the Jung Hotel. Soule also discussed how much payoff he used to get when he was Commander of the New Orleans Police Department Vice Squad:
 GERVAIS: But, listen, but didn't he pull some kind of switch on us the last time—
 SOULE: I—
 GERVAIS: Cause let me say this—
 SOULE: He's always trying to switch—
 GERVAIS: You know he gave me, all he gave was a thousand for the man (Garrison).
 SOULE: Yeah.
 GERVAIS: For January and February.
 SOULE: Oh, I thought that was for one month.
 GERVAIS: Two months.
 SOULE: Oh.
 GERVAIS: January and February.
 SOULE: I thought you got that per, per month.
 GERVAIS: No, indeed. Same as you—
 SOULE: Oh—
 GERVAIS: The same identical thing.
 SOULE: I thought that was per month.
 GERVAIS: No. January and February, one for two—
 SOULE: I'm going to tell you, now, listen, let me tell you, if he comes up with this (()), I might go one more time for the two months because he's waiting for April—
 GERVAIS: April.
 SOULE: But if the, but if the legislature, uh, lets them along, he's going to have to pay the (()) price per month, that's—
 GERVAIS: A thousand a month, that's ridiculous really—

SOULE: If, it ain't use, listen, it ain't no use—
 GERVAIS: Listen, you know—
 SOULE: — fooling with it for less than that.
 GERVAIS: You see that envelope you give me — (the sealed envelope that Soule gave Gervais on Feb. 19, 1971, in the Fontainebleau Motor Hotel restroom).
 SOULE: Yeah.
 GERVAIS: I, you know I ain't going to (()) you—
 SOULE: Yeah.
 GERVAIS: When I, I brought it to Garrison—
 SOULE: Yeah.
 GERVAIS: He just snatched it out of my (()) hand.
 SOULE: Yeah, I can understand—
 GERVAIS: But I think he thinks I got, I got money and I didn't want to tell—
 SOULE: Yeah, right.
 GERVAIS: — him I didn't get nothing.
 SOULE: Yeah, right.
 GERVAIS: Because he might have said no—
 SOULE: I know he — that poor (()), doctors bills and everything else—
 GERVAIS: He, he snatched the whole (()), see, didn't let me—
 SOULE: Lucky he didn't pull your arm off—
 GERVAIS: (laughter)
 SOULE: You know, I, if I was him—
 GERVAIS: But I didn't want to — I guess he thinks I got a thousand too, you see.
 SOULE: But he, uh—
 GERVAIS: You know, (()), you got the envelope.
 SOULE: I didn't know what, I didn't know what—
 GERVAIS: Well, I mean you know () they ain't no () don't worry—
 SOULE: But, uh—uh—
 GERVAIS: But, uh—
 SOULE: No, I think that ought to be a month, man, gee—
 GERVAIS: There's no question about it, that's cheap enough, but like you said, we got to go to April.
 SOULE: I'm going to tell you, I, you know, we leveling with each other—
 (KNOCK AT DOOR)
 GERVAIS: Wait a minute, wait!
 (Conversation at the door)
 Getting careless there, Freddie.
 SOULE: (laughter) I'm

going to tell you the truth, you understand—
 GERVAIS: Yeah.
 SOULE: Now, when I run, when I was running the squad (SOULE) commanded the New Orleans Police Department Vice Squad from May 5, 1962 to June 30, 1968), I used to get seven and a half a month—
 GERVAIS: Seven and a half a month?
 SOULE: Course that was only, only for me and that's what I got—
 GERVAIS: Jesus Christ, that was pretty good.
 SOULE: Well, that's all I got, that's why I say, you, that's what I got, I had to be tough with them, you see, he (Callery) used to tell me if TAC ain't come up, I would knock the () out of TAC, you understand, but they all coming up and I was getting—
 GERVAIS: ()
 SOULE: — seven and a half a month. Plus was what I was getting from you, so—
 GERVAIS: Yeah.
 (Knock at door)
 SOULE: (laughter)
 GERVAIS: That wasn't bad — yeah. That wasn't a bad deal at all.
 SOULE: So, uh, I used to get about fifteen hundred every two months, you see—
 GERVAIS: Every two months, that wasn't bad. But, listen—
 SOULE: But I, I was getting that even before I was doing business with you, that was the only thing I was out getting, you see when I—
 GERVAIS: Well, you had to get that the minute, you got, they must have got you in the squad, huh?
 SOULE: Yeah. Well, as soon as I got in there, I knew Aruns, Aruns (Callery) approached me and, uh—well, first I was getting less, he was coming with just for Boasberg and this and I started rapping a few other—
 GERVAIS: (laughter)
 SOULE: And he said, look, you want to take this down and take this and so, anyway, I had, you know, it kept going up and up.
 GERVAIS: But you got 750, you know Aruns must have been swallowing 250—
 SOULE: sure.
 GERVAIS: At least—
 SOULE: He stole a little bit—
 GERVAIS: Maybe five hundred.