

The Government's Case: XII

Pinball Bribery Affidavit Text

(Editor's Note: The States-Item continues today with the 12th 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.)

(43) On March 3, 1971, Louis Boasberg telephoned Pershing Gervais. During the conversation, Gervais informed Boasberg that he had talked to Frederick Soule and that in the future, he (Gervais) would be the go-between between Boasberg and Soule for passing the payoff money to Soule. Boasberg also made arrangements with Gervais to have Harby Marks deliver the payoff money to him the coming Friday.

GERVAIS: Hello.

Boasberg: Hi, this is Mr.

Reynolds (an alias for Louis Boasberg). I just got back in town.

GERVAIS: Oh, Mr. Reynolds, (laughter), I always got to hesitate.

BOASBERG: (laughter) Uh-huh.

GERVAIS: Yeah, ah, you just got, yeah, I know.

BOASBERG: Just got back. I'm gonna probably see my friend.

GERVAIS: Well, let me say this to you now, he came to see me.

BOASBERG: Um.

GERVAIS: You know, Fred (Soule).

BOASBERG: Uh-huh.

GERVAIS: You understand.

BOASBERG: Uh-huh.

GERVAIS: And ah, he's, he's a little queasy about, he would rather, ah, ah, the total contact be made with me and then me to him.

BOASBERG: Oh, all right.

GERVAIS: Rather than the other way, now this is his idea.

BOASBERG: That's better.

GERVAIS: So we'll keep em comfortable, we'll do it that way.

BOASBERG: And, uh, I mean in any real estate deal like that, its much better, because you, hell—

GERVAIS: Yeah, right. And I know more about what I'm doing. Right.

BOASBERG: You don't count in this deal at all, see.

GERVAIS: No, right.

BOASBERG: Yeah.

GERVAIS: Right, yeah, so there's less contact.

BOASBERG: I agree.

GERVAIS: Right.

BOASBERG: Uh.

GERVAIS: So, when will I see you.

BOASBERG: Uh, I tell you what I'll do, I'm gonna send you a little bottle of perfume (payoff package) by my boy, Harby Marks.

GERVAIS: Harby Marks?

BOASBERG: Yeah, I'm going to sent him out. I tell you what I'm going to do.

GERVAIS: Uh-huh.

BOASBERG: Ah, ah, I'm gone to send him out Friday. He's okey with anything, he's

GERVAIS: Yeah, I know. He's your man.

BOASBERG: Heavens, yes, he's my man.

GERVAIS: Right, Friday.

BOASBERG: He's my boy, ah, what time is convenient?

GERVAIS: Friday, I would say a good time would be, you see I make it a practice now, I come in the back way here. Cause I don't want people grabbing me, I don't even want them to know when I'm around.

BOASBERG: Uh-huh.

GERVAIS: So, he could . . .

BOASBERG: Ask for you at the desk?

GERVAIS: Huh?

BOASBERG: Ask for you at the desk?

GERVAIS: No, he walks in and grabs the house phone and asks for me.

BOASBERG: Oh, I got it, I got it.

GERVAIS: Then nobody sees me.

BOASBERG: Any time, it doesn't make any difference, any time its convenient for you.

GERVAIS: All right, well, let me say.

BOASBERG: You don't need the perfume for that gal before, Friday, tomorrow's Thursday.

GERVAIS: No, Friday's okey.

BOASBERG: Yeah.

GERVAIS: Friday, say about ah, let's make it about 12 o'clock.

BOASBERG: 12 o'clock, what you want, Christian Dior perfume?

GERVAIS: Christian Dior's fine.

BOASBERG: All right.

GERVAIS: Okay?

BOASBERG: Okay, black.

GERVAIS: Friday.

BOASBERG: see you later.

GERVAIS: Bye-bye.

BOASBERG: Okay.

(44) ON March 5, 1971, Pershing Gervais talked by telephone from Room 752 of the Fontainebleau Motor Hotel in New Orleans, to Capt. Frederick A. Soule Sr., who said he received a call from Boasberg's "emissary" (Harby Marks) stating that he was sick in bed with the flu. Soule stated that Marks had mentioned to him that there were several policemen on the streets working pinball machines. Soule said he told Marks that the "prescription" was up and that "that's why they were out trying to get some new patients."

GERVAIS: Hello.

SOULE: Heah, Doctor Long (an alias for Soule)

GERVAIS: Heah, Doctor.

SOULE: How are you?

GERVAIS: All right.

SOULE: Ah, you told me to get in touch with you today.

GERVAIS: Yeah, well, well, I haven't heard from them yet.

SOULE: Uh-huh. Ah, I've heard from his emissary.

Well, to tell you his emissary is sick in bed.

GERVAIS: His emissary's sick in bed?

SOULE: Yeah.

GERVAIS: That sound like

(())).

SOULE: Well, he's ah, — sounds that way to me too. But ah, his emissary called me early this morning. Of course he never told me anything else other than the fact that he was been in bed for two

days with the flu, and he's still in bed.

GERVAIS: That (())). That (()) (Boasberg) always got something, well — was, was he instructed to call you and tell you that?

SOULE: No, well, I, I didn't want to talk too much on my, my phone, I was on my, he (Harby Marks) called me at my home. And ah, and that's about as a matter, let me tell you what happened, he, ah, I told him I said look, I didn't want, you know, he was getting a little, a little openly and I told him I didn't want to discuss anything too much with him.

GERVAIS: Uh-huh.

SOULE: And I told him I'd call him back later. Now, when I called him back later

—

GERVAIS: Uh-huh.

SOULE: He wanted to know, he said he heard that there was a lot of, ah, lot of interns out on the street, you know.

GERVAIS: Uh-huh.

SOULE: And I told him, yes, that was so. Ah, I said, ah, he asked me why I said, well, I understood that, ah, that, ah, the prescription was up, you see, and that's why

they were out trying to get some new patients.

GERVAIS: Uh-huh.

SOULE: Now I'm sure he must have got that word back to his head physician. However, he did tell me that he, he couldn't get out of the house.

GERVAIS: Uh-huh.

SOULE: So, so I didn't

know who, who, you was supposed to meet. But the emissary.

GERVAIS: That's who I'm supposed to meet, the emissary.

SOULE: Unless he gets out, he told me he was sick in bed.

GERVAIS: That was yesterday.

SOULE: He was supposed to meet you yesterday?

GERVAIS: No, today.

SOULE: What time?

GERVAIS: Right after noon.

SOULE: After noon, huh?

GERVAIS: Yeah.

SOULE: Well, he may not show, he may, however, he

Turn to Page 31

From Page 30

might, he didn't tell me anything about not showing. I didn't know who you were supposed to meet.

GERVAIS: Yeah, I'm supposed to meet him, but let me ask you about the ah, all the guys on the street, the interns.

SOULE: Look ah —

GERVAIS: Are they ah, are they —

SOULE: Let me ask you, where you at now?

GERVAIS: I'm up in the room.

SOULE: Well, you busy?

GERVAIS: No.

SOULE: ? What number?

GERVAIS: 752.

SOULE: Be up there

GERVAIS: You coming?

SOULE: In the next two minutes.

GERVAIS: Oh, two minutes.

SOULE: Yeah.

GERVAIS: Okay.

(45) ON March 5, 1971, Capt. Frederick Soule, Sr., met with Pershing Gervais in Room 752 of the Fontainebleau Motor Hotel in New Orleans. During the conversation, Soule told Gervais how he was appointed as commander of the Vice Squad, New Orleans Police Department, and how he was first approached with respect to payoffs from the pinball machine operators:

GERVAIS: I be damned. Well, Louie uh, what, did Louie (Boasberg) get you in the Vice Squad—or was it Callery?

SOULE: I, man, look, I never did know that—

GERVAIS: You never knew?

SOULE: I never did know. The only thing I knew, I was in the TACT Unit (New Orleans Police Department Tactical Unit) and, uh—

GERVAIS: Somebody had to, cause that was not a bad

move.

SOULE: It had to be Callery because Callery was, I know was making a connection with (())

GERVAIS: Yeah.

SOULE: Now (()) called me in one day and he said, Freddie, he said, uh, I'm thinking (()) in the Vice Squad, what do you think about it. I told him I don't think I want to go.

GERVAIS: You kidding?

SOULE: That's what I told him.

GERVAIS: Yeah.

SOULE: and he says, why. I said, well, I know too many people and, you know, and that—

GERVAIS: Yeah.

SOULE: And I don't want to hurt them cause I'm feeling him out too, I'm — don't know.

GERVAIS: Yeah, right.

SOULE: I don't know what he's got in his mind.

GERVAIS: Yeah.

SOULE: He's put up a big front, you know, that he was righteous and all—

GERVAIS: Yeah, yeah.

SOULE: I said I know too many people in the game. He says, well why don't you take it, he says, — so I said, well, okay, if you feel that way . . . I said, but I want to let you know I got a lot of friends. So he said, well, I got a lot of friends too.

GERVAIS: He tell you that? Well, that's good.

SOULE: So, I went in there then (Soule commanded the New Orleans Police Department Vice Squad from May 5, 1962, to June 30, 1968) — uh, it wasn't long after that Callery called me asked me could he meet me and . . . you know, he said, personally you need anything you can help me on. Well, so, I think he was giving me about two—wasn't much, about two hundred a month or something like that —

GERVAIS: Yeah.

SOULE: But that was only —course I knew he was with Boasberg (John Aruns Callery and Louis Boasberg were partners in New Orleans Novelty Company from 1947 to 1968) and I only associated with for Boasberg, so I used to knock the () out of TAC and all (seize TAC Amusement Company's pinball ma-

chines for illegal payoffs to players for games won), see—

GERVAIS: Say, yeah, that brought them around (laughter).

SOULE: He say, uh, he says, look, TAC wants to come up with 200, so I said, that's all right, put it in the pot —

GERVAIS: Yeah.

SOULE: Oh, I got up to about 750 —

GERVAIS: You never could find out who, who won, who maneuver, who uh, maneuvered you into the Squad though?

SOULE: (()) never would tell me that, you know — after a while, uh, he use to talk to me about my friend, you know, uh . . . course, see, I'm sure it must have Callery anyway —

GERVAIS: Yeah.

SOULE: But he didn't even know Louie, he knew Louie but he never did talk to Louie, never had no dealing with Louie —

GERVAIS: No, he knew, but he knew, uh, Callery —

SOULE: Callery, yeah, Callery.

GERVAIS: Callery was slick.

SOULE: Callery, yeah, Callery.

GERVAIS: Callery was slick.

SOULE: Well, you know, you know how I, I found out later as you know, the more, the longer you in this thing —

GERVAIS: Yeah.

SOULE: — the more yo find out. It was through (()) that (()) met Callery.

Later in the conversation, after discussing how Boasberg

keeps stalling and renegeging on his own proposals and promises, Soule described how prompt Callery had been as a go-between for payoffs:

SOULE: You, you see, another thing, when I, when I was doing business with Callery, he used to give me every three months in advance —

GERVAIS: Three months?

SOULE: I'd get twenty one

hundred and something in advance —

GERVAIS: Phew.

SOULE: Three months.

GERVAIS: That's pretty good.

SOULE: You know how it got to be that way though, huh?

GERVAIS: No.

SOULE: I hit the () out of them (seized pinball machines for illegal payoffs to players for games won). Boy, when they didn't come up, I went out — cause I had to have something on the record, I went out and hit them.