

### The Government's Case: XVI

# Pinball Payoff 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.)

(54) ON MAY 3, 1971, Pershing Gervais talked by telephone from Room 358 of the Fontainebleau Motor Hotel in New Orleans, with Capt. Frederick A. Soule Sr.:

OPERATOR: Hello.

GERVAIS: 943-5940.

OPERATOR: Hold on just a minute, Gervais.

GERVAIS: All right.

FEMALE: Hello.

GERVAIS: Hello. This is Doctor Gray (an alias for Pershing Gervais), is Freddie home?

FEMALE: Dr. Gray?

GERVAIS: Yeah ( )

FEMALE: Just a minute.

GERVAIS: ( ) Dr. Gray.

SOULE: Hello.

GERVAIS: Hello, there.

SOULE: Who's this, Dr. Gray?

GERVAIS: This is Dr. Gray.

SOULE: Uh, well, uh —

GERVAIS: Dr. Carter (an alias for Frederick Soule)?

SOULE: Yeah, yeah, I've been a little sick there, doc, uh —

GERVAIS: Well —

SOULE: Got the flu, you know.

GERVAIS: Yeah? I got some medicine here I think gonna make you feel pretty good.

SOULE: Oh, yeah. (laughter)

GERVAIS: Uh —

SOULE: Uh, who you saw, Old Lyndon (an alias for Louis Boasberg)?

GERVAIS: Yeah. He sent his man out.

SOULE: Oh, good. All right, I'll see you tomorrow then.

GERVAIS: Tomorrow?

SOULE: I'll come by your office and get a prescription.

GERVAIS: You must be

sick if you don't want to come get this medicine today.

SOULE: (laughter) No.

GERVAIS: (laughter)

SOULE: I'll see you tomorrow.

GERVAIS: ( )

SOULE: It's all right?

GERVAIS: Yeah, it's okay.

About what time?

SOULE: Well, what time'll be convenient for you, doc?

GERVAIS: Well, let's make it about one.

SOULE: Tomorrow afternoon, right.

GERVAIS: Yeah, about one o'clock tomorrow.

SOULE: At your office, huh?

GERVAIS: Yeah.

SOULE: Okay, doc.

GERVAIS: Okay.

SOULE: Talk to you then.

GERVAIS: All right, bye-bye.

(55) On May 4, 1971, Captain Frederick Soule Sr. met with Pershing Gervais in Room 358 of the Fontainebleau Motor Hotel in New Orleans, where Soule received from Gervais, an envelope containing one thousand dollars (\$1,000) in fifty-dollar bills. The serial numbers on the bills passed are as follows:  
L 03452203 A, G 03014182 A,  
B 01621409 A, F 00065105 A,  
E 03756711 A, B 04544100 A,  
G 06037830 A, B 07836808 A,  
F 03704204 A, F 00530253 A,  
D 00134771 \*, C 03004372 A,  
G 02923981 A, K 00688720 A,  
L 00044644 A, G 02972011 A,  
D 00716587 A, C 03826357 A,  
G 04172841 A.

Soule counted the money in Gervais' presence:

GERVAIS: Listen, check this cause, I might, uh, not checked it too good.

SOULE: All right (sound of rustling paper).

GERVAIS: Counted it three times I got—(sound of rustling paper).

SOULE: That's it.

GERVAIS: That's it.

Gervais asked Soule about a pinball seizure at 131 South Broad Street that Harry Marks had complained about:

GERVAIS: No... this, uh, Broad Inn.

SOULE: Broad Inn?

GERVAIS: Yeah.

SOULE: Whose that?

GERVAIS: Boasberg, you knocked him off —

SOULE: Oh, yeah, yeah, you told me.

GERVAIS: 131 South Broad, Friday. He asking question, what am I going to tell him.

SOULE: Uh, you know, tell them, you could say ( ) I have to find out more facts about it, Frey told me to ask you something about it.

GERVAIS: Fro-, Preto (phonetic) and another guy.

SOULE: What kind of case they made, did they get paid off, did they —

GERVAIS: I don't know, I don't know a thing about it, they asked me to find out about it.

SOULE: Uh —

GERVAIS: Got to give them some kind of answer, cause they caught me cold, you know.

SOULE: Yeah, I know they knocked him off Friday.

GERVAIS: What was Friday?

SOULE: Friday was the first.

GERVAIS: I don't know.

SOULE: Saturday was the first. (sigh)

GERVAIS: What did, what did, uh, Frey say about it?

SOULE: Well, he said that they accidentally knocked them off ( ) so he said, it's just, just something he put them out to do just —

GERVAIS: Yeah. He's going to get the report on them some ( ) ( )

SOULE: I'll get the reports. Yeah, I, it's probably, they witness a payoff, you know, and under those conditions difficult to control.

GERVAIS: He didn't ask you when he told you they got them — you can't call him and ask him, huh?

SOULE: You let, let me go see him and talk to him cause he's —

GERVAIS: He afraid — to take a phone —

SOULE: No, no, no —

GERVAIS: Just be good if you could just ask him — whether, you know, what kind of case it is. I'd love to let them know.

SOULE: He wants you to let them know right away?

GERVAIS: Well, it's, he's just a little nervous, said, lis-

ten, this is a funny situation, I'd like to kind of relax them.

SOULE: Well, (( )) they didn't do anything. (( )) whole two months went by — not like they ain't had it in four months — (( ))

GERVAIS: Yeah.

SOULE: Yeah, I understand your point, right.

GERVAIS: See, I would just like to be able to go right back and tell them something

GERVAIS ASKED the telephone switchboard operator for 822-3912, identified by Soule as a "straight line" to Sergeant Frey. Soule took the phone and the following was heard by Gervais: Yeah, Bob, how you been?

Fine, how things going?

Man, you busy this morning.

Yeah, I, I understand.

Listen, you remember the

other day I spoke to you about this society, joint?

Well, they ever do anything on that?

The attorney called you?

What was his name, Bob?

Was it (( ))

GERVAIS: (( ))

SOULE: Was it (( )) , that's—

(( ))?

(( )) called?

I be damn, must be him, then—

Okay, then, Bob, listen, I wanted another thing I wanted to ask you, remember the case you told me you made, I think it was one day last week—

Was that ah, uh, did they get, get actual, did they witness a payoff, or—

I see, they, they, they got the payoff itself.

Right, right.

Okay, then, Robert—

Okay, fine, man.

Yeah.

Right, very good.

Okay, Bob, hey look, I'll see you tomorrow, I came up to see you this morning, but, uh, you weren't there—

I wanted to see you, uh, you know, I got something important to tell you about, I wanted to see you.

Okay?

All right, see you later.

SOULE: They went to the place and got paid off, just an accident, that's all, tell'em it's just one of those things; it was an accident.

GERVAIS: Did he say it was an accident?

SOULE: They got, they gotta expect that cause they gonna be after 'em all the time.

GERVAIS: Yeah, well, I mean, he didn't have no drive on, or nothing?

SOULE: Oh, no, no drive no. You know he just can't control these kids at all times.

Soule said further that in addition to his safety deposit box in Irving Texas, he has one in his wife's name at the Whitney Bank at Canal and Broad Streets in New Orleans, in which he has about a thousand dollars, together with insurance and other papers. Soule said that whenever he goes off, he leaves the keys to his deposit boxes with his daughter. Soule also mentioned that there is a good little bank in Slidell, "right as you coming along the left of the highway."

(56) ON MAY 28, 1971, Pershing Gervais met with Santo Di Fatta in the dining room of the Fontainebleau Motor Hotel in New Orleans. Di Fatta said he had been swindled out of \$150,000 by some con-men from St. Louis who had promised him financing in the amount of almost six million dollars and as a result he (Di Fatta) had put up \$150,000 "good faith" money; that he wanted these persons extradited to "my hometown" by District Attorney Jim Garrison; that he was looking for his money back and not for revenge; that the FBI is working up a fraud case against these swindlers, but that he (Di Fatta) wanted the men extradited by Garrison before the federal government indicted them, since he felt that a federal indictment of the swindlers would lessen the chance of his getting his money back.

DI FATTA: Yeah, see, so thing is, uhh, that don't it don't work out, see. Now, what's bothering me is this. If the FBI closes in on them, that I can understand, you can't go back with the FBI and say okay, now, the man paid me, don't charge him.

GERVAIS: Oh, no, you can't do that.

DI FATTA: See, you can't do that. But with the DA's

office, it can be done.

GERVAIS: Yeah, but except for one thing, even if the D.A.'s office extradites this guy—

DI FATTA: Yeah.

GERVAIS: All right. That still don't stop the FBI.

DI FATTA: No, I know it, but at least, though — as it, as it is now—

GERVAIS: Do these people know the government's checking them.

DI FATTA: Yes, yes, yes.

GERVAIS: All right, if they know that, what do they care about another matter, another, you know this guy down here.

DI FATTA: For this reason, if you bring them down here, they in my hometown.

GERVAIS: Yeah, but you can only bring one guy, remember.

DI FATTA: You can't bring the rest?

GERVAIS: Nope. You can only bring the one guy that was here, in this state.

DI FATTA: Now if he could get him down here, he don't want to go to (( )) jail, you understand, that and what he'll do, he'll say okay, you (( )), we hooked, we got to give this man his money back, you understand?

GERVAIS: I see.

DI FATTA: Now this is the idea of getting him down here.

GERVAIS: All right.

DI FATTA: You follow me? And if it would get him down here, let's say he does get parole or something . . . you understand. Or whatever we can do, the idea we've got to get him down here.

DURING THE conversation Di Fatta said that the \$150,000 he was swindled out of was part of the \$250,000 selling price TAC Amusement Company agreed to pay him for his pinball company (Di Fatta sold a coin machine route of more than 600 machines, which he operated from before 1962 under the name of New Orleans Coin Machine Company, to TAC Amusement Company on November 17, 1969). Di Fatta also discussed with Gervais his participation in pinball payoffs at Callery's instigation, with John Elmo Pierce as the "pickup man":

GERVAIS: The old deal, the pinball deal.

DI FATTA: Oh, yeah, Elmo

GERVAIS: When you was coming up with money every

DI FATTA: Pierce, Pierce's

was my contact.

GERVAIS: Elmo Pierce.

DI FATTA: Elmo Pierce.

GERVAIS: Did he originally contact you? Didn't Callery—

DI FATTA: No, no, we had a meeting, you see, and Callery talked to me, you know, we, we got to do something, do so-and-so —

GERVAIS: Right, right.

DI FATTA: All right.

GERVAIS: Okay. And so you was in from the beginning to the end, right.

DI FATTA: Right to the end.

GERVAIS: Til you got out of business.

DI FATTA: Right.

GERVAIS: Okay, so that's what I'll tell him now, your prorata was what a month?

DI FATTA: Actually ( ) give them, uh, a 100, a week.

GERVAIS: A hundred a week.

DI FATTA: Yeah, 400 a month.

GERVAIS: 400 a month. To Elmo Pierce.

DI FATTA: Right.

GERVAIS: And Pierce ( ) Okay, so, well, Callery knows it then.

DI FATTA: Definitely, definitely.

GERVAIS: All right.

DI FATTA: Oh, yeah.

GERVAIS: Okay.

DI FATTA: ( )

GERVAIS: Cause they had two or three of those things going you see. Okay. So what you ought to do now —

DI FATTA: In other words, I know the score.

GERVAIS: Yeah, oh, I know you know the score. Right, okay. Now . . . uh . . .

so, uh, Callery, well, you had the meeting with Callery personally, no ( ) in between.

DI FATTA: No, this was all cut and dry.

GERVAIS: Yeah, okay.

DI FATTA: Cut and dry.

GERVAIS: All right. Okay.

DI FATTA: I was —

GERVAIS: Now —

DI FATTA: I was one of the boys.

GERVAIS: Yeah, I understand, but I mean, it was just you and Callery had the —

DI FATTA: Oh —

GERVAIS: — understanding and then —

DI FATTA: Yeah.

GERVAIS: — he sent Pierce to you.

DI FATTA: Yeah, right.

GERVAIS: Elmo Pierce, okay.

DI FATTA: Right.