

## The Government's Case: Conclusion

## Bribery Affidavit Text

(Editor's Note: The States-Item continues today 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 is quoted verbatim, except that obscene terms are deleted.

(There were 18 installments published.)

(62) ON Tuesday, June 29, 1971, at approximately 4:15 p.m., Harby S. Marks, Jr., an employee of Louis M. Boasberg, met with Pershing Gervais in Room 274 of the Fontainebleau Motor Hotel in New Orleans. Marks gave Gervais an envelope containing two thousand dollars (\$2,000) in United States currency, a thousand of which was for delivery to District Attorney Jim Garrison and a thousand of which was for delivery to Captain Frederick A. Soule Sr., of the New Orleans Police Department. Gervais counted the money in Marks' presence. Immediately upon Marks' departure special agents of the Intelligence Division, Internal Revenue Service, who had been monitoring the conversation between Marks and Gervais, entered Room 274 from adjoining Room 276. The two thousand dollars (\$2,000) passed to Gervais by Marks was retrieved and retained as evidence.

(63) ON June 29, 1971, at approximately 8:33 p.m., Pershing Gervais entered the front door of 4600 Owens Boulevard, New Orleans, Louisiana, where he delivered to District Attorney Jim Garrison an envelope containing United States currency in the amount of one thousand dollars (\$1,000) which had been furnished to him (Gervais) by special agents of the Intelligence Division, Internal Revenue Service, and which had been previously substituted for Garrison's share of two thousand dollars (\$2,000) delivered by Harby Marks to Gervais earlier in the day (see above paragraph). The currency in the envelope delivered to Garrison consisted

of twenty (20) fifty (50) dollar bills with the following serial numbers:

E 00401286A,	B35462914A,
C 01707737A,	H03730080A,
H 00169547A,	A03595293A,
B 00539681A,	B00228906,
K 00555445A,	G02992515A,
K 01405237A,	C02751243A,
H 03512405A,	L02105915A,
L 09047609A,	F01636750A,
G 02501629A,	E01563454A,
A 00320501A,	L03258794A,

Garrison took the envelope from Gervais, unlocked the middle drawer of the desk in the first floor office (study) at his 4600 Owens Boulevard residence and put the envelope containing the money into the drawer. Garrison then closed the drawer and re-locked it.

Gervais had been searched by special agents of the Intelligence Division, Internal Revenue Service, prior to being furnished with the above described envelope and money, and from the time Gervais was furnished with said envelope and money he was kept under constant observation by special agents until he entered Garrison's residence. Special agents of the Intelligence Division monitored the entire conversation between Garrison and Gervais while Gervais was inside Garrison's residence. At approximately 8:45 p.m., special agents observed Gervais exit the front door of Garrison's residence. Gervais was kept under constant observation by special agents until he was again searched by them at which time Gervais no longer had on his person the envelope and money described above.

The entrances and exits to Owens Boulevard where Garrison's residence is located have been under observation by special agents since Gervais departed the residence. The special agents have made periodic observation of the residence itself. A special agent reported to me at 1:50 a.m. on June 30, 1971, that the residence of Garrison is dark and that there is no sign of activity; that the two automobiles at the residence have not been moved since Gervais reached the residence the previous evening; and that no one has been observed entering or leaving the residence

after the departure of Gervais.

(64) ON June 29, 1971, between 11:00 p.m. and 11:15 p.m., Pershing Gervais talked by telephone from Room 274 of the Fontainebleau Motor Hotel in New Orleans to Capt. Frederick A. Soule Sr., New Orleans Police Department, at the latter's home, and advised him that Harby S. Marks Jr.

had delivered his (Soule's) and Sgt. Robert N. Frey's payoff due July 1, 1971, and arranged to meet Soule the following morning, June 30, 1971, at 8 a.m. at the Fontainebleau Motor Hotel. Special agents of the Internal Revenue Service had previously obtained twenty (20) fifty (50) dollar bills in United States currency to be substituted for Soule's and Frey's share of the two thousand dollars (\$2,000) delivered by Harby S. Marks Jr., earlier in the day (see paragraph (62) above). The bills to be passed to Soule by Gervais on the morning of June 30, 1971, bear the following serial numbers:

F 000233369	A	E 00168017*
K 00552614	A	B 08294569
K 00740396	A	F 00079804
G 00421632	A	B 00765324
E 03941081	A	C 01483303
B 05383867	A	C 02041051
G 10211671	A	E 10538276
L 05036269	A	D 05019446
K 00563563*	B	09948788
K 00540956	A	B 01338304

(65) YOUR affiant has reason to believe and does believe that the individuals named in paragraph (3) above have been and now are committing offenses in violation of the laws of the United States of America, to wit, the offenses set forth in paragraphs (A), (B), (C) and (D) below, and with respect to Captain Frederick A. Soule Sr., the additional offenses set forth in paragraph (E) below:

(A) THE "Organized Crime Control Act of 1970", Title 18, United States Code, Section 1511—"Obstruction of state or local law enforcement," in that from on and before Oct. 15, 1970 to the present time, at and near New Orleans, Louisiana, in the Eastern Ju-

dicial District of Louisiana, Jim Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons both known and unknown, did unlawfully, knowingly and willfully conspire to obstruct the enforcement of the criminal laws of the State of Louisiana and ordinances of the City of New Orleans, to wit, Article 90 of Louisiana Criminal Code, R.S. 14:90—"Gambling"; the New Orleans City Code, 1956, Section 27-2.2—"Same (Gambling generally defined)—Prohibited", and Section 5-58.1(c)—"Authority of (City) Council; grounds for revocation or suspension (of city permits for retail sale of beverages of low alcoholic content . . . where illegal gambling is intentionally conducted on the premises); hearing", with the intent to facilitate illegal gambling businesses, to wit, the illegal operation and use of Bally in-line gambling type pinball machines which are and were placed in public places for use by the general public and upon which payoffs are made for free games accumulated by the player, one or more of the above named persons during the time alleged having committed an act or acts to effect the objects of said conspiracy, and one or more of the above named persons being an official or employee, elected, appointed or otherwise, of the State of Louisiana and a political subdivision of the State of Louisiana, namely, Jim Garrison, who is District Attorney of Orleans Parish, Louisiana, Captain Frederick A. Soule Sr., of the New Orleans, Louisiana, Police Department who is assigned to the staff of District Attorney Jim Garrison as an investigator, and Sergeant Robert N. Frey, who is Commander of the Vice Squad of the New Orleans, Louisiana, Police Department; and one or more of the other above named persons being engaged or having been engaged during the period alleged in conducting, financing, managing, supervising, directing and owning all or a part of each of said illegal gambling business, all of which gambling businesses involve five or more persons who conduct, finance, manage, supervise, direct and own all or a part of said business-

es, all of which businesses have been and remain in substantially continuous operation over a period in excess of thirty days.

(B) THE "Organized Crime Control Act of 1970", Title 18, United States Code, Section 1955 - "Prohibition of illegal gambling businesses", and Section 2 - "Principals", in that at and near New Orleans, Louisiana, in the Eastern Judicial District of Louisiana, Jim Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr.,

Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons, both known and unknown, did unlawfully, knowingly and willfully, from on and before Oct. 15, 1970, to the present time, conduct and aid and abet each other in the conduct of illegal gambling businesses in violation of the criminal laws of the State of Louisiana and ordinances of the City of New Orleans, to wit, the operation and use of Bally in-line gambling type pinball machines which are placed in public places for use by the general public and for which payoffs are made on games won by the players in violation of Article 90 of Louisiana Criminal Code, R.S. 14:90 - "Gambling"; the New Orleans City Code, 1956, Section 27-2.2 - "Same (Gambling generally - Defined) - Prohibited", and Section 5-58.1 (c) - "Authority of (City) Council; grounds for revocation or suspension (of city permits for retail sale of beverages of low alcoholic content . . . where illegal gambling is intentionally conducted on the premises); hearing", all of which illegal gambling businesses involve five or more persons who conduct, finance, manage, supervise, direct and own all or part of such businesses, and all of which businesses have been and remain in substantially continuous operation for a period in excess of thirty days.

(C) TITLE 18, United States Code, Section 1952 - "Interstate and foreign travel or transportation in aid of racketeering enterprises", and Section 2 - "Principals", in that from on and before July 1, 1966, to the present time, at and near New Orleans, Louisiana, in the Eastern Judicial District of Louisiana, Jim

Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons both known and unknown, did unlawfully, knowingly and willfully use and cause to be used in interstate commerce between the State of Illinois and the Eastern Judicial District of Louisiana, transportation facilities of common carriers for the shipment of Bally in-line gambling type pinball machines and parts therefor, with the intent to promote, manage, establish and carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, to wit, the operation and use of Bally in-line gambling type pinball machines which are placed in public places for use by the general public and for which payoffs are made on games accumulated by the players in violation of Article 90 of Louisiana Criminal Code, R.S. 14:90 - "Gambling", and thereafter the above named persons did perform and cause to be performed acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity; and further that the above named persons did aid and abet each other in the above named pursuits and acts.

(D) TITLE 18, United States Code, Section 371—"Conspiracy to commit offenses or to defraud United States," in that Jim Garrison, Frederick A. Soule Sr., Robert N. Frey, Louis M. Boasberg, Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde, Robert Nims, John Aruns Callery, John Elmo Pierce, and other persons both known and unknown, did unlawfully, knowingly and willfully conspire to commit offenses against the United States, the State of Louisiana, and the City of New Orleans, to wit, Title 18, United States Code, Sections 1955, 1952 and 2, Article 90 of Louisiana Criminal Code, 1956, Section 27-2.2—"Same (Gambling generally—Defined)—Prohibited," and Section 5-58.1 (c)—"Authority of (City) Council; grounds for revocation or suspension (of

city permits for retail sale of beverages of low alcoholic content . . . where illegal gambling is intentionally conducted on the premises); hearing," said offenses more particularly described in Paragraphs (2) and (3) above, which are incorporated herein, one or more of the above named persons having committed an act or acts to effect the objects of the conspiracy.

(E) The "Internal Revenue Code of 1954," Title 26, United States Code, Section 7206(1), "Fraud and false statements," in that on or about February 6, 1966, January 21, 1967, February 28, 1968, April 1, 1969, April 10, 1970, in the Eastern Judicial District of

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Louisiana, Frederick A. Soule Sr. of New Orleans, Louisiana, did unlawfully, knowingly and willfully make and subscribe and cause to be made and subscribed documents verified by a written declaration that they were made under penalties of perjury, to wit, United States individual Income Tax Returns, Forms 1040, for the calendar years 1965, 1966, 1967, 1968 and 1969, which were filed with a proper official of the Internal Revenue Service, which said income tax returns he did not believe to be true and correct as to every material matter in that at the time of the subscribing and filing of said income tax returns, he then and there well knew and believed he had substantially more additional income for each of the said years than the amount reported on the said United States Income Tax Returns for those years.

Floyd D. Moore, Chief Intelligence Division Internal Revenue Service.