

The Government's Case: VI

Text of Pinball Payoff Affidavit

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

(26) On Dec. 11, 1970, John Aruns Callery met with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel in New Orleans and discussed with Gervais, Louis M. Boasberg's efforts to take over Callery's position as "middle man" in the pinball bribery payoffs to Sgt. Robert Frey, commander of the New Orleans Police Department Vice Squad, through Capt. Frederick A. Soule Sr., and to District Attorney Jim Garrison through Pershing Gervais. Callery said that Louis M. Boasberg of New Orleans Novelty Company wants to meet with Gervais for breakfast at 9 a.m. one morning of the following week; that he (Callery) asked Boasberg what he wanted to do regarding the district attorney and that he (Callery) told Boasberg he would go see Gervais about that; that Boasberg responded that he could not do anything just now, that things were too bad; that he (Callery) replied to Boasberg that if he wanted to stay in business, "You got to pay to stay in it. It's the license." Callery said further that he could not get a commitment out of Boasberg, that he thinks Boasberg wants to do something but not much.

Callery asked if Gervais had talked to Jim Garrison about this thing and Gervais replied "no," that he had nothing to talk to Garrison about. Callery asked if Jim Garrison knows why the payoffs have stopped, to which Gervais replied that Garrison reads the papers. Callery said that Boasberg always wants to start "next month"; that Boasberg has not come up with his end of the package for Garrison since the first of August, 1970; and that the

Oct. 1, 1970, payment to Gervais which took care of October and November, had been paid by Robert Nims (of Lucky Coin Machine Co. Inc.) and Lawrence L. Lagarde (of TAC Amusement, Co.). Gervais commented that Boasberg cannot want him to offer Jim Garrison \$200 or \$300 a month and Callery replied that he (Callery) does not want Gervais to tell Boasberg he'll accept that. Callery said that it is Gervais' decision whether to meet with Boasberg or not and that he (Callery) is "only a middle man."

Callery and Gervais again talked about Nims and Lagarde coming up with Boasberg's share of the Oct. 1st payment for Jim Garrison and about no one coming up with Jim Garrison's Dec. 1st bi-monthly payment because of the FBI pinball raids in November. They then talked again about Boasberg's intentions.

GERVAIS: What the (()) does he want to talk to me about?

CALLERY: Oh, I know what he wants to talk — he's going to be crying on you like he's crying on my shoulder. Why don't you go back and tell him, business is bad, that, uh, that, uh, I got, I got to take care of my employes. They come first, that something — Louis —

GERVAIS: That's okay.

CALLERY: I said, if you want to take care, take care of them out of your capital. You got a — you a millionaire. So I said, if you want to, close the business up, but if you want to stay in this business you have got to, there's no way you can stay in it without, uh, without, uh —

GERVAIS: Without taking care of people.

CALLERY: Without taking care of people, there's no way.

GERVAIS: He's (())

CALLERY: I said, what do you expect, do you expect Garrison to take all this heat at a time like this? This is, this is worse now than it's ever been. I said, you are lucky this (()) finished. Why should Garrison take any heat now?

GERVAIS: Cause you know what he told Freddie (Capt.

Frederick A. Soule Sr.) He told Freddie that he told everybody to quit paying off (for free games won by players of the machines).

CALLERY: Well, that's (()) . You know better than that.

AFTER SOME further discussion about how, where and when Louis M. Boasberg

should meet Gervais the conversation continued as follows:

GERVAIS: Tell him he can meet me here because I feel safe here. I don't want to meet him in no (()) public place. Listen, I never met him when things was cool, why the (()) should I meet him when things is hot?

CALLERY: (laughter)

GERVAIS: You know, and then on top of it all, to have him to tell me that he don't want to come up with no money.

CALLERY: No, he wants you to help him for nothing.

GERVAIS: Well. And then he told Freddie he wanted to come up with a little token thing like three or four hundred dollars for Freddie. Now, Freddie refused it, of course, for Freddie, but you know how Freddie is, I don't know — you can't always believe Freddie.

CALLERY: Did he swallow it, did he take it?

GERVAIS: I don't know, I don't know, I really couldn't — I don't know, I told Freddie, I said, you're a damn fool, I said you should have took the money because it's token, okay, it — it done it, he told you, you know, he's quit paying off, so if he told you he quit paying off —

CALLERY: Then he, then he'd be — he had no reason to be on the street.

GERVAIS: Yeah, right.

CALLERY: If he quit paying off. Then he's got — he's wasting his time with his machines on the street. Let's face it.

GERVAIS: You can't do no business —

CALLERY: He not going to do any business with the damn machines. You know, it's — he's just trying to con

with that. I don't —

CALLERY and Gervais then discussed Louis M. Boasberg's appearance before a federal grand jury, and their concern about what the latter's testimony might have been. The conversation continued as follows:

GERVAIS: Sure they're (federal grand jury) going to call you. They're going to call everybody. Tell him (Boasberg) I don't want to meet him there. I'll meet him here and, uh (()) that's it.

(()) him, if he don't want to come here, (()) him, I don't want to meet him. I don't know him, why — I mean, this is crazy though. Listen for all these (()) years, everything's been through you. Now when all of a sudden, he's insisting on talking to me. You know, tell him if he wants to talk to me, I'm here. (()) him.

CALLERY went on to say that part of the reason for the bitterness between Boasberg of New Orleans Novelty Company and the other pinball dealers was that Boasberg's pro-rata share of 40 per cent of the payoff package to District Attorney Jim Garrison by the dealers was set up years ago when Boasberg had far more machines on the street than he has now, and TAC Amusement Company had fewer than it has now, and that Boasberg feels his share should now be correspondingly smaller.

CALLERY called Boasberg from the telephone in Room 876 and told him that Gervais did not want to meet him at Union Station as had been proposed by Boasberg. Gervais then took the telephone and he and Boasberg agreed to meet at the Fontainebleau Motor Hotel the following Monday, around 11 a.m. Callery told Gervais to call him (Callery) after the Monday meeting, and then had further conversation with Gervais about Boasberg's intentions and about recent payments by the dealers to Sergeant Robert Frey, commander of the New Orleans Police Department Vice Squad, through Captain Soule:

CALLERY: Tell you what

to do, why don't you just talk to him (Boasberg) see what the hell, see what—

GERVAIS: Where will you be so I could—at home or—

CALLERY: Aw.

GERVAIS: You get in touch with me.

CALLERY: I'll get in touch with you.

GERVAIS: Call me Monday.

CALLERY: See what the deal is, you know, I mean, comes up with anything at all, could be, I'm sure he's the guy's got to be nuts, he don't have some proposition.

GERVAIS: If he's . . .

CALLERY: If he's wasting time, then you ought, I'd, I'd, I'd () just tell him, you know.

GERVAIS: You see, it's short money. You know Garrison's been too used to big money.

CALLERY: That's right.

GERVAIS: If it's short

money, what I might do, and I don't know yet, cause, see, Garrison's kind of hoggish about money, you know, he's a little hoggish. I was going to say, I would go to him and say, listen, how about letting me get this, you know, but he ain't that kind of . . .

CALLERY: Well, then, listen—

GERVAIS: I'll decide after I talk to him—

CALLERY: Talk to him but don't, I just don't—

GERVAIS: I won't, I won't

CALLERY: Tell you got to talk—

GERVAIS: I can give him a positive commitment—

CALLERY: Tell him you got to talk to you know.

GERVAIS: I got to talk to Garrison first.

CALLERY: Tell him you got to go talk to your man.

GERVAIS: But you be sure to get in touch with me Monday.

CALLERY: All right.

GERVAIS: So then I can tell you, you know.

CALLERY: Yeah.

GERVAIS: What he said, you know . . .

CALLERY: Now, he, he ment. . . he also said something about maybe you could handle—

GERVAIS: That's a European suit.

CALLERY: Yeah, it is, yeah. He (Boasberg) said

maybe you could handle Soule. But I wouldn't know you you could handle Soule, I mean, handle Frey, I mean, you can't handle Frey.

GERVAIS: Oh, Soule handles Frey. What's the matter with him?

CALLERY: Who?

GERVAIS: He's (Boasberg) got an in with Soule, I could see—

CALLERY: He met Soule, I'd say he met Soule a half a dozen times at least. And he ain't come up with anything yet. Of course I don't,—Soule's got to be nuts, to be—

GERVAIS: But, what does he (Boasberg) want me to . . . with Frey for?

CALLERY: No, he said, maybe but couldn't they bypass Soule.

GERVAIS: And go direct to Frey?

CALLERY: Yeah.

GERVAIS: Oh, I see what he thinks, he thinks—

CALLERY: He thinks he can save something.

GERVAIS: He can save a little, whatever Fr — (phonetic) Soule would take out for himself.

CALLERY: That's right. But you can't fool with Frey. You told me that before.

GERVAIS: Aw, I wouldn't fool with him.

CALLERY: I mean, the only guy looks like that he can talk to Frey is Soule.

GERVAIS: He is the only one.

CALLERY: Yeah.

GERVAIS: Soule is absolutely the only one.

CALLERY: The only guy that can talk to him.

GERVAIS: Yeah, Soule's (—). Soule's told me it's twice he got a thousand. Of course, he lies so (—) much.

CALLERY: Oh, let me see. I'm trying to think. I know, he got more than that.

GERVAIS: He said he got a thousand two times.

CALLERY: He may be right.

GERVAIS: You know.

CALLERY: I think that's what they told me more but I'm not sure about that.

GERVAIS: He said that he give Frey five hundred each time and he kept five.

CALLERY: I'm not sure whether it's two or three, I can't — I thought it was

three, to tell you the truth.

GERVAIS: You do.

CALLERY: I'm still — think that's what it was.

GERVAIS: You do.

CALLERY: I think —

GERVAIS: He might (—) Frey out of some money.

CALLERY: Well, I, I wouldn't want say it like that.

GERVAIS: Oh, I don't know but —

CALLERY: (—).

GERVAIS: Listen, I don't have —

CALLERY: I don't, I don't

GERVAIS: I could care the (—) less. Yeah, suppose he ain't got it. But you know —

CALLERY: I'm sure he got it. I think it was three. I arranged for it.

GERVAIS: Three thousand

CALLERY: I think.

GERVAIS: — a month?

CALLERY: Oh, no, no, no. No, no. (laughter) Oh, no, he only got that, he got that a month.

GERVAIS: A month? That's what I'm saying. Oh, you mean it was three times instead of two times.

CALLERY: Yeah, now I think.

GERVAIS: Yeah, a thousand a month.

CALLERY: I think it was three thousand.

GERVAIS: It might have been that, I tell you it might have been, cause I believe he said you handled it once.

CALLERY: I gave a thousand.

GERVAIS: You did?

CALLERY: I paid them a thousand but I got it back.

GERVAIS: Yeah.

CALLERY: I got it back.

GERVAIS: Yeah.

CALLERY: I fed it to Nims (Robert Nims of Lucky Coin Machine Co. Inc.), he give it back to me.

GERVAIS: Yeah, but then after that he got it direct from Nims.

CALLERY: That's right.

GERVAIS: Collect —

CALLERY: That's right.

GERVAIS: From Bob (Nims).

CALLERY: That's right, that's right.

GERVAIS: So. Well, anyway, he said he gave Frey five hundred each time and then the last time, his words to me was he told Frey, listen, babe's, things is tough

and Frey says well, it was good while is was lasted. In other words, Frey was t . . . (phonetic) satisfied with five hundred.

CALLERY: Frey was — yeah.

GERVAIS: But Soule wasn't.

CALLERY: Soule wasn't satisfied with —

GERVAIS: No, he's hoggish, man. Soule would drive you (()) crazy. He drives me nuts.

GERVAIS: You know what he does to, feeds you a lot of () to make you think he's knowing something. But one thing we know, he (Soule) is the only one who can handle Frey.

CALLERY: It's possible then that maybe you know if Louie (Boasberg) wants to stay, if Louie wants to stay on the street he better take care of this situation.

GERVAIS: Yeah.

CALLERY: Sure, I don't, I don't — I guess he ought to take care of this end (Garrison's end) but even then if these guys (Vice Squad) go out, keep knocking them off, it's going to put a lot of heat on y'all, you cant' you cant'

GERVAIS: Can't, can't ()

CALLERY: No, No, I think, Pershing, I think you ought to tell him that.

GERVAIS: Oh, I will tell him.

CALLERY: You'd better tell him (Boasberg) that he better, he's got to —

GERVAIS: To take care of both ends (Garrison's end and the Vice Squad's end), he's gonna have to decide and he's going to have to decide what he can afford to do.

CALLERY: What he wants to do, that's all, and as far, as far as I'm concerned, you all can leave me out of it, you know, I don't ().

GERVAIS: I don't know why. No, because he's, he's checking the lock in to you, you won't be able to add nothing on.

CALLERY: No, no, that's what I'm saying, say that you all can leave me out of the thing, I'll, I'll bow out.

GERVAIS: Cause I will tell him, I'll say —

CALLERY: I don't know whether you want to do business with him direct, that's

the only trouble.

GERVAIS: Now, listen, I want to only listen to him.

CALLERY: () money invested, but I'll, I'll step out of the picture.

GERVAIS: Well, let me ask you — no, well, wait a while, up to now you have never taken no money from him (Boas-

CALLERY: No, no, no, no, but the only thing I did get was some expense money once in a while, you know but I can't get that any more.

AT THE CLOSE of the conversation, Callery mentioned his "commitments" in Baton Rouge as well as the effect of the Organized Crime Control Act of 1970:

CALLERY: Well, I'll tell you what I'll do, I'll be in touch with you.

GERVAIS: Monday afternoon.

CALLERY: I'll call you Monday afternoon.

GERVAIS: Right.

CALLERY: And then we'll see.

GERVAIS: And then you come down and we'll cut it up, we patch it up.

CALLERY: Patch it up, that's all we can do.

GERVAIS: See what, see what he says and then, then we'll decide what —

CALLERY: Decide what he wants to do.

GERVAIS: What to do.

CALLERY: But I told him, I said, Louis (Boasberg), I

said, if you want to stay in this business, you got to be crazy to stay in it if you don't —

GERVAIS: What you going to do —

CALLERY: — take care —

GERVAIS: What you going to do in Baton Rouge (regarding State Novelty Company Inc.), nothing?

CALLERY: What you mean, about taking them (pin-ball machines) off the street?

GERVAIS: Yeah.

CALLERY: What I, what I'm doing, Pershing, is, uh, is getting an opinion, you know what I mean, if, they may try, we may try the merchandise for a while. You see, any commitment we got in Baton Rouge, we are keeping, you know what I mean.

GERVAIS: Yeah.

CALLERY: Any personal commitments we got —

GERVAIS: Yeah, to keep things going.

CALLERY: To keep things going.

GERVAIS: You gonna keep things up there, that's what you do.

CALLERY: () and if, if, if opinion comes out that under this new law (Organized Crime Control Act of 1970) the thing, it looks to me that under this new law they going, the federal —

GERVAIS: You talking about the federal law?

CALLERY: Yeah, federal law, that they could actually come in and arrest you if you paid off cash, not merchandise. This is the way I interpret the law. If you gave merchandise, they can't arrest you, but if you paid off cash, they can arrest you. If they can come in and take —

GERVAIS: Well, what are you going to do? You can't —

CALLERY: Well, you, we could, we could give, we could give merchandise until we phase out.

GERVAIS: Oh, I see.