

The Government's Case: VII

# Pinball Bribery Affidavit Text

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

(TWENTY-SEVEN) On Dec. 14, 1970, Louis M. Boasberg of New Orleans Novelty Company met with Pershing Gervais in Room 275 of the Fontainebleau Motor Hotel in New Orleans. Boasberg said that things do not look good for the pinball industry and that he (Boasberg) has good reason to believe that there will be four or five bills in the legislature in May of 1971 to outlaw gambling-type pinball machines in Louisiana.

Boasberg said that Robert Nims of Lucky Coin Machine Company Inc., came to him this morning and offered to have Boasberg take over his (Nims') pinball locations; that John J. Elms Jr. of TAC Amusement Company has ordered 20 gambling-type pinball machines from Boasberg and got a lot of old games (gambling-type pinball machines) for a total of about 80 games that he put on the street after complying with

the registration provisions of the Gambling Devices Act of 1962. Boasberg said that he has carried the burden of the pinball payoffs for years in New Orleans but that he has been decreasing and decreasing the volume of his machines on the street and that he has a lot of obligations, and what can he do? Gervais responded that all he (Gervais) can do is bring the message to District Attorney Jim Garrison but that he (Gervais) can't make any promises. Boasberg said that he (Boasberg) and John J. Elms Jr. of TAC Amusement Company have to get together because they are the only ones left after the FBI pinball raids. Boasberg said of District Attorney Jim Garrison

that "He really stood by us," and went on to describe his dealing with Capt. Frederick A. Soule Sr.

BOASBERG: Pershing, let me tell you what I did do, between you and I —

GERVAIS: Yeah.

BOASBERG: I was talking to Freddie (Soule) and, and, and, uh, trying to put things together for him —

GERVAIS: Yeah.

BOASBERG: Well, we, we, we couldn't do it because TAC (TAC Amusement Company) had heavy obligations someplace else but —

GERVAIS: Yeah.

BOASBERG: Now, where it was, I don't know, I have no idea —

GERVAIS: Yeah.

BOASBERG: Listen, what his story was, unless they finance that, uh, that, that election for those constitutional amendments, something like that, but we couldn't, couldn't put anything together, so I told Freddie, I said, look, let's cut this down temporarily, so, so for some unknown reason, he hit about 8 or 10 spots. (The Sunday, Oct. 4, 1970, edition of The New Orleans Times - Picayune newspaper carries a story that on Oct. 3, 1970, the New Orleans Police Department Vice Squad confiscated ten Bally in-line gambling-type pinball machines from nine establishments in New Orleans, where 17 persons were arrested for making illegal payoffs to players of pinball machines for games won.)

GERVAIS: Uh.

BOASBERG: So I said I can't —

GERVAIS: That's to get your attention.

BOASBERG: Yeah.

GERVAIS: (laughter).

Boasberg mentioned that John Aruns Callery and John J. Elms Jr., of TAC Amusement Company do not get along; again that he has to get together with John J. Elms Jr. and what tough financial shape he (Boasberg) is in for a number of reasons including a drop in sales by him of gambling-type pinball machines since most of the

dealers are apprehensive about the federal government's next move. Gervais suggested that maybe Boasberg can place amusement games in his locations.

GERVAIS: Maybe you could work other things, other games, other —

BOASBERG: Oh, but they can't make any money with that amusement stuff —

GERVAIS: No.

BOASBERG: You're kidding (laughter).

BOASBERG acknowledged that Callery has got his interests in Baton Rouge, but that Callery says that Rooney (Robert J. "Bob" Rooney, president of State Novelty Company Inc., Baton Rouge, La.) wants to get out. Gervais suggested that perhaps Callery should go to District Attorney Jim Garrison directly and explain the problem in money supply caused by the FBI pinball raids and see how Jim Garrison reacts; that if there's going to be less money, Jim Garrison might want to cut Gervais out as his middle man and deal directly with Callery. Gervais continued as follows:

GERVAIS: Now, Jim (Garrison) might say to him (Callery), well, yeah, that's okay, but let Gervais handle it, and I'll work it out with him, see, I would rather for him to make that decision. Now, just in case, listen, who knows, he might figure that ain't enough and if he says, okay, well, then you (Callery) handle it but you know, whatever he wants to do, which would be all right with me.

BOASBERG: I know.

GERVAIS: But —

BOASBERG: I know damn well we going to have to do something.

GERVAIS: But that other one's going to be a back-breaker with Freddie and Frey. You see, you could plan, that you are going, I, I'd tell you by listening to Freddie talk, you gonna plan, you might get by with 800 a month.

BOASBERG: Can't do it.

GERVAIS: But they ain't —

BOASBERG: Can't do it, I offered him one (\$1,000) when all of us were in. Now we

don't have Bob (Robert Nims of Lucky Coin Machine Co. Inc.), we don't have anything.

GERVAIS: ( ) but you see, Freddie ought to be willing since he only the middle guy —

BOASBERG: Certainly he ought —

GERVAIS: He ought to be willing to take short money.

BOASBERG: Why sure —

GERVAIS: Short money and give the other guy —

BOASBERG: Why sure —

GERVAIS: The big money, see, but he don't want to do that —

BOASBERG: Don't want to do that —

GERVAIS asked Boasberg if he had a money figure in mind and Boasberg responded that he and John Elms Jr. were supposed to get together. Gervais said that "you got to go to Soule too. I could only handle one (Garrison)." Boasberg said he had in mind a figure of a "total of one (\$1000) a month, that's two every two months." Gervais questioned Boasberg further on this point:

GERVAIS: So your total would be one (\$1,000) a month? not a total per month?

BOASBERG: Now this is — last year, last year New Orleans Novelty Company made ( ) thousand. Course this is divided between nine people, this is not a hell of a lot. This year we make 20,000 ( ).

GERVAIS: Well, let me ask you, if your end was one a month, what about John (John Elms Jr. of TAC Amusement Company)? Would you, roughly what would you expect him to make?

BOASBERG: Until he builds up, until he builds up, John was by far bigger than all of us, three hundred and some games —

GERVAIS: Yeah, right. He took a rap.

Gervais had further discussion with Boasberg about how best to approach Garrison with the news that the payoffs from the pinball dealers will be considerably reduced, as follows:

GERVAIS: It might not be a bad — now let me tell you something, man, nothing mag-



nanimous on my part, but I realize the problem, but it just might not be a bad idea when the time comes to have, uh, to have Callery go, if you willing after I made certain declarations to Garrison, you see, if I do it right, you see, it's real important, if I prepare his mind properly, for, uh, Callery to go back to Garrison, and I have to think of how to do it, but I think I could have Garrison's mind conditioned to where he would accept something nominal to make it easy —

BOASBERG: Yeah, and Freddie (Soule) could accept something nominal.

GERVAIS: Oh, well, that ( ), I could, I, let me say this, I will talk to him, you know him as well as I do, he talks and he's pleasant and after, he's kind of a, kind of a back alley guy.

BOASBERG: Careful —

GERVAIS: Uh. Of course, like you say, you figure you could go a thousand a month. Do you think that other fella could go a thousand a month?

BOASBERG: I'll talk to him, I am going to talk to him, I'm uh sure ask at least for the present —

GERVAIS: Let me say this to you —

BOASBERG: I think what we ought to do is hold off at least until after the first, to see if we can't put something together by the first, maybe by that time, John (John Elms Jr. of TAC Amusement Company) may know where he stands and I may know where I stand with this damn grand jury—

BOASBERG went on to say that collections are down and that the question is whether they can weather the storm in the May, 1971, session of the legislature. Boasberg also discussed why the gambling-type pin ball machines of State Novelty Company Inc., Baton Rouge, La. were not seized in the FBI pinball raids of Nov. 24 and 25, 1970:

BOASBERG: You know

somebody always surmises. You know what, some people blame Aruns (John Aruns Callery) and myself for this goddamn thing, they figure State Novelty (of Baton Rouge) registered (as required by the Gambling Devices Act of 1962, Title 15, United States Code, Section 1773(a) (3) ), we been registering for 8 years, you know.

GERVAIS: Yeah.

BOASBERG: And we begged operators to register, Pershing, but you know what a lot of them said, "Oh, I don't want the government checking my books." You tell a guy like Charlie Pace to register —

GERVAIS: He don't even hear you —

BOASBERG: "Aw no, I don't want the FBI —

GERVAIS: He don't hear you, he don't hear you—

BOASBERG: — FBI to come in and check my books.

GERVAIS: That's all, then he dismisses it, anything further you say, I mean, he's got a way of blocking things off, you know.

Boasberg asked if Gervais is willing to meet with John Elms Jr.

GERVAIS: You know, unless you, now I'm willing to do it, and I'm willing to withdraw just so you all can keep it going. I'm willing to do it and stay in, I'm not trying to get out.

BOASBERG: You willing to talk to him?

GERVAIS: To who?

BOASBERG: To Elms.

GERVAIS: To young John?

BOASBERG: Yeah.

GERVAIS: Yeah, I guess so. Well, I would prefer you to talk to him first.

BOASBERG: Yes.

GERVAIS: Lay some kind of groundwork —

BOASBERG: Certainly, I will.

GERVAIS: To tell me what we're up against.

BOASBERG: Yes, yes.

GERVAIS: — you see.

BOASBERG: And I, I —

GERVAIS: I, I, I'm willing at this stage, I'm willing to do that —

BOASBERG: I'd rather it be that way, you see, I don't want us to tell —

GERVAIS: Maybe we could all be happy, I would rather you to tell me what to expect first, then we could all meet. Really should try to figure — then I could figure a program, its going to be a delicate program, you know, it's going to be delicate. In other words, it's got to be attractive enough for Garrison it, I there's no way it could be attractive enough for Garrison and me, you see—

BOASBERG: Yeah.