

The Government's Case: IX

Pinball Bribery Affidavit Text

Editor's Note: The States-Item continues today with the ninth 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 Monday.)

(29) On Jan. 15, 1971, Pershing Gervais talked by telephone from Room 876 of the Fontainebleau Motor Hotel in New Orleans to Capt. Frederick A. Soule, Sr., who stated that he had been trying to see Sgt. Robert Frey all day long but had been unable to do so because of demonstrations at Martin Luther King school. Soule also stated that he had spoken to Louis Boasberg and had accepted a package for Frey and himself of \$500 for January and \$500 for February. Soule said he had not yet given Frey his share.

GERVAIS: See. Have you talked to as, to ah, King Louie (Louis Boasberg)?

SOULE: Yeah.

GERVAIS: You did?

SOULE: No. I didn't talk, oh yeah, yeah.

GERVAIS: Louie B., you know.

SOULE: You mean Lyndon Johnson (an alias for Louis Boasberg).

GERVAIS: Yeah.

SOULE: Yeah, I spoke with Lyndon.

GERVAIS: Uh-huh.

SOULE: And ah, we accepted the package, you see.

GERVAIS: Huh? Oh, you accepted it.

SOULE: Yeah.

GERVAIS: What was it.

SOULE: Mainly for you. You know.

GERVAIS: Yeah, right. What was it? Six chickens (600)?

SOULE: No, five (\$500).

GERVAIS: Down to five?

SOULE: Five chickens. (laughter).

GERVAIS: I be damned.

SOULE: But that, that was

for two, for two months. On a trial basis, other than that, basis other than that, after that it's — you know.

GERVAIS: Two months.

SOULE: Yeah.

GERVAIS: You mean the five is for two months?

SOULE: No, no, no—

GERVAIS: Oh, no, five a month.

SOULE: Five for each.

GERVAIS: For each month.

SOULE: Five chickens for, for the first month, five for the second month.

GERVAIS: Uh-huh. The first month being January.

GERVAIS: Uh-huh, you ain't told the other guy nothing about it, huh? The fryer (Sergeant Robert Frey, commander of the New Orleans Police Department Vice Squad).

SOULE: Yeah, I, I got some told—

GERVAIS: Huh? What'd he do tell you to, ah—

SOULE: () to take care of that.

GERVAIS: He did, as a favor, or ah—

SOULE: No, no, no, I told him about the, you know, I told him that, an—

GERVAIS: Well, I mean, listen, did you give him the chickens?

SOULE: No, I haven't seen him yet.

GERVAIS: Oh. But he knows you got them.

SOULE: I just happened to be able to talk with him for a little while on the telephone.

GERVAIS: Uh-huh.

SOULE: I didn't have time to go into great detail with him.

GERVAIS: You think he'll accept ah, half of that?

SOULE: Yeah, he's already told me so.

Soule said further that he would call Gervais the next day, after he (Soule) talks with Frey.

(30) ON Jan. 16, 1971, Pershing Gervais talked by telephone from Room 876 of the Fontainebleau Motor Hotel in New Orleans to Capt. Frederick A. Soule Sr., who said that he had spoken to Frey and given him his share of the

payoff money from Boasberg.

(31) On Jan. 18, 1971, Louis M. Boasberg of New Orleans Novelty Company met with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel in New Orleans. Boasberg stated that his attorneys have told him that it is a violation of the new federal gambling act (Organized Crime Control Act of 1970) if payoffs are made to players for games won on the pinball machines. Boasberg stated that he sent a letter to every one of his locations and told them: "Don't pay off anything but merchandise, I put that in the letter and I cited all the opinions, etc. Of course, you

and I know they not going to get any play with any merchandise." Boasberg said that he was still trying to put the deal together and has been for three months; that John Aruns Callery said he washed his hands of it, so Boasberg has been trying to do something. Boasberg said he would have to hold off further negotiations regarding payoffs to Garrison through Gervais until he tried to contact Elms one more time for a yes or no answer regarding the payoffs. Boasberg stated that he was sure Jim Garrison would at least let him (Gervais) get a little "chicken feed". Boasberg stated that "we're" taking care of Frederick Soule right now and will continue to do so until they go out of business or things get better.

Boasberg asked Gervais to talk with Jim Garrison and see if Garrison can do anything with the governor and any of the legislators with respect to any anti-pinball machine bills being introduced in the 1971 session of the legislature. Boasberg told Gervais to have Jim Garrison approach the governor with the approach — "Why are you pushing these people? I've got, I've got a lot of requests from a lot of little businessmen here," but that Garrison should not approach the governor from the pin-ball machine operators' point of view. Boasberg stated that if Gar-

rison can communicate with the governor and the governor does not push anti-pinball legislation, he doesn't think that the legislature will have the required votes to introduce anti-pinball machine legislation in the May, 1971, session. At the close of the conversation, Boasberg brought up the name Harby Marks (Harby S. Marks, Jr.) and stated that if he (Boasberg) sends Marks to see him (Gervais) in the future, that Marks can be trusted. Boasberg stated that Marks had been with him for 30 years and that Marks is also John Aruns Callery's right-hand man.

(32) ON JAN. 27, 1971, Louis M. Boasberg of New Orleans Novelty Company met with Pershing Gervais in Room 876 of the Fontainebleau Motor Hotel, New Orleans, La., Boasberg stated that he had gone to see Lawrence L. Lagarde of TAC Amusement Company who told him (Boasberg) that "We have been more than generous the last few years and we obligated ourselves sometime ago to something, it was all in advance . . . and he (Lagarde) says, you (Boasberg) should carry us, he (Lagarde) says, we are carrying something else—". Gervais said to Boasberg that he (Gervais) did not come to the operators for payoffs, that they came to him. Boasberg stated that he (Boasberg) originally set up the contact and deal with Captain Frederick A. Soule Sr., and agreed with Gervais that somehow Soule got in touch with Elms, Callery and other pinball operators. Boasberg stated that after he contacted Soule before Christmas, the Vice Squad "started raiding some games"; that about three weeks later when he could not put together a deal with Soule he (Boasberg) went to a "party" with whom he had been "very generous with in the campaign" and inquired why he had been singled out for the raids. Boasberg stated that the Vice Squad hasn't done anything

since so he thinks that the "party" did raise hell. Boasberg stated that had he not trusted John Elms Jr., he would not have made the deal with Soule because he would rather do business with Gervais. Boasberg told Gervais that Callery used to handle the payoffs, but that right, after the last election (the New Orleans municipal general election for mayoralty and city council seats took place on April 7, 1970, and the city fathers took office on May 4, 1970) Callery said he was out, and that this is when he (Boasberg) made a move to reach Soule:

GERVAIS: Don't you know . . . and I don't know how to—before Christmas, and I, I'm, I can only tell you in sketches cause, you could fill it in better than I can.

BOASBERG: No, I can't, I can't.

GERVAIS: Well, here, let me, let me explain it to you—

BOASBERG: You know something, let me tell you, Pershing, nobody works like I do in this business, I get down six, I do everything, I make movies, do all the buying and selling and everything, and I, but I leave other things to other people and I've left it to Aruns (Callery)—

GERVAIS: Okay, but wait, let me, let me just tell you . . . way before Christmas, I'm trying to get this in my mind . . . I was contacted, said, look, uh, young Elms, I'm trying to get this straight in my mind, has the connection in the city . . . we want Charlie Pace to come up with his pro-rata, I, at this time, didn't know who they were talking about, you see, but Charlie says he will not do it unless you say its okay—

BOASBERG: Oh, I, I did issue part of that, Aruns and I both, we were trying to put, trying to put a new deal together—

GERVAIS: Right! Okay, babe—

BOASBERG: See—

GERVAIS: But, but, but, now mind you, I'm in the dark, I don't know who, who's talking to who—

BOASBERG: You know what started this whole thing? Aruns come to me and says, uh, Freddie tell him, look, I'm out now, can't do any good, can't do any good; can't do a thing. So he says, Aruns say, I'm bowing out so you fellas

are on your own—

GERVAIS: Right.

BOASBERG: So when he told me that, now let me tell you how long ago he told me that, he told me that . . . right after the election so I started, that's when I started trying—

GERVAIS: To do something.

BOASBERG: —trying to do something.

GERVAIS: Well, of course, I'm in the dark at this stage, I don't know who's—

BOASBERG: Yeah.

GERVAIS: —doing what, you see. So, now Nims (Robert Nims of Lucky Coin Machine Company Inc.) comes, finally, so Nims talks to me, he said, we negotiating and it's this and it's that and he still, he pretends like he don't know who it is, you see.

BOASBERG: Yeah.

GERVAIS: So, I said, well, look, I said, as a test, if they can deliver what they saying to you, then they could deliver the guy in charge—

BOASBERG: Yeh, you told me that.

GERVAIS: See.

BOASBERG: Yeah, I heard that.

GERVAIS: Yeah, right, I said, so then, they said—

BOASBERG: No.

GERVAIS: So, okay, so I said, if they can't deliver that, then they — you, see, not knowing at that time, what was really going on. Subsequently, Freddie comes and he said, look, Louis contacted me, you—

BOASBERG: Um.

GERVAIS: Boasberg—

BOASBERG: Oh, yea, we had breakfast many times—

GERVAIS: He says, and he wants to put a deal together—

BOASBERG: Um.

GERVAIS: Put somehow or another, and I don't remember the details, but he ends up instead of talking to you, he ends up talking to, uh, to, uh, Callery and, uh, what's his name—

BOASBERG: Nims.

GERVAIS: Nims. And he got from them, uh, a thousand a month, I think for four months or something like that, you know, I don't know how much the money was, he got it from Nims . . . and, uh, and now I'm wondering Nims got it part from uh—

BOASBERG: From TAC—

GERVAIS: From TAC and I'm wondering if they thinking

maybe—

BOASBERG: No, that's not it.

GERVAIS: — You didn't come up with your part in that.

BOASBERG: No, that's that's not it, that's not it there. I remember Aruns took two grand from me at that time, I remember now.

GERVAIS: Oh.

BOASBERG: No, they not talking about that, Pershing, I, Lawrence—

GERVAIS: Well, in other words, you took you—care of your part in that.

BOASBERG: Well, certainly I did.

GERVAIS: Well, then you—

BOASBERG: Certainly I did.

GERVAIS: You all are even.

BOASBERG — I, I remember when Aruns came in the, in the office . . . they, they came in the offices. Let me tell you —

GERVAIS: I don't know where I get the idea that they think that you owe something —

BOASBERG: Oh, man—

GERVAIS: Some place— but go ahead.

BOASBERG: They're stupid. Let me tell you what—Lawrence (Lawrence Lagarde of TAC Amusement Company), here's the remark he made to me — not this time but about a month ago when I went to him, he says, I said,

well who is this mysterious people that you, that you, in other words, when we tried, when Aruns and I tried to put the deal together, they renegeed then. It's not now that they renegeing, they were, they been renegeing for two months, don't you understand?

GERVAIS: Well, it, was that on the square or was that—

BOASBERG: What do you think I been — what do you think I been trying to do — how long do you think I started negotiations with Freddie? Man —

GERVAIS: I don't know.

BOASBERG: Three or four months, three months ago, three months ago, Persh, after the legislature started, longer than that.

GERVAIS: Uh-huh.

BOASBERG: That man must think I'm a fool, I mean, I can't, I could put that

thing together by myself, for what the package I wanted to deliver —

GERVAIS: Yeah.

BOASBERG: I wanted to deliver uh, something decent—

GERVAIS: Yeah.

BOASBERG: Well, then these raids (FBI pinball raids of Nov. 24 and 25, 1970) came up, that stopped it, but Lawrence says to me, I said, well, Lawrence, who is this that you—

Earlier in the conversation, Boasberg had brought up the new federal gambling statute (Organized Crime Control Act of 1970) and stated that Lawrence L. Lagarde was informed by his attorneys that if the "FBI or task force man" goes to one of the locations and gets a payoff on a pinball machine, they can arrest you and charge you with conspiracy.