

The Government's Case: XIII

Pinball Payoff Affidavit Text

(Editor's Note: The States-Item continues today with the 13th 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.)

(46) On March 8, 1971, Harby S. Marks Jr., an employee of Louis M. Boasberg, met with Pershing Gervais in Room 874 of the Fontainebleau Motor Hotel in New Orleans. Marks gave Gervais an envelope containing two thousand dollars (\$2,000) in United States Currency, which Gervais counted in the presence of Marks:

GERVAIS: How you feel, doctor?

MARKS: Pretty good, pretty good.

GERVAIS: First time we, I ever really seen you?

MARKS: Huh?

GERVAIS: First time I recognized you.

MARKS: I'm Harby Marks.

GERVAIS: Harby Marks, yeah. How you doing?

MARKS: All right. Uh, look, I know he's ah, he (Boasberg) said wait, yesterday, I don't understand, the man's crazy.

GERVAIS: Yeah, I know, he's crazy.

MARKS: Yeah.

GERVAIS: Uh . . . he's always got stalls, you know.

MARKS: Yeah, put it off.

GERVAIS: First he told me you had it—

MARKS: No only — fact I've been home since Wednesday with the flu—

GERVAIS: Yeah.

MARKS: I shouldn't have come down, I come down this morning just to take it to you.

GERVAIS: Did you, did you?

MARKS: Yeah, I should be home—

GERVAIS: Really.

MARKS: I should be home in bed. Yeah, my chest is— had Dr. Sampson come out

and look at me and this and that and he said you got a little chest cold, get some medicine—

GERVAIS: Oh, yeah, well, I'm always got it—

MARKS: Huh?

GERVAIS: I always have it.

MARKS: Aruns (Callery) said I'm nuts, I talked to Aruns, he said you crazy going downtown, I said, I got

to go downtown—What for?

GERVAIS: Yeah.

MARKS: Said I had some things to take care of.

GERVAIS: Yeah.

MARKS: So—

GERVAIS: Uh . . . just got to be sure (sound of rustling paper), huh, you know Louie is, always gets things screwed up—supposed to have two (\$2,000) in here.

MARKS: I don't know what's in there, I don't know nothing about that—

GERVAIS: Yeah.

MARKS: Just deliver the envelope.

GERVAIS: Right . . . uh —

MARKS: (—)

GERVAIS: Ever see these things?

MARKS: Uh?

PG: Uh? Ever see this — there's something you ought

MARKS: Ah, yeah.

GERVAIS: Always looking at to give things away —

MARKS: Official . . . I be damn, hundredth anniversary huh.

GERVAIS: Yeah, one —

MARKS: Pretty neat.

GERVAIS: Two, three, four, five, six, seven (sounds of rustling paper) —

MARKS: That's pretty neat, really —

GERVAIS: Seven ain't that nice.

MARKS: Nice for a bar, you know, rather than individual

GERVAIS: Nice gifts, you know that —

MARKS: Yeah, real, real nice.

GERVAIS: Seven, that's 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 — good (sounds of rustling paper throughout)

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counting) Listen —

MARKS: Huh?

GERVAIS: Uh, you'll see, uh, Louis when you go back, huh.

MARKS: Yeah.

GERVAIS: Tell him I need to, uh, after today . . . probably tomorrow, I'm going to go see the man tonight, but I'm gonna have some messages to give him, him and the other fella.

MARKS: Uh-huh.

GERVAIS: You see, so it'll be in a day or two —

MARKS: Tell him you have a message for him in a day or two —

GERVAIS: A day or two and it should be for him and the other guy, it would be nice if they were both around so I could give it to them both and, and, uh, but maybe I'll talk, but I'll call him.

MARKS: Yeah.

GERVAIS: In a day or two.

MARKS: Good. All right.

GERVAIS: Okay.

MARKS: Okay.

GERVAIS: Okay, Harby.

MARKS: Nice meeting you, Pershing.

GERVAIS: Okay, podner. So in the meantime, course I guess we're going to be seeing each other pretty much —

MARKS: I don't know, it's up to Louie.

GERVAIS: Yeah, right. So, well, we'll work it out with Louie. Okay?

MARKS: Thank you.

Immediately upon Marks' departure from Room 874 of the Fontainebleau Motor Hotel on March 8, 1971, Special Agents of the Internal Revenue Service entered Room 874 from adjoining Room 876. The \$2,000 passed to Gervais by Marks was retrieved and retained as evidence. The Special Agents then prepared an envelope containing one thousand dollars (\$1,000) in fifty dollar (\$50) bills, the serial numbers of which were noted, for delivery to Captain Frederick Soule.

(47) On March 8, 1971, soon after Harry S. Marks Jr., had delivered an envelope with \$2,000 in it to Gervais, Cap-

tain Frederick A. Soule Sr., met with Pershing Gervais in Room 874 of the Fontainebleau Motor Hotel in New Orleans, at which time Pershing Gervais passed to Soule an envelope containing twenty (20) fifty dollar bills. The serial numbers on the bills passed are as follows:

- F 00532029 A F 00239047 *
- F 00532028 A F 00239046 *
- F 00532027 A F 00239045 *
- F 00532026 A F 00239044 *
- F 00532025 A F 00239043 *
- F 00532024 A F 00239042 *
- F 00532023 A F 00239041 *
- F 00532022 A F 00239040 *
- F 00532021 A F 00239039 *
- F 00532020A F 00239038 *

Soule asked if it was all ones and Gervais told him to check it, in the following conversation:

SOULE: (— —)

GERVAIS: I wished you was a real doctor.

SOULE: Why, you don't feel well?

GERVAIS: I don't think— I'm about to catch a cold — here's the loot!

SOULE: Okay. Very good.

GERVAIS: I put it in there, so it's all there.

SOULE: What you got, all ones?

GERVAIS: No, I don't know, check it.

SOULE: Fifties.

GERVAIS: I think it's all fifties.

SOULE: What else is new, man?

GERVAIS: Nothing.

SOULE: What's this for— how did—what this for, you, you don't know, of course, you, he, he didn't tell you

nothing he don't—
 GERVAIS: Naw, he don't know—
 March and April, huh—
 SOULE: March and April. We got to tell him next time, it's got to go up—
 GERVAIS: Oh, yeah, but, but they ain't no sense in telling—
 SOULE: When, when is it, April the what, you know?
 GERVAIS: Oh, I don't know, let's see, January and February, March and April—
 SOULE: Naw, I mean, what, what part—
 GERVAIS: May the first.
 SOULE: What part of April, what part of April is that, uh, session—

GERVAIS: Oh, I don't know . . . but we ain't due 'til May the first again.

(48) On March 9, 1971, Pershing Gervais went to the residence of District Attorney Jim Garrison at 4600 Owens Boulevard, New Orleans, Louisiana, where he delivered \$1,000 to Garrison, in denominations of fifty dollar bills, which bills bore the following serial numbers:

- F 00532030 A F 00532041 A
- F 00532031 A F 00532042 A
- F 00532032 A F 00532043 A
- F 00532033 A F 00239048 *
- F 00532034 A F 00239049 *
- F 00532036 A F 00239050 *
- F 00532037 A F 00239051 *
- F 00532038 A F 00239052 *
- F 00532039 A F 00239053 *
- F 00532040 A F 00239054 *

There follows a portion of the conversation between Garrison and Gervais at this March 9, 1971, meeting:

GARRISON: Come on up, Pershing —

GERVAIS: Yeah.

GARRISON: I want to use the phone.

Gervais: All right.

GARRISON: (- -)

GERVAIS: Huh?

GARRISON: (- -) first of all, what do you want to see me about? Let's get that out of the way.

GERVAIS: The money.

GARRISON: Oh.

GERVAIS: Oh, this is, uh, March and April, it'll be due now — that won't be due again til May.

GARRISON: Uh, but, uh, our mutual friend was here —

GERVAIS: Uh-huh.

GARRISON: Uh, Knickerbocker (an alias for John Aruns Callery)

GERVAIS: Uh.

GARRISON: Real good, nice as he could be, but ex-

plained that things kind of broke down —

GERVAIS: Yeah but he's out of it, I told you that —

GARRISON: Yeah, but you were working on repairing what, what was left —

GERVAIS: I wasn't working on anything. Let me say this to you, when it broke down, I thought it was broke down forever —

GARRISON: Yeah.

GERVAIS: Knickerbocker (an alias for John Aruns Callery) came to me and said these people wanted to talk to me, I said, well, fine, you know, send them over, I'll talk to them.

GARRISON: You mean like young TAC (John J. Elms Jr.) and so on —

GERVAIS: Yeah, and, uh, Boasberg —

GARRISON: (- -)

GERVAIS: So —

GARRISON: Sit over there.

GERVAIS: So, so they came over and talked to me, and, uh . . . as I told you they were very apologetic . . . and, uh, they said, well at this point, they couldn't meet what they used to meet; you know, in dollars —

GARRISON: It's a long time, then it is for me.

GERVAIS: But, they would, uh . . . they would like to keep the doors open and if the legislature don't do anything —

GARRISON: Other words —

GERVAIS: — maybe it would be better.

GARRISON: They like having, uh, having us as a back stop and so forth —

GERVAIS: They just, they just want to keep the lines, the communication going since Knickerbocker (John Aruns Callery) is now out.

GARRISON: Uh-huh.

GERVAIS: So, and it's that simple.

GARRISON: Well, then what, what, how much is in there?

GERVAIS: A thousand dollars.

GARRISON: Gee, that's great.

GERVAIS: Now there's a thousand every two months. See, the last one was for January and February, this is —

GARRISON: In other words, it's dropped down considerably because they've grabbed so many of their machines —

GERVAIS: Right, it's dropped down considerably —

GARRISON: But I think they're going to have to end

up letting it go, I haven't looked at the law but in this state that those machines are, are not contraband and, uh, I think they may be able to —

course you can't tell — the Federal Courts, Federal Government, isn't it?

GERVAIS: Yeah.

GARRISON: But they may be able to get them back, ultimately.

GERVAIS: Well, that's not our problem, now that's theirs —

GARRISON: If they get them back —

GERVAIS: Well, no, that ain't the problem.

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GARRISON: Well, then what is the problem?

GERVAIS: The problem is that the legislature in Baton Rouge . . . now, I, I thought, let me, let me, look, the last thing was January and February, this envelope (the payoff) is February and March, uh. Now April they due again, is that right — April? Now, the 10th of May — no, the first — when does the legislature meet next — May, right?

GARRISON: First week in May.

GERVAIS: The first week in May, all right. Now . . . so, the first week in May, now they looking for trouble from the legislature that they might legislate them out of business . . . and —

GARRISON: No —

GERVAIS: And the things that they really concerned about is the governor pushing. Now here's what I proposed to do, I was thinking ahead — I was gonna send for Boasberg and young, uh, Tac, and say now, listen, what legislators can you count on . . . so that you won't have to go over the same ground work that they —

GARRISON: That we don't have to and also so we don't have to, too.

GERVAIS: Right, precisely. So once they give me that list I bring that list to you and then you know what you have to do from there. But they really want only is the governor, that's the only one they really afraid of —

GARRISON: Uh-huh.

GERVAIS: Now, Boasberg today told me that he's been told two things — (A) the legislature wouldn't go into it and (B) yes, they would go

into it, so he really don't know. —

GARRISON: Well, I think I've helped the governor enough and gotten to know him well enough that it took this — uh, uh, one reason it took us so long to get to know each other is because we've very much alike really as far as relating, you know, I don't relate to real easy, neither does he —

GERVAIS: Uh-huh.

GARRISON: But, uh, he trusts me now, where he's long since stopped trusting a lot of people around him cause I've never let him down —

GERVAIS: Uh-huh.

GARRISON: And, uh, if it's down to the governor, I think I can stop it —

GERVAIS: Uh-huh.

GARRISON: By just plain asking —

GERVAIS: Right. Cause he knows —

GARRISON: I can talk —

GERVAIS: Well, it's the thing they most afraid of —

GARRISON: I, I can talk a little trash with him.

GERVAIS: YEAH. Now Boasberg, boy, he's a whining, grimy (()) to get money out of but, uh, uh . . . I mean, he stalls and stalls, see, and I was sweating April out because I figured April the first, the leg . . . he will stall us until after the legislature meets but there's no way he could stall til May . . . so, uh, now, you see, Soule, I talked, I talked to Soule yesterday, when, when the April payment comes, after that, Soule says he wants more money . . . he said, they will come with more money and the only way you get their attention like Sou- . . .

GARRISON: Where does Soule come in?

GERVAIS: Soule — gets money for him and Frey — since he's on the — Soule's always gotten money —

GARRISON: Oh, he's not with me any more?

GERVAIS: Yeah, he's in your office.

GARRISON: Yeah, so I see —

GERVAIS: But he's handling the thing for the Vice Squad.

GARRISON: Oh, oh — (laughter)

GERVAIS: You know, he always did you see —

GARRISON: I didn't know that.

GERVAIS: Oh, yeah, he always did.

GARRISON: You mean even Frey, who's been a pain in our () is, uh, all right as far this thing, this, uh, area is concerned?

GERVAIS: Him and Soule is making the money.

GARRISON: Okay.

GERVAIS: So, uh — evidently that's, you know — but, uh . . . course you got to watch Soule, Soule's a (), you know, Soule will tell you something —

GARRISON: ()

GERVAIS: For instance, for instance, Soule's got em believing that Sirgo (Louis Sirgo, Deputy Superintendent of the New Orleans Police Department) gets some of the money, which is not true.

GARRISON: Well, that doesn't matter.

GERVAIS: No. But anyway, okay, so that's, that's the thing in a nutshell.

GARRISON: Okay. Now let me t . . . tell you, at least we have the background, half way in bed with, uh —

GERVAIS: Right, now, uh, when they meet and give me the names, then I'll come and deliver those names to you, the people that they can deliver and they, of course — primarily they only asked that you try to do something with the governor —

GARRISON: And uh, they feel I can talk trash to, uh, uh —

GERVAIS: Yeah. But—

GARRISON: As, as insurance —

GERVAIS: Right.

GARRISON: The governor

GERVAIS: And there's no sense in you talking to somebody that they already have—

GARRISON: I'll get it across to him that, uh—

GERVAIS: Well, you can — maybe him, guys like (())

GARRISON: No, uh, the, the way to present it to John (Governor John McKeithen) you got to present it in terms of his own self-interest . . . as politician of the future, that, uh, the biggest thing he has in his future is, uh, he's from North Louisiana and he's got the potential tremendous vote from New Orleans—

GERVAIS: Right.

GARRISON: And we want to keep it that way—

GERVAIS: Right.

GARRISON: That's how I got the last judgeship for the old regulars—

GERVAIS: Right.

GARRISON: See. And, uh, just after I got one before . . . two in a row . . . but that just gives me a certain amount of control in the court, —

GERVAIS: Of the situation

GARRISON: — the money there and in other words I've been, uh, impress John with the fact that I'm getting nothing out of it, it's for him—

GERVAIS: Uh-huh.

GARRISON: You see. Well, I'm — sell him the same way on this—that the largest part of New Orleans, the Ninth Ward, the Irish Channel, or places like that, the pinball machines are a source of amusement and, uh, livelihood for small businesses and he could destroy himself with that—

GERVAIS: Right.

GARRISON: And uh, just to be vague about the thing and let it peter out—

GERVAIS: Uh-huh.

GARRISON: But do not be know as the governor who cut out pinball machines in New Orleans, because if you run for the Senate against Ellender you're going to lose New Orleans—

GERVAIS: Yeah. Uh-huh.

GARRISON: Lose an awful lot of small people.

GERVAIS: Yeah.

GARRISON: Cause they're going to think of you as Mr. Clean and New Orleans is like South Louisiana, they don't like the . . . you see—

GERVAIS: Yeah, yeah.

GARRISON: That's the way I'd sell it.

GERVAIS: Right.

GARRISON: It's okay, anyway, but I want to get—

GERVAIS: Hi, Jim.

Child: Hello.

GARRISON: Honey, uh, I'm —going to have to start—I'm gonna want to watch the show too, but I have to talk to

Pershing about business first so—

Child: How long?

GARRISON: In about five minutes, watch it on granny's TV and then come in here in five minutes—

Child: Okay.

GERVAIS: Let me say this about Freddie (Soule), Freddie shocked me. You know Freddie been getting money

from pinballs as long as we have—

GARRISON: Uh-huh.

GERVAIS: Maybe longer.

GARRISON: Uh-huh.

GERVAIS: How much you

NEW ORLEANS	ELEVEN
think he's got stashed away?	spent a penny of it. Just salted it and salted it—seventy
GARRISON: How much?	five thousand.
GERVAIS: Seventy five thousand dollars.	GARRISON: Wow—
GARRISON: Jesus Christ!	GERVAIS: And he's had
GERVAIS: Never, never	eight years of it too—

No continuation