

The Government's Case: XV

TH013

Text of Pinball Affidavit

(Editor's Note: The States-Item continues today with the 15th 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.)

(50) ON MARCH 27, 1971, John Elms Jr. met with Pershing Gervais in Room 860 of the Fontainebleau Motor Hotel. During the conversation Gervais informed Elms of Jim Garrison's planned approach to the governor with respect to opposing any anti-pinball machine legislation in the 1971 session of the legislature. They also discussed some of the state senators and House members whom Elms thinks he or certain other persons can contact for the purpose of obtaining their influence in the event that anti-pinball machine legislation is introduced, as well as individuals whom Elms has previously contacted. Gervais and Elms also discussed payoffs for games won on the pinball machines and the use of tokens in an attempt to avoid the state gambling laws and federal laws.

Elms and Gervais also had some discussion about how much money the various pinball dealers had contributed to payoffs:

GERVAIS: He's (Boasberg) paying—he's paying a little more than you are, isn't he?

ELMS: Yeah, but he really should be, cause—oh, man, I had some trouble with my uncle (Lawrence Lagarde of TAC Amusement Company) a good, you know all that trouble we had?

GERVAIS: Yeah.

ELMS: Did, uh, you know, Louie (Louis Boasberg) you know, kept wanting to down, down, down—

GERVAIS: Yeah, I know—

ELMS: And, uh, so, uh, the first day I come back and

told my uncle (Lawrence Lagarde) and, uh, he said, no, () Boasberg—

GERVAIS: Yeah.

ELMS: Don't give him anything—

GERVAIS: Yeah.

ELMS: I talked to my uncle a little more and he finally said, go ahead . . . and then, the same day we're up here, I asked Louie outside I said, now how much did you say I'm supposed to come up with . . . and he upped it from two fifty to five hundred or something or six hundred—

GERVAIS: Uh-huh.

ELMS: And I says are you sure that's what you told me the last time, he says, yes, that's what I told you. Okay. Cause I had forgotten—

GERVAIS: Yeah.

ELMS: And when I went to see Lawrence, man, he called Boasberg a () .

GERVAIS: (laughter)

ELMS: And my uncle's straight as a arrow, that () don't curse, he don't dr., he don't do nothing—

GERVAIS: Yeah. Uh-huh.

ELMS: And for him to get mad like that, phew.

GERVAIS: Yeah. Uh-huh.

I, if I, as I understood it, that money, before this, we made our deal, that, the deal with Soule, you, you're in, you know about that—what I understood, he didn't come up with nothing for Soule, he got a free ride—

ELMS: Just for those one or two months there—

GERVAIS: Two months.

ELMS: Yeah.

GERVAIS: He got a free ride, I believe you and Nims picked up all the freight.

ELMS: Uh, Bob (Robert Nims of Lucky Coin Machine Company Inc.) didn't even, you know, he contributed once.

GERVAIS: Once? Well, it was two months, I believe, it was only two, three months, I think—

ELMS: Yeah, cause Aruns said he was going to handle it with uh—

GERVAIS: With Boasberg and Boasberg never come up.

ELMS: Never would come

up.

GERVAIS: So he owes that money then, he actually owes you the money.

ELMS: Yeah, I'm never going to get it though.

GERVAIS: Naw.

ELMS: Well, actually, even, even Charlie, I had to () I ask Charlie (Charles Pace of Palace Amusement Company), I know Charlie and Frank (Frank Caracci, former partner with Charles Pace in Palace Amusement Company) would come up—

GERVAIS: Uh-huh.

ELMS: But, uh, they owe me some money, uh, they owe

me about forty-eight hundred from a good while ago.

GERVAIS: Charlie?

ELMS: Yeah, but of course, the pinballs went out and I said, () , you know—

GERVAIS: Yeah.

ELMS: Bob Nims—

GERVAIS: Is he, is he back in town? Bob Nims?

ELMS: I think he was back and left.

GERVAIS: Went off again.

ELMS: I got my uncle () how the () , you come up with all the () money? But, () , what you gonna do?

GERVAIS: All what money? Huh.

ELMS: You know, just— () I'm out here, there () , I'm out about, I'm out about seven thousand now

GERVAIS: Uh-huh.

ELMS: Over the last year.

GERVAIS: Picking up that freight with, uh, Callery. (coughing).

ELMS: () , I can't () , you can't squeeze blood out of a turnip, right—

GERVAIS: No, no.

ELMS: And Aruns tries hard—

GERVAIS: Forget it—

ELMS: And if Aruns can't get it, there ain't no sense—

GERVAIS: From Boasberg

ELMS: anybody else trying to get it. I think before Aruns—

GERVAIS: But all, all, all it

was you maybe could get even—if Boasberg picks up most the freight here—you know, if it, if we go beyond the next meeting of the legislature . . . so, uh, of course that's going to be uncomfortable he says he's gonna be putting, handle, putting up most of the dough. Of course, uh . . . what's the division now, a third and two-thirds or, wh—

ELMS: Uh . . . I think I'm coming with five hundred (500) every two months—

GERVAIS: He's coming with, he's coming with, he's coming with fifteen every two months—

ELMS: Two months. Yeah.

GERVAIS: You come with five hundred every two months, he comes up with fifteen hundred every two months—

ELMS: I been coming up with six hundred, six or seven hundred—

GERVAIS: Six or seven hundred—

ELMS: Yeah.

GERVAIS: Every two months—

ELMS: Yeah.

GERVAIS: And he's picking up the rest.

ELMS: The rest.

GERVAIS: Up to 2,000 cause . . . uh . . . you see, I give Soule his—

ELMS: You see we only got 60 machines out—

GERVAIS: Right. Right, well, I know that, of course, let me tell you Soule's very pushy.

ELMS: I never did meet Soule, I don't believe.

GERVAIS: Oh, man, he's pushy, always pushing, pushing, pushing for more dough, more dough—and, uh, of course, I don't tell him anything, now, and he told Boasberg he wanted me to handle his money too, see . . . cause Boasberg's is Soule's boy, you know how it is, they all tight, Callery you know—but, uh—

ELMS: Well, what's, what's the story with, uh, what's his name.

2

GERVAIS: Frey?

ELMS: Frey (Sergeant Robert Frey, commander of the New Orleans Police Department Vice Squad), yeah.

GERVAIS: Well, Soule's got Frey under control, see. Soule gets the money and he, him and Frey cutting it up. Now Soule's the only guy I know that's ever been able to turn Frey.

ELMS: Yeah. That Frey, that Frey ain't—

GERVAIS: I don't know nobody else that ever turned him, but Soule turned him—and I know that he turned him, you know, so, uh . . . but, uh, hell I thought you knew Soule—

ELMS: Uh—

GERVAIS: You know, because of the previous deal that—

ELMS: I thought—

GERVAIS: With Callery.

ELMS: I always knew the name—this or that, you know—

GERVAIS: You heard it a couple of times—

ELMS: The old man was sick and—

GERVAIS: Because you see that wasn't—you know, when that was going on, they would not tell me . . . that they were talking to Soule, Nims had talked to me, Callery talked to me (Nims and Callery met with Gervais on Oct. 15, 1970, regarding Elms' claimed "connection" with an unnamed official (see paragraph 18 above)) everybody—they would leave me, they would meet you across the street over there, you know, and I would say, well (()), man, you guys talking to me but you keeping me in the dark, I don't know what you're talking about—you see—and later on down the road I found out they were talking to Soule, Boasberg talked to him, Calle—, and I don't know why but thought that Soule came to see you, but you said you never seen him so—

Elms and Gervais also discussed Boasberg's contact with Lawrence Lagarde and how Boasberg attempted to increase the January and

February, 1971, contribution to the payoff by TAC Amusement Company. Gervais mentioned that Boasberg has not yet paid his part of the payments to Soule for September and October of 1970. Elms said that Boasberg does not want to pay his part as Lagarde and John Aruns Callery made that deal without consulting him.

ELMS: And, uh, said Jesus Christ, Louis (Boasberg), and he (Lawrence Lagarde) turned Louie down flat, uh, and Louie called me—

GERVAIS: Uh-huh.

ELMS: I told him the next time I came to town I'd see him, he said, well, look, I tell you what, you know, why don't you give me five hundred or whatever it was every two months—Jesus Christ, you know—

GERVAIS: Yeah.

ELMS: Two hundred fifty a month, John—

GERVAIS: Yeah.

ELMS: So said, well, sure, well, Louie, and I asked Lawrence, he hit the ceiling, and he come back with trying to get more and they finally compromised for five or six or seven—

GERVAIS: Five, six, or seven hundred every month—I'm amazed that Boasberg knew what—came up with the rest.

ELMS: But now see, Louis is close—th, he'll, he'll set a

figure in his mind, see, he, he don't want to come up with only so much and he'll come up with that much—

GERVAIS: Yeah.

ELMS: But then, after that, you'd have to kill that (()) to get any more money out of him.

GERVAIS: Money out of him yea . . . but, but he owes you money from that deal with Soule.

ELMS: Yeah, well, he said that's between Aruns . . . and Lawrence, he said they made a deal without—

GERVAIS: Consulting—

ELMS:—consulting him.

GERVAIS: But it was for his benefit—

(51) ON APRIL 6, 1971, Jean J. Elms Jr. met with Pershing Gervais in Room 874 of the Fontainebleau Motor Hotel. Elms and Gervais discussed some of the members of the legislature whom they could count on to oppose anti-pinball machine legislation in

the May, 1971, session of the Louisiana state legislature and Elms mentioned one payoff which was handled by John Aruns Callery. Later in the conference, Elms and Gervais discussed which pinball operators had contributed to the payoffs for the months of September, October, November and December, 1970.

(52) ON APRIL 28, 1971, Cpt. Frederick A. Soule Sr. met with Pershing Gervais in Room 449 of the Fontainebleau Motor Hotel in New Orleans. Soule, who had a copy of a document relating to the Organized Crime Control Act of 1970 with him, read portions of it together with Gervais. Soule said that Sgt. Robert Frey is concerned about receiving payoffs since the enactment of the Organized Crime Control Act of 1970: "He, uh, don't want to get out, but he's scared to stay, is what it amounts to." Captain Soule said that the federal government could send him (Soule) to the penitentiary but he would still get \$700, \$800 a month pension. Gervais told Soule that he (Gervais was selling some property, wanted an out-of-town safety deposit box, and said to Soule: "You told me you had a connection out of town" (On February 11, 1971, Gervais was told by Soule about an out-of-town safety deposit box containing \$75,000 that Soule had made with Callery and Gervais). Soule replied that his deposit box with the \$75,000 in it is at the Irving Bank, in Irving, Texas, that it's in his and his wife's name, and that he uses his postal employee brother's Irving, Texas address.

(53) ON MAY 3, 1971, Harby S. Marks Jr. met with Pershing Gervais in Room 358 of the Fontainebleau Motor Hotel. Marks gave Gervais an envelope containing \$2,000, which Gervais counted in the presence of Marks, who told Gervais that the Vice Squad had recently seized a pinball machine at the Broad Inn, 131 South Broad Street and that Boasberg wants to know if it's routine or what! Immediately upon Marks' departure from Room 358 Special Agents of the Internal Revenue Service entered Room 358 from adjoining Room 356. The money passed to Gervais by Marks was retrieved and retained as evidence. The Special Agents then prepared an envelope containing \$1,000 in fifty dollar bills, the serial numbers of which were noted, for delivery to Captain Frederick Soule.