

Pinball Count Included

DA INDICTED ON TAX CHARGE

A special federal grand jury indicted Dist. Atty. Jim Garrison this afternoon for filing false income tax returns and for conspiracy to obstruct state and local laws against illegal pinball operations.

The indictments charge Garrison with perjury and fraud by knowingly filing false income tax returns for the years 1965, 1966 and 1967 when "he knew that each year he had substantial additional income."

The indictment did not specifically list the amount of income involved nor did it list the sources of this income.

GARRISON WAS ALSO indicted on the conspiracy to obstruct local law enforcement charge along with two former high ranking police officers and seven men whose names have been linked to the pinball industry here.

This indictment was the same as the one Garrison released yesterday charging that U.S. Atty. Gerald J. Gallinghouse leaked it to the news media in an effort to force the grand jury into indicting those named in the charge.

Named along with Garrison were former Capt. Frederick J. Soule, once assigned to the district attorney's office; and Sgt. Robert N. Frey, who formerly headed the police vice squad.

Others indicted were Louis M. Boasberg; Harby S. Marks Jr., John J. Elms Jr., Lawrence L. Lagarde Sr., Robert Nims, John Elmo Pierce and John Aruns Callery.

IN ANNOUNCING the indictments, the Justice Department said Garrison, Soule and Frey conspired to receive bribes of up to \$1,500 a month from the other defendants to allow illegal gambling business to operate without substantial interference from law enforcement officials.

Atty. Gen. John Mitchell announced from Washington that illegal pinball gambling in Louisiana was a \$15 million-a-year racket.

Mitchell said that since July, 1970, federal agents have seized 4,100 pinball machines in Mississippi and Louisiana worth more than \$10 million.

The indictment contends that as part of the conspiracy, Pershing Gervais, the former chief investigator for the district attorney's office, acted as the conduit through which bribes were paid to Garrison and the two policemen.

The Justice Department said that the internal revenue service had been investigating Gervais' income tax returns since May, 1969, and that in June of that year Gervais began cooperating with IRS.

IN JULY, 1970, Gervais agreed to cooperate with the U.S. Attorney and the Justice Department's special strike force against organized crime in its investigative and prosecutive efforts.

Gervais was identified as the principal government witness when the 10 men were arrested on a federal agent's charge, but his whereabouts have not been made known.

The income tax indictment, which contained three counts, charges that Garrison reported a total income of \$35,670 for 1965; \$28,984 for 1966 and \$17,984 for 1967. It did not list what the correct figure should have been.

Gallinghouse ushered the 18-member grand jury into the courtroom of U.S. District Judge Herbert W. Christenberry about 1 p.m., where the indictments were returned.

AFTER THE INDICTMENTS were filed, First Assistant U.S. Atty. Julian Murray said he felt there was no need for arrest, saying he was confident the defendants would appear when notified.

He asked for and the judge set \$10,000 personal recognizance bonds in each case.

Garrison could face a maximum sentence of five years in jail and a \$20,000 fine for the conspiracy-bribery charge. He could also receive three years in prison and a \$5,000 fine on each count of the income tax charge.

While the grand jury met this morning, two close associates of the district attorney were called to testify.

Denis A. Barry II, a former Garrison law partner and assistant district attorney, was before the jury for about 45 minutes, followed by Louis Ivon, now the district attorney's chief investigator, who testified for about 15 minutes.

GARRISON CLAIMED yesterday that release of the proposed indictment put the grand jury in the position of having to indict. He accused Gallinghouse of perverting the grand jury system by denying the defendants an objective representation of the case before the grand jury.

Gallinghouse denied the charge saying the release of the unsigned document was evidently a mistake. He said if Garrison's "rights have been violated, he has violated his own rights" by publicizing the document.

Gallinghouse said a copy of the proposed indictment was inadvertently

passed out with copies of indictments Wednesday against a pinball machine manufacturer and 13 individuals.

THE CHARGES IN the indictment returned today are similar to those made by U. S. agents when Garrison, Soule, Frey and the seven pinball figures were arrested last summer.

The grand jury began looking into these charges, but last month when it failed to return an indictment, Gar-

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rison asked for and got a state grand jury to indict him. Benjamin E. Smith was appointed a special prosecutor to handle the state charge.

Smith decided that Garrison acted in bad faith by seeking the state indictment since he was attempting to

avoid federal charges. So he dropped the prosecution of the state indictment and filed a malfeasance charge against Garrison.

The malfeasance charge has been dismissed by Criminal District Court Judge Malcolm V. O'Hara and an appeal is pending before the Louisiana State Supreme Court.