

Pinball Charges Dismissal Asked

Attorneys for principals involved in a pinball suit today asked that a federal indictment charging 14 defendants with conspiracy to commit interstate commerce be dismissed on grounds of prejudicial publicity.

Robert L. Weinberg, of Washington, D.C., representing the Bally Manufacturing Co., of Chicago, the world's largest manufacturer of pinball machines, and its president, William T. O'Donnell, said an affidavit released to the press by Atty. Gen. John Mitchell and U.S. Atty. Gerald G. Gallinghouse had caused the alleged prejudicial publicity.

U.S. Dist. Court Judge Herbert W. Christenberry is hearing arguments on 106 defense motions in the trial of Bally, O'Donnell and 12 other defendants.

Others named in the indictment are Louis M. Boasberg, Charles Pace, John Aruns Callery, Robert J. Rooney, Salvatore J. Marcello, Vincent Joseph Marcello, John J. Elms Jr., Lawrence C. Lagarde Sr., Robert E. Nims, John Elmo Pierce, Frank Joseph Caracci and Santo DiFatta.

Weinberg told Judge Christenberry that at the same time the government was seeking the arrest of Dist. Atty. Jim Garrison. The same grand jury indicted Garrison on a conspiracy charge that he accepted bribes from pinball operators.

Last Dec. 1, the grand jury indicted Bally, O'Donnell and the other 12 New Orleans area men on charges of conspiracy in connection with the ship-

ment of illegal pinball machines to Louisiana.

Eighteen defense attorneys were in the courtroom today, all with motions aimed at dismissing the indictment.

Paul F. Connolly of Washington, D.C., also representing Bally and O'Donnell, asked dismissal on the grounds that the grand jury was misinstructed.

Connolly said that under Louisiana law, it is not illegal to pay off merchandise on pinball machines. The fact that the jury was not so instructed, he said, makes the indictment illegal.

K. Eric Gisleson of the U.S. Task Force Against Organized Crime made a brief rebuttal to this morning's arguments. Guy Johnson, representing Boasberg and Pace, also asked for dismissal.

Atty. Cecil Burglass told the court "seven or eight" government attorneys were in the grand jury room when the case was deliberated. However, the government has said none was present in the jury room when the vote was taken.

Judge Christenberry denied a motion to "determine whether separate votes were taken as to each defendant."

Connolly said that "multiple conspiracies are charged here," and Judge Christenberry retorted, "Well, the government will have to prove one conspiracy" or the case will fall.

Connolly then said, "The government in this case is attempting to prove the conspiracy." (Dist. Atty. Jim Garrison is under indictment in a separate case).