

Gervais Hearing Is Scheduled June 12

By The Associated Press

A federal hearing is set June 12 in which onetime government informer Pershing Gervais may be asked under oath about his recent news statements that he was forced to "lie" by the U.S. Justice Department in the investigation of Dist. Atty. Jim Garrison.

The federal government Thursday took its first public step aimed at proving that Gervais willingly cooperated in the taping of an alleged \$1,000 payoff to Garrison for protecting gambling-type pinball machines.

Gervais recently emerged from hiding in Vancouver, B.C., Canada, and announced he and his family were returning to New Orleans.

Garrison, two former policemen and seven pinball company executives and employees were indicted in the case, based largely on a 113-page affidavit containing recorded conversations on the alleged bribe scheme.

U.S. ATTY. Gerald J. Gallinghouse was successful in a motion in federal court Thursday for a hearing on the voluntariness of Gervais' cooperation with the government.

U.S. District Court Judge Herbert W. Christenberry scheduled it for 10 a.m. June 12.

The government is expected to try to get Gervais to testify on his recent news statements at the hearing, which would be under oath and subject to statutes regarding perjury.

Gallinghouse's motion for the hearing said Gervais had consented to have his conversations monitored and recorded, adding "such electronic eavesdropping with the consent of one of the parties to the conversation is, of course, constitutionally and legally permissible."

He said, however, that Gervais "with great public fanfare, has now accused the U.S. Department of Justice of threatening, coercing, and harassing him, together with

spine-chilling allegations of the prosecution framing public officials and 'spying' on a friendly foreign nation.

"THESE ALLEGATIONS are spurious, as the government will surely demonstrate at the requested hearing,"

Gallinghouse said.

The federal motion said some of Gervais' recent allegations to newsmen were that a potential oil company employer wanted him to spy on the Canadian government "right along with the connivance of the Justice Department," and Gervais deliberately set out to "frame" Garrison for profit.

Gervais once was a chief investigator for Garrison.

Attached to Gallinghouse's motion is an affidavit from a federal agent that recounts the government's dealings with Gervais, including government help at landing an \$18,000 a year job in Vancouver with General Motors of Canada.

The affidavit also claimed that Gervais called a deputy U.S. marshal last April 11 and said he owed a lot of bills and they were piling up.

THE AFFIDAVIT said Gervais told marshal Hugh McDonald that he knew people who would be "delighted to pick up these bills."

Gervais also said, the affidavit claimed, that although the Justice Department is big and powerful, Gervais was not afraid of them and would not tolerate any more the treatment he was receiving.

Gervais also was quoted as saying he was in the hole financially and that "somebody will bail me out."

The affidavit was taken from Floyd David Moore, chief of the intelligence division of the New Orleans district of the Internal Revenue Service.

Moore said he was called May 3 by Gervais, who said he was coming back to New Orleans and he was "coming out swinging."

Moore said he first met Gervais May 29, 1969, at Gervais' request at a coffee shop in New Orleans. At the time, Moore said that "Gervais told me he had personal knowledge of payoffs to certain Louisiana public officials."

HE SAID Gervais offered his help voluntarily, saying "his son was missing in Vietnam and that he could not stand the thought of losing his son to protect the corrupt

system which he knew to exist in New Orleans."

The agent said in the affidavit that he had monitored 15 different conversations between Gervais and several persons, including Garrison and his wife, between March 13 and June 29, 1971.

Moore said Gervais had agreed that "his identity could be surfaced as having cooperated with the government and that the tape recordings could be used."

He said the federal government helped Gervais get a tentative job offer from an oil company, whose name was not revealed, but that after

Gervais arrived in Canada, the offer was retracted.

The affidavit said the Justice Department agreed to guarantee Gervais employment for two years at \$22,000, with the government making up any difference in actual wages. In addition, the government agreed to pay Gervais \$2,510 as expenses, mortgage money on a New Orleans home, and for the death of some Gervais' dogs during shipping. Other items also were included.

HE SAID a federal official and Gervais met in Toronto last Sept. 19 with executives of General Motors of Canada, where Gervais' background and abilities were discussed. He said Gervais was then hired at \$18,000 a year and underwent three weeks training near Toronto, Ont.

Gervais did not begin work in Vancouver, however, until Feb. 1, due mainly to a delay in the completion of administrative details, Moore said in the affidavit. It said Gervais later complained the money would be insufficient for him to live on.

In the affidavit, Moore said that before Gervais moved to Canada it was concluded that the tape recordings and monitoring by federal agents were independent evidence "of the crimes committed without the legal necessity of producing Gervais as a government witness."

In his motion, Gallinghouse said if Gervais' "allegations were true and Gervais' cooperation with the government were other than voluntary, it would be incumbent upon the court to suppress any evidence found to be the product of such involuntariness."

Andrews Asks Court Review

Attorney Dean Andrews has asked the Louisiana Supreme Court to review his conviction and 18-month sentence he received for perjury in connection with the Clay Shaw conspiracy trial.

Andrews, convicted Aug. 13, 1967, was charged with lying about identification of Shaw and "Clay Bertrand" and for answers to questions about an alleged call from "Bertrand" asking him to represent Lee Harvey Oswald in Dallas, Tex.

The testimony came in the trial of Shaw, who had been accused by Dist. Atty. Jim Garrison of conspiring to murder President John F. Kennedy.