

July 17 Hearing Slated For Pershing Gervais

By JAMES HEARTY

A hearing was scheduled here July 17 on whether one-time government informer Pershing O. Gervais cooperated willingly with federal agents in their investigation of charges that Dist. Atty. Jim Garrison accepted bribes to protect illegal pinball operations.

Federal Dist. Judge Herbert W. Christenberry ordered the hearing today after raising the question whether television interviews with Gervais might have been improper under the free press-fair trial orders of the court.

"This is an unusual case," Judge Christenberry said in granting the government the hearing. "One of the things making it unusual is seeing a television station virtually acting as a public relations agent for Mr. Gervais, wittingly or unwittingly."

"Mr. Gervais apparently is good copy, but I'm wondering whether under the free press-fair trial orders of this court the (television) interviews might be improper."

The judge said the interviews—in which Gervais claimed that he was harassed and coerced into entrapping Garrison, two former policemen and seven pinball figures charged in the case — had the effect of undercutting the government's case.

"I suppose when a man is good copy, that excuses a lot of things, but I think not. I grant the government's motion," Christenberry said.

U.S. Atty. Gerald J. Gallinghouse asked for the hearing to prove that Gervais had cooperated willingly in the taking of an alleged payoff of \$1,000 to protect the illegal pinball operations.

Today, in arguing for the motion, Gallinghouse angrily blasted defense allegations that the government had

spirited Gervais to Canada so that he would not be open to subpoenas.

"We believe the intemperate, irresponsible charges by Mr. Gervais against representatives of the government must be answered and can only be answered from the witness stand, under oath and under the supervision of the court," Gallinghouse said.

He termed the case an extraordinary situation with unusual facts.

One of the things that makes it ex-

traordinary is that Gervais, a one-time chief investigator for Garrison, gave his voluntary consent to have his telephone monitored, he said.

Another is that the government paid for Gervais to leave the country for his own safety and that of his family, Gallinghouse added.

The government has a legal and moral duty "to do its best to maintain

Turn to Page 4, Column 6

Gervais Hearing Set

Continued from Front Page

the integrity of the proceedings from attempts to degrade the case," Gallinghouse said. "The truth is what we seek and what we will find only if this hearing is held."

Defense attorney Louis LaCour, a one-time U.S. attorney here, noted that the government has admitted that Gervais would not have to testify in the case.

LaCour pointed out that Gervais has been out of the reach of defense attorneys since June 30, 1971, and that he has never even spoken to him.

LaCour attempted to block today's hearing yesterday, but Judge Christenberry threw out his petition calling LaCour's memorandum "juvenile and corny" because it contained phrases such as the government was caught

"with its hand in the cookie jar."

Another defense attorney, Milton Misenter, argued that the court was being asked to give an advisory opinion on whether Gervais should testify in open court. The government is asking for a stamp of approval on the actions of its agents, he added.

Defense attorney Virgil Wheeler contended that the United States is not an aggrieved party and that it has no standing to present a motion for such a hearing. He said that in filing the motion, the government was seeking to control the defense of the case.

In rebuttal Gallinghouse became angry and replied that Gervais is "scared, deathly afraid of what might happen to him within the jurisdiction of the district attorney of New Orleans."

The judge then granted the motion.