

Orleans Jurors See Documents

By JAMES HEARTY

Three justice department officials today turned over to the Orleans Parish Grand Jury Internal Revenue Service documents related to the activities of two Criminal Court judges and a former judge.

U.S. Attorney Gerald J. Gallinghouse appeared before the jury this morning with authorization from Washington to provide the jury IRS memos and affidavits.

Accompanying Gallinghouse were John Wall, who heads the justice department's Organized Crime Strike Force here, and Joseph J. McMahon, chief of the criminal division of the U.S. Attorney's office.

The IRS authorization permits the appearance of revenue agents before the jury or as witnesses in future trials, but it did not include any confidential income tax information, which can only be used in income tax cases.

The Grand Jury has been looking into allegations involving Criminal District Court Judges Jerome Winsberg and Charles R. Ward and retired Judge Malcolm V. O'Hara.

Last week Wall turned over tape recordings of conversations between former government informer Pershing Gervais and Winsberg and Ward.

Included in the documents furnished today was a memorandum prepared by IRS agent Arlie Puckett on July 18, 1969, and an affidavit by Lloyd D. Moore, chief of the IRS intelligence division here, made on June 1. Details of the documents and transcripts of the tapes have not been made public.

Three other witnesses were scheduled to appear before the grand jury in the case today. They are Bryan A. Johnson, 24; Charlene Mary Saia, 25, and Frank Dunlap. John

son and Miss Saia were given suspended prison sentences by Judge Bernard J. Bagert after pleading guilty to drug charges last year while represented by Winsberg.

Last Thursday, copies of a letter were handed to newsmen in connection with Wall's appearance. The letter from Louisiana Atty. Gen. William J. Guste referred to an alleged \$5,000 bribe from rack-ets figure Carlos Marcello to Judge O'Hara, who is now retired because of disability. The letter said the bribe attempt was made through Gervais.

John P. Volz, chief assistant district attorney, said yesterday his office was investigating the alleged bribe. The letter said the payment was intended to help J. D'Alton Smith, New Orleans contractor, avoid or delay being extradited to California where he faced state charges in an alleged plot to steal \$382,000 from a brokerage firm.

Jefferson Parish Dist. Atty. John Mamoulides said information about the alleged bribe had been given to the Jefferson Parish Grand Jury and that several persons would be subpoenaed to testify before the jury in connection with the matter later this month.

Gallinghouse, Wall and McMahon left the Criminal Courts Building shortly after noon, coming from the grand jury about 10 minutes earlier.

Gallinghouse said he was "absolutely impressed with the full cooperation shown by state and federal authorities in this matter, and that "we will continue to give such cooperation in the future."

"We are putting the past behind us," he said, and explained that in the past some local and state officials have not cooperated with the federal government.

Garrison Attorneys Lose Dismissal Plea

5 August 1972

A federal judge Friday denied defense motions to dismiss conspiracy charges against Dist. Atty. Jim Garrison and nine others, but the defense was granted access to government evidence.

U.S. Dist. Judge Herbert W. Christenberry denied the motions to dismiss the charges, which arise from an alleged bribery scheme to protect pinball operators.

At the time the charges were filed, a federal affidavit containing transcripts of tape recordings alleged Garrison accepted a \$1,000 payoff.

The ten, including two former police officials and seven pinball machine company executives, were charged with conspiracy to obstruct state and local law enforcement. Garrison has denied the charge, as have the others.

In a 24-page decision, the judge yesterday denied the motions for dismissal which involved upholding the constitutionality of the federal statute in which the charges were filed, motions for suppression of evidence and motions asking for separate trials. But the judge did grant the motion for the evidence, and fed-

eral attorneys filed, under seal, tape recordings, transcripts and other information in the case.

Christenberry ordered 45 reels of tape recordings, 86 volumes of verbatim transcripts and two sets of two volumes of government memoranda be filed under seal, meaning it cannot be seen by the public.

The defense can have access to all but the reels of tape, which must be sealed permanently and untouched.

The defense wants to look at the material to prepare for a Sept. 5 court hearing which will determine the voluntariness of former Justice Department informer Pershing Gervais in helping officials in the pinball probe.

Gervais recently returned to New Orleans, after living under an assumed name in Canada. Before his return, he said he had been harassed by the federal government and that its case against the controversial DA was a frameup.

The hearing is a must in the light of just what evidence, such as the recordings, may be admitted in the actual trial.