

Winsberg Raps Grand Jury, Has 'No Intention of Quitting

Gervais is Mum Before Jeff Jury

By CHRIS SHEAROUSE

The grand jury system impairs the rights of citizens and should be abolished, Criminal District Judge Jerome M. Winsberg said today.

Winsberg said he has no intention of stepping down while he awaits trial on the charge of corrupt influencing and that when his vacation ends Tuesday he will be back on the bench.

Judge Winsberg is accused of offering government informer Pershing O. Gervais \$5,000 to influence the outcome of three cases. The indictments said the offers came when Winsberg was a private lawyer.

The grand jury, Judge Winsberg said, "is allowed to take testimony that is not admissible in any court of the land and can defame or damage a person's character with that testimony."

He said Gervais himself has said he was harassed and coerced into "doing what he did."

"Not only my rights, but everybody's rights are impaired by the grand jury system and it ought to be abolished," the judge said.

Judge Winsberg said his indictment was politically motivated "through Mr. Garrison," referring to Dist. Atty. Jim Garrison, who now faces federal bribery charges on information gathered by Gervais in his role as an undercover agent. Ger-

vais formerly was an investigator on Garrison's staff.

Judge Winsberg said he has had tremendous telephone response from friends and acquaintances since the indictment was returned.

"Everybody has complete faith in me," he said, "and I have no question but that I will be exonerated."

"Contrary to the opinion of some people in the press," Judge Winsberg said, "a man is still innocent until proven guilty."

An attorney for Pershing O. Gervais has been given until Sept. 8 to file a writ before the Louisiana Supreme Court that he hopes will halt Gervais from testifying before a Jefferson Parish Grand Jury probing an alleged bribe charge involving rackets figure Carlos Marcello.

Gervais, one of five witnesses called today by the grand jury as it opened its probe of charges that Marcello paid a \$5,000 bribe to former Judge Malcolm V. O'Hara, refused to testify.

After Gervais refused to talk, the Jefferson Parish district attorney's office and the state attorney general's office went before Judge Floyd Newlin of Division F, 24th Judicial District Court, with a motion asking the court to order Gervais to testify.

Judge Newlin ruled that Gervais did have to testify under oath before the grand jury.

Russell Schoenekas, attorney for Gervais, then notified the court that he would file a writ with the State Supreme Court asking that Gervais be granted immunity from testifying. Judge Newlin then informed Schoenekas that he has until Sept. 8 to file such a writ.

The probe, based on information developed by a federal organized crime strike force here, opened in Jefferson in the wake of an indictment for corrupt influencing brought against Criminal District Court Judge Jerome M. Winsberg in Orleans Parish yesterday.

Revelation of the alleged bribe attempt came when John Wall, the Justice Department strike force head, appeared as a witness during the Orleans Parish probe of telephone conversations between Gervais, Winsberg, O'Hara and Judge Charles R. Ward. That probe led to Winsberg's indictment.

According to a letter written by Louisiana Atty. Gen. William Guste, which was made public in connection with Wall's appearance, the alleged Marcello bribe attempt was intended to help J. D'Altort Smith, a New Orleans contractor, avoid or delay being extradited to California, where he faced charges in a plot to steal \$382,00 from a brokerage firm.

Wall and Gene Puckett, an

agent of the federal Internal Revenue Service, were among those to testify today. They were accompanied to the Jefferson Court House by U.S. Atty. Gerald J. Gallinghouse, but he was not expected to testify.

Others who were to appear before the jury today were Peter Marcello, a brother of Carlos Marcello, and Dan Haggerty Jr. of the Orleans Parish Clerk of Courts Office, who was expected to provide the jury certain court records.

Guste, as he did in the New Orleans investigation, is helping Jefferson Dist. Atty. John Mamoulides in the presentation of the case.

It was not known whether the tapes of the recorded conversations between Gervais and the judges would be used.

Gervais is a former chief investigator for Orleans Dist. Atty. Jim Garrison, who has since become an informer for the federal government in its case against Garrison, two former policemen and seven pinball figures.

That case, which is pending, involves alleged payments to Garrison to protect illegal pinball operations.

After the Winsberg indictment yesterday, Gervais was called back into the Orleans grand jury room, but apparently took the Fifth Amendment and refused to testify. The Orleans District Attorney's office offered him immunity from prosecution in exchange for his testimony. His attorney opposed the immunity offer and the case will be heard next Wednesday.

The case against Winsberg which involves action taken as a defense attorney before he took the bench, centers around an offer of \$5,000 he is alleged to have made to Gervais to affect the outcome of three narcotics cases involving Winsberg clients.

The indictment did not specify what official was involved.

The two Winsberg clients, Bryan Andrew Johnson and Charlene Saia, drew suspended jail sentences in those cases. A move to revoke the Saia suspended sentence was made following another arrest in a marijuana raid last month.

The Winsberg case today was allotted to Criminal District Court Judge Thomas M. Brahney for trial. Winsberg is free on his own recognizance.