

GERVAIS WILLING, U.S. AIDE SAYS

By DALE CURRY
and ALLAN KATZ

A Justice Department official testified today that Pershing O. Gervais, the government's chief witness against Dist. Atty. Jim Garrison in a pinball bribery case, not only worked voluntarily in the investigation but hoped to be named a Central Intelligence Agency agent.

John Wall, head of the federal Organized Crime Strike Force in New Orleans, told a U.S. District Court hearing that Gervais, who now claims he was harassed into working against Garrison, said he wanted to be a full-time government undercover agent going into different cities to get evidence on the underworld.

Wall was the first witness in a hearing before U.S. District Court Judge Herbert W. Christenberry to determine if Gervais was a volunteer undercover agent or if he was forced into it by the government.

GARRISON, TWO former police officials and seven former pinball figures were indicted by the federal government on charges that bribes were paid to the district attorney to protect the illegal pinball operations.

Earlier, Wall said Gervais willingly cooperated with the government in the investigation but set strict conditions on the role he would play.

Wall, who operated with the assistance of U.S. Atty. Gerald J. Gallinghouse, said Gervais insisted the government not prosecute any cases in which he was the prime or only source of information on the case.

Gervais further insisted that Wall could not force him to testify or be identified without his permission.

WALL, IN A discussion of why he says he offered no money to Gervais, stated, "I told him that I try to keep cases like these as clean as possible" and therefore could not accede to Gervais' requests for money.

Gervais agreed to permit IRS agents to tape conversations involving payoffs, Wall added.

IRS agent Jim Gann flew to New Orleans and checked into the Fontainebleau, where he was in charge of eavesdropping operations for the remainder of the project, Wall said.

Federal agents arranged to get ad-

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joining rooms with connecting doors to simplify the tapings, he added. The government paid a total of \$38 daily for the rooms, he said.

WALL EMPHASIZED Gervais agreed that all conversations pertaining to the investigation could be recorded but that he worked out a set of signals with the agents so they would not tape telephone calls from his wife, daughter of "other females."

The government began recording Gervais' telephone calls in face-to-face visits from persons involved in the investigations on Nov. 16, 1970, he said. Federal agents also set up surveillance teams to take photographs of persons who came to visit Gervais at the motel, he added.

All recordings were simultaneously made on two tape machines so there would be a backup if one failed, Wall said. In addition, an agent was in an adjoining room during all tapings and made notes to supplement the recordings, he added.

ASKED BY Gallinghouse if Gervais assisted in the taping operation, Wall replied that Gervais made technical suggestions as to how the tapings could be improved and voluntarily agreed to carry a portable tape recorder on his person when out of the hotel to tape other conversations.

When the portable tape recorder originally did not produce good results, Gervais helped work out technical details such as a different type of microphone and a plastic shield for it to improve the quality of the recordings, Wall said.

Further seeking to emphasize how Gervais helped in the investigation, Wall said that while Gervais was in a New Orleans hospital Nov. 17-25, 1970, he voluntarily made three tapes without agents' knowledge and then turned the tapes over to the government.

"He did it of his own volition," said Wall. "We had no way of knowing he made the tapes until he turned them over to us."

A TOTAL OF 379 of Gervais' conversations were recorded in an eight-month period, Wall said. Of those, 341 were telephone conversations and 38 were face-to-face meetings.

Wall said emphatically that all those recordings were made with Gervais' cooperation and that Gervais could have stopped them at any time.

During the 11-month period of the investigation, July 1970 to June 1971, Gervais was never threatened or coerced by government officials, Wall said. "We had no hold on him," he said.

At a Dec. 2, 1970, meeting, Gervais expressed a desire to become a full time government undercover agent, working either for the CIA or some other U.S. organization, Wall said.

HE SAID he wanted to go into different cities to deal with the under-

world and get evidence for us."

In a series of meetings between January and March 1971, the discussions centered chiefly on where Gervais

should be relocated, Wall said. Jerry Schor, who heads the Justice until his employment in 1970 as head of the New Orleans Strike Force.

Gallinghouse then asked Wall when he first met Gervais. It was July 20, 1970, in a room at the Fontainebleau Motor Hotel, Wall replied.

HE SAID THE meeting was set up by Dave Moore, chief of intelligence at the Internal Revenue Service, and Arley Puckett, an IRS agent.

Wall testified that Gervais had been working for IRS as an informant for more than a year prior to the meeting at the Fontainebleau.

"We went over the conditions that would be satisfactory to both the government and Gervais if he were to be employed by us as an informant," Wall testified.

Wall said Gervais set the following conditions:

—Gervais would not be called as a witness to testify in any proceeding without his consent; and his identity as a government informant would not be revealed without his consent.

—Information from Gervais to the Justice Department "would be received on the same basis as information given the IRS." Wall did not explain the basis on which the information was given to the IRS.

—The government had to agree that Gervais would not be prosecuted for crimes in which he revealed his participation to the Justice Department. He agreed that if the Justice Department learned of crimes in which he was involved from other sources, he would take his chances.

"Gervais refused to allow me to tell my immediate superior that he was employed by us," Wall said. "I asked him what I should do if the day ever came when I had to brief my superior on a case in which Gervais was involved."

"He said that I could reveal his identity to my superior only with his permission."

It was also agreed that Gervais' name would not be used in any internal memos written by him for the strike force, Wall said.

At the outset of today's hearing, Gervais' attorney, Russell J. Schonekas, filed a motion to quash the subpoena that required Gervais' presence in court, but Judge Christenberry put off a decision on the motion. He gave Gervais the option of staying in the courtroom or leaving until that decision was reached, and Gervais left.

Gallinghouse argued that Gervais should be ordered to remain in court because some of the government witnesses will raise serious questions about his credibility and that he should

either Germany or Australia, but the government finally convinced him to go to Canada, Wall said. Gallinghouse first asked Wall to explain his background. He outlined his career from the time he left law school

have to confront them. "It seems to me some of the allegations can be established only by Mr. Gervais himself," Christenberry said. Department's witness relocation program, came to New Orleans to meet with Gervais, Wall said. Gervais expressed a desire to go to