

GERVAIS HEARING IS DELAYED

# Gervais Wants To Spy Again?

By DALE CURRY

A hearing to determine if Pershing O. Gervais was forced into the Jim Garrison pinball bribery case today was postponed until 9 a.m. tomorrow after a U.S. attorney said Gervais has asked to become an informer for the government again.

The hearing was opened yesterday after Gervais, a one-time chief investigator for Garrison, said the government harassed him into cooperating with federal agents in developing a case against the DA, two former police officials and seven pinball figures.

Garrison is accused of accepting bribes to protect illegal pinball operations.

U.S. ATTY. Gerald J. Gallinghouse told U.S. District Court Judge Herbert W. Christenberry today that Richard Olsen, an attorney for Gervais, had approached the Justice Department as

late as Aug. 29, asking that Gervais be allowed to resume his active cooperation with the government and continue in the prosecution of the case.

Gallinghouse said Gervais, who was sent to Canada and given a job at the expense of the U.S. government after cooperating with agents the first time, was also asking to be placed under the relocation program again and that employment be arranged as before.

On his advice, the Justice Department took no action on the request, Gallinghouse said.

The delay was granted when Gallinghouse said his office was still transcribing tapes of conversations made by Gervais and which were turned over to the government yesterday for the first time.

CHRISTENBERRY SUSTAINED a

Turn to Page 8, Column 1

# Gervais Wants to Spy?

Continued from Front Page

motion that Gervais be put under a continuing subpoena so that he could be called at any time, and he directed all principals and attorneys in the case to make no public statements that would prejudice the case.

Russell Schonekas, attorney for Gervais, yesterday asked that the subpoena calling for Gervais' appearance be quashed because of an agreement with the government precluding his having to testify.

Christenberry denied that request today, saying: "It doesn't make much difference at this point what the agreement was between Gervais and the government."

Schonekas fought the order preventing outside statements, contending that what his client said outside the court was not evidence. The judge rejected that argument, adding: "I don't live in a vacuum. I can take judicial notice of anything that is public knowledge."

AT ONE POINT, a defense attorney asked that the indictment against Garrison be dismissed on the grounds that the court's order turning over the latest Gervais tapes to the government was highly prejudicial. That move was immediately denied.

The hearing yesterday recessed two hours after it opened, with only one witness taking the stand—John Wall, head of the federal Organized Crime Strike Force here.

Wall said Gervais was not only a willing informer but that he actually planned some of the events in the case.

He called Gervais a "full partner" in the investigation. Gervais is "as shrewd a judge of human nature as I have ever had the good fortune to work with," Wall said.

Wall said he agreed to send Gervais to Canada but that he knew Gervais would be back because "he loves the intrigue. Being a double agent was for him life blood."

By DALE CURRY

A federal court hearing to determine if government informer Pershing O. Gervais cooperated willingly in the Jim Garrison pinball bribery case today was put off until 10 a.m. Monday to allow attorneys time to study transcripts of tape-recorded conversations.

U.S. District Judge Herbert W. Christenberry granted the delay after U.S. Atty. Gerald J. Gallinghouse handed over the transcripts of 13 reels of tapes involving conversations between Gervais and federal agents.

INFORMATION supplied to the government by Gervais formed the basis for charges against Garrison, two former police officials and seven pinball figures. The case involves alleged payment of bribes to Garrison to protect illegal pinball operations.

Later Gervais insisted that the government had harassed him into cooperating with federal agents.

At yesterday's hearing, Gallinghouse told the court that emissaries for Gervais as late as Aug. 29 were seeking to make a deal for Gervais to return as a government informer in the case.

The U.S. attorney said Gervais was asking to be relocated again and given a job. He had been sent to Canada and put on the payroll after working in the investigation the first time.

The transcripts provided by Gallinghouse were from tapes produced by the defense.

Today Gervais took the stand for about a half hour to answer a subpoena by the government requiring that he turn over all tape recordings of conversations between himself and federal agents.

GERVAIS PRODUCED a box full of cassettes saying he didn't know how many were there but to his knowledge that was all of them.

Gallinghouse asked Gervais at length about possible taped recordings Gervais may have made in his talks with the F. Lee Bailey law firm that is representing Garrison.

Gervais said he did not recall ever talking to Bailey, but admitted that he had spoken to a Bailey investigator

and to attorney Mark Kadish, who is associated with the firm. Gervais said he made no recordings of those conversations, but had the feeling that they were recorded.

Kadish told the court he had taped two of these talks but he refused to give them to the government.

The outcome of the hearing could determine whether Ger-

vais' secretly recorded conversations with Garrison and others would be admissible at trial.

Yesterday, the Orleans Parish district attorney's office said it will attempt to have Gervais subpoenaed before the newly impaneled Orleans Parish Grand Jury Sept. 14.

Gervais was under subpoena yesterday for an appearance before the outgoing grand jury in connection with federally obtained information, some of which resulted in the indictment last Thursday of Criminal District Court Judge Jerome M. Winsberg on a charge of corrupt influencing.

First Assistant DA John P. Volz said Gervais was not able to appear because his presence at the federal hearing precluded his attendance before the grand jury.