

# Gervais Gets 2nd Chance

By TOM FRAZER

Pershing Gervais will have another opportunity Friday to answer the questions of a Jefferson Parish grand jury. His refusal to answer could lead to a five-day jail term for contempt of court.

Gervais, the former government informer, drew the jail sentence after his refusal Sept. 1 to answer questions before the jury which is conducting a probe of charges Jefferson Parish rackets figure Carlos Marcello paid a \$5,000 bribe to former Orleans Parish Criminal District Court Judge Malcolm V. O'Hara.

The Louisiana Supreme Court yesterday refused to overturn the contempt sentence issued by Jefferson District Judge Floyd W. Newlin.

Tom McGee, executive assistant district attorney for Jefferson, said today Gervais' lawyers have indicated Gervais will appear before the grand jury Friday. If he again refuses to answer the jury's questions, he will face Judge Newlin and possible execution of the contempt sentence.

Judge Newlin has offered Gervais immunity in exchange for his testimony, but Gervais declined, saying he was not assured of immunity in state and federal jurisdictions.

A federal court hearing will resume Thursday in an effort to determine if Gervais plied his trade as an informer willingly or only after he was forced to do so.

The often-delayed hearing was re-

cessed yesterday after a federal agent testified that the government had done everything it could to make Gervais happy in a new life after he had helped indict New Orleans Dist. Atty. Jim Garrison on bribery charges.

But, said John Wall, head of the U.S. Organized Crime Strike Force here, when Gervais began to claim he was coerced into making a case against Garrison and nine others, all deals were off, and Gervais became fair game.

In the hearing before U.S. District Judge Herbert W. Christenberry, Wall testified Gervais had insisted on being relocated out of the United States if information he obtained for the government was made public.

The government moved Gervais and his family to Canada, Wall said.

After a year in Canada, Gervais returned home, attacked the govern-

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ment's case and said he had been forced to entrap Garrison and the other defendants, including two former New Orleans police officers and seven men connected with the pinball machine business.

"When he did that," Wall said, "I didn't feel obligated to stick up to our bargain any longer."

If the defense can prove Gervais was forced to help the government, the Garrison case will fall apart.

Gervais has charged — in vague terms — that he was threatened by the government and forced to help.

Officially admitted into evidence at the hearing were dozens of tape recordings — allegedly conversations be-

tween Gervais and several of the men charged.

Charges against the group involve the use of bribes to protect gambling-type pinball machines in the city.

Judge Christenberry took under advisement a defense motion to dismiss charges against the defendants.

Cecil Burglass, who represents pinball operator Lawrence LaGarde, asked for the dismissal. He said U.S. Atty. Gerald J. Gallinghouse had said during a previous hearing that if the government had any part in secreting Gervais it would dismiss the indictment.

"The evidence is overwhelming that agents of the United States did secrete him," Burglass said.