

Winsberg Arraignment Oct 4
Orleans Jury to Hear Gervais

Government informer Pershing O. Gervais, who helped gather information in the corrupt influencing case against Judge Jerome Winsberg and the pinball bribery case against Jim Garrison, will go before the Orleans Parish grand jury tomorrow.

Gervais, who did not testify in the Winsberg probe, had objected to appearing before the past grand jury because of a difference of opinion over application of the state's immunity laws.

Winsberg, meanwhile, was ordered to appear Oct. 4 before Judge Gouiding W. Swift Jr., a 14th Judicial District judge, for arraignment on the influencing charge.

Winsberg is accused of offering Gervais a \$5,000 bribe in an effort to influence the handling of several cases involving two persons accused of narcotics violations. Both persons ultimately received suspended sentences, but the case of one has been reopened because of another narcotics

arrest. While Gervais did not testify before the grand jury that indicted Winsberg, it was believed government attorneys from the Justice Department's Organized Crime Strike Force offered tapes of conversations between Gervais and Winsberg.

There also are reported to be tapes involving conversations between Gervais and Judge Charles R. Ward, who is presiding over the present grand jury. Ward has said he will recuse himself if the grand jury looks into that aspect of the case.

Earlier, Gervais had run the threat of a five-day jail sentence in Jefferson Parish for refusing to testify before the grand jury there about a reported bribe of \$5,000 by rackets figure Carlos Marcello to former Judge Malcolm V. O'Hara.

Gervais later elected to appear and testify rather than face the contempt of court sentence.

WARD STEPS DOWN IN GERVAIS PROBE
(21 September 1972)

By BERT HYDE

Criminal District Judge Charles Ray Ward today withdrew temporarily as presiding judge of the Orleans Parish Grand Jury when an assistant district attorney told him that Pershing Gervais, a witness before the jury, might testify about a conversation between the judge and Gervais.

Gervais, a government informer who helped gather information in the corrupt influencing case against Criminal District Judge Jerome Winsberg and in the pinball bribery case against Dist. Atty. Jim Garrison, at first refused to testify before the grand jury.

Gervais, invoking the Fifth Amendment against self-incrimination, first refused to testify unless he was granted immunity from prosecution.

He then was taken into court by Chief Asst. D.A. John Volz.

WARD RECUSED himself after Volz told him the jury might ask Gervais questions pertaining to the conversation "that you may have had at one time with Gervais."

Judge Thomas W. Tanner of the 22nd Judicial District, serving as an ad hoc judge in Orleans Parish because of the death of Judge Rudolph Becker, ordered Gervais to testify and granted immunity under a recently-passed state law.

Gervais' attorney, Russell Shconekas, argued against the forced testimony. He questioned the legality of the law giving immunity for grand jury testimony. He said Gervais previously had appeared before federal investigative bodies and that his testimony before the parish grand jury might violate federal laws.

Volz and James Gelpi, an assistant state attorney general, argued that Gervais' cooperation with federal officials has been ruled voluntary and that his appearance before the jury today did not violate federal laws.

TANNER AGREED and ordered Gervais to answer the grand jury's questions.

All members of the grand jury were

Turn to Page 6, Column 1
Continued from Front Page

in the courtroom during arguments over the Gervais testimony.

The jury then went back into session and at 1 p.m. — an hour after he was scheduled to appear — Gervais was called into the jury room on the third floor of the Criminal Courts Building.

Orleans Grand Jury Hears Gervais
Testimony; No Action Taken

Orleans Parish grand jurors probing a conversation between Pershing O. Gervais and Criminal District Court Judge Charles R. Ward heard the former government informer for about an hour-and-a-half yesterday, but took no action.

Gervais, who has figured prominently in the Dist. Atty. Jim Garrison pinball bribery case and allegations against Judge Jerome Winsberg, took the stand after Judge Ward recused himself as the grand jury's presiding judge.

The one-time chief investigator for the district attorney's office had refused to testify

about the Ward matter while the judge remained in control of the grand jury. When Judge Ward stepped down and turned the matter over to Judge Thomas W. Tanner, Gervais was given immunity from prosecution and he testified.

Judge Tanner, of the 22nd Judicial District, is sitting temporarily in the seat of the late Judge Rudolph Becker.

Shortly before Judge Ward stepped down, First Assistant Dist. Atty. John Volz informed the judge that Gervais had declined to answer questions about his talks with Ward.

Gervais was a principal

source of information in the federal case against Garrison, two former police officials and seven pinball figures accused in a bribery plot to protect illegal pinball operations from prosecution.

Although he did not testify in the Winsberg case, U.S. government investigators are reported to have made available tape recordings of conversations between Gervais and Winsberg, then a practicing attorney.

Winsberg is scheduled to be arraigned Oct. 4 on a charge that he offered Gervais \$5,000 to influence a public official in three drug cases. The two

people he represented in the three cases drew suspended jail sentences, although the case of one of them has been reopened following her arrest in another narcotics raid.

Gervais recently clashed with Jefferson officials over the immunity issue but lost in that battle. He had refused to tell the Jefferson grand jury about an alleged \$5,000 payment by rackets figure Carlos Marcello to former Judge Malcolm V. O'Hara.

A Gretna judge sentenced Gervais to five days in jail for contempt of court for refusing to answer, but gave Gervais a second chance to

into cooperating with the federal investigators. After a lengthy and often-interrupted hearing, a federal judge here ruled that Gervais had acted voluntarily as an informer for the government.

with the federal Organized Crime Strike Force in New Orleans and the Internal Revenue Service here, went to Canada at government expense, but later returned to claim he had been harassed

talk. After two federal courts refused to intervene in the contempt sentence, Gervais elected to talk rather than go to jail. Gervais, after cooperating

After staying in the jury room 25 minutes, Gervais came out, but told his attorney, "I've got to go back."

GERVAIS WOULD not discuss his appearance before the jury.

A former investigator on Garrison's staff, Gervais has been in the news since the federal government, using information he gathered, charged Garrison, two policemen and seven pinball machine figures with bribery last year.

Last week Gervais avoided a five-day jail term when he testified before a Jefferson Parish grand jury investigating allegations of a \$5,000 bribe paid former Criminal District Judge Malcolm V. O'Hara by Jefferson Parish rackets figure Carlos Marcello.

Gervais originally refused to answer the Jefferson jury's questions and was sentenced to serve five days in jail for contempt of court.

After a federal court upheld the contempt sentence, Gervais was granted immunity from prosecution and spent 1½ hours in the jury room.

JUDGE WINSBERG was indicted by an Orleans Parish grand jury for corrupt influencing after he was accused of offering Gervais \$5,000 to influence the outcome of cases in Criminal Dis-

trict Court. The reported bribe offer came before Winsberg was a judge and involved clients he was representing as a practicing lawyer. They allegedly involved two clients charged with violations of narcotics laws. In each case the Winsberg clients received suspended sentences. Winsberg is to be arraigned Oct. 4.