

Saw Marcello Swing at Agent, FBI Man Says

By BARBARA STRONG

(Special to the States-Item)

HOUSTON — A Federal Bureau of Investigation agent testified here today he saw Jefferson Parish rackets figure Carlos Marcello "swing a roundhouse right" at another agent at New Orleans International Airport in 1966.

Agent Joseph M. Aviagone, 30, was the government's first witness at Marcello's trial on a charge of assaulting agent Patrick J. Collins Jr., Sept. 30, 1966.

AVIAGONE, now stationed in Virginia, said he was assigned to photograph and Collins was assigned to observe Marcello when he arrived on an evening flight from New York City.

Eight days earlier, Marcello and 12 others, including his brother Joseph, were arrested at a so-called "Little Appalachin" meeting in a Queens restaurant.

Aviagone said that he and Collins were mixed in with a group of newsmen and photographers who followed Marcello, his son, also named Joseph, and the brother through the airport and out onto an auto ramp.

Aviagone said a low railing

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was all that protected pedestrians on the ramp from a 30-foot drop to a concrete drive below.

THE AGENT said Marcello turned and said, "That's enough pictures. I'm the boss here."

Aviagone said the newsmen backed off and he was left standing alone facing Marcello until Collins came up and stood between Aviagone and the railing.

"Are you looking for a lot of truck?", the agent quoted Marcello as asking.

"I can handle trouble," Aviagone said Collins replied. "Marcello took a step forward and swung a roundhouse right that went past my face. I

didn't see if it struck" (Collins)," Aviagone said. He said Marcello was restrained by his companions and the three men then left in a car.

DURING BRIEF opening statements, Marcello's Houston attorney, C. Anthony Friloux, said the defense will show that Collins has given three different versions of what happened at the airport and that Marcello did not strike the agent.

The government presented a short film clip showing Marcello walking through the airport. The film did not show the alleged assault of Collins, however.

The testimony is being heard by a two-woman, 10-man jury seated yesterday by U. S. District Judge John V. Singleton Jr.

The jury members were taken to their homes to pick up clothing and other articles and then returned to a downtown hotel where they were locked up overnight.

THE JURY members, now under tight wraps, must wonder what all the fuss is about. Federal court juries rarely are sequestered in this district.

During questioning of prospective jurors yesterday, only two of about 80 persons indicated they had heard of Marcello. One other man said he "had formed an opinion" about the case just "from what I've heard this morning" (during interrogation of the panel).

The 12 selected were:

Mrs. Charlene Johnson, a maid; Vera Moore, housewife; Eugene Dickey, painter; Earl Hoover, order coordinator; H. D. Cannon, waiter; James L. Fayne, maintenance worker; Herbert T. Faria, dental technician; Leon Joe Bronskoski, painter, all of Houston; Jake N. Young, rural mail carrier, Livingston; Henry H. Baade, carpenter foreman, New Gulf; Jimmie D. White, pulp worker, Willis, and William G. Ellison, X-ray technician, Tomball.

Ralph H. Alexander, a Houston salesman, was chosen as alternate jury member. Another alternate, Paul H. Espinosa, was excused after attorneys agreed they would accept a verdict by 11 persons if necessary.

ESPINOSA HAD complained he would lose his hourly wages while absent from his job at a firm here.

A similar argument earlier from a woman had proved futile. The woman had said she was the "sole support" of her family. When the judge asked her occupation, she said she is currently unemployed.

"Well, I think you'd be better off down here making \$10 a day as a juror," the judge said. The woman was not selected.

Attorneys representing Marcello are Jack Wasserman of Washington, D.C.; G. Wray Gill of New Orleans and C. Anthony Friloux of Houston. Michel A. Maroun, of Shreveport, was not allowed to sit at the defense counsel table since he is expected to take the witness stand during the trial.

Seated at the government's table are Asst. U.S. Dist. Atty. Ronald J. Blask, head of the criminal section here; Owen Neff of the Department of Justice, criminal division, and U.S. Atty. Louis Lacour of New Orleans.

AFTER JURY selection yesterday, Blask read the charges against Marcello, who then stood and said in a firm voice, "not guilty."

This is the second time around on the assault charge. A jury in Laredo, Tex., failed to reach a verdict and a mistrial was declared last May 29, about two months after the case was transferred to this district from New Orleans at Marcello's request because of publicity linking him to the underworld.

The alleged assault—of FBI Agent Patrick J. Collins Jr. at New Orleans International Airport Sept. 30, 1966—took place as Marcello arrived on a flight from New York.

He had been arrested eight days earlier with 12 others at a so-called "Little Apalachin" meeting in a Queens restaurant. The 13 were charged with "conorting with known criminals" (each other) and held for questioning.

Free on \$100,000 bond, Marcello returned to New Orleans, where he was met by a crowd of reporters and photographers—and two FBI agents, including Collins.

UNDER CROSS-EXAMINATION by Marcello's chief attorney, Jack Wasserman of Washington, Aviagone said he did not tell reporters or the three Marcellos that he was an FBI agent.

He said he doesn't believe

Collins did either. Aviagone said that some of the reporters present knew they were agents, however.

Collins, he said, was in his shirt sleeves, holding his suit coat in his hand, when Marcello threw the punch. Aviagone described the situation as tense.

He denied that Collins posed as a deplaning passenger.

WHEN WASSERMAN asked Aviagone if Marcello interfered with his observation of him, Aviagone said if swinging a fist constitutes interference, then "I would have to say yes."

Wasserman asked if anything prevented Aviagone or Collins from walking away from the Marcello group and the FBI agent said, "Yes, our assignment . . . My job doesn't really pay me to walk away from a problematic situation."