

Marcello Appeals Go To Black

Supreme Court Justice Hugo L. Black today is studying two appeals by Carlos Marcello asking a stay in his prison term, now scheduled to begin tomorrow.

An aide to Justice Black said the stay motions, filed earlier in the day by Marcello's Washington lawyer, Jack Wasserman, "had been trucked out" to Black's Alexandria, Va., home, where he is spending the day. The aide said he expects Black to rule on the motions late today.

Marcello is scheduled to surrender to federal agents in Houston before 3 p.m. tomorrow, and begin serving a two-year prison sentence on a conviction of intimidating an FBI agent.

IN ARGUING for a stay, Wasserman said Marcello is engaged in legitimate activities, principally the real estate business, and never has violated terms of a parole during the past 20 years of his involvement in various federal proceedings.

"On numerous occasions during the past 20 years," Wasserman said in his court brief, "Marcello has been released on bail in federal proceedings and has never violated the terms of those paroles . . . There can be no contention that he will abscond."

Marcello was convicted two years ago Saturday in a Texas federal court of intimidating FBI agent Patrick J. Collins at New Orleans International Airport.

THE CONVICTION was affirmed by the U.S. 5th Circuit Court of Appeals earlier this year and the Supreme Court denied a review of the case.

In seeking a new trial, Marcello contends he was "trapped" illegally by FBI agents who mixed in Collins with a group of photographers

and reporters whom Marcello tried to "shoo away" as he deplaned at the airport in 1966.

MOTIONS FOR a new trial claim the FBI suppressed evidence in his original trial and that agent Collins, the government's principal witness, perjured himself.

The new trial bid is pending before the 5th Circuit Court. Marcello's lawyers asked Black to keep him free on \$25,000 bail until the new trial motion is ruled upon. The Supreme Court motions were signed by Wasserman and Marcello's New Orleans attorney,

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ney, Cecil M. Burglass Jr.

Earlier, Burglass said additional motions may be filed with the Circuit Court to keep Marcello out of jail. He did not elaborate.

MARCELLO WAS scheduled to begin his jail term last Friday but won a temporary stay until 3 p.m. tomorrow while the appeals court considered his case.

Yesterday, as the appellate court acted, Marcello testified that he had no control over organized crime in Louisiana or any influence in state government as alleged by Life Magazine.

In an appearance before the special legislative committee investigating organized crime and its influence in state government, Marcello testified that he is not a Mafia boss or anything else illegal. He called himself an investor.

When asked about political contributions, Marcello said he had made none to candidates for governor or lieutenant governor in either the 1963-64 or 1967-68 campaigns but he could not recall if he had donated to candidates for Jefferson Parish sheriff.

IT WAS ON the question of political contributions that Marcello made his lone refusal to answer. When asked if he had made any contributions, Marcello attorneys objected that the question was too broad. "He could make a mistake on this kind of question," one attorney said.

Marcello denied he received any money from illegal gambling during 1965-69 but he admitted a connection with the Beverly Country Club prior to 1965.

Marcello also denied he received \$500,000 in connection with levee work on his Churchill Farms property as Life Magazine charged.

Asked about the proposed Dixie Freeway crossing Churchill Farms, Marcello said all he knew about it was what he read in the newspapers. He added he had contacted no one on the Regional Planning Commission or the state Highway Department about the road.

HE ADMITTED he knew state Highway Director Leon Gary but denied ever discussing the freeway with him.

Marcello also admitted knowing Aubrey Young, a former aide to Gov. John J. McKeithen and having talked with him on many occasions but he could not recall specific purposes of the calls, he said.

State Sen. Claude Duval, vice chairman of the committee, asked Marcello:

"Life Magazine said you dominate state government. Is that true?"

Marcello replied, "Absolutely not. The only comment I can make is that it's an absolute lie what Life Magazine says."