

Federal Jury Deliberating Marcello Case

By BARBARA STRONG

(Special to The States-Item)
HOUSTON—A federal court jury here began deliberations today in the trial of New Orleans rackets figure Carlos Marcello, charged with assaulting an FBI agent.

The jury retired after hearing the judge's charge and an hour and a half of final arguments by five attorneys.

MARCELLO, 58, is accused of an assault on FBI agent Patrick J. Collins Jr., 39, Sept. 30, 1966, at New Orleans International Airport. Marcello had just returned from New York City, where he was arrested eight days earlier at a so-called "Little Appalachin" meeting of underworld figures.

Collins had testified he thought Marcello may have struck him with his left hand, but that a right-handed "hay-maker" by Marcello was broken by the rackets figure's brother Joseph.

"What is unbelievable in this case is the way the government is trying to make something out of nothing," argued Marcello's lead counsel, Jack Wasserman of Washington, D.C.

"THE GOVERNMENT would have been better advised to spend its time and efforts on cases that merit prosecution," Wasserman said.

Another Marcello attorney, C. Anthony Friloux, said, "This was some incident created in the fertile mind of some bureaucrat. Pat Collins wanted a confrontation. He would have been happy if he had had a good solid punch . . . then he would have had a good case."

G. Wray Gill of New Orleans, still another Marcello attorney, said Collins and another FBI agent, Joseph Avignone, "intended to badger" Marcello because "they wanted to get something on him."

GILL CALLED Collins "the play boy" of the FBI and

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criticized the agents for failing to identify themselves to Marcello.

"Where do you think Marcello would have gone if Collins had flashed his badge?" Gill asked.

"He would have gone backwards fast, like one of our good, old Louisiana crayfish."

Gill said, "You know he (Marcello) must pay taxes. Why should he pay taxes to a government that sends agents out to entrap him?"

Asst. U.S. Attorney Ronald J. Blask said, "If Mr. Marcello was not looking for trouble, why didn't he get in that car and drive off?"

OWEN NEFF OF the Justice Department's Criminal Division said the "skunk in this case" was the defense's attempt to discredit Collins.

The defense rested yesterday shortly after Marcello testified that he merely waved his arm at Collins and said, "Aw, let me alone."

At the airport, Marcello said, he and Joseph were met by Marcello's son, also named Joseph, and that the three were besieged by newsmen and photographers as they made their way through the terminal and out of a ramp leading to Marcello's late-model gold Buick Riviera.

"DON'T YOU ALL have enough pictures?" he said he asked the newsmen. He admitted he used obscene language.

"What are you looking for, trouble?" he said he asked. Marcello said a man he did not know, who turned out to be agent Collins, replied: "We can stand trouble."

"I swung my left arm up and said, 'Let us alone.' I was getting angry at the time. My brother Joe grabbed my arm and swung me around, and kinda got in front of me," Marcello said.

AFTER A LOCAL officer intervened, the Marcellos departed, Marcello said. He denied he tried to strike or do any bodily harm to Collins.

"What did you intend to do?" asked his attorney, Jack Wasserman of Washington, D.C.

"Go home," he said.

Marcello identified himself as being in the "business of buying and selling real estate."

"WHAT IS THE name of your company?" asked Asst. U.S. Atty. Ronald J. Blask.

"There is no company. I have no organization," Marcello said.

Marcello's story was corroborated by his son and brother and the officer, Thomas McCrossen, formerly of New Orleans Police Department and now a parttime officer assigned to the airport at Kenner.

McCrossen said by the time he reached the group, it was the brother and not Marcello who had a hand raised to-

ward Collins.

The son and brother said they had turned back to try to halt the newsmen, and Marcello, who had walked to the car, soon joined them.

THE BROTHER, Joseph Marcello Jr., owner of Elmwood Plantation Restaurant in Jefferson Parish, said the Marcellos were "harassed" by the flashing camera lights and persistent microphones but that he would not describe the situation as "tense."

In other testimony yesterday, three Marcello associates and an attractive blonde said Collins had scoffed at the assault charge in later conversations with them.

MRS. KATHERINE Angell of Shreveport, who said she is separated from her husband, said she met Collins last Feb. 12 at a Shreveport lounge owned by one of Marcello's associates and attorneys, Michel A. Maroun, who also testified.

Testifying in a barely audible voice, she said she went to the lounge, where she had met Marcello months earlier, to hear a band led by a girl friend's husband and that Collins invited her to join him and Maroun for a drink.

"Mr. Maroun introduced him as the FBI agent Mr. Marcello was supposed to have assaulted. I noticed his height (six-one) and said, 'Mr. Marcello, (five-two), hit you?'" she said.

"He said, 'Not really. There was nothing to it,'" he added.

MRS. ANGELL, dressed entirely in black, said Collins took her home from the lounge early in the morning and that she met him that night for dinner and again the next day. In one of the later conversations, she said, Collins told her, "When I made

this routine report (on the airport incident) I had no reason to believe it would get this much out of proportion."

Maroun, who said he purchased the Town and Country Motor Hotel Inc. in Shreveport from Marcello and seven others, said Collins made similar statements to him about the case before Mrs. Angell joined them and about three months earlier during a chance meeting at Lucky Pierre's on Bourbon st. in New Orleans.

"HE TOLD ME the whole incident—there was nothing to it. It seemed he just wanted to get that point off his chest for some reason," Maroun said. "He told me Mr. Marcello should not have been charged . . . that the real investigator was Joseph, the brother. He also said I would win the case in the district

court and if I didn't, then I would win in the appeal courts."

Maroun represented Marcello last May in Laredo, Tex., where a jury failed to reach a verdict on the assault charge.

"Mr. Collins knew that (that Maroun was Marcello's attorney) and I was surprised . . . I really was, that he said this to me," Maroun said.

ROY OCCHIPINTI, a New Orleans mortgage broker (the Desta Co.) and lifelong friend of Marcello, said Collins told him in a French Quarter restaurant last April that until four years ago, in the Town and Country Motel in Marcello did not hit him or "even know he was an FBI agent."

Collins also said he "didn't think anything would come of the case," said Occhipinti, who testified he and Marcello

were partners for 10 years, New Orleans.

He was not allowed to answer the government attorney's questions about what his and Marcello's percentage of ownership had been or how they shed the operation.

Joe A. Poretto, who said he owns the Town and Country Restaurant and Lounge in Metairie, on property he rents from Marcello's son, said he saw Collins in his restaurant last March.

Collins also told him that the brother instigated the airport incident, Poretto said, and that Marcello would win the case.

The government today called two New Orleans television newsmen to rebut earlier defense testimony.

M. J. Gauthier, cameraman for WDSU-TV, said he saw Marcello take a "wild swing" at Collins. He insisted the blow struck Collins on the

cheek, despite Collins' contention that he was not hit.

WILLIAM ELDER, reporter for WWL-TV, who testified earlier for the defense, said he was the only reporter who tried to interview Marcello and that there were no microphones at the airport.

Elder's statement contradicted testimony by Marcello's brother, Joseph, that newsmen harassed the Marcellos with microphones and cameras.

Gauthier and Elder quoted Marcello as telling newsmen to go away.