

FBI ASSAULT CHARGE

Convicted Marcello Free on Bond

By BARBARA STRONG
(Special to The States-Item)
HOUSTON — New Orleans rackets figure Carlos Marcello today remained free on \$5,000 bond pending his sentencing Sept. 12 on a charge of assaulting an FBI agent.

A federal court jury here convicted Marcello, 58, yesterday after two and a half hours of deliberations.

MARCELLO, impassive throughout most of the four-day trial, did not change his expression as U.S. Dist. Judge John V. Singleton Jr. read the verdict handed him by a

deputy U.S. marshal.

As the 10-man, two-woman jury filed into the courtroom to render its decision, the members looked straight ahead, rather than at Marcello — a reasonably accurate sign of a conviction.

Marcello had no comment for reporters, other than to say "draw your own conclusion" when asked to describe his feelings about the outcome of the case.

EARLIER, HE had been asked the same question while he and his attorneys waited outside the courtroom during part of the delibera-

tions. "We'll see in a few minutes," he had smiled and said.

His lead counsel, Jack Wasserman of Washington D. C., said the case would be appealed. This was Marcello's first conviction in more than 30 years. His prior convictions include a state robbery case, for which he has been pardoned, and a federal narcotics case.

Although they would not discuss their plans at length, it is believed Marcello's attorneys are optimistic about

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an appeal. They almost won a mistrial during the case when the government's key witness and the agent Marcello was accused of striking, Patrick J. Collins, mentioned in testimony, "La Cosa Nostra — the American Mafia."

JUDGE SINGLETON had removed the jury from the room and upbraided government attorneys at length. Collins' comment was merely in reference to what he testified he "had discussed" with one of Marcello's attorneys, but it brought into the trial what the judge had worked diligently to keep out — any link between Marcello and the underworld.

In final arguments, Marcello's attorneys also stressed what they considered the "abuse" of a statute intended to protect federal agents from serious threats against their lives.

"The government is trying to make something out of nothing," Wasserman said. "It would have been better advised to spend its time and effort on cases that merit prosecution."

MARCELLO, WHO is five feet, three inches tall, was accused of assaulting Collins Sept. 30, 1966, at New Orleans International Airport, shortly after Marcello and his broth-



CARLOS MARCELLO

er Joseph returned from New York City, where they had been arrested eight days earlier at a so-called "Little Appalachian" meeting.

The incident took place after newsmen and photographers followed the two men and Marcello's son, also named Joseph, through the terminal and out onto a ramp leading to Marcello's car.

According to testimony by Collins and others, the Marcellos cursed and told the newsmen to back off. "Are you looking for — trouble," Collins said Marcello asked before jabbing at the agent with his left hand.

COLLINS SAID if the left hand struck him, he did not feel it because he was "worried about the right," which he said then came at him in a "haymaker" swing. Collins was standing next to a low railing separating him from a 30-foot drop to a concrete drive.

Marcello's right was broken when his brother grabbed his arm and, aided by the son, led Marcello off to the car, witnesses said.

"Collins would have been happy if he had a good solid punch," argued another Marcello attorney, C. Anthony Friloux of Houston. "Then he would have had a good case."

DEFENSE COUNSEL said it was "ridiculous" to think the six-one, 185-pound, Collins was "intimidated" by, in Friloux' words, "this little round, fat man (Marcello)."

Asst. U.S. Atty. Ronald J.

Blask said the defense was arguing "fantasy," not fact.

"If Mr. Marcello was not looking for trouble, why didn't he get in that car? Why didn't they all get in that car?" Blask argued.

"But no. This was an affront to Mr. Marcello. How dare they come up to him and not heed his words. 'I'm the boss here . . . I own this town,'" he quoted Marcello as saying.

San Francisco Examiner 9 August 1968

Hoodlum Convicted For FBI Assault

By The Associated Press

HOUSTON — (AP — Carlos Marcello, a New Orleans racket figure, has been convicted of assaulting FBI agent Patrick J. Collins Jr. at the New Orleans airport.

A Federal Court jury deliberated almost four hours before returning the verdict yesterday.

Sentencing was set for Sept. 12.

Witnesses testified the incident occurred after Marcello, 58, his brother Joe Marcello Jr. and his son Joe C. Marcello walked through the New Orleans Airport while being followed by photogra-

phers. Collins and another FBI agent were in the crowd of newsmen.

Collins said Marcello swung a "roundhouse or haymaker right" at him. He quoted Marcello as saying he was "the boss down here."

The agent said Marcello also jabbed with his left hand but it didn't land.

Marcello has been identified by a national magazine as the New Orleans boss of the Cosa Nostra.

Conviction of assault on a federal officer carries a maximum sentence of three years.