

Haggerty Matter

Editor, States-Item:

One fact stands out very clearly as one reads the conflicting stories generated by the Haggerty case.

Some of the law enforcement officers concerned acted in violation of the highest law of the land, specifically of the Fourth Amendment to the U.S. Constitution.

Accordingly, it is truly alarming to find the Metropolitan Crime Commission refer to an essential part of the Bill of Rights as something to be viewed as one of these . . . "technicalities of criminal law and procedure" to which it ascribes (in part) Judge Haggerty's acquittal. This writer feels that the MCC should be asked to elaborate on its amazing statement: does it feel that the Bill of Rights is a set of technicalities?

Additionally, since the news media appear to have had much better prior notice of the coming incident than any of the judges who, obviously, should have been approached to issue a search warrant, can it be assumed that there was no conspiracy to deprive the Judge of some of the rights guaranteed to him under the Constitution of the United States?

This has nothing whatsoever to do with the validity, or lack thereof, of the view that a Judge's apparently controversial behavior in matters related with certain statutes clearly designed to legislate virtue and outlaw sin, might require that he step down from the bench.

Another important question bears on the fate of other persons arrested at the same time as the judge. It would appear that they, too, must have come under the protection of the Fourth Amendment, yet nothing has been printed or said about them.

Daniel G. Van Acker

S STATES-ITEM

Court Upholds Marcello Case Assault Penalty

Jefferson Parish rackets figure Carlos Marcello's conviction and sentence of two years and a \$5,000 fine for assaulting an agent of the Federal Bureau of Investigation has been upheld by the U.S. Fifth Circuit Court of Appeals.

Marcello, 59, was convicted by a federal jury in Houston, Tex., Aug. 9, 1968, and sentenced by Judge John V. Singleton. The trial was moved to Houston when Judge Frederick J. R. Heebe held Marcello could not receive a fair trial here because of prejudicial publicity.

Marcello allegedly attacked Patrick J. Collins at New Orleans International Airport Sept. 30, 1966, after Marcello and his brother, Joseph, arrived from New York.

The Marcellos were surrounded by newsmen and photographers, and Collins was in the group posing as a deplaning passenger, according to the court record. Marcello at one point angrily asked if the photographers had enough pictures, the record reflects.

When Collins replied in the negative, according to the record, Marcello asked "Are you looking for trouble?" Collins replied, "I can handle trouble."

Marcello allegedly took a couple of short jabs at Collins, then, according to the record, "attempted to mow him down with a haymaker which never really got off the ground because of his brother Joseph's restraint."

The three-judge appellate court panel detailed each of 15 points raised in the appeal by Marcello's attorneys and said, "having found each of the 15 attacks wanting, the conviction must stand."

G. Wray Gill, one of Marcello's attorneys, said he will ask the appeal court for a rehearing.