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UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

memorandum

Director
Federal Bureau of Investigation

DATE: August 31, 1967

FMV:OAN:saf
123-32-23

Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division

Carlos Joseph Marcello;
Special Agent Patrick J.
Collins, Jr. - Victim
Assaulting A Federal Officer

This is in reference to your memorandum to the Attorney General of August 17, 1967, regarding Carlos Marcello. Specifically, you state your belief that Marcello should be brought to trial at the earliest possible date.

As you are aware, Special Agent Collins was assaulted by Marcello on September 30, 1966, and one week later, on October 7, 1966, the matter was presented to a grand jury in New Orleans and an indictment was returned.

Thereafter, on November 9, 1966, Marcello was arraigned and plead not guilty. Subsequent thereto, on December 19, 1966, Marcello's attorney, Jack Wasserman of Washington, D. C., filed numerous pre-trial motions, including one to dismiss the indictment on the basis that the grand jury was improperly impanelled within the purview of Rabinowitz v. United States, 366 F.2d 34 (5th Cir. 1966).

This office, and that of the United States Attorney in New Orleans, reached the legal conclusion that Wasserman would very probably prevail on the motion. As a result, United States Attorney Louis C. LaCour personally held a series of conferences with the Court in New Orleans, whereupon it was agreed that a new system for the impanelling of grand and petit juries would be instituted by the Clerk of Court.

A new system was initiated in early 1967 and by the latter part of May, 1967, had progressed to the point where a new grand jury was impanelled. Very shortly thereafter, on June 1, 1967, the new grand jury returned a superseding indictment in this matter. The original indictment was dismissed on June 5, 1967.

Wasserman, in turn, on June 28, 1967, filed numerous pre-trial motions to the superseding indictment. We, in turn, noticed the motions for hearing on August 4, 1967. Wasserman moved for a continuance based upon a commitment in Hawaii in connection with a conference of the American Bar Association. As a result, the pre-trial motions are now noticed for hearing on September 13, 1967.

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DATE: 11-14-2017

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I think you will agree that we have, in fact, made every conceivable effort to get this matter to trial at the earliest possible date.

*But we have reached
a stale mate.*

[Signature]