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U. S. Customs Agent Asked About Missing Defendant

The trial of three men alleged to have conspired in the unlawful exportation of seven B-26 bombers to Portugal will resume in Federal Court Tuesday.

It will mark the start of the third week in the case before Judge John O. Henderson and a jury of 10 men and two women.

The missing defendant, Gregory R. Board, 45, of Tucson, Ariz., was a topic of defense cross-examination of U. S. Customs Agent Richard E. Pyne late Friday.

Responding to questions from Edwin Marger, a defense attorney, on Board's whereabouts, Mr. Pyne said he had "no idea" but had last heard Board was in Jamaica.

"I don't believe Mr. Board went to Jamaica with the knowledge of U. S. authorities," Mr. Pyne added.

The defendants, John R. Hawke, 28, and Henri Marie Francois de Marin de Montmarin, 58, were arrested in Florida in September 1965, after landing there in a C-46 cargo plane with Board. While, Hawke and de Montmarin were arrested by customs agents, Board escaped.

For Use in Training Pilots

Frank Tummonia, a licensing officer in the State Department's Office of Munitions Control, said no export licenses to lawfully ship B-26 aircraft to Portugal were issued to any of the defendants.

A New York City bank official testified in Federal Court earlier that he was told 20 B-26 bombers in a 1965 export deal were destined for use in training Portuguese pilots and cadets.

The testimony of Thomas W. Cross, assistant vice president of the Bank of America's Middle East-Africa Division, came at the trial of three men charged with unlawfully exporting seven bombers to Portugal.

The Bank of America, Mr. Cross said, was the reimbursing agent for a Tucson, Ariz., bank, which administered a \$694,000 letter of credit in the plane deal from Luber, S. A., a Swiss corporation, to Aero Associates, Inc. of Tucson. The proposed destination of the 20 aircraft was not disclosed in the letter of credit, Mr. Cross said.

Utilizing Hardware

In checking this out, Mr. Cross recalled a visit in New York by a man he identified as "Count de Montmarin." Mr. Cross said he could not positively identify the defendant de Montmarin as the count, noting "I only saw him once for 20 minutes, 18 months ago."

"I asked about the utilization of his hardware," Mr. Cross added, "and he told me they were to be used by the Portuguese government in training pilots and cadets in flying . . . He said they would be flown to Lisbon and to the best of his knowledge would not leave Portugal."

He said the count told him he was a client of the United Overseas Bank, Geneva, Switzerland, which initiated the letter of credit for Luber.

On trial are: John R. Hawke, 28, a former Royal Air Force pilot; Henri Marie Francois de Marin de Montmarin, 58, a French businessman, and Woodrow W. Roderick, 47, a Winnipeg, Man., businessman.

Flew to Montreal

Buffalo Customs Agent Richard E. Pyne testified that he had a conversation at Rochester Sept. 10, 1965, with Gregory R. Board, 45, the missing defendant in the case.

"Board said he had recently exported a B-26 aircraft to Canada, which was delivered to a W. W. Roderick in Montreal," Mr. Pyne said. "Mr. Hawke said he had flown the plane to Montreal."

At first, Mr. Pyne said Board explained he was renovating B-26 aircraft for civilian use. Later, Mr. Pyne added:

"Board said he had negotiations with the Saudi Arabian government for delivery of 40 of these bombers . . . for military purposes."