

MARCELLO IS BY ORLEANS SUBPENNAED GRAND JURY

S.T.
2-24-67

Rackets figure Carlos Marcello was subpoenaed today to appear before a surprise afternoon session of the Orleans Parish Grand Jury.

There was no word on whether the subpoena was served. Also subpoenaed for today in the jury's probe of organized crime allegations were two more officials of the Metropolitan Crime Commission, and three other persons whose names have come up in connection with the probe.

The MCC members were C. Allen Favrot, an MCC vice-president, and Joseph Simon, a member of the executive committee. Simon was served in the Queen & Crescent Building. There was no immediate word on whether Favrot had been served.

SIMON WAS THE first to appear as the jury session began.

The other three were Sam DiPiazza of Arabi, Frank J. Caracci and Frank Timphony.

DiPiazza was found guilty Wednesday by a federal court jury in Cincinnati on eight counts involving gambling activities in Ohio, Louisiana and Kentucky. He is free on \$2,500 bond.

Caracci is a French Quarter nightclub owner who ap-

peared before the jury last week. Timphony's name has been connected with gambling activities in the area in the past.

THE MARCELLO SUBPENA was issued on orders of District Attorney Jim Garrison. Marcello was not on hand when the grand jury session got under way. When asked if he had been served with the subpoena, members of the DA's staff only shrugged.

The DA said Vincent Rizzo, manager of the Fontainebleau Motor Hotel, also would appear before the grand jury this afternoon.

Rizzo, he said, asked to be allowed to appear before the jury to answer charges made in a Life magazine article this week that illegal bookmakers were using public telephones at the Fontainebleau to make bets.

The move by the DA came as a surprise, since the grand jury ordinarily does not meet on Friday.

The subpoena apparently was issued today to catch Marcello off guard. A series of Life magazine articles claimed that Marcello is the head of Cosa Nostra operations in Louisiana.

Marcello also figures in an investigation of organized crime influences in the state being conducted by Gov. John J. McKeithen. Life reported that Marcello had made numerous calls to the governor's former aide, Aubrey Young.

YESTERDAY, THE BATON ROUGE Grand Jury began looking into the ~~illegal activities~~

The Little Man, Marcello is called, has been a subject of continuing investigations by the U.S. Department of Justice and the Federal Bureau of Investigation. Numerous attempts to have Marcello deported have failed.

Spokesmen at the Town and Country Motel, 1225 Airline hwy., where Marcello maintains an office, said Marcello is out of town.

ON ANOTHER front, the grand jury's attempt to get a look at the confidential records of the Metropolitan Crime Commission has been blocked, temporarily at least.

The state supreme court yesterday granted attorneys for the MCC a stay on the grand jury's subpoena ordering that the records be produced.

In addition, the court stayed proceedings in the commission's effort to have Judge Malcolm V. O'Hara of Criminal removed as the judge to whom the jury reports in the case.

THE MCC SAID opening its confidential records would expose informants to danger and would ruin the commission's future effectiveness.

Garrison and Judge O'Hara were ordered to file their replies to the MCC's motions before the high court by Wednesday.

The MCC has been trying to have Judge O'Hara ousted from the bench and contends he thus has a personal interest in the grand jury's investigation of the commission.

The MCC motion to have Garrison recused as adviser to the grand jury cited the same grounds.

Garrison has criticized the MCC for reporting that organized crime exists in New Orleans. The jury heard MCC testimony regarding organized crime, then switched to investigating the commission itself.

The proceedings yesterday resembled a game of musical chairs between three courts. First, Criminal District Judge Matthew S. Braniff refused to recuse O'Hara as judicial adviser to the grand jury, as asked by attorneys for the MCC. This threw the matter back into O'Hara's court.

JUDGE O'HARA then denied the motion to recuse Garrison as legal adviser to the grand jury. He also denied an MCC motion to quash the grand jury subpoena of its informants' names and MCC membership lists.

Crime-Probing Jury Again Quizzes Young

(States-Item Bureau)

BATON ROUGE—Aubrey Young, former aide to Gov. John J. McKeithen, underwent questioning for the second straight day today as the East Baton Rouge Parish grand jury pursued its organized crime investigation.

District Attorney Sargent Pitcher, who summoned the jury into session at the request of Gov. McKeithen, said he would issue a statement late today, but was generally keeping the jury's doings under cover.

Young, who served as a McKeithen confidant for three years before he was fired this summer, was grilled for three hours by the grand jury yesterday about telephone conversations he had with New Orleans racketeer Carlos Marcello.

Pitcher said that Young earlier had told him the contents of one conversation with Marcello, but has not revealed anything overwhelming.

As the grand jury continued its probe, Gov. McKeithen said he would have nothing further to say while investigation was in progress.

"In light of the press conferences already held and the full scale investigatory effort under way," the governor said, "I shall withhold any further pronouncements on these matters until further results of these investigatory efforts are made known to me."

The governor's office went into a semi-blackout of contact this morning while a

staff meeting was held. The office was refusing to accept any calls.

Meanwhile, it was learned that Young, 45-year-old former deputy sheriff from Monroe, was committed to the Southeast Louisiana State Hospital at Mandeville as a mental patient rather than as an alcoholic.

ACCORDING to the interdiction papers, Young passed out in his Baton Rouge apartment and needed help for his mental and alcoholic condition.

The papers were signed by his mother, Mrs. W. E. Young, and two doctors, Parish Coroner Chester Williams and W. T. Brown. Young was committed to the hospital on Sept. 18.

He was given an indefinite pass from the hospital to appear before the parish grand jury.

Pitcher said that he had additional witnesses to call before the parish grand jury. He has issued a subpoena for records of the Southern Bell Telephone Co. relating to the telephone calls between Marcello and Young.

THE DISTRICT attorney said that much of the information Young disclosed to him concerned matters outside his jurisdiction.

Pitcher visited the fourth-floor suite of the governor in the state Capitol this morning, but there was no statement on what took place.

The district attorney apparently has a private entrance

to the grand jury room and is able to move witnesses to it from his office without their being seen by observers.

Young and Life reporter David L. Chandler testified before the jury yesterday.

Pitcher said Life produced evidence that 15 to 18 calls were made, possibly up to 50. Young admitted to receiving two.

Young told the jury, Pitcher said, that he didn't believe he did anything wrong in talking with Marcello by telephone. Young offered to undergo a lie detector test to check the truth of his story.

PITCHER indicated Marcello may be called by the grand jury, though he gave no indication of when.

A Southern Bell spokesman said privately there may be firings if any employee should be found illegally giving out information such as that published in Life concerning private phone calls.

The spokesman said employees are barred from giving out such information. Federal law makes it a crime to divulge information taken from intercepted calls without consent.

Pitcher said Young not only had talked with the grand jury but also had submitted to an interview of three hours last night.

"He was tired, but he was lucid and rational," Pitcher said.