

Probe Testimony Barred  
COURT BACKS MARCELLO

Jefferson Parish racketeers figures Carlos Marcello and nine copetitioners won at least a temporary victory today in their effort to avoid testifying before the federal grand jury probing organized crime in the New Orleans area.

Federal District Judge

James A. Comiskey issued a temporary restraining order blocking enforcement of subpoenas for Marcello and the

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others as the jury began its probe this morning.

However, a hearing was set later this afternoon before District Judge Lansing L. Mitchell on the effort of the petitioners, represented by G.

Wray Gill, to have the order made permanent. Six witnesses went before the jury within the space of a



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little more than an hour, three of them children of ill Mafia chief Sylvester "Silver Dollar Sam" Carollo.

The six, in order they were called, were identified as:

Anthony Salvador Carollo, son of Sam.

Michael Carollo, son of Sam.

Joe Poretto.

Mrs. Sarah Misuraca, daughter of Sam Carollo.

Victor Misuraca.

A Negro identified only as porter for the Carollos.

Sam Carollo, deported former Mafia leader, is seriously ill at Touro Infirmary after clandestinely reentering the country. He has been indicted for illegal entry.

Each of the six persons went before the jury between 10 and shortly after 11 a.m., after which the jury took up another matter. The Negro

was in the jury room only a few seconds.

U.S. ATTORNEY Gerald Gallinghouse said the jury would resume the crime case later this afternoon.

Earlier today, Gill filed (Turn to Page 12, Column 5)

THE GILL suit originally was allotted to Judge Mitchell, but he was not available early today and it was shifted to Judge Comiskey who issued the temporary order. This afternoon's hearing was to be before Judge Mitchell.

Gallinghouse said yesterday New Orleans has been the center of an intensive federal investigation into organized crime for several weeks.

He said his office issued "numerous subpoenas" yesterday in connection with the investigation but declined to say who received the subpoenas or how many had been sent.

A JOINT release from Gallinghouse and K. Erik Giesleson, special attorney for the Justice Department, said the probe is "being conducted with the all-out participation of the United States attorney, the organized crime and racketeering section of the U.S. Department of Justice and certain federal investigative agencies."

Gallinghouse said restrictions relating to the free press and fair trial prohibit his office from making any further comment about the probe.

"During the past eight days, there has been much local speculation and comment concerning activities of certain figures allegedly associated with organized crime," the joint statement said.

"The public should be informed that these and other activities had been the subject of a continuing and intensive federal investigation for several weeks, centered in New Orleans but including other major cities."

IN A RELATED development, a former Justice Department attorney said yesterday he is convinced the Mafia engineered a 1967 Mississippi Gulf Coast murder to prevent the victim from talking about an illegal gambling operation.

Owen Neff, who headed the department's organized crime unit, said the man was Harry Bennett, 63, part owner of two Biloxi nightclubs involved in a gambling operation.

Bennett was shot to death in December 1967, just before he was to go on trial.

Federal investigators reportedly are not satisfied with the confession of Bennett's alleged murderer, who later retracted his statement.

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his petition on behalf of Marcello and the nine others, who were identified as:

Joseph Marcello Jr., Anthony Marcello, Vincent Marcello, Peter Marcello, Salvatore J. Marcello, Joseph C. Marcello, Dorothy Crowder, Jeff Hampton, Philip Smith and Anna M. Saik.

All the Marcellos except Joseph C. are brothers of Carlos. Joseph C. is Carlos' son.

MRS. CROWDER is a secretary to Vincent Marcello. The others were not further identified.

Gill's petition declared the petitioners have "not been expressly advised of the scope and nature of the investigation . . . but it is patent from the subpoenas that it is relative to the entry of Sylvester Sam Carollo into the United States following deportation."

The petition said Gallinghouse has "publicly stated that it is his intention to con-

duct a grand jury investigation relative to the means and methods whereby Carollo entered the USA, as well as an investigation as to who may have assisted him in that connection. . . .

"Consequently, it is apparent that the plaintiffs are the focus of suspicion here."

THE PETITION said the purpose of the subpoenas is "to entrap the plaintiffs, denying them due process of law and equal protection of the law."

It charges the plaintiffs are placed in a position of peril without benefit of counsel and are illegally and unconstitutionally required to testify against themselves "and perhaps lay the predicate for an indictment against them. . . ."

Later after the Carollo group had gone before the jury, attorney Dean Andrews filed a petition on their behalf similar to the Gill action, seeking to prevent any further testimony by his clients. No hearing has been set on the Andrews petition.