

MARCELLO IS SUBPOENAED BY ORLEANS GRAND JURY

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 appeared 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 the public telephones at the Fontainebleau to make their calls.

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 Life allegations.

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The "Little Man," as 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.