

B. R. Probe Finds No Proof Of Marcello-Young Calls

By BILL LYNCH
(States-Item Bureau)

BATON ROUGE—East Baton Rouge Parish District Attorney Sargent Pitcher said today a nine-month investigation has turned up no evidence of frequent telephone calls between former governor's aide Aubrey Young and Carlos Marcello, Jefferson Parish rackets figure.

He said the probe had shown Marcello made five calls to two other state officials in the Capitol but declined to identify them.

The district attorney said that he was satisfied the calls were "legitimate" and no criminal activity was involved.

He issued a report on the lengthy investigation after conferring with Gov. John J. McKeithen, who requested the probe after declaring last September that *Life Magazine* had presented him with "overwhelming evidence" of the telephone link.

IN A SERIES of articles dealing with crime in Louisiana, *Life* said that Young had received calls from Marcello at his telephone in the governor's office. In a meeting with the governor and others, *Life* editors said that there were perhaps 50 to 60 calls in 1966 and 1967.

Pitcher said that based on information obtained from the U.S. Justice Department and from *Life Magazine*, he has not been able to obtain any records bearing out the claim.

Young, who attended the press conference held by Pitcher, earlier had admitted to receiving two phone calls from Marcello, one connected with Dalton Smith and the other with the proposed domed stadium in New Orleans.

Neither, he said, was over the controversial telephone listed by *Life*—343-6106.

PITCHER, CONFIRMING previous stories by the States-Item, said that the telephone was not that of Young at all but was the phone of C. H. "Sammy" Downs, an unpaid administrative assistant to Gov. McKeithen.

Downs let the governor's office in 1965 and the same number was maintained for his convenience in the office of the speaker of the House.

Pitcher said that Downs had provided an affidavit saying that he never had received any calls from Marcello over that phone during the period outlined by *Life*, May, 1966, to March, 1967.

However, it was learned from an interview with Marcello by a state police investigator that Downs had talked with Marcello about a real estate transaction in Alexandria.

IN REFUSING TO IDENTIFY the two other public officials called by Marcello, Pitcher said that one was an elected official and the other a high appointed official.

He said that three calls were placed to one and two to another. In one instance, a secretary handled the calls, he said.

Pitcher declined to describe the nature of the calls, saying they would identify the individuals.

Pitcher said that a lie detector test had been passed by Young in connection with the investigation. He said that among the questions asked was whether Gov. McKeithen, Downs or J. Marshall Brown, State Board of Education official, had received any money from criminal elements and that Young denied it.

The reason for asking the question, Pitcher said, was to be thorough in the probe.

McKeithen once had accused Pitcher of conducting an investigation of him rather than of Young when the probe began.

THE DISTRICT ATTORNEY said that the telephone at the Town and Country Motel in Jefferson Parish, used by Marcello, was located in his office and at three other places in the motel.

The district attorney said that the Justice Department told him that it had furnished him all of the records it had concerned with the period May through August of 1966. This was the period of which *Life* furnished the governor a list of 13 specific dates on which Young allegedly received calls from Marcello.

He said there was no listing in the Justice Department resume of phone calls made between the Marcello home and the Downs' phone.

Pitcher said that to give *Life* magazine officials every benefit, he had written them July 9, informing them he planned to issue his report today.

HE REMINDED *LIFE* that it had said it had additional information "that they might be interested in divulging to my office in return for information which we might have."

He referred to a telephone conversation he had with Sandy Smith, author of the articles on crime. He said he had not heard from *Life*.

"If there is any other information which you feel that my grand jury would be interested in and which I have not included in this report, I will be happy at any time for you to appear before the grand jury . . . to inform them of any facts or circumstances which may have been overlooked by me in this investigation.

"In other words," Pitcher continued, "while I am making the report to the governor on what I have found to this date, I am not precluding the thought that possibly you may have information in your possession that would be of interest to the grand jury of this parish."

In a summary of his conclusions, Pitcher said:

—All of the records could not be obtained because the phone company did not keep them.

—The records available fail to show any calls from Marcello to Young at the listed telephone numbers.

—He could not conclude that there were more than the two phone calls admitted by Young.

—That while Aubrey Young admits to knowing Carlos Marcello, this fact certainly, standing alone, would not incriminate him and there is no evidence available to this office, and beyond a reasonable doubt, that Aubrey Young was guilty of any criminal conduct or illegal activity because of or as a result of his knowing Carlos Marcello.

—The grand jury lacked any evidence to indict Young.

That Gordon Novel either had no relevant information relating to the investigation or deliberately withheld any such information.

—That Dalton Smith attempted to bribe Edward Grady Partin, Baton Rouge Teamster boss, at a meeting arranged by Young. "However, the evidence fails to reveal that Young was a principal to the bribery attempt."

Gov. McKeithen said yesterday that regardless of Pitcher's report he did not plan to rehire Young. He cited his involvement with Smith and Partin over the alleged bribery attempt concerning a move to free international Teamster President James Hoffa from prison.

Pitcher confirmed that his investigation shows that *Life* editors read a list of dates to McKeithen and never showed him any of the records on which it based its claims.

THE DISTRICT ATTORNEY said that unless additional evidence is produced, his investigation of the matter is closed.

Smith, a former electrical contractor in Louisiana and California, was indicted and charged by the East Baton Rouge Grand Jury and Pitcher on separate counts accusing him of bribery. Pitcher said that the trial is scheduled to come up in September now that the Supreme Court has upheld the public bribery statutes. Smith now resides in New Orleans.