

RELUCTANT MARCELLO HEARD

BY JURY PROBERS

By BERT HYDE

A reluctant Carlos Marcello finally went before the federal grand jury here this afternoon but there was no indication whether he was answering any questions.

After losing a string of legal skirmishes, the Jefferson Parish rackets figure entered the jury room at the Wild Life and Fisheries Building at

1:30 p.m. and was still there more than half an hour later.

He went in minus his attorney, G. Wray Gill, after Federal District Judge Lansing L. Mitchell ruled he had no right to counsel before the jury.

HOWEVER, HE WENT IN under advice from Gill to stand on the Fifth Amendment and refuse to answer any questions that he felt might tend to incriminate him in the

jury's current probe of organized crime in the New Orleans area.

Today's session of the crime probe got off to a slow start this morning when Marcello answered his subpoena but then refused to go before the jury without his attorney. Then, most of the others called failed to show up.

Shortly before noon, Judge Mitchell heard Marcello's plea on the lawyer issue and rejected it. He also advised Marcello and nine other prospective witnesses to go before the jury and answer all routine questions and take the Fifth Amendment on incriminating ones.

ON QUESTIONS THEY refused to answer, Judge Mitchell said, they would be brought back before him and have the questions put to them there. Then, the judge said, he would rule on whether they had to answer each specific one.

After these ground rules were established, there was a recess for lunch and when activity resumed at 1:30 Marcello was called.

Earlier in the probe, Judge Mitchell turned down petitions by two sets of witnesses, including Marcello, that they should not have to appear because they might later be charged on the basis of their testimony. Last night, the Fifth U.S. Circuit Court of Appeals upheld Judge Mitchell's ruling.

Gill told newsmen today he has advised his clients (Marcello and nine other prospective witnesses) to refuse to testify on grounds they might tend to incriminate themselves, standing on the Fifth Amendment.

Temporarily stymied by Marcello's insistence on taking Gill into the jury room, the jury began calling other witnesses. They didn't have much luck with them, either.

Joseph C. Marcello, Carlos' son, was called but his attorney, Cecil Burglass, said he had the flu and would appear later.

VINCENT MARCELLO, CARLOS' BROTHER, was called and Burglass said he has a heart condition and is

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unable to appear. He produced doctors' certificates in both cases.

Peter Vitale, not otherwise identified, was called. There was no response.

Joseph Marcello Jr., another brother, was called and there was no response. Anthony Marcello, another brother, was called, with the same result.

Next came the names of two more brothers, Peter and Salvatore Marcello. No response.

Mrs. Dorothy Crowder, Vincent Marcello's secretary, was called and responded. So did Jeff Hampton, Carlos' son-in-law, but neither was taken immediately into the jury room.

ALSO REPORTING THEMSELVES PRESENT were Philip Smith and Mrs. Anna Saik, both Marcello employes, but neither was called immediately to testify.

A man named Ronald Bagley was called and became the first actually to go before the jury. Newsmen asked Carlos Marcello who Bagley is and were told he is a "planner and school teacher."

U.S. attorney Gerald Gallinghouse has said 25 persons have been subpoenaed in an effort to find out who "aided and abetted" former Mafia leader Sylvestro "Silver Dollar Sam" Carollo in getting back into this country.

Carollo, twice deported and now 75, is in Touro Infirmary under treatment for a heart ailment. How he re-entered the U.S. from Sicily is unknown.

There were reports that Medicare, a division of the U.S. Social Security system, is paying some of Carollo's hospital bills. A Touro spokesman refused to confirm or deny this, saying financial arrangements with patients are never made public.

LOYE COPELAND, HEAD OF THE LOCAL Social Security office, said federal law prevents disclosure of any information about any individual's account without that individual's permission.

Copeland added that many aliens who have worked in this country are eligible for Social Security benefits and can collect on their accounts even while living abroad.

In the case of Medicare, he said, the recipient would have to be a patient in a hospital in this country.

The fact that the alien was deported—and even the fact that he re-entered the country illegally—would not of itself make the individual ineligible for Social Security benefits, Copeland said. Eligibility would depend on many factors imbedded in the complex Social Security laws.

CAROLLO HAS BEEN INDICTED for re-entering the country illegally but no effort has been made to deport him again, because of his physical condition.

In their plea to keep Carlos Marcello from testifying, his lawyers argued that the Carollo probe is only one facet of the grand jury investigation.

THE GOVERNMENT'S main aim, they said, is another attempt to prove that Marcello is regional Mafia boss and that he and his family are responsible for organized crime in the New Orleans area.

MEMBERS OF "Silver Dollar Sam's" family also were subpoenaed. They include his two sons, Anthony and Michael, his daughter, Mrs. Sarah Misuraca, and her husband, Victor Misuraca.

Meanwhile, Carlos Marcello's attorneys filed yesterday in the Fifth Circuit a petition

for a rehearing by the full 15-member court of his appeal from his conviction for assaulting an FBI agent at New Orleans International Airport in 1966.

Marcello was sentenced to serve two years and pay a fine of \$5,000. The Fifth Circuit recently upheld the conviction and sentence.

Marcello's attorneys claim the case presents serious constitutional and procedural questions.



—States-Item photo.
CARLOS MARCELLO, right, is accompanied by At-
torney **G. WRAY GILL**, as he arrives to appear
before the federal grand jury probing organized
crime in the New Orleans area.