

Marcello Lawyers File Suit To Lift 'Nonexistent' Detainer

By CHARLES ZEWE

Lawyers for jailed rackets figure Carlos Marcello have filed writs in federal court here seeking to lift a detainer which U.S. Immigration Service officials say doesn't exist.

Federal Judge Alvin Rubin set a hearing today for Feb. 24 on writs of habeas corpus filed by Marcello attorney Cecil M. Burglass Jr. asking the government show cause why a detainer was placed on Marcello by the immigration service.

Immigration officials said today, however, they have not filed a detainer and know nothing about it.

MARCELLO, 60, is nearing the end of a six-month jail term for attempting to punch an FBI agent. He is due to be released from the Federal Medical Center at Springfield, Mo., March 14.

A detainer, if issued, could keep Marcello jailed until he could be arrested on other charges.

Burglass said he was informed a detainer had been placed on Marcello by the racket figure's Washington attorney, Jack Wasserman, and by Marcello's social worker at the prison.

"We know there has been a detainer issued," said Burglass. "It was very cryptic."

HOWARD MAJOR, district director of the U.S. Immigration Service in Kansas City, which has jurisdiction over the prison said, however, his office has taken no such action.

"No detainer has been filed to our knowledge," said Major in a telephone interview. "As a matter of course the immigration service usually asks to be notified by the prison when a person which we are interested in gets out of jail, but this does not involve a detainer. We merely want to be advised when he is released."

"If all they want to know is what he is going to do when he is released, we'll be glad to tell them," said Burglass. "Marcello is going to fly

home from Springfield, Mo."

MARCELLO still is under a 21-year-old order of deportation but no country will accept him. As an "undesirable" alien, he must inform the Immigration Service of his whereabouts and travel plans, according to Burglass.

He was deported in 1961, but re-entered the country several months later. Marcello was indicted last summer for illegal re-entry, but a federal court threw out the count in September, ruling the statute of limitations had expired.

Denials on the detainer also came from the Immigration Service headquarters in Washington.

A SPOKESMAN for the service said the department "has no knowledge of a detainer being issued."

Likewise, the New Orleans immigration service office also denied slapping a detainer on Marcello.

"All we want to know is when he gets out of jail," said a spokesman.

Gremillion LL&T Trial Is Postponed

The trial of state Attorney General Jack P. F. Gremillion and three others in connection with the operations of the bankrupt Louisiana Loan and Thrift Corporation has again been postponed.

Federal Judge Frederick J. R. Heebe said the trial scheduled for Monday has been delayed by the illness of H. Alva Brumfield, Gremillion's attorney, who is confined to Our Lady of the Lake hospital in Baton Rouge.

No new date was set for the trial.

Gremillion, state Rep. Salvador Anzelmo, a former attorney for LL&T; Ernest A. Bartlett Jr., former chairman of the LL&T board; and former Corporation President Charles H. Ritchey were to have stood trial on indictments charging conspiracy, use of the mails to defraud, fraud in the sale of securities and sale of unregistered securities.

A fifth defendant, Baton Rouge attorney Joseph Kavanaugh, has been granted a separate trial. No date has been set for that hearing.

N.O. Druggist Found Dead; Autopsy Set

A 37-year-old druggist was found dead in his store, his body slumped in a chair in front of a sun lamp early this morning.

Dr. Carl H. Rabin, Orleans Parish coroner, ordered an autopsy tomorrow to determine the cause of the death of Malcolm Lindsay, 134 S. Murat, who was found in the store at 140 S. Murat by his wife about 8:30 a.m.

Sam Moran, special investigator for the coroner's office, said the man's wife, Mrs. Anna Lindsay, discovered the body this morning.

Moran said there were a few blisters present from the effects of the sun lamp.

Assistant Coroner Dr. Louis Maumus pronounced Lindsay dead at 9:55 a.m.

Saw Money Given Partin, Witness Says

A former employe of Baton Rouge businessman Ted F. Dunham testified in federal court here today he saw a large amount of money change hands between Dunham and Baton Rouge Teamsters union leader Edward Grady Partin.

Dunham and three firms he owns are on trial in U.S. District Court, charged with restraint of trade and extortion. Partin, indicted with Dunham in the case, is to stand trial later this year.

Billy R. Rogers of Houston testified he was employed by Dunham in 1967 and early 1968. He said he attended several meetings between the two in the Belmont Hotel in Baton Rouge and "saw a lot of money change hands between Dunham and Partin."

Rogers testified "when the money changed hands Partin was receiving 50 cents per cubic yard on all concrete sold by Dunham."

The testimony was heard by a jury in the courtroom of U.S. District Judge William D. Murray of Butte, Mont.

Partin won a change of venue in the case and will be tried before Judge Murray in Butte later this year.

Dunham, Partin and three of Dunham's firms are charged with forcing industrial purchasers of concrete to deal with Dunham's firms by means of strikes, work stoppages and property damage. Firms named in the indictment were Dunham Concrete Products, Inc.; Louisiana Ready-Mix, Inc. and Anderson-Dunham, Inc.

A jury of seven women and five men is hearing the case.