

## Marcello Deportation Tries Said Bungled by Oversight

Government attempts to deport Carlos Marcello were delayed by more than two years through failure of U.S. officials to note an Italian court decision opening the way for his deportation, a Justice Department spokesman said today.

Disclosure of the bungle came less than a day after U.S. Immigration and Naturalization Service officials confirmed they were again attempting to deport Marcello to Italy.

The department spokesman said the 1967 court decision, which was recognized only recently, holds Marcello is an Italian citizen.

**WHILE THE RULING** by the Civil Tribunal of Rome quashed the then-current attempt to get necessary travel documents from the Italian government, U.S. officials now believe it did not preclude subsequent attempts to oust the 60-year-old rackets figure.

The Justice Department has been trying to deport Marcello since 1953 and has asked the State Department to negotiate with the Italian Embassy for issuance of travel documents on Marcello.

Confusion has surrounded the deportation try. Yesterday a spokesman for the Immigration and Naturalization Service said the court had held that Marcello was not an Italian citizen.

**THE SPOKESMAN**, who requested that his name not be used, said today the information he had transmitted "was the opinion of people on our legal staff who recalled the decision."

That recollection proved faulty, he

said, when the lawyers "went back to the decision and reread it."

Marcello is now serving a six-month sentence for attempting to strike an FBI agent. He is due to be released in March.

**THE 1967 RULING** by the Italian court dealt with a deportation order and request for a passport issued in 1953.

The ruling did not come to the at-

tention of U.S. officials until six months ago, a Justice Department official said.

One source at the department said the oversight apparently was the fault of the Immigration Service, which has actual responsibility for deportation proceedings.

**THE IMMIGRATION** spokesman, however, said the United States was not involved in the litigation that re-

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sulted in the Italian court's decision.

"This action was brought by Marcello against the Italian foreign ministry," the spokesman said. "It did not involve us and we did not obtain a copy until a while later."

The history of Marcello's legal jousts with the U.S. government dates from 1938, when he was convicted on a federal narcotics charge. Since then he has been involved in numerous criminal and civil cases. He was actually deported once to Guatemala, but he re-

entered the U.S. about two months later.

**WHATEVER MARCELLO'S** citizenship status, Cecil M. Burglass Jr., a Marcello counsel, said today the matter is irrelevant.

"Whether he's a citizen or not doesn't mean a damn thing now," Burglass said. "The question is whether he is deportable and whether Italy will accept him."

Marcello has asked the immigration service to set aside the 18-year-old deportation order. A hearing has been set on his request for Feb. 10 in Washington.