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Deportation Proceedings

Marcello Fight Delayed

By CHARLES ZEWE

Attorneys for Carlos Marcello today said they will wait until their client is freed from jail before making a second try at blocking deportation proceedings against him.

Cecil M. Burglass Jr., a lawyer for the rackets figure, said new motions will be filed, probably in June, with the U. S. Immigration Board of Appeals once Marcello gets out of prison.

The 61-year-old Jefferson Parish resident is confined to a federal prison at Springfield, Mo., where he is serving a six-month sentence for attempting to strike an FBI agent.

YESTERDAY THE immigration board turned down as premature a request by Marcello to reopen his deportation proceedings.

The board, noting that no country has yet been willing to accept Marcello, said he could file another request for re-examination of the 1961 deportation order when he gets out of jail.

The petition to reopen the deportation proceeding was filed earlier this month by Marcello's immigration expert, attorney Jack Wasserman of Washington. Wasserman contended he has new evidence to show Marcello's deportation would be illegal.

"All the board did was to delay ruling on the matter and tell us to come back in June," Burglass said.

IN TURNING down the motion to reopen, the three-man board said that if through any circumstance Marcello is required to serve his full six-month sentence, he would become ineligible for suspension of the deportation order.

Marcello is due to be released March 14 on the basis of federal "good time" procedures for prisoners. Normally he would have been released in April. Thus, he will fall about a month short of becoming ineligible to request the deportation order be set aside.

Under immigration service guidelines, aliens having served six months or more in jail are automatically considered "not of good moral character" and are deportable.

MARCELLO currently is under two

deportation orders, one issued in 1953 and a second in 1961.

He was actually deported to Guatemala in 1961, but returned several months later. He will have been back in the U.S. 10 years by June and could use this to give him a stronger position in challenging the deportation orders.

One argument made by Wasserman for reopening Marcello's case was that the government may try to get him out of the country before the 10 years are up.

THE BOARD said, however, that

should the government attempt to deport Marcello before June, "he will have an opportunity to present his case to the board, and, of course, to the courts if he so desires."

The immigration service has acknowledged it recently asked the State Department to try and persuade Italy to accept Marcello.

The move was sparked by discovery of a 1967 Italian court decision ruling that Marcello is an Italian citizen. He was born of Italian parents in Tunisia when that African land was under Italy's control.