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Bid by Marcello Under Advisement

The U.S. Immigration and Naturalization Service today had under advisement a bid by rackets figure Carlos Marcello to suspend a pending deportation order granted in 1961.

Marcello appeared before Special Inquiry Officer William Fleigleman yesterday in an effort to establish that he "has been of good moral character for the past 10 years."

The hearing was the latest in a series of moves to block the government's attempts to oust the 62-year-old Marcello. The attempts date back to a 1938 conviction on charges of selling marijuana.

MUCH OF YESTERDAY'S testimony centered around Marcello's return to the United States after being deported to Guatemala in 1961. A U.S. District Court ruled that the deportation was illegal, but Marcello had already returned to this country.

Marcello said yesterday a taxi driver in Tegucigalpa, Honduras, obtained for him a piece of paper, which he assumed was a "visa," and he walked through customs unquestioned after a flight on a commercial airliner into Miami.

Marcello said the customs people asked him only if he had any gifts.

"I thought I was going to get caught at anytime," he told the hearing yesterday. "They just asked if I had any gifts or anything. I said 'no, sir' and walked out. I considered myself the luckiest man in the world."

MARCELLO SAID HE de-

stroyed the "visa" after returning to the country because he felt he would get in trouble if arrested with it.

He also denied that Dave Ferrie flew him any place.

Dist. Atty. Jim Garrison had charged Ferrie with conspiracy to kill President Kennedy, but Ferrie died shortly after that investigation got under way.

Describing his arrest in a New York restaurant in 1966, Marcello said he never got to sit down to eat. He said he entered the restaurant with his brother Joseph and Santo Trafficante (alleged to be the Mafia boss in Florida) and that three policemen walked up and arrested everyone in the establishment.

The arrests received widespread attention because some of those taken into custody reportedly had organized crime links.

Marcello also testified that he recently took the Fifth Amendment before a congressional committee investigating crime because the panel's attorney was belligerent and trying to confuse him. When asked the same questions by congressmen—"they were real nice"—he answered most of them, Marcello said.

Marcello Hearings Await Court Move

Further immigration hearings on the move to deport Carlos Marcello will have to await a determination by a Washington district court on whether the rackets figure can be required to sign an Italian passport.

William Fleigleman of New York, who has held three days of hearings here for the U.S. Immigration and Naturalization Service, said he would await the Aug. 18 Washington hearing on whether Marcello must make a statement that he is an Italian citizen before proceeding further.

Marcello, who claims to be a salesman and public relations man for the Pelican Tomato Company, is seeking to have a 1961 deportation order nullified by proving that he is of good moral character or that his ouster would work an undue hardship on his family.

The deportation order is based on a 1938 marijuana conviction.

Yesterday he said the federal government stopped him from making a \$16 million land transaction involving his Churchill Farms property and

some 515 other acres in which he is a partial owner.

"The United States government killed my deal," Marcello said without explaining.

With regard to his tomato company connections, Marcello said he works mostly in public relations by trying to impress owners of new businesses that the Pelican product is good and the prices are competitive.

Fleigleman noted that the Defense Department is one of Pelican's customers, but he said Marcello does not call on that agency.

Marcello also testified about the ownership of the now defunct Beverly Country Club, which closed as a gambling casino in the 1950s. He said he was one of the owners along with Frank Costello, Phil Kastel and Meyer Lansky.

This was the first time that Lansky, who is fighting deportation from Israel to the U.S., has been publicly linked to the ownership of that club.

In suspending the hearing, Fleigleman said Marcello has agreed to turn over to the government for examination certain account books. He also said the government will conduct a character examination of Marcello.

SATURDAY, JULY 1, 1972

Information Requested For Gervais Hearing

Attorneys for Dist. Atty. Jim Garrison and others charged in a pinball gambling conspiracy case asked a federal court Friday for information they claim is necessary for a July 17 hearing to determine whether Pershing Gervais voluntarily cooperated with federal investigators.

Gervais, a sometimes informer, once said he delivered bribes from pinball machine operators to Garrison. Recently, Gervais changed his story and claimed government agents forced him to entrap Garrison.

U.S. Dist. Judge Herbert

Christenberry set a Wednesday hearing on the motions seeking the government information.

They asked, among other things, names of all witnesses the government will call in the Gervais hearing, if Gervais would be subpoenaed, names of the government

agents involved in the Gervais affair, and copies of material obtained by electronic surveillance or monitoring of conversations between Gervais and others from January 1966 to the present.