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OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
Belmont	_____
Mohr	_____
Callahan	_____
Conrad	_____
DeLoach	_____
Evans	_____
Malone	_____
Rosen	_____
Sullivan	_____
Tavel	_____
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Gandy	_____

TO : Mr. Belmont *MB*

DATE: October 30, 1961

FROM : C. A. Evans *CE*

SUBJECT: **CARLOS MARCELLO
ANTI-RACKETEERING, FRAUD AGAINST
THE GOVERNMENT, PERJURY**

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Staff
Sup

Henry Petersen, Deputy Assistant Chief of the Organized Crime and Racketeering Section of the Department, telephoned Section Chief T. J. McAndrews this morning. He advised the Department had sent two attorneys to New Orleans over the week end in order that they might begin this morning presenting evidence to a Federal Grand Jury looking towards the return of indictments against Carlos Marcello, notorious New Orleans racketeer and gambler and one of the prime targets for prosecution included on the original list of 40 such persons. His brother, Joseph, is also to be indicted. These indictments relate to Fraud Against the Government and perjury in a civil suit against the Attorney General and Immigration and Naturalization Service as an outgrowth of the deportation proceedings against Carlos Marcello.

As a matter of background, we have at the request of the Department, conducted investigation relating to an affidavit filed by Carlos Marcello in support of his civil suit. In this affidavit, Marcello denied that he had ever utilized his Guatemalan birth certificate. As a matter of fact, information concerning this Guatemalan birth certificate was initially developed by the FBI. The information was turned over to Immigration and Naturalization Service who thereafter deported Marcello. He surreptitiously re-entered the United States following this deportation and civil litigation in this regard is pending.

SAC Maynor telephoned from New Orleans at 10:45 a. m., today, October 30, 1961, and advised that he had been contacted by the two departmental attorneys, John Diuguid and Edward Molenof, who told Maynor they were in New Orleans to present evidence to a grand jury and secure indictments against Carlos and Joseph Marcello. Most of the evidence to be submitted to the grand jury is a reading of a transcript of testimony before another grand jury in the District of Columbia. It is necessary to do this in New Orleans, the departmental attorneys say, since venue lies there. In addition, the departmental attorneys propose to have SA Regis Kennedy of our New Orleans Division testify as to investigation which he conducted in this matter. The Department attorneys feel certain indictments will be returned this afternoon. They asked that following the return of the

- 1 - Mr. Mohr
- 1 - Mr. DeLoach

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DATE: 11-14-2017

Memorandum to Mr. Belmont
Re: CARLOS MARCELLO

indictments, the FBI arrest Carlos and Joseph Marcello. The New Orleans Division is making an immediate check to determine if the Marcellos are in New Orleans at this time.

ACTION BEING TAKEN

1. SAC Maynor is pointing out to the Department attorneys the notorious character of the Marcellos and the fact that Carlos Marcello was able to surreptitiously re-enter the United States following his deportation. Under these circumstances, it is essential that the Department attorneys arrange to have a secret indictment returned which is to be unsealed when the arrests are made, if the FBI is to make the arrest. SAC Maynor will advise the Bureau promptly when a determination is made if the Marcellos are in New Orleans today; however, the Department attorneys are not to be informed in this regard.

2. Since the FBI has conducted the investigation relating to the perjury and Fraud Against the Government charges, it would be proper for us to make the arrest. We should, however, control this situation and secret indictments are essential.

3. Inasmuch as Carlos Marcello is one of the 40 prime targets for prosecution under the Attorney General's drive against organized crime, it would appear the press release once the arrests are made should emanate from Washington. It is believed that DeLoach should get in touch with Ed Guthman of the Department to insure that we receive proper recognition for our assistance in this case.

*Handled with Guthman
10-30-61
W*

Developments in this matter will be immediately brought to your attention.

*oh
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AKS

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