

III. CARLOS MARCELLO

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(297) Following the completion of its investigation of organized crime, the committee concluded in its report that Carlos Marcello, Santos Trafficante, and James R. Hoffa each had the motive, means, and opportunity to plan and execute a conspiracy to assassinate President Kennedy. On the basis of the available evidence, the committee concluded that it was unlikely that any one of them was involved in such a conspiracy. Nevertheless, the possibility that one or more of them was involved could not be precluded.

(298) While the committee's investigation established evidence of association between Jack Ruby, the murderer of the President's assassin, and acquaintances or associates of Marcello, Trafficante, and Hoffa, similar evidence was difficult to establish in the case of Lee Harvey Oswald. Despite this, some such associations—both direct and indirect—were in fact indicated in varying degrees between Oswald and various figures having at least some affiliation or association with the organized crime network of Marcello, the long-time leader of the Mafia in New Orleans and surrounding regions.

(299) Marcello was, as noted in the consultant's report, one of the major leaders of the national crime syndicate. Certainly, he was one of the most successful at evading the intelligence-gathering efforts of law enforcement agencies and at avoiding conviction, at least in recent years. He became a prime target of the Kennedy administration, which was determined to conclude the very protracted deportation proceedings that had been initiated against him in 1953. The seriousness of Robert Kennedy's intent was evidenced by the successful, albeit brief, deportation of Marcello in 1961. The Federal Government also stepped up other investigative efforts, principally in the area of tax evasion and intelligence gathering.

THE POSITION OF MARCELLO WITHIN THE NATIONAL CRIME SYNDICATE

(300) Carlos Marcello, now 68, has been identified by Federal authorities as the leading Mafia figure in New Orleans, La., for almost 30 years.(1) His criminal syndicate has long provided a classic illustration of the destructive impact that organized crime has on American society.

(301) The exact place of Marcello's birth on February 6, 1910, has long been in doubt, and at one point was a central question in a lengthy deportation proceeding. Nevertheless, it is generally believed that Marcello was born in Tunis, North Africa, with the name Calogero Minacore.(2)

(302) Marcello's first contact with the law came on November 29, 1929, when he was arrested at the age of 19 by New Orleans police as an accessory before and after the robbery of a local bank.(3) The charges were subsequently dismissed. Less than 6 months later, on May 13, 1930, he was convicted of assault and robbery and was sentenced to the State penitentiary for 9 to 14 years. He served less than 5.(4) It was during his prosecution on these charges that Marcello first came to the attention of the public and press. Testimony disclosed that he had personally planned the crime—a grocery store robbery—using an interesting method of operation.(5) In testimony before the McClellan Senate committee in 1959, Aaron M. Kohn, the managing director of the Metropolitan Crime Commission of New Orleans and a former FBI agent testified that Marcello had shielded his own complicity in the crime by inducing two juveniles to carry out the robbery.(6) Kohn testified that Marcello and a confederate had supplied the juveniles with a gun and instructions on their "getaway." (7) The plan had gone awry when the two were later apprehended and pressured by authorities to identify the "higher-ups." (8) Kohn also noted that Marcello "was referred to as a Fagin" in press accounts at the time, in an apparent reference to the Dickens character who recruited juveniles to carry out his crimes.(9)

(303) In 1935, after receiving a pardon by the Governor of Louisiana, Marcello's early underworld career continued, with charges being filed against him for a second assault and robbery, violation of Federal Internal Revenue laws, assault with intent to kill a New Orleans police officer, and yet another assault and robbery.(10) Marcello was not prosecuted on the various charges. In 1938, as part of what Federal agents described as "the biggest marihuana ring in New Orleans history," Marcello was arrested and charged with the sale of more than 23 pounds of illegal substance.(11) Despite receiving another lengthy prison sentence and a \$76,830 fine, Marcello served less than 10 months and arranged to settle his fine for \$400.(12) Other charges were brought against Marcello over the next several years, stemming from such alleged offenses as narcotics sale, a high-speed automobile chase, and assaulting an investigative reporter; these were never prosecuted, and the records have since disappeared.(13)

(304) During the 1940's, Marcello became associated with New York Mafia leader Frank Costello in the operation of a slot machine network.(14) Costello was then regarded by some authorities as one of the most influential leaders of organized crime in the United States and was commonly referred to in the newspapers as the Mafia's "boss of all bosses" or "prime minister of the underworld." Marcello's association with Costello in various Louisiana gambling activities had come about following a reported agreement between Costello and Senator Huey Long that allowed for the introduction of slot machines into New Orleans.(15)

(305) Marcello was also involved in Louisiana gambling through his family-owned Jefferson Music Company, which came to dominate the

slot machine, pinball and juke box trade in the New Orleans area.(16) By the late 1940's, in an alliance with Joseph Poretto, Marcello had taken control of the largest racing wire service in New Orleans, the Southern News Service and Publishing Co., which served Louisiana's prosperous gambling network.(17) Marcello and other associates also gained control of the two best known gambling casinos in the New Orleans area, the Beverly Club and New Southport Club; the Beverly Club brought Marcello into partnership with the syndicate financier, Meyer Lansky.(18)

(306) By the late 1950's, the Nola Printing Co., of New Orleans, a gambling wire service controlled by the Marcello interests, was serving bookmakers and relay centers throughout the State of Louisiana, as well as areas as diverse as Chicago, Houston, Miami, Hot Springs, Indianapolis and Detroit and cities in Alabama and Mississippi.(19)

(307) In a statement prepared for the House Judiciary Committee in 1970, Kohn outlined the continuing expansion of Marcello's holdings during the 1940's and 1950's:

Marcello and his growing organization developed their capital or bankroll through extensive gambling, including casinos, slot machines, pinball, handbooks, layoff, football pools, dice, card games, roulette and bingo; also narcotics, prostitution, extortion, clipjoint operations, B-drinking, marketing stolen goods, robberies, burglaries, and thefts. Their criminal enterprise required, and had, corrupt collusion of public officials at every critical level including police, sheriffs, justices of the peace, prosecutors, mayors, governors, judges, councilmen, licensing authorities, State legislators, and at least one Member of Congress.(20)

(308) When Marcello appeared as a witness before the Kefauver committee on January 25, 1951, he invoked the fifth amendment and refused to respond to questioning on his organized crime activities.(21) Subsequently convicted of contempt of Congress for refusing to respond to the directions of the chair, Marcello was later successful in having his conviction overturned. In its final report, the Kefauver committee concluded that Marcello's domination of organized crime in Louisiana had come about in large part due to the "personal enrichment of sheriffs, marshals, and other law enforcement officials" who received payoffs for "their failure to enforce gambling laws and other statutes relating to vice."(22) The Kefauver report further noted that "In every line of inquiry, the committee found that the trail of Carlos Marcello."(23)

(309) The Kefauver report also raised the question of why Marcello, who "has never become a citizen," "had not been deported."(24)

(310) In early 1953, partly as a result of the national attention he received from the Kefauver committee investigation, Marcello finally became the subject of deportation proceedings; these proceedings continued for over 25 years and were still being conducted in 1979.(25) Federal officials have noted that Marcello has expended more legal resources in his two and a half decade fight against deportation than in any other such case in American history.

(311) In the years immediately following the Kefauver investigation, Marcello apparently decided to try to escape his public image as Louisiana's "rackets boss." As the New Orleans Crime Commission noted, he took several steps to that end:

Not until Carlos Marcello became a subject of deportation . . . did he start publicly conducting himself in a manner intended to substantiate his claim that he was a legitimate businessman. But this was contrived public relations having little relationship to fact. He continued to direct his underworld government and to press further expansion. He became involved in a series of motel transactions involving millions of dollars, and land negotiations of even greater worth. But for the most part, he kept his name off the record, using members of his family and trusted lieutenants for that purpose.(26)

(312) Marcello did not attend the national Mafia "conference" at Apalachin, N.Y., of November 14, 1957. Instead, he sent his brother Joseph, the family's underboss, as his personal representative. When the State police discovered the gathering, Joe Marcello was one of those identified as having attended, along with Vito Genovese, Santos Trafficante, Carlo Gambino, Joe Bonanno, Sam Giancana, Russell Bufalino, and Gerardo Catena. Joe Marcello, however, was able to evade arresting officers and escaped from the scene along with Sam Giancana and Carmine Galante.(27)

(313) Carlos Marcello was called to testify before the McClellan committee on March 24, 1959, during the committee's extended investigation of labor racketeering and organized crime. Serving as chief counsel to the committee was Robert F. Kennedy; his brother, Senator John F. Kennedy, was a member of the committee. In response to committee questioning, Marcello again invoked the fifth amendment in refusing to answer any questions relating to his background, activities, and associates.(28)

(314) At the conclusion of Marcello's appearance before the committee, Senator Sam Ervin of North Carolina requested of the Chair permission to ask the New Orleans underworld leader one final question: "I would like to know how you managed to stay in the United States for 5 years, 9 months, and 24 days after you were found ordered deported as an undesirable person." (29) Marcello's response to the question—"I wouldn't know"—provoked Ervin to state that "the American people's patience ought to run out on this" and that "those who have no claim to any right to remain in America, who come here and prey like leeches upon law-abiding people * * * ought to be removed from this country." (30) Senator Karl Mundt joined in Ervin's denunciation, urging prompt action by the Attorney General, and Senator Carl Curtis further remarked to Marcello that "I think you ought to pack up your bags and voluntarily depart." (31)

(315) By the early 1960's Carlos Marcello was widely recognized as one of the 10 most powerful Mafia leaders in the United States; he was a La Cosa Nostra boss whose businesslike approach, political influence, and power were particularly respected within the national underworld. His 30-year record of advancement in the organized crime hierarchy, together with his influence in Louisiana and neighboring States,

secured a position of special respect for him among his syndicate peers.

(316) It was this same record of underworld achievement, as will be discussed later, that also led to Carlos Marcello's becoming a special target of investigation by the Department of Justice while John F. Kennedy was President and Robert F. Kennedy, Attorney General.

(317) In February 1964, the Saturday Evening Post reported additional information about the growth of Marcello's criminal enterprises, disclosing figures prepared by the New Orleans Crime Commission. Of particular note was the prominent role which the New Orleans Mafia had come to assume under Marcello's direction by 1963:

One of the things that distinguishes this branch is its talent at high finance. So adept has it become at handling large sums of money—both for itself and for the national organization—that it is sometimes called the Wall Street of Cosa Nostra. Its annual income runs to \$1,114,000,000, making it by far the State's largest industry, according to * * * the metropolitan crime commission * * * The sum is all the more remarkable in that it compares with the estimated \$2 billion racketeer take in Chicago and environs, and area with more than five times the population of metropolitan New Orleans. (32)

(318) The crime commission had estimated that the Marcello controlled syndicate generated at least \$500 million annually from illegal gambling; \$400 million from diverse "legitimate interests" in the fields of transportation, finance, housing, and service industries; \$100 million from illegal activities in over 1,500 syndicate-connected bars and taverns; \$8 million from professional burglaries and holdups; \$6 million from prostitution; and another \$100 million in the form of underpayment of taxes. (33)

(319) The size of the Marcello organization's annual income is significant in the context of the reported national income of organized crime. Former Attorney General Ramsey Clark has noted that the most conservative estimates indicate that "the profits for organized crime [are] comparable to those of the 10 largest industrial corporations combined * * * General Motors, Standard Oil, Ford, General Electric, Chrysler, IBM, Mobile Oil, Texaco, Gulf, and U.S. Steel together. * * *" (34)

(320) In testimony before the House Select Committee on Crime several years ago, Marcello provided a significantly different account of his income, stating that he earned "a salary of about \$1,600 a month" as a tomato salesman, traveling to various fruit stands and markets in the New Orleans area. He also testified that he made a living through various land investments. (35)

(321) While Marcello's influence and stature as a Mafia leader was well-known to both his underworld colleagues and Federal and State authorities by the early 1960's, another significant aspect of his careers—his relationship with the Mafia's national governing commission—was not confirmed until several years later. While it was known that the New Orleans Mafia had been the first branch of the Mafia in America (the Sicilian La Cosa Nostra had entered the United States through the port of New Orleans during the 1880's) whether it had extraordinary special privileges within the national syndicate had long been mystery. During the late 1960's, the FBI learned new and sub-

stantive information regarding its unique position. Sensitive Bureau reports on La Cosa Nostra set forth the details obtained from a highly reliable source. Among them were the following:

* * * he learned that the first "family" of what has now become known as La Cosa Nostra (LCN) came from Sicily and settled in New Orleans * * * the source noted that inasmuch as this "family" was the predecessor of all subsequent "families," it has been afforded the highest respect and esteem, and because of its exalted position, the New Orleans "family" could make decisions on its own without going to the "Commission." (36)

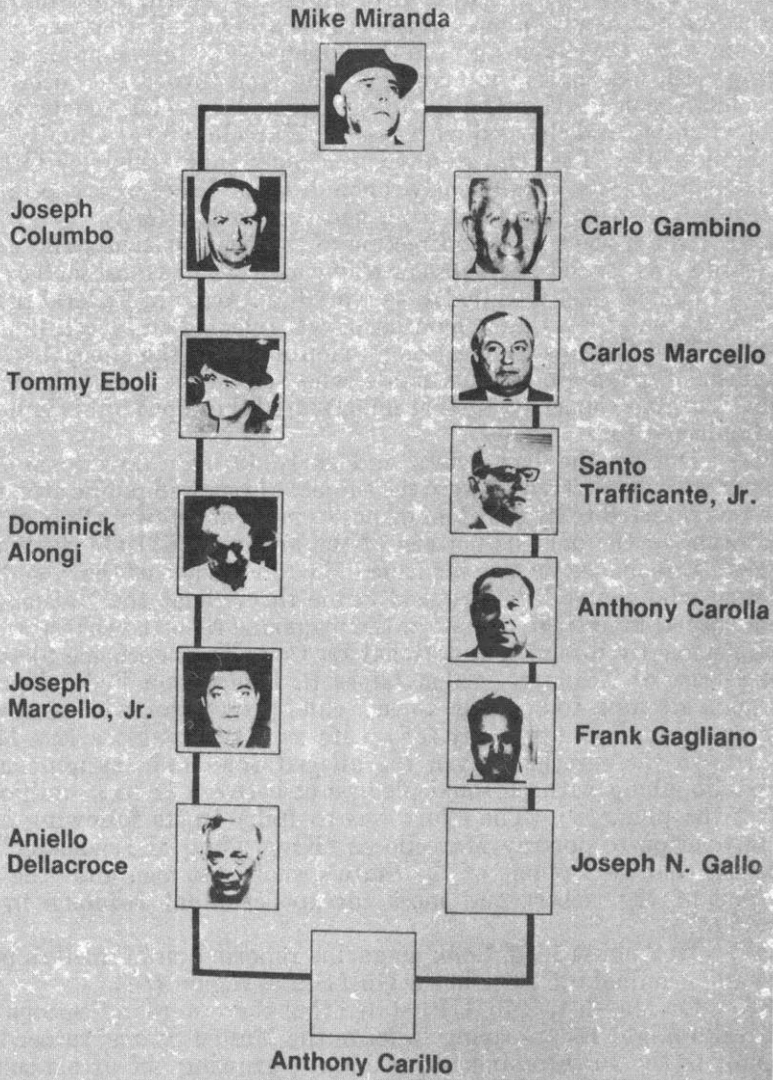
* * * the source learned that the New Orleans "family" could have, on its own, "opened the books," [admitting new members into the organization] but because of the tact and diplomacy of Carlos Marcello, he sought "Commission" approval in making new "soldiers," which the "Commission" naturally granted * * *. (37)

(322) Aaron Kohn believed that Marcello's underworld syndicate had "a more than autonomous combination of circumstances because of the remoteness of New Orleans" (37) and thus enjoyed an unusually independent relationship with the ruling commission of the Mafia. (38) Patrick Collins, an FBI agent who investigated the Marcello organization during the late 1960's, expressed a similar view regarding Marcello's relationship with the underworld commission. He told the committee that the New Orleans Mafia family "was unique among all the mobs" (39) in that it "didn't have to consult the commission in the same way as the other families did; there was a unique independence of sorts." (40) Collins said further that "the commission wouldn't question Marcello about making new members. He was not subject to the necessity of clearing such things with the commission, like the other families were." (41) In addition Marcello "is probably the single most respected boss among all of the others" in La Cosa Nostra and "has been for years." (42)

(323) In late 1966, Marcello's status in organized crime was underscored when he was arrested in New York along with Carlo Gambino, then the Mafia's reported "boss of all bosses" at a summit meeting of La Cosa Nostra leaders. (43) On September 22, 1966, New York police arrested those two, Santos Trafficante, Joe Colombo, Thomas Eboli, Mike Miranda and several others at the La Stella restaurant on Long Island; this mob gathering was quickly dubbed by the newspapers "the Little Apalachin" conference. (44) While authorities came to believe that the La Stella "luncheon" was actually a pro forma gathering following a more serious meeting (probably of the night before), the assemblage has never been fully explained. (45) In his testimony before the committee, Marcello stated there had been no substance to the gathering: "We just walked in. When we walked in we got arrested. We didn't have time to eat or talk." (46) None of those arrested were convicted of a crime. The seating arrangement was as follows:

Seating Arrangement at La Stella

September 22, 1966



(324) Eight days after the La Stella arrests, upon his return to New Orleans International Airport, Marcello committed the only Federal offense for which he has been tried and convicted in recent times. On September 30, 1966, as he made his way through the crowd of newsmen and spectators who had gathered to watch his return, Marcello had a verbal exchange with a man in the crowd who he believed was impeding his way.(47) Shouting "I'm the boss here!", Marcello took a wild swing with his fist at the man.(48) The man turned out to be FBI Special Agent Patrick Collins.(49) Arrested by FBI agents on the following day and charged with assault, Marcello was eventually tried in Laredo, Tex. The trial resulted in a hung jury (the New Orleans Crime Commission subsequently conclude that "There were substantial reasons to suspect jury tampering had occurred.").(50)

(325) Under the vigorous direction of the New Orleans strike force, Marcello was retried and subsequently convicted in Houston, Tex., on August 9, 1968.(51) Originally sentenced to 2 years in Federal prison, Marcello served less than 6 months, he was released on March 12, 1971. As the New Orleans Crime Commission noted at the time, the large number of prestigious individuals who sought to intercede on his behalf, urging clemency, further underscored the depth of his influence in Louisiana.(52)

(326) During the late 1960's and early 1970's, Marcello and his organized crime activities were the subject of renewed public attention. He was referred to by the chief of police in Youngstown, Ohio, as "the archetype of the devious pattern of the Mafiosi."(53) On September 1, 1967, Life magazine also identified Marcello as one of the "handful" of men who controlled organized crime throughout the Nation.(54) In a special investigative report, the magazine reported that Marcello was personally directing a national La Cosa Nostra scheme to secure the release of Teamster leader James R. Hoffa from Federal prison through attempts to bribe the former chief prosecution witness against him to recant his testimony.(55) Life said that various key Mafia leaders in the east had given the alleged free-Hoffa assignment to Marcello, along with personal pledges of between \$1 to \$2 million to effect the plan.(56) (The effort was to fail.) In its following issue, Life went on to portray Marcello as "King Thug of Louisiana," reporting that he was one of the State's wealthiest men and "the lord of one of the richest and most corrupt criminal fiefdoms in the land."(57)

(327) In August 1969, Look magazine reported on Marcello's political and criminal influence in the Gulf States region.(58)

(328) On March 1, 1970, UPI stated that there were indications that Marcello might be preparing to leave the United States, rather than submit to the forthcoming imprisonment growing out of his conviction for assaulting the FBI agent.(59) According to the story, Marcello's attorney, G. Wray Gill, had denied the rumor, stating, "This is where Marcello wants to be and nobody can put Marcello out of the country unless they put a shotgun to his head."(60) On March 2, amid television reports in New Orleans that Marcello would in fact flee the country, the New Orleans States-Item reported that there was no firm evidence to support the rumors.(61) In fact, Marcello never did leave the country.

(329) In its April 10, 1970 issue, *Life* published a followup to its investigation of Marcello of 3 years earlier, concluding that "Marcello, now 60, not only continues to dominate [Louisiana] but grows vastly richer each year at public expense." (62) The magazine detailed various alleged relationships between Marcello and key State officials and reported on two recent organized crime murders attributed to the Marcello organization. (63) The following month, in May 1970, labor columnist Victor Riesel reported that Federal organized crime investigators had concluded that Carlos Marcello had become one of the two most powerful Mafia leaders in the Nation, second only to Carlo Gambino, the actual "boss of all bosses." (64) Riesel stated that Federal officials had come to view Marcello as the single most influential organized crime figure in the Nation outside of New York. (65) (330) In the fall of 1970, the *Wall Street Journal* and *Los Angeles Times* published further accounts of Marcello's more recent activities, with the *Times* reporting that his criminal organization had expanded to unprecedented dimensions. (66)

(331) Appearing before the House Select Committee on Crime in June of 1972, Marcello repeated his claims that he was not involved with organized crime. He testified that he did not know what a racketeer was; (67) did not have any business interests outside of Louisiana; (68) had never contributed any funds to political figures in an effort to gain influence; (69) and had not been significantly acquainted with any national organized crime leaders with the exception of Santos Trafficante (70) and the late Frank Costello. (71)

(332) In response to a question by a member of the crime committee as to how he could "account for the fact [that] you have been repeatedly identified as a significant figure in organized crime, by apparently responsible people," Marcello responded that he had been the subject of "false statements" ever since the Kefauver committee investigation of 1951. (72) Marcello testified that although numerous Federal and State investigators had caused him to be the subject of negative publicity, "I am not in no racket. I am not in no organized crime." (73)

MARCELLO: A KENNEDY ADMINISTRATION TARGET

Deportation efforts

(333) Carlos Marcello and his syndicate became a primary target of investigation by the Department of Justice during the Kennedy administration. Attorney General Robert F. Kennedy viewed him as one of the most powerful and threatening Mafia leaders in the Nation and ordered that the Justice Department focus on him, along with other figures such as Teamsters president Hoffa and Chicago Mafia leader Sam Giancana. (74)

(334) In Marcello's case, the intent of the Kennedy administration was made known even before Inauguration Day, January 20, 1961. On December 28, 1960, the New Orleans States-Item reported that Attorney General-designate Kennedy was planning specific actions against Marcello. (75) An FBI report from that period noted:

On January 12, 1961, a [source] advised that Carlos Marcello is extremely apprehensive and upset and has since the

New Orleans States-Item newspaper on December 28, 1960 published a news story reporting that . . . Robert F. Kennedy stated he would expedite the deportation proceedings pending against Marcello after Kennedy takes office in January 1961.(76)

(335) The Bureau's La Cosa Nostra file for 1961 noted that Marcello flew to Washington, D.C., shortly after the inauguration of President Kennedy and was in touch with a number of political and business associates.(77) While there, he placed a telephone call to the office of at least one Congressman.(78)

(336) Bureau records further indicate that Marcello initiated various efforts to forestall or prevent the anticipated prompt deportation action. An FBI report noted that Marcello may have tried a circuitous approach.(79) Through a source, the Bureau learned of another Mafia leader's account of how Marcello had reportedly proceeded.(80) Philadelphia underworld leader Angelo Bruno discussed a specific attempt by Marcello to forestall an action by the immigration authorities.(81) According to the Philadelphia underworld leader Marcello had enlisted his close Mafia associate, Santos Trafficante of Florida, in the reported plan.(82) Trafficante in turn contacted Frank Sinatra to have the singer use his friendship with the Kennedy family on Marcello's behalf.(83) This effort met with failure and may even have resulted in intensified Federal efforts against Marcello.(84)

(337) In response to Attorney General Kennedy's strong interest in Marcello, the New Orleans FBI office prepared a report on him and his Mafia associates for FBI Director J. Edgar Hoover on February 13, 1961.(85) A report prepared under the direction of special Agent Regis Kennedy, the New Orleans office stated that "Continued investigation of Carlos Marcello since December 1957, has failed to develop vulnerable area wherein Marcello may be in violation of statutes within the FBI's jurisdiction." (86) This assessment by the New Orleans office illustrated why Justice Department and other law enforcement officials viewed as less than satisfactory its performance prior to the mid-1960's in investigating organized crime.

(338) While the committee carefully examined numerous areas of information pertaining to the proficiency of the FBI in investigating organized crime during the 1950's and early 1960's and found various areas in which Bureau performance was significantly deficient, the city of New Orleans was a special case. The indications are that the Bureau's limited work on the Marcello case may have been attributable to a disturbing attitude on the part of the senior agent who supervised the case, Regis Kennedy. He had been in charge of the Bureau's work on Marcello and the New Orleans Mafia for years and also directed much of the FBI investigation in that city of President Kennedy's assassination. In an interview with the committee several months before his death in 1978, Kennedy had stated that he believed Marcello was not engaged in any organized crime activities or other illegal actions during the period from 1959 until at least 1963.(87) He also stated that he did not believe Marcello was a significant organized crime figure and did not believe that he was currently involved in criminal enterprises.(88)

(339) Kennedy further informed the committee that he believed Marcello would "stay away" from any improper activity and in reality did earn his living as a tomato salesman and real estate investor. (89) In response to the question of why Marcello had been consistently identified as one of the Nation's most powerful Mafia leaders by Federal authorities for over 20 years, Kennedy stated that the New Orleans FBI office did not know why Marcello was so identified. (90) He further stated that the New Orleans office had simply responded to periodic directives from Washington instructing it to monitor Marcello, but had not selected him from investigative attention on its own. (91) (340) In November 1978, the managing director of the New Orleans Crime Commission, Aaron Kohn, testified that agent Kennedy's surprising views about Carlos Marcello were well-known to him during that period. (92) While Kennedy had served the Bureau with distinction in other areas, his attitude toward investigating the organized crime syndicate in New Orleans was one of negativism and ridicule; (93) it was also accompanied by a belief that Carlos Marcello was not in any way a significant criminal figure. (94)

(341) In an interview with the committee on November 15, 1978, Kennedy's successor as the FBI organized crime case agent in New Orleans, Patrick Collins, stated that Kennedy "had taken the Deep South approach to organized crime; it's up North but it sure isn't down here." (95) Further, Kennedy and other agents "didn't see Marcello for what he is. It is incredible to think, but they didn't understand that this was a Mafia family down in New Orleans." (96) While stating that he had a high regard for Kennedy's other work, Collins said he believed Kennedy's attitude was one of "boredom" over having to file periodic reports on Marcello and organized crime. (97)

(342) While the New Orleans FBI office's assessment of Marcello and his activities did not significantly contribute to the Federal efforts against him, other agencies were pressing the drive in a more substantive way. On March 3, 1961, General Joseph Swing of the Immigration and Naturalization Service advised the FBI that:

. . . the Attorney General had been emphasizing . . . the importance of taking prompt action to deport notorious hoodlums. In this connection, the Marcello case is of particular interest. A final order of deportation has been entered against Marcello but this fact is being held in strictest confidence. (98)

(343) On the afternoon of April 4, 1961, 8 years after he was ordered deported, Carlos Marcello was finally ejected from the United States. As he walked into the INS office in New Orleans for his regular appointment to report as an alien, he was arrested and handcuffed by INS officials. (99) He was then rushed to the New Orleans airport and flown to Guatemala. (100) Marcello's attorneys denounced the deportation later that day, terming it "cruel and uncivilized," and noted that their client had not been allowed to telephone his attorney or see his wife. (101)

(344) On the following day, April 5, 1961, Attorney General Robert F. Kennedy stated that "Marcello's deportation was in strict accordance with the law." (102) Justice Department officials noted that while

Marcello had not been allowed to call an attorney, one of his attorneys was present with him at the time, and that INS officials had unsuccessfully tried to bring Mrs. Marcello to the airport to meet him. (103) The officials noted that special security precautions had been taken to insure against Marcello's escape prior to actual deportation (104) because he had disappeared several times in the past when deportation proceedings were reaching critical junctures. (105) (As will be seen, such precautions were unable to prevent Marcello's return to the country 2 months later.)

(345) In testimony before the committee on January 11, 1978, Marcello stated that he had not been surprised that Attorney General Kennedy had decided to press his deportation. (106) He noted, that "he [Kennedy] said * * * he would see that I be deported just as soon as he got in office. Well, he got in office January 20 * * * and April the 4th he deported me." (107)

(346) As he had in the past on several occasions, Marcello referred to his 1961 deportation as an illegal "kidnaping." (108) In his appearance before the committee, he testified that "two marshals put the handcuffs on me and they told me that I was being kidnaped and being brought to Guatemala, which they did, and in 30 minutes time I was in the plane." (109) He further testified that "they dumped me off in Guatemala, and I asked them, let me use the phone to call my wife, let me get my clothes, something they wouldn't hear about. They just snatched me and that is it, actually kidnaped me." (110)

(347) On April 10, 1961, 6 days after he was deported, the Internal Revenue Service filed a \$835,396 tax lien against Marcello and his wife. (111) On April 23, news reports disclosed that Marcello was being held in custody by Guatemalan authorities in connection with what were reported to be false citizenship papers he had presented on arrival there April 6. (112) On May 4, Guatemalan President Miguel Fuentes ordered that Marcello be expelled; he was driven to and released at the El Salvador border late that night. (113)

(348) On May 19, 1961, a Federal court in Washington ruled that Marcello's deportation was fully valid and denied a motion by his attorneys that it be declared illegal. (114) With that ruling, Marcello's reentry to the country was prohibited. (115)

(349) Less than 2 weeks later, Marcello secretly gained entry into the United States. On June 2, 1961, confirming widespread rumors that their client had somehow slipped back in, Marcello's attorneys announced he had returned and was in hiding. (116) Federal investigators have never been able to establish in detail his means of entry.

(350) On June 5, 1961, after Attorney General Kennedy dispatched 20 Federal agents to Shreveport, La., to conduct a search for Marcello, the Louisiana crime leader voluntarily surrendered in New Orleans and was ordered held in an alien detention center at McAllen, Tex. (117) On June 8, a Federal grand jury indicted him for illegal reentry; (118) on July 11, the INS ruled he was an undesirable alien and once again ordered him deported. (119)

(351) On June 16, 1961, the FBI received a report that a U.S. Senator from Louisiana might have sought to intervene on Marcello's behalf. (120) This Senator had reportedly received "financial aid from Marcello" in the past and was sponsoring a Louisiana official for a key INS position from which assistance might be rendered. (121).

(352) In July 1961, the Justice Department's organized crime section with the assistance of codebreaking specialists of the FBI, made an effort to decode what was believed to be a secret communication involving Marcello and an associate. (122) While senior aides to Attorney

General Kennedy sought to decipher the reported Marcello message, the FBI Laboratory concluded that:

Because of the brevity of the text, no determination as to the meaning of the possible code * * * could be made. It is possible, however, that the names in the text * * * represent double meaning, wherein certain words are given arbitrary meanings by the correspondents. (123)

(353) While the various court actions and appeals on Marcello's deportation and illegal reentry were continuing in the fall of 1961, he was again called before the McClellan committee to testify about organized crime gambling activities in Louisiana. (124) In response to committee questions Marcello invoked the fifth amendment, refusing to provide any information other than his name and alleged place of birth. (125)

(354) On October 30, 1961, Attorney General Kennedy announced the indictment of Marcello by a Federal grand jury in New Orleans on charges of conspiracy in falsifying a Guatemalan birth certificate and committing perjury. (126) Marcello's brother, Joseph was also charged in the alleged falsification of the birth certificate. (127)

(355) On December 20, 1961, with Marcello free on a \$10,000 bond, the five-member Board of Immigration Appeals upheld the deportation order against Marcello, denying another appeal by Marcello attorneys that it be declared invalid. (128)

(356) In October 1962, a Bureau of Narcotics report described Marcello as "one of the Nation's leading racketeers" and noted that he was "currently under intensive investigation by the Internal Revenue Service Intelligence Division for tax fraud." (129) The report also noted that Marcello was then instituting a further legal step to forestall deportation. (130) Marcello's attorneys had filed a legal writ in an effort to set aside his Federal conviction on narcotics charges from 24 years earlier. (131) This conviction was one of the key factors in the ongoing deportation proceedings against him. (132)

(357) On October 31, 1962, a Federal court ruled against Marcello's attempt to have the 1938 drug conviction nullified. (133) The court said that his claim that he had not had counsel present when he pled guilty to the narcotics charge on October 29, 1938, was false, (134) as was his claim that he had not known of his rights and could not afford an attorney. (135)

Increased Federal Pressure

(358) On February 15, 1963, in apparent response to Attorney General Kennedy's request for continuing action against Marcello, FBI Director J. Edgar Hoover directed the New Orleans FBI office to intensify its coverage of Marcello and his organization. (136) He ordered that a "special effort" be made to upgrade the level of the investigation of Marcello, and suggested increased use of informants as well as the possible initiation of electronic surveillance. (137)

(359) During the course of its investigation of specific organized crime leaders and their activities, the committee had devoted special attention to the degree to which such figures were subject to electronic surveillance by Federal or State agencies during the period

of the early 1960's. The committee believed that there was a possibility that electronic surveillance might have recorded some discussion of the Kennedy assassination. In evaluating various assessments by organized crime specialists during the early 1960's, the committee had noted that the likelihood of identifying the commission of criminal acts by organized crime figures during that period varied with the scope of electronic surveillance of those figures. (138)

(360) After carefully examining the various electronic surveillance programs in effect during the early 1960's, the committee found that Carlos Marcello had never been subject to such coverage during that period. FBI files indicate that while there had not been prior interest in using such investigative techniques in Marcello's case, the Bureau did attempt to institute electronic surveillance during the period of 1963 and 1964. (139) Two unsuccessful attempts were made to effect such surveillance, (140) failures attributable in all likelihood to the security system employed by Marcello at the various locations from which he operated. (141)

(361) Al Staffeld, the former FBI official who coordinated Bureau activities in the organized crime field in this period, gave the committee his view—that the FBI “had virtually nothing in electronic surveillance on Marcello and his guys. We just couldn't effectuate it. With Marcello, you've got the one big exception in our work back then. There was just no way of penetrating that area. He was too smart.”

(142) The inability to effect surveillance of Marcello apparently continued, as FBI files indicate that as late as 1967 Bureau officials were prepared to testify that Marcello had never been the subject of electronic surveillance. (143)

(362) Attorney General Kennedy's personal interest in the continuing Justice Department investigation of Marcello was further evidenced in April 1963. He had received a letter which he in turn ordered the chief of the Criminal Division, Jack Miller, to forward to Hoover for his personal attention. (144) The letter was from a citizen claiming to have knowledge of a severe beating inflicted upon a friend by lieutenants of Marcello. (145) The Attorney General requested immediate Bureau attention to the matter.

(363) On May 27, 1963, the U.S. Supreme Court, in response to an appeal filed by Marcello's attorneys, (146) declined to review the Marcello deportation action and upheld the earlier decision of the U.S. Circuit Court of Appeals. (147)

(364) On November 4, 1963, Marcello went on trial in New Orleans on Federal charges of conspiracy in connection with his alleged falsification of a Guatemalan birth certificate. (148) Eighteen days later, on November 22, 1963, he was acquitted. The news of President Kennedy's murder in Dallas reached the New Orleans courtroom shortly before the verdict was announced. (149)

(365) On July 22, 1964, the Supreme Court rejected another appeal by Marcello to have his 1938 narcotics conviction set aside, upholding the rulings of various lower courts. (150)

(366) On October 6, 1964, Marcello and an associate were indicted in Federal court on charges of having bribed a member of the jury that had acquitted Marcello on November 22, 1963. (151) The indictment alleged that Marcello and his lieutenants had made two secret pay-

ments to a juror with "the intent to influence his action, vote, opinion and decision" in the case. (152) The indictment further charged that in November 1963, Marcello had endeavored "to influence, obstruct, and impede" the prosecution "by requesting the murder of * * * a principal witness" for the Government, Carl Noll. (153)

(367) Marcello surrendered at the Federal courthouse and was subsequently freed on a \$100,000 bond on October 8, after the U.S. attorney noted that a search by 10 FBI agents had been unsuccessful in locating him the day before. (154) The charge of having requested the murder of the chief prosecution witness in the 1963 case was later dropped, following the reported unwillingness of that person to testify to the incident. Marcello was acquitted by a jury of the other charges. (155)

(368) Efforts to deport Marcello were still underway in 1979. In late 1975, Marcello's attorneys had filed an appeal for suspension of his deportation order, based on "good moral character" during the previous 10 years. (156) Another Marcello appeal was pending in the U.S. district court in New Orleans in 1978. (157)

(369) While INS officials point out the peculiar nature of the current deportation process in the United States, which sets no practical limits on the number and frequency of appeals and other legal steps a person may initiate to forestall deportation, another factor has been central to Marcello's continued presence in the United States. Immigration officials note that before the final step of deportation can be taken, some other country must agree to issue travel documents authorizing the person to settle in that nation. (158) As of 1979, no country was willing to do so. (159)

ALLEGED ASSASSINATION THREAT BY MARCELLO

(370) As part of its investigation, the committee examined a published account of what was alleged to have been a threat made by Carlos Marcello in late 1962 against the life of President Kennedy and his brother, Robert, the Attorney General. The information was first set forth publicly in a book on organized crime published in 1969, "The Grim Reapers," by Ed Reid. (160) Reid, a former editor of the Las Vegas Sun, was a writer on organized crime and the co-author, with Ovid Demaris, of "The Green Felt Jungle," published in 1963.

(371) In a lengthy chapter on the New Orleans Mafia and Carlos Marcello, Reid wrote of an alleged private meeting between Marcello and two or more men sometime in September 1962. (161) His account was based on interviews he had conducted with a man who alleged he had attended the meeting. (162)

(372) According to Reid's informant, the Marcello meeting was held in a farmhouse at Churchill Farms, the 3,000-acre swampland plantation owned by Marcello outside of New Orleans. (163) Reid wrote that Marcello and three other men had gone to the farmhouse in a car driven by Marcello himself. (164) Marcello and the other men gathered inside the farmhouse, had drinks and engaged in casual conversation that included the general subjects of business and sex. (165) After further drinks "brought more familiarity and re-

laxation, the dialog turned to serious matters, including the pressure law enforcement agencies were bringing to bear on the Mafia brotherhood" as a result of the Kennedy administration. (166)

(373) Reid's book contained the following account of the discussion :

It was then that Carlos' voice lost its softness, and his words were bitten off and spit out when mention was made of U.S. Attorney General Robert Kennedy, who was still on the trail of Marcello.

"Livarsi na petra di la scarpa!" Carlos shrilled the Mafia cry of revenge: "Take the stone out of my shoe!"

"Don't worry about that little Bobby son of a bitch," he shouted. "He's going to be taken care of!"

Ever since Robert Kennedy had arranged for his deportation to Guatemala, Carlos had wanted revenge. But as the subsequent conversation, which was reported to two top Government investigators by one of the participants and later to this author, showed, he knew that to rid himself of Robert Kennedy he would first have to remove the President. Any killer of the Attorney General would be hunted down by his brother; the death of the President would seal the fate of his Attorney General. (167)

* * * * *

No one at the meeting had any doubt about Marcello's intentions when he abruptly arose from the table. Marcello did not joke about such things. In any case, the matter had gone beyond mere "business"; it had become an affair of honor, a Sicilian vendetta. Moreover, the conversation at Churchill Farms also made clear that Marcello had begun to plan a move. He had, for example, already thought of using a "nut" to do the job.

Roughly 1 year later President Kennedy was shot in Dallas—2 months after Attorney General Robert Kennedy had announced to the McClellan committee that he was going to expand his war on organized crime. And it is perhaps significant that privately Robert Kennedy had singled out James Hoffa, Sam Giancana, and Carlos Marcello as being among his chief targets. (168)

(374) In an interview with the committee, Reid said that his informant stated that Marcello seemed to be "very serious" as he spoke of planning to assassinate President Kennedy. (169) He further told the committee that while his informant had had great doubts at the time as to whether Marcello could or would have the President assassinated, immediately after the assassination occurred, he came to believe that Marcello was in fact the perpetrator. (170)

(375) Reid informed the committee that he believed his informant, a man with underworld associations, was credible and trustworthy (171) and had in fact provided "unusually reliable" information about organized crime on past occasions, including during the writing of "The Green Felt Jungle." (172) Based on past association and contacts with the informant, Reid was "strongly inclined to believe his account of the Marcello meeting," (173) although he was "not sure what it all means in the final analysis." (174)

FBI investigation of the allegations

(376) In early May 1967, over a year and a half before the book was published, senior officials of the FBI learned of the account of the alleged meeting. (175) According to an FBI memorandum of May 15, 1967, from Assistant Director Alex Rosen to Assistant Director Cartha DeLoach, the Bureau's Los Angeles office had been contacted on May 6 by Reid. (176) The memorandum stated that Reid, "who has written several books concerning the hoodlum element," had contacted the Los Angeles office and had "indicated he had information concerning John Roselli." (177) The memorandum further stated that when Reid was interviewed, he showed his manuscript to the Bureau's Los Angeles agents. (178) The memorandum gave the following account of Reid's information:

Reid refers to Carlos Marcello and indicated there was a meeting on September 11, 1963 at Churchill Farms, outside New Orleans, La., attended by several people including Marcello and Reid's informant. Marcello was alleged to have said that in order to get Bobby Kennedy they would have to get the President, and they could not kill Bobby because the President would use the Army and the Marines to get them. The result of killing the President would cause Bobby to lose his power as Attorney General because of the New President. (179)

(377) While the Bureau memorandum indicates that the agents who read that section of Reid's manuscript believed it placed the meeting in September 1963, the actual account published by Reid in 1969 stated that the meeting had occurred in September 1962. (180) In his committee interview, Reid said that he had "always stated that the meeting was in September 1962" (181) because his informant had "clearly recalled" the time of the meeting and had been "traveling in Louisiana" that month. (182)

(378) The Bureau memorandum went on to state that Reid had informed the Los Angeles agents that "a person who attended this alleged meeting was interviewed by agents of our Los Angeles office and furnished them the information." (183) Further, Reid believed that "several days" after the informant had attended the meeting with Marcello, he "was interviewed concerning the *Billie Sol Estes* case, at which time he allegedly related to our agents what he heard at Churchill Farms." (184)

(379) The memorandum goes on to note that a review of FBI files on Reid's informant, whose name was Edward Becker, showed he had in fact been interviewed by Bureau agents on November 26, 1962, in connection with the *Billie Sol Estes* investigation. (185) While "[i]n this interview, Marcello was mentioned * * * in connection with a business proposition * * * no mention was made of" Attorney General Kennedy or President Kennedy, or any threat against them. (186)

(380) The memorandum said that the agents who read the part of Reid's manuscript on the meeting told the author that Becker had not informed the Bureau of the alleged Marcello discussion of assassination. (187) In fact, "It is noted Edward Nicholas Becker is a private investigator in Los Angeles who in the past has had a reputation of being unreliable and known to misrepresent facts." (188)

(381) The memorandum concluded by stating that Reid's offer to provide the Bureau with information about Mafia figure John Roselli had been declined:

In connection with John Roselli, Reid wanted to trade information concerning him, which offer was refused. He mentioned he was concerned with Roselli's association with attorney Edward Morgan of Washington, D.C. As you recall, Morgan was previously interviewed at the request of the White House concerning alleged information in his possession regarding the assassination. Also, Roselli was the connecting link between CIA and Robert Maheu who was hired by the CIA to approach Sam Giancana to have Castro assassinated. (189)

(382) The memorandum went to Assistant Directors Rosen and DeLoach, and to the most senior officials in the Bureau, including Assistant Director William Sullivan and several of his deputies, and Assistant Director James Gales of the Inspection Division, all of whom had direct responsibility for the FBI's investigation of President Kennedy's murder. (190) No instructions of any kind to follow up on the information regarding Marcello, the alleged assassination discussion, and the informant, were issued subsequently. (191)

(383) The only directive regarding the matter was a handwritten notation made on the memorandum by DeLoach: (192) "We should discreetly identify the publisher" of the Reid book. (193)

(384) Two days later, in an FBI memorandum of May 17, 1967, the Special Agent in Charge (SAC) of the Los Angeles office reported some additional information to Hoover. (194) In the memorandum, the Los Angeles office set forth some alleged information it had learned regarding Becker, who, the memo noted, claimed to have heard "statements supposedly made by Carlos Marcello on September 11, 1963, concerning the pending assassination of President Kennedy." (195) The FBI memo stated that 1 day after the Bureau first learned of the Reid information, its Los Angeles office received information regarding Edward Becker which was allegedly damaging to his reputation. (196) According to the information, Sidney Korshak had been discussing Becker and:

* * * Korshak inquired as to who Ed Becker was and advised that Becker was trying to shake down some of Korshak's friends for money by claiming he is the collaborator with Reid and that for money he could keep the names of these people out of the book. (197)

(385) The memorandum also stated that Sidney Korshak had further stated that "Becker was a no-good shakedown artist," (198) information which in turn became known to the Bureau. (199)

(386) The memorandum did not mention the background of the person who was supplying the negative information and allegations about Becker—Sidney Korshak. He was a Los Angeles labor lawyer,

*Where Becker is referred to as an "informant," it should be noted that this applies to his relationship to Reid and not to a Federal law enforcement agency.

who has been alleged to have underworld associations in Chicago, California, Las Vegas, and New York.(200) The Bureau's own files identified him as a continuing subject of numerous organized crime investigations, an associate of reputed Chicago Mafia executioners Gus Alex and Murray "The Camel" Humphreys,(201) and a business associate of James R. Hoffa and Paul Dorfman.(202) In an extensive four-part investigative series in 1976, the New York Times noted that a 1968 Justice Department report had described Korshak as perhaps "the most significant link in the relationship between the crime syndicate, politics, labor, and management." (203) The Times further reported that at a meeting in April 1976, senior officials of the Justice Department's Organized Crime Division had "reached a consensus that Mr. Korshak was one of the five most powerful members of the underworld." (204)

(387) On June 5, 1967, in another memorandum to Director Hoover, the Los Angeles FBI office reported that the person who had provided the derogatory information on Becker had contacted Reid on May 26 in an effort to "discredit" Becker's information about Marcello.(205) This person had provided Reid with the information about Becker which had derived from Korshak.(206) The memorandum went on to state that "The purpose [of this person] was to discredit Becker to Reid in order that the Carlos Marcello incident would be deleted from the book by Reid.(207)

(388) On May 31, 1967, according to the same memorandum, a special agent of the Los Angeles office was involved in a visit to Reid's home(208) in a further effort to persuade him of Becker's alleged untrustworthiness.(209) During this visit:

It was again pointed out to Reid that Becker had been interviewed by Bureau agents in November 1962 concerning the Billie Sol Estes case, but had not mentioned the reputed conversation or statements allegedly made by Marcello on September 11, 1963 (almost a year later), at Churchill Farms, New Orleans.(210)

(389) The Bureau's possible confusion over the time periods involved in the matter was further evidenced in the memorandum, which said that "in November 1962" Becker had "not mentioned the reputed * * * statements allegedly made by Marcello on September 11, 1963." (211) Again, both Reid and Becker have maintained consistently that they made clear that the meeting was in September 1962, rather than September 1963,(212) and that the specific reference in the Reid book stated "September 1962." (213) Additionally, the Bureau's own files on Becker (while not containing any references to assassination) clearly indicated that Becker had been interviewed by agents in November 1962, following a trip through Louisiana that September.(214)

Committee investigation of the allegation

(390) The committee carefully examined the FBI's files relating to Becker and the Bureau's contact with him in late 1962. The first Bureau reference to Becker appeared in a report of November 20, 1962, regarding a private investigator working on the Billie Sol Estes case, the famous multimillion-dollar fraud investigation of the early

1960's.(215) The report noted that Becker, then 42, was associated with an investigator being employed by one of the oil service companies that had allegedly been swindled by Estes.(216) Becker was said to have had first met with the investigator in Brownswood, Tex., on September 18, 1962, and that they had traveled to Shreveport, La., on business on September 21.(217) Becker was associated with an oil geologist in Shreveport, Carl Roppolo,(218) who was alleged to be a close acquaintance of Carlos Marcello. (219)

The report noted that one person had told the Bureau that "Roppolo had said that his mother is Carlos Marcello's sister, and that Roppolo is the favorite nephew." (220) As is discussed later, Becker informed the committee that Roppolo, a close friend of his, was the man who allegedly set up the September 1962 meeting with Marcello and attended the meeting along with Becker for the purpose of seeking Marcello's support for a proposed business venture of theirs.(221) (391) Becker was referred to in a second FBI report of November 21, 1962, which dealt with an alleged counterfeiting ring and a Dallas lawyer who reportedly had knowledge of it.(222) This report noted that Becker was being used as an "informant" by a private investigator in the investigation(223) and was assisting to the extent that he began receiving expense money.(224) The Los Angeles FBI office noted that the investigator working with Becker had "admitted that he could be supporting a con game for living expenses on the part of Becker * * * but that he doubted it," as he had only provided Becker with limited expenses.(225)

(392) The November 21, 1962, Bureau report noted further that Becker had once been associated with Max Field, a criminal associate of Mafia leader Joseph Sica of Los Angeles.(226) According to the report "It appears that Becker * * * has been feeding all rumors he has heard plus whatever stories he can fit into the picture." (227)

(393) On November 26, 1962, Becker was interviewed by the FBI in connection with its investigation of the Billie Sol Estes case on which Becker was then also working as a private investigator.(228) Becker told the Bureau of his recent trips to Dallas, Tex., and Louisiana, and informed them of the information he had heard about counterfeiting in Dallas.(229) At that point, Becker also briefly discussed Carlos Marcello:

He [Becker] advised that on two occasions he has accompanied Roppolo to New Orleans, where they met with one Carlos Marcello, who is a longtime friend of Roppolo. He advised that Roppolo was to obtain the financing for their promotional business from Marcello. He advised that he knew nothing further about Marcello.(230)

(394) Becker was briefly mentioned in another Bureau report, of November 27, 1962, which again stated that he allegedly made up "stories" and invented rumors to derive "possible gain" from such false information.(231)

(395) Three days later, on November 30, 1962, another Bureau report on the *Billie Sol Estes* case made reference to Becker's trip to Dallas in September and his work on the case.(232) The report noted that Becker was apparently associated with various show business personalities in Las Vegas.(233) Further, a man who had been

acquainted with Becker had referred to him as a "small-time con man." (234)

(396) In an April 11, 1963, FBI report, Becker and his friend Roppolo were referred to once again. (235) The report had been written by agent Regis Kennedy of the New Orleans office in response to a directive issued shortly after Becker informed the Bureau that Roppolo had accompanied him to two business meetings with Marcello.

(236) The New Orleans office had been instructed to determine if Roppolo was in fact acquainted with Marcello, as advised by Becker.

(237) The April 11, 1963, report concluded that Roppolo did in all likelihood know the New Orleans Mafia leader. (238) A source had informed the New Orleans office that the Marcello and Roppolo "families were quite close at one time as they came from the 'old country' at approximately the same time and lived as neighbors in New Orleans." (239)

(397) This report further stated that the same source doubted whether Roppolo himself could secure financial backing from Marcello for a business venture, due to Roppolo's alleged reputation as someone "rather shiftless." (240) Roppolo was regarded as "a problem," a person who "is always trying to promote something." (241)

(398) While the committee was unable to develop more specific information regarding the relationship between Becker's associate, Roppolo, and Marcello, the committee did receive information indicating a closer relationship than was indicated in the April 1963 FBI report. The New Orleans Crime Commission, in various analyses and charts of the Marcello organization, had for years been identifying Lillian Roppolo as an associate of Carlos Marcello. (242) Aaron Kohn, noted the reported relationship between the two families and stated that Lillian Roppolo "was considered to be something of a courier for Marcello." (243) A Crime Commission file on the Roppolos indicates that she had an even closer personal relationship with Marcello, in addition to the alleged courier and business activities. (244) During his appearance before the committee on January 11, 1978, Marcello himself brought up his apparent familiarity with the Roppolos when he was questioned about his knowledge of a person having a similar sounding surname. (245)

Becker's statement to the committee

(399) During its examination of Reid's published account of the alleged Marcello discussion about assassinating President Kennedy, the committee received a more detailed account from Becker of the allegations and information he originally provided Reid. Becker, 57 in 1979, told the committee that his account of the meeting and discussion with Marcello in 1962 "is truthful. It was then and it is now. I was there." (246) He maintained that "the FBI—their agents in Los Angeles—have tried to discredit me. They've done everything except investigate the information I gave Reid. They apparently have always said it was not the truth, but they've never investigated it to arrive at that judgment." (247) Becker indicated a willingness to support his truthfulness in other ways. (248)

(400) Becker stated that he was born in California and raised in New Haven, Conn. (249) His early years of employment had included publicity work for several San Francisco nightclubs and, subsequently,

writing a column for two California newspapers.(250) During later years he had done further work in the entertainment field, managing a singer, as well as writing and producing programs for television in Los Angeles during the early 1950's.(251)

(401) Becker said he became a public relations man for the Riviera Hotel and Casino in Las Vegas in 1955, working closely with Gus Greenbaum,(252) the Riviera manager and well-known gambling figure who was the victim of a much publicized underworld killing in 1957.(253) Becker stated that he "was then traveling in some pretty fast circles. I was certainly not the cleanest person around." (254) He further maintained that while he "was always out to make a buck," he was never engaged in any significant criminal activity.(255) Becker noted that he had twice become the subject of criminal investigations, (256) the first resulting in his conviction on misdemeanor charges for having stolen "around \$200" from a nightclub photographer with whom he was acquainted.(257) He was in his twenties at the time and served 60 days in jail.(258)

(402) Becker stated that in 1959 he had also become involved with two men who were "running a con deal involving laundermats and stolen credit cards"(259) and that one of the two men was an associate of Los Angeles Mafia leader Joseph Sica.(260) He was the subject of an SEC desist order in conjunction with the 1959 investigation.(261)

(403) Becker told the committee that he had worked as a private investigator during the years since, coordinating undercover investigative work for corporate clients,(262) as well as working on various organized crime cases.(263) During the early 1960's, he was doing investigative work for Julian Blodgett, a private investigator and former FBI agent.(264)

(404) Becker told the committee that he and Roppolo had met with Marcello in late 1962 to seek his financial backing for an oil additive product they were planning to market.(265) Due to Roppolo's close relationship with Marcello, the meeting was arranged without difficulty.(266)

(405) Becker stated that he and Roppolo met with Marcello on three or four occasions in connection with the proposed business deal and that Marcello made his comments about President Kennedy during the first or second meeting.(267) The meetings transpired between sometime in September 1962 and roughly January 1963.(268) Only the three of them had been present during two or three of the meetings, but a Marcello aide named "Liverde," a barber, had also been present once.(269)

(406) Becker stated that Marcello had made his remarks about the Kennedy brothers after Becker said something to the effect that "Bobby Kennedy is really giving you a rough time." (270) He could not recall the exact words Marcello used in threatening President Kennedy, but believed the account in Reid's book "is basically correct."

(271) Marcello was very angry and had "clearly stated that he was going to arrange to have President Kennedy murdered in some way." (272) Marcello's statement had been made in a serious tone and sounded as if he had discussed it previously to some extent.(273) Becker commented that Marcello had made some kind of reference to President Kennedy's being a dog and Attorney General Robert Ken-

nedy the dog's tail,(274) and had said "the dog will keep biting you if you only cut off its tail," but that if the dog's head were cut off, the dog would die.(275)

(407) Becker stated that Marcello also made some kind of reference to the way in which he allegedly wanted to arrange the President's murder.(276) Marcello "clearly indicated" that his own lieutenants must not be identified as the assassins,(277) and that there would thus be a necessity to have them use or manipulate someone else to carry out the actual crime.(278)

(408) Becker said that Marcello's alleged remarks about assassinating the President lasted only a few minutes during the course of the meeting, which went 1 to 2 hours.(279) Marcello had spoken in Sicilian phrases during parts of the meeting and had grown angry at one point in the discussion of their proposed business deal.(280)

(409) Becker said that although he and Roppollo met with Marcello on two or three occasions following this meeting, they never again discussed President Kennedy.(281) (Becker added that the oil additive business deal never came to fruition.(282))

(410) Becker told the committee that while he believed Marcello had been serious when he spoke of wanting to have the President assassinated, he did not believe the Mafia leader was capable of carrying it out or had the opportunity to do so.(283) He emphasized that while he was disturbed by Marcello's remarks at the time, he had grown accustomed to hearing criminal figures make threats against adversaries.(284)

(411) Becker stated that the only error in Reid's published account of the meeting related to the statement that Becker had informed two Government investigators of it.(285) Becker said that he never told any Government investigator of Marcello's remarks about President Kennedy;(286) he "would have been afraid" to repeat Marcello's remarks to anyone during that period, out of concern that Marcello or his associates might learn he had done so.(287) Becker suggested that Reid may have incorrectly inferred that he told the FBI of the alleged Marcello threat when he was interviewed by agents regarding the Billie Sol Estes case in November 1962.(288) Becker also stated that he was never interviewed by the FBI about the alleged Marcello meeting in the years since Reid first reported it, a fact borne out by the committee's examination of Bureau files on Becker.

(412) Becker further stated that the only person other than Reid whom he might have informed of Marcello's remarks was his close associate Julian Blodgett, who employed him during that period as an investigator.(289)

(413) Blodgett, a former FBI agent and chief investigator for the district attorney of Los Angeles County, informed the committee that he can "vaguely remember something" about Becker's having met with Marcello.(290) Blodgett stated that he "can verify" that Becker traveled to New Orleans in September 1962, but could not recall any specific account of Becker's meeting with Marcello.(291) Blodgett told the committee he regarded Becker as an honest person who was one of "the most knowledgeable detail men" in the private investigation business.(292) While noting that Becker "has been a controversial guy," Blodgett stated that he personally would believe Becker's account of the alleged Marcello meeting.(293)

(414) Becker further told the committee that following President Kennedy's assassination in Dallas, he quickly came to believe that Carlos Marcello had in fact probably been behind it. (294) He reached this opinion because of factors such as Lee Oswald having been from New Orleans, as well as Jack Ruby's alleged underworld associations. (295) Becker stated that "it was generally thought in mob circles that Ruby was a tool of some mob group." (296) Becker further stated that he had learned after the assassination that "Oswald's uncle, who used to run some bar, had been a part of the gambling network overseen by Marcello. He worked for the mob in New Orleans." (297)

(415) During his appearance before the committee on January 11, 1978, Marcello was questioned about Reid's account of the meeting at which he allegedly spoke of assassinating President Kennedy. (298) Marcello firmly denied that the meeting and discussion ever took place and stated that he was familiar with the Reid book: "The way the paper puts it and the books put it in there, it makes it like you had some kind of secret meetings, because I have heard the book about what you are telling me." (299)

(416) Marcello testified that while he had heard that Robert Kennedy was a strong advocate of intensifying the investigation of organized crime figures, and had been so even before becoming Attorney General, "I didn't pay no attention to it at that time." (300) Asked when he did begin to pay attention to Robert Kennedy's intentions, Marcello testified, "When he got to be Attorney General." (301) While recalling that Attorney General Kennedy "said he was going to get organized crime and all that kind of stuff," (302) Marcello stated that "the only time I really knowed about it" was when he was arrested and deported from the Country." (303) Asked if he placed any particular blame on the Attorney General for his deportation, Marcello testified, "No, I don't, he just done what he thought was right, I guess." (304)

(417) Marcello further testified that he could not recall having any discussion at his Churchill Farms estate about the Kennedy administration's intensification of Federal efforts against organized crime. (305) Marcello stated that Churchill Farms was not a place where he would conduct a meeting; that the estate was only used for hunting and was the location of various duck blinds. (306) Marcello further testified that he did not have to discuss his deportation with associates because "Everybody in the United States knowed I was kidnaped. I didn't have to discuss it . . . I told the whole world that it was unfair. Anybody who talked to me said it was unfair." (307)

(418) When asked if he had ever made any threat against Attorney General Kennedy or had spoken of taking any physical action against him, Marcello stated, "No sir; I never said anything like that." (308) When asked if he had ever spoken of taking such action against President Kennedy or had threatened him in any way, Marcello stated, "Positively not, never said anything like that." (309)

ANALYSIS OF THE EVIDENCE

(419) The account of the alleged Marcello discussion set forth by Becker and Reid presented a number of serious issues, some of which

had highly disturbing implications regarding the performance of the FBI in investigating the possibility of Mafia complicity. The evidence indicates that the FBI's handling of the allegations and information about Marcello was characterized by a less than vigorous effort to investigate its reliability, as well as a strong desire to "discredit" the information without having actually to investigate it. (310)

(420) Upon learning in 1967 of the Becker account of the alleged Marcello remarks about assassinating President Kennedy, the Bureau did not make any effort to interview Becker about the information, nor did it institute any actions to seek elaboration, clarification, or corroboration of the information. Instead, the allegation was merely circulated to the Bureau's most senior officials, including Director J. Edgar Hoover, (311) while the Bureau's own files on Becker contained several pieces of information that should have been the subject of careful review. The Bureau's files from November 1962 noted that Becker had in fact traveled through Louisiana during that period and had also traveled to Dallas. (312) The Bureau's own November 26, 1962, interview report on Becker noted that he had informed the Bureau of two business meetings with Marcello that he had attended with Carl Roppolo in recent weeks. (313) A subsequent report, dated April 11, 1963, concluded that Roppolo may well have known Marcello and that the Roppolo and Marcello families had long been associated. (314)

(421) In 1967, in noting that Becker had not told the Bureau of the alleged Marcello threat during his 1962 interview with agents, the Bureau seemed to reach the conclusion that the significance of the alleged Becker information was greatly undermined as a result. Likewise, the Bureau's apparent view that Becker's background of criminal associations undermined the possibility that he had in fact met with Marcello—rather than strengthened that possibility—was indicative of the Bureau's deficient approach to the matter. In its handling of the allegations about Marcello, the Bureau did not carry out any substantive examination and evaluation of the source who had set forth the information; only the standard examination of various criminal informants and underworld sources was made to determine the specific nature of their motivations, credibility and activities.

(422) Similarly, there was no evidence that the FBI made any effort to investigate the allegations from the other direction—from the specific travels and activities of Marcello during the period or periods in question. Patrick Collins, the agent covering Marcello's activities at the time, informed the committee that he "was never asked to investigate it in any way." (315) While he later read of the alleged Marcello threat in the press, he "never saw any directive on it" or heard of any Bureau interest in the matter. (316) He stated that he would in all likelihood have been aware of any such Bureau directives or interest had there been any. (317)

(423) The evidence shows another aspect of the Bureau's performance. FBI files clearly indicate a high level awareness that the Bureau was involved in trying to "discredit" (the term used in a Bureau memorandum) the source of the information, Edward Becker. (318)

As noted earlier, the files show that a Los Angeles FBI agent participated in the effort, and without having ever investigated the Marcello allegations.(319) Further, the June 5, 1967, FBI memorandum on the matter (which went to Director Hoover himself, as well as to his closest aides) clearly indicated that the "purpose" of the visit to Reid was "to discredit Becker to Reid in order that the Carlos Marcello incident would be deleted from the book by Reid."(320)

(424) The FBI files also contain repeated references to the Bureau's use of allegations about Becker received from Sidney Korshak, an alleged associate of various organized crime leaders.(321) The files indicate a high level awareness at Bureau headquarters that the Los Angeles FBI office was using the information received from Korshak in an effort to persuade Reid not to publish the Marcello allegations.(322) There was, however, no reference in the files to Korshak's own possible background and activities, nor to his possible motives in supplying the information at that time.(323)

(425) The evidence shows that the FBI's failure to investigate the allegation that Marcello had discussed assassinating President Kennedy constituted a violation of the Director's promise to investigate all circumstances surrounding the President's murder even after the official Warren Commission investigation had ended in 1964. In his appearance before the Commission on May 6, 1964, FBI Director J. Edgar Hoover had personally affirmed that promise, stating:

I can assure you so far as the FBI is concerned the case will be continued in an open classification for all time. That is, any information coming to us or any report coming to us from any source will be thoroughly investigated, so that we will be able to either prove or disprove the allegation.(324)

(426) The FBI's failure to take seriously the alleged Marcello threat was all the more disturbing given the time at which the Bureau learned of and discarded the allegation—less than 2 months after the leadership of the Bureau had been faulted by President Johnson himself for not pursuing another allegation by an underworld informant that Mafia figures and Cuban agents might secretly have been involved in President Kennedy's assassination.(325) In that instance, as detailed by the Senate Select Committee on Intelligence in 1976, FBI Director Hoover and his top deputies had learned of the information from Los Angeles Mafia figure John Roselli's lawyer, Edward P. Morgan,(326) only to decide on February 15, 1967, that "no investigation will be conducted regarding the allegations."(327)

(427) On March 17, 1967, upon learning of the Roselli allegation and of the Bureau's failure to investigate it, President Johnson personally intervened and ordered the Bureau to interview Morgan, pursue the information and report its findings to him.(328)

Submitted by:

G. ROBERT BLAKEY,
Chief Counsel and Staff Director.
GARY T. CORNWELL,
Deputy Chief Counsel.
MICHAEL EWING,
Researcher.

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