

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

v.

CARLOS MARCELLO, ET AL

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CRIMINAL DOCKET NO. 80-27

SECTION: "G" (5)

MOTION TO UNSEAL

NOW INTO COURT comes the United States of America, appearing through the undersigned Assistant United States Attorney, and moves this Honorable Court to unseal thirteen (13) conversations obtained as a result of court-authorized wire and oral interceptions, in the above-captioned case.

The trial in the matter of United States v. Carlos Marcello, et al. began in late March, 1981, and ended after approximately five months. At the conclusion of the trial, this Court sealed all tapes, both court-authorized wire and oral interceptions and consensual tapes, gathered in the investigation.

In the summer of 1996, the United States Attorney's Office was contacted by the Assassination Records Review Board ("Review Board"), which was created by Congress as part of the John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. 2107 (Supp. V 1994) ("JFK Act"). The law states in part, "All Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure." Because the sealed tape recordings allegedly contained statements by Carlos Marcello concerning the Kennedy assassination, the Review

Board, to fulfill its statutory mandate, requested that the United States Attorney's office assist them in obtaining access to the tapes.

On June 11, 1996, this Court ordered that the previously sealed tape recordings be unsealed to allow four members of the Review Board staff to review the material in connection with the Review Board's duties as outlined in the JFK Act.

The Review Board staff has now completed its review of the material and has identified thirteen conversations that it believes to constitute "assassination records" as defined in Section 3(2) of the JFK Act. The Government is providing the thirteen conversations (referenced below) to this Court as exhibits to this motion.

- (1) June 21, 1979 conversation # 38 (11:06 a.m.) 4 pages
- (2) July 13, 1979 conversation # 13 (8:16 a.m.) 9 pages
- (3) July 17, 1979 conversation # 51 (10:43 a.m.) 8 pages
- (4) July 18, 1979 conversation # 1 (7:48 a.m.) 3 pages
- (5) July 18, 1979 conversation # 10 (8:30 a.m.) 2 pages
- (6) July 18, 1979 conversation # 11 (8:40 a.m.) 1 page
- (7) July 18, 1979 conversation # 15 (9:00 a.m.) 9 pages
- (8) July 18, 1979 conversation # 18 (9:22 a.m.) 15 pages
- (9) July 19, 1979 conversation # 72 (4:31 p.m.) 2 pages
- (10) July 22, 1979 conversation # 10 (4:25 p.m.) 3 pages
- (11) July 27, 1979 conversation # 57 (1:18 p.m.) 6 pages
- (12) August 1, 1979 conversation # 39 (11:32 a.m.) 8 pages
- (13) September 21, 1979 conversation # 42 (8:29 a.m.) 4 pages

Due to the high public interest in Carlos Marcello's alleged statements about the assassination on these tapes, the Review Board seeks to include these thirteen conversations in the John F. Kennedy Assassination Records Collection at the National Archives, where they will be made available to the public as part of the Federal Bureau

of Investigation's assassination record group.

Based on its belief that the conversations should become part of the Collection, the Review Board approached the Department of Justice and asked it to file the instant motion pursuant to Section 10 of the JFK Act, which states in relevant part:

The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to the assassination of President John F. Kennedy that is held under seal of the court.

44 U.S.C. § 2107(10)(a)(1).

The Government submits that this Court can unseal the thirteen conversation pursuant to its authority as provided in the "All Writs" statute at 28 U.S.C. § 1651 -- the same statute that the Court used in unsealing the tapes for the Review Board's review on June 11, 1996, and pursuant to the authority of the JFK Act.

WHEREFORE, the Government respectfully requests that this Motion be GRANTED.

Respectfully submitted,
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ORDER

Considering the foregoing,

IT IS HEREBY ORDERED that the thirteen (13) conversations attached to this order and obtained as a result of court-authorized wire and oral interceptions in the above-captioned case, be unsealed and placed in the John F. Kennedy Assassination Records Collection at the National Archives and Records Administration as provided by the *John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. 2107 (Supp. V 1994).

New Orleans, Louisiana, this _____ day of _____, 1998.

United States District Judge