

# Garrison Trying to Nail Shaw for 'Intent'

NEW ORLEANS, Feb. 13 (UPI) — The state was attempting today to prove a series of acts of intent were performed by Clay L. Shaw, Lee Harvey Oswald and David W. Ferrie to further a plot to murder President John F. Kennedy.

But if the jury in the Shaw trial believes firmly only the evidence it has received against him up to today, the state need go no further in its courtroom battle to convict him of conspiring to the assassination.

The prosecution yesterday came to the end of its testimony designed to show a "meeting of the minds" here in September, 1963, between the three men.

Then it introduced testimony to show an overt act by Ferrie — a trip to Houston, Tex., just after the Kennedy slaying — to further the alleged plot.

### ENOUGH

That is all that's needed under the law of criminal conspiracy. However, the state will try to prove four more such acts, which Dist. Atty. Jim Garrison listed to the all-male jury in his opening address. He also said he will prove the actual murder in 1963 in Dallas was by conspiracy and not by Oswald acting alone.

Mr. Shaw, 55, a retired businessman, is charged with plotting with Oswald and Ferrie under a law that defines conspiracy as "an agreement or combination of two or more persons for the "specific purpose" of a crime — and says there must be proof of at least one overt act in furtherance of the scheme. "Overt," in law, means done with evident intent.

The state cleaned up its "agreement" case by calling an assistant District Attorney, Andrew J. Sciambra, to bolster the testimony of its star witness to the plotting, Perry Raymond Russo.

Mr. Russo had testified he heard the three planning, with the main talk being uttered by Ferrie, in Ferrie's apartment. One of the subjects discussed was establishing alibis by being in cities other than the murder site, he said. But under defense questioning, he said he did not know whether the talk was serious or a "bull session."



—UPI Photo

Asst. D. A. Andrew Sciambra, left and chief prosecutor James L. Alcock drive off during lunch recess in the Shaw trial.

Mr. Russo had listed 21 errors he said Mr. Sciambra made in a memo about the state's first interview with Russo, Feb. 25, 1967. Mr. Sciambra testified he had not put Mr. Russo's story of the conspiracy, and some vital names, into the memo because he had delayed its writing so long it had become "secondary" to a report about Mr. Russo's conspiracy story told while under truth serum.

Mr. Sciambra termed James Phelan of the Saturday Evening Post, now defunct, "a journalistic prostitute" and charged Mr. Phelan had tried to influence Mr. Russo and raise false fears in him.

Mr. Sciambra said his own errors "may make me a sloppy memo writer, but I'm not a prostitute."

For the first overt-act evidence, the state call R. C. Roland who in 1963 had been president a general manager of an ice rink in Houston, Tex. He testified Ferrie had phoned him to make reservation for himself and two other men to public skating session.

### 'A PEST'

The party arrived Nov. 23, 1963, the day of the Kennedy murder, he said, and Ferrie "made a little bit of a pest of himself" by constantly announcing his name. While the other two skated he testified, Ferrie stayed near the public phone and used it three times.

Mr. Roland said Ferrie "made a point" of talking to him at least five times and of saying goodby when they left and saying he enjoyed skating.

Mr. Roland said he reported it to the FBI as an agent had spent an hour and a half with him reviewing the incident.

*B. M. King*

- The Washington Post \_\_\_\_\_
- Times Herald \_\_\_\_\_
- The Washington Daily News 1
- The Evening Star (Washington) \_\_\_\_\_
- The Sunday Star (Washington) \_\_\_\_\_
- Daily News (New York) \_\_\_\_\_
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- The Worker \_\_\_\_\_
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- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
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