

recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators."

It may be that plaintiff has this statute in mind, even though his complaint does not specifically refer to it, for his complaint alleges that the New York police officers have "conspired with 'various others'" to perpetrate some of the wrongs of which plaintiff complains, one of which is that the police officers have "disguised themselves as friends and relatives of plaintiff and quickly passed plaintiff in public places." It is equally well settled that an action under Section 1985 does not lie against a municipal corporation any more than an action under Section 1983. *Egan v. City of Aurora*, supra; *Spampinato v. City of New York*, supra; *Fisher v. City of New York*, supra; *Scolnick v. Winston*, supra.

28 U.S.C. § 1343, therefore, does not confer jurisdiction upon this court over the subject matter of this action.

[3] The other basis of jurisdiction asserted in the complaint is 28 U.S.C. § 1331, the "federal question" section which gives jurisdiction of actions where in the matter in controversy exceeds \$10,000 "and arises under the Constitution, laws or treaties of the United States." The complaint alleges that this action arises under the Fifth Amendment. Plaintiff is thus asserting that his claim arises under the Constitution. The rule is that the mere assertion of such a claim is sufficient to give the court jurisdiction to determine it, unless the claim is plainly unsubstantial. *Bell v. Hood*, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939, 13 A.L.R.2d 383 (1946); *Pomero v. International Terminal Operating Co.*, 358 U.S. 354, 79 S.Ct. 468, 3 L.Ed.2d 368 (1959).

[4] A claim that the Fifth Amendment gives rise to plaintiff's claim against the City of New York is plainly unsubstantial, for it is well settled that the Fifth Amendment applies only to the acts of the federal government and its

officers, not to states or municipalities. *Scolnick v. Winston*, supra. See *Bell v. Hood*, 71 F.Supp. 818 (S.D.Cal.1967) and cases therein cited.

[5] It seems apparent, however, that plaintiff, a layman, has misapoken himself in referring to the Fifth Amendment, and that he should have referred to the Fourteenth. Since his contention is that jurisdiction exists because his claim arises under the Constitution and laws of the United States, I believe that the question is fairly raised as to whether any part of the Constitution, not merely the Fifth Amendment, is a valid basis for the claim. I will construe the complaint, therefore, as alleging, in effect, that the claim arises under the Fourteenth Amendment and under the laws of the United States.

Arguably, a contention that the claim here arises under the Fourteenth Amendment is also plainly unsubstantial, although it is not as patently frivolous as the contention that the Fifth Amendment gives rise to the claim. I will, however, give plaintiff the benefit of the doubt on this point. I therefore hold that the assertion of this claim under 28 U.S.C. § 1331 is sufficient to confer jurisdiction upon this court to decide it, and hence that the action should not be dismissed for lack of jurisdiction.

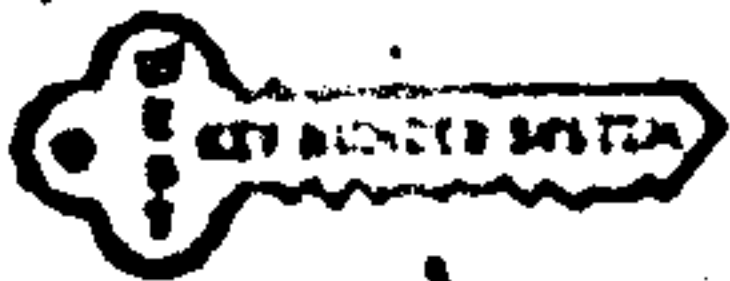
[6] This brings us to the second branch of defendant's motion, i. e., the motion to dismiss on the ground that the complaint fails to state a claim upon which relief can be granted. It is clear that this position is well taken. There is no possible room here for a claim under the Fifth Amendment, as I have pointed out, and there is controlling authority in this Circuit to the effect that the Fourteenth Amendment also affords no basis for relief in an action such as this. *Fisher v. City of New York*, supra; *Scolnick v. Winston*, supra.

Therefore, since the Constitution itself affords no basis for the claim, and since the only "laws of the United States" which could conceivably give rise to it are 42 U.S.C. §§ 1983 and 1985, which, as



previously noted, do not apply to municipalities, it follows that the complaint does not state a claim upon which relief can be granted and that defendant's motion to dismiss the action on that ground must be granted.

So ordered.



John HICKEY, III, a minor suing by and through John Hickey, II, his father and next friend

v.

INSURANCE COMPANY OF NORTH AMERICA.

Civ. A. No. 5023.

United States District Court  
E. D. Tennessee, N. D.

Jan. 26, 1965.

Action by minor pedestrian, who was struck by uninsured motorist's automobile as pedestrian ran across road, and who was an additional insured, against insurer to establish uninsured motorist's tort liability and insured's contract liability under uninsured motorist provision. The District Court, Robert L. Taylor, Chief Judge, held that arbitration under policy was precluded because pedestrian was a minor, that parties' intentions would best be served by bringing of the action, that evidence established motorist's negligence, proximate cause, and lack of minor pedestrian's proximate negligence, and that damages of \$4,000 plus \$1,262.61 for medical expenses would be awarded.

Order in accordance with opinion.

1. Infants § 48

Under Tennessee law, arbitration to determine coverage, if any, under unin-

sured motorist provision of automobile liability policy could not be had because additional insured who was making a claim under provision was a minor under 21 years of age.

2. Insurance § 524

No liability exists against automobile liability insurer under uninsured motorist provision if person claiming under provision fails to establish legal liability against uninsured motorist.

3. Federal Civil Procedure § 253

Person claiming coverage under uninsured motorist provision of automobile liability policy can join insurer as defendant in the federal district court if person can establish legal liability against uninsured motorist.

4. Insurance § 557

Parties' intentions under uninsured motorist provision and arbitration provision would best be served by action by additional insured against insurer in which court, in effect, would become the arbitrator, where arbitration was precluded because additional insured was a minor, and nothing except arbitration provision prevented additional insured from bringing action.

5. Courts § 33(4)

Fact that face amount of coverage under uninsured motorist provision was \$10,000 and, therefore, below requisite jurisdictional amount would not preclude federal district court from having diversity of jurisdiction, where medical expenses which insurer contracted to pay additional insured making a claim under uninsured motorist provision plus the \$10,000 would meet requisite jurisdictional amount.

6. Parent and Child § 3.1(11)

Under Tennessee law, father is obligated to pay minor child's medical expenses.

7. Insurance § 315

Fact that additional insured's father was obligated to pay additional insured's medical expenses would not preclude additional insured from suing automobile liability insurer on contractual liability







## First Hypnotic Session

Dr. F Perry, I am going to ask you a date, as you see that date on the television screen, lift your right index finger - - - all right, I wonder what date you see?

PR September 16

Dr. F I wonder what year, Perry?

PR No year

Dr. F Look at the television, and a picture will come on and when the picture becomes very vivid to you and the program begins, lift your right index finger and if you care to, you can tell me about that picture.

PR I see Dave Ferrie just sitting around, just talking and he asked me if I wanted a cup of coffee or a glass of water or a Coke. I wanted water from the kitchen and ice box.

Dr. F Continue looking at that television program and tell me more about it.

PR Dave and I were sitting and he was on the big sofa and I was on the small sofa and he has on a white shirt and baggy pants. He asked me if I had registered in school.

Dr. F Perry, look around that room, I wonder, is there a calendar on the wall?

PR yes

Dr. F And what month is on the calendar?

PR September

Dr. F And what year, Perry?

PR 1963

Dr. F Continue looking at the television and tell me everything you see.

PR Dave took me home and he said he would pick me up tomorrow and I told him that I had to go to school.



PR

I am at school and it is late. As I was going to see President Kennedy and I remember I ran up a long ramp, an elevated incline, and I am with AL SAIZON, and we are just waiting and Kennedy hasn't arrived. I figured we were late and we just stood and waited, and he drove up on the ramp with sirens and started his speech.

Dr. F

Who is that white haired gentleman that is over there looking at President Kennedy?

PR

He is either with the New Orleans Police Department or government because my friend remarked about it. He said that he was the only one not looking at the president - he was looking at us. Then AL went over to the exit. Kennedy was getting ready to finish. Al went to the exit which is like an airplane hangar and I stayed because I was interested in Kennedy. He talked a while to the boy and this boy left and the Secret Service man went and talked to these other two men. All the Secret Service men had on loud coats.

Dr. F

How about this white haired gentleman?

PR

That was him.

Dr. F

Do you know his name?

PR

No.

Dr. F

We are looking at the television screen again and when it is clear again your finger will lift up. Study the picture and you are in an automobile driving into a service station. Tell me about that program on the television.

PR

I had trouble with my car because it wouldn't start at a red light and I didn't have any money except \$4 or \$5 and I just drove in and an old friend of mine came up and he said, "you remember me?" and I said yes. These boys fixed the tire, took the battery out, charged the battery, and I had to pay \$2.50 and I left.

Dr. F

Tell me about the white haired man sitting in that automobile over there.

PR

He is sitting with Dave and they are just talking and I interrupted their conversation and he thought it was rude and he left. He was sitting next to Dave and I yelled to Dave about getting the boys to hustle, I had to go because he was very ill at ease because Dave and I were suspicious of each other.



Dr. F Isn't there a calendar in the station  
where, Perry?

PR No.

Dr. F I wonder what is the day - -

PR 1964

Dr. F What is the month, Perry.

PR March

Dr. F And I wonder what day it is in March?

PR I don't know.

Dr. F [ Take a look at the white haired man again in the  
automobile and when you see him, lift your finger  
up - - Did you ever see that man before?

PR yes - he was a friend of Dave's.

Dr. F Where did you see him before?

PR [ At the Nashville Wharf

Dr. F This television screen is going to jump over again,  
and when it does, lift your finger. Look at the  
picture now because on the screen you are in your  
apartment on Elysian Fields Street and somebody  
is going to come in with two jungle instructors.

PR It is Dave - It is about 1 o'clock and I laughed  
when I saw him because the guys were some more of  
his friends and Landry told me about his friends.  
They were very dirty.

Dr. F And I wonder, Perry, what color was their hair -

PR Black hair

Dr. F Both had black hair

PR black hair.

Dr. F What color were their trousers, Perry?

PR Green - green shirt

Dr. F Were both dressed in green?

PR yes. Two other people were there - Al's friend from  
the CAP and another boy, I never saw him before.  
I saw this friend in Kenner at a CAP meeting.



Dr. F I wonder Perry, how he introduced you?

PR As his friend.

Dr. F. And by what name did he introduce you?

PR Perry

Dr. F And how did he introduce the others?

PR Manuel

Dr. F And I wonder - - how about the other one.

PR He introduced the others to me - - the boy from the CAP was Tommy

Dr. F This was Tommy who, Perry?

PR Just Tommy

Dr. F And this was Tommy who, Perry?

PR I was never told. Just Tommy. These guys spoke Spanish and the two boys were about my age and we just talked and talked.

Dr. F Did you hear somebody mention JULIANA?

PR I thought I did - oh, I think MANUEL called the other guy JULIANA, Julie - Spanish - Julie - Jules - They talked in Spanish and Ferrie talked in Spanish.

Dr. F They were very impolite, don't you think, to talk in Spanish in front of you?

PR I figured that was all they could speak.

Dr. F Continue to go deeper and deeper to sleep. You are comfortable and blank - - - Look at the television screen again, picture and visualize and your finger will life again when it is clear. That is right. A picture is going to come on and you are in Ferrie's Apartment on Louisiana Avenue Parkway. Would you look at that picture and tell us the story that you see?

PR He introduced me to his roommate who was a kook!

Dr. F And, Perry, I wonder what his roommate looked like. Describe him for me.

PR Looked like he would be about as tall as I and he had sandy brown hair, dirty white shirt and dirty, dirty, dirty, dirty - -

Dr. F And Perry, his name was - -



Dr. F That is right, continue looking at the picture. Who else is in the apartment.

PR Nobody, just me and him.

Dr. F Just you and -- Ferrie?

PR and Oswald

Dr. F That's right, Perry, keep looking at the picture and tell me what happens.

PR He introduced me and we talked and Ferrie came in and served coffee and I didn't take any, and the roommate was sitting on the piano. It was closed and he just sat and Ferrie and Leon didn't seem to get along that night.

Dr. F They had differences of opinion?

PR yes

Dr. F What about, Perry?

PR Dave never stated but I got the idea it was about a boy Dave was sleeping with and Leon made some remarks about it and Leon objected to the boy being there.

Dr. F That's right, continue to go deeper and deeper - Now, picture that television screen again, Perry, and it is a picture of Ferrie's apartment and there are several people in there and there is a white haired man. Tell me about it.

PR We are having a party and I came in and everybody is drinking beer. There are about ten of us and I am there, the roommate, Dave, some young boys and some other friends of Dave's and I was with Sandra.

Dr. F And what month is it?

PR September, September 16

Dr. F And what year, Perry?

PR 1963

Dr. F Tell me more about that picture.

PR Well, there is a record player in the middle of the room and it is playing sounds, not music - Spanish and a guy is making a speech and everybody laughed.



Dr. F and how about the white haired man

PR That is a friend of Dave's

Dr. F His name?

PR [ CLEM BERTRAND

Dr. F Had you seen him before?

PR [ yes, I saw him at the Nashville Street Wharf.

Dr. F I wonder where else -

PR no where

Dr. F Is that the same white haired gentleman in the service station?

PR I don't remember the service station.

Dr. F I wonder who that is sitting on the sofa with the rifle?

PR Leon

Dr. F What is he doing with the rifle, Perry?

PR He always had a rifle, he liked guns and many times he would have a rifle.

Dr. F This particular rifle - describe it for me, Perry.

PR He is not on the sofa - on the half sofa.

Dr. F Tell me about the rifle - look at it - describe it for me, Perry.

PR Long, and has wooden or plastic stock, it looks brown and it has a sight for hunting.

Dr. F What kind of sight?

PR barrel type - about 8 inches long.

Dr. F Take a look at the gun again? Does it have a lever underneath that you put the bullets in?

PR I have a .22 and it is the same type. He offered to show it to me but I didn't care to look at it. Same as my .22, you have to pull the bolt back and the cartridges have to be entered from below.

Dr. F Continue looking at the television program and Clay, the white haired man is going to come into the room. You are at Ferrie's apartment and there are many people. Who did he introduce Clay to?



just voice. Everybody in the house laughing  
and Dave said this is my friend Perry who lives  
on Elysian Fields, and he introduced me to everybody.

Dr. F Make believe you are Ferrie introducing Perry around.

PR I am Perry Russo - - - I am Perry Russo - - - I  
am Perry Russo - - - I am Perry Russo - - -

Dr. F Where is Juliana staying?

PR He is in the back

Dr. F And I wonder, Perry, where is Manuel?

PR Just sitting, not standing, everybody is getting up  
and moving.

Dr. F What names did Ferrie use for the other people  
he introduced you to?

PR I was shocked by the people and I don't speak  
Spanish. There were a couple of boys that looked  
American to me and we shook hands with two or  
three and there is Joe and Harry - -

Dr. F Tell me where was Bertrand?

PR Sitting on the semi-sofa

Dr. F I wonder, is this this the white haired man?

PR yes

Dr. F Could you count the Cubans that are in the room  
for me, Perry.

PR Four

Dr. F I wonder - - are they pro-Castro?

PR I don't know, I didn't talk to them.

Dr. F Anti-Castro?

PR I didn't talk to them. - - - - - they are in green  
fatigues, one in khaki pants and he is short and  
strong and hefty and has on a T-shirt - - - - one  
maybe 22 or 25 and he is dressed in dungarees and  
checked yellow and red and blue lots of colors in  
his shirt and there are two other men.

Dr. F Point to where Joe is sitting for me, Perry

(no response)



PR Only four - Julian, Manuel and two others - everybody went to the kitchen. I drank a Coke and the record was taken off and we sat around talking and these guys spoke Spanish.

Dr. F Look over there, Perry, tell me what Leon is doing.

PR He is sitting beside the piano - just sitting. He does the same thing. I don't like him because he doesn't like me. He told Dave the first time I saw him in front of me - why did he have to bring every little prick off the street in the house and I told Dave I wanted to go home.

Dr. F Let your mind go completely blank, Perry - - - see that television screen again, it is very vivid - not notice the picture on the screen - there will be Bertrand, Ferrie and Oswald and they are going to discuss a very important matter and there is another man and girl there and they are talking about assassinating somebody. Look at it and describe it to me.

PR We are sitting around on the sofas and I came in late. Dave offered me a drink and I said no I didn't want anything, and I sat down and played like I belonged. I didn't know what was going on. Dave went and got drinks for everybody - all the drinks were coffee and they resumed the conversation and I was just sitting. They planned to assassinate President Kennedy.

Dr. F Tell us exactly what everybody said, Perry.

PR Dave paced the floor back and forth and he talked and talked and told them if they were to get the President they would fly to Mexico or Cuba on to Brazil and Clem said they could not go to Mexico and Brazil - it involved too much gas expense and the cooperation of Mexican authorities and that wouldn't be possible. Leon snapped at Bertrand and said leave him alone. I guess Ferrie and Leon had made up and Leon said leave him alone because he is right because if he said we go, we can do it. It doesn't make any difference, Japan or Mexico.

Dr. F I wonder what they said about Dallas, Perry?

PR Nothing about Dallas. Ferrie had a bunch of newspaper clippings about one inch thick all of them about Kennedy - Kennedy's picture or Kennedy's name in the headline. Had rubber bands and clips on them and carried them around with him.



PR He never told me that, he told me he was going to assassinate the president and I laughed at him, but I never laughed in front of his friends.

Dr. F Is Clay Bertrand the same person that you saw in the District Attorney's Office and the same person you went to sell insurance to yesterday, Perry?

PR Dave never took me to his house.

Dr. F You went to his house yesterday to sell insurance with somebody from the District Attorney's Office, Perry. Is that the same man that was in with Ferrie and Oswald and the same man that was at the wharf?

PR I don't understand - Dave never showed me any places like that.

Dr. F Now go to sleep, Perry - - - - -  
And, now, Perry, I want you to see that television screen again and when you visualize it and it is clear you will see the face of a white haired man. You met him yesterday when you went to his apartment. This is yesterday, the last day of February. You picture him in your mind. Have you seen him before? Have you seen him on several occasions and what were these occasions, Perry?

PR He was Dave's friend and I saw him at Dave's house.

Dr. F Where else did you see him, Perry?

PR I saw him later at Dave's and Al's service station

Dr. F Where else, Perry?

PR I saw him at the Nashville Street Wharf

Dr. F What is his name, Perry?

PR CLAY BERTRAND

Dr. F Perry, see the television screen again - - a picture is going to flip up and this is the last time you saw Oswald and Ferrie together - - - describe the scene to me.

PR I came over to Dave's house and we just talked about the usual stuff and the roommate had to leave. He brought out two bags all beat up. The suitcases were like a canvas bag with extra pouches and real heavy canvas and he has a little, smaller bag and he is just leaving. I guess Dave is kicking him out.

Dr. F I wonder, where is he going?



October 7, 1963

Dr. F Is this the same roommate that called Lee Oswald?

PR Leon

Dr. F Perry, I imagine you know Leon Oswald, was he married?

PR yes.

Dr. F What was his wife's name?

PR Margaret

AS Perry, I am very interested in finding out everything I possibly can about Ferrie's roommate, the one who was named Leon Oswald. I want you to get a good picture in your mind of the first time you saw Leon Oswald in Ferrie's apartment. Tell us about that.

PR He was sitting and I came in with Dave and he was seated and he just looked up.

AS Did he have a beard?

PR Lots of whiskers - not a beard. I thought he may have pasted it on.

AS Are you sure about that?

PR No, I never asked Ferrie.

AS What is the date you first saw Leon Oswald?

PR September 13

AS Who else is in the apartment besides Ferrie and Oswald and yourself.

PR That's all

AS Can you tell me the very next time you saw Oswald in the apartment?

PR three days later

AS September 16?

PR yes

AS Who was in the apartment then?

PR A gang of Dave's friends.

AS Was Manuel there?



AS Now, Perry, tell me the names of the two cubans  
they this time at Ferrie's apartment on September  
16. Are they the two Ferrie brought to your  
apartment on Elysian Fields Avenue?

PR I am not sure.

Dr. F Picture the television screen again, Perry, and  
lift an index finger up on your right hand when the  
picture is clear. All right, and now you see a  
serial picture and there is a date and there will be  
a serial picture of each time you have seen Leon  
Oswald and the date is in the upper right hand corner

PR September 13 - - -

Dr. F Another picture flips -

PR September 16 at Dave's.

Dr. F Picture flips again.

PR October 7 at Dave's

Dr. F Continue - the picture flips again

PR (No Response)

Dr. F Continue to go deeper and relax with each breath.  
You were telling me about Oswald leaving to go to  
Houston. I wonder, Perry, who is Oswald going to  
visit in Houston?

PR I don't know. I may be his wife but I had never  
seen her and I don't know where she was but I know  
the guy was married and I figured Dave was kicking  
him out.

Dr. F I wonder, Perry, who is Brett Wall?

PR A friend of Leon, he was supposed to help Leon

Dr. F How, Perry?

PR He didn't say, Dave asked him about it.

Dr. F And I wonder - - who is Jack Ruby?

PR I don't know

Dr. F I wonder if Brett Wall knew Jack Ruby?

PR I don't know

Dr. F And I wonder if Ferrie knew Brett Wall.

PR I guess so, it sounded like a mutual acquaintance.



Dr. F I wonder where Oswald was going to be in Houston, Perry?

PR He didn't say

Dr. F And I wonder who Larry Rost is?

PR (No response)

Dr. F I wonder what is the Winterland Skating Rink in Houston?

PR I know one in New Orleans on St. Claude Street.

Dr. F I wonder, Perry, where Leon was supposed to meet Brett Wall?

PR Dave didn't say

Dr. F I wonder if it was just in Houston or some other place.

PR I don't know.

Dr. F I wonder what mutual friend Ferrie and Leon had - they were both friends with - I wonder if they had any other friends, Ferrie and Leon, like Brett Wall?

PR Manuel

Dr. F In what way, Perry?

PR I heard both of them talk about them.

Dr. F Did you hear both of them talk about Julian?

PR No.

Dr. F I wonder what they said about Manuel?

PR Just general conversation. Dave referred to him and later on Leon referred to him.

Dr. F Could they trust Manuel?

PR I don't know, they didn't say.

Dr. F I wonder what roll Manuel could have played in the President's assassination?

PR They don't put people in rolls.

Dr. F I wonder if Manuel was supposed to help in killing the president?



Dr. F How, Perry?

PR He was to be the diversionary. Names were discussed as to who could do this and who could do that. They asked questions about who could be put in that spot.

Dr. F I wonder, Perry, if they ever talked about anyone shooting a gun from the school window or grassy knoll.

PR No.

Dr. F I wonder what they talked about as to how they were going to assassinate the president?

PR Dave said some one had gone up to President Eisenhower some time ago and were able to touch him and this just goes to show you could do the job. He said there would be a cross fire with a mob in between and if everybody was looking at the guy who is the diversionary and made the diversionary shot, the other guy could make the good shot. One would make the diversionary shot and the other would do the job.

Dr. F. Who was going to be used for the diversionary shot and who for the actual shot?

PR They never said.



Two 1/2 inch  
- sections

Taken 3/12/67



As you go down each step of this staircase let yourself go down deeper and deeper. And when you get to the bottom of that staircase lift up the index finger and go deeper and deeper as you go down each step slowly and when you hit the bottom landing you will be very deeply asleep. That's right deeper and deeper. That's right, now look up the hall, Perry, and about fifty feet up the hall I'd like for you to walk and in front of that door. When you get in front of that door, lift up your index finger. That's right now, Perry, this door is the entrance to a time tunnel. You needn't worry about it because we're all here and we'll take good care of you. I'm here, Andy's here, Al's here and we're all going to take good care of you. You are going into the time tunnel and you feel that spinning and you spin and spin and the time tunnel will throw you out September 1, 1963. September 1, 1963, it happens to be a Sunday and when the time tunnel throws you out Sunday, September 1, 1963, lift up the index finger of your right hand. Spinning and spinning and spinning, that's right now you are very comfortable in 1963.

Q. What year is it now, Perry?

A. 1963

Q. And what month is it, Perry?

A. September

Q. What day is it, Perry?

A. 1st

Q. You will have all of the experiences that you want to on September 1, 1963. And where are you, Perry?

A. Home

Q. And what are you doing?

A. Reading

Q. And what are you reading about, Perry?

A. Plato

Q. You continue to read Plato and enjoy it and now Perry as time goes on each day you relive to the fullest all of your experiences and when you have met and contacted and been with any of the following people, I'd like for you to describe it completely and thoroughly in detail as you re-live these experiences and the people that you may have met and contacted and been with is:

LEFTY PETERSON  
SANDRA MOFFETT  
TIM KIRSCHINSTEIN  
GERALD KIRSCHINSTEIN  
KENNY CARTER  
AL SAISSON  
AND ANDY



-2-  
Any of these people that you contacted, tell us about and now in September the 2nd, what day is that?

A. I don't know.

Q. You go ahead and re-live all of the experiences in relationship to these people in September, 1963, and as you contact these people, lift the index finger of your right hand and tell us about it.

A. I'm home and KENNY CARTER came over EDWARD KING and SPOON and JOE COOK, they had just finished working out.

Q. Yes

A. And we talked

Q. What are you talking about, Perry?

A. Basketball, They're suppose to play St. Augustine. It's suppose to be a tournament.

Q. That's right and time continues on now doesn't it. And what part of September are you in now, Perry?

A. September 7

Q. And what's going on?

A. Timmy's over and Dave's over, we're just shooting the breeze.

Q. And what is some of that breeze that's being shot?

A. Timmy's talking about school and Dave's trying to help him to tell him what to do and Dave called me earlier on the phone and told me to come bring some stuff over and he brought over some stuff but he couldn't show it to me because Timmy was there.

Q. What stuff did he bring?

A. Some f \_ \_ \_ films but we didn't have a projector.

Q. And time continues to go on, what day is is now?

A. September 11

Q. And what are you doing now?

A. Going to Dave's house.

Q. And where is this?

Isiah

not correct  
King + Spoon  
Perry for St. Aug



- Q. And who else is there?
- A. Just us.
- Q. And time continues to go on and what day is it now, Perry?
- A. September 13. *judgy*
- Q. And where are you now?
- A. Dave's house.
- Q. And what is Dave doing?
- A. Why he brought me here.
- Q. And who else is there?
- A. Roommate.
- Q. And you can describe in detail the entire happening.
- A. His roommate was sitting down when we walked in and Dave told me not to worry about him, his roommate was funny and he said this wouldn't bother me though.
- Q. And I wonder what his roommate's name is.
- A. Leon.
- Q. Leon? Does Leon have a last name?
- A. Oswald.
- Q. And what's going on now?
- A. Dave went into the kitchen to get something to drink and the place was in a wreck. I'm sitting down.
- Q. Who else is there with you?
- A. Nobody.
- Q. And time continues to go on, what day is it now, Perry?
- A. September 16.
- Q. And where are you?
- A. Home.
- Q. What day is it?
- A. September 16 *Monday*
- Q. Yes, what day of the week is it?



A. Waiting for Lefty, I'm inside apartment. I'm pissed off at Lefty because he's not here. We are suppose to go up to Dave's and he never showed up yet but he has a car.

Q. And?

A. He finally got there and then we left and we had ot go pick up Sandra and she's always late. After we picked her up we went to Dave's house.

Q. And who all else is there?

A. Everybody

Q. Go on and name them for me.

A. Dave and me and his roommate and some other people I never met.

Q. Describe them for me, these other people that you've never met.

A. Well, they had this young guy Indian American (?) that's the guy he's going with and a big guy and some Spanish guys.

Q. And what's going on now, Perry?

A. Everybody's just sitting around drinking, laughing and listening to the record player.

Q. What's the name of this big guy?

A. I didn't know his name when I got there.

Q. Is he a brunette or a blonde?

A. He has white hair.

Q. White hair, what is the big white-haired guy's name?

A. Dave told me his name was Clem.

Q. Clem?

A. Uh huh

Q. Clem what?

A. Bertrand.

Q. Look around to see if Julian is there.



Q. Is he there?

A. Uh huh

Q. And what are they doing?

A. Sitting down and getting up going to the back, everybody is fooling around.

Q. I wonder what they're drinking.

A. Beer, not everybody.

Q. Is it morning or evening?

A. Oh, it's late at night.

Q. About what time.

A. Lefty didn't get off till 8:00, I guess about 10:30, they don't have a clock.

Q. What is Bertrand saying?

A. Everybody is just talking and listening to records, talking, and drinking, laughing. He didn't say much.

Q. Were any important people mentioned here in this conversation?

A. President Kennedy.

Q. I wonder what's being said about President Kennedy?

A. Laughing and Dave has some clippings and pictures.

Q. And what is Dave doing with those clippings and pictures?

A. He has them in a folder.

Q. And who is he showing them to?

A. He's just talking and holding them up and laughs.

Q. And what is he saying?

A. "To hell with him" and laughs.

Q. He's saying "To hell with him" and laughing?

A. Uh huh

Q. And what else is he saying?

A. He's talking to everybody, everybody talking.

What are the things that are being said? Anybody



Q. And?

A. Julian speaks English but he's not speaking English, he's speaking Spanish or some other language but it has to be Spanish and Clem is irritated by them all.

Q. Who is irritated by them all?

A. Clem.

Q. Clem is irritated by them all. What is Clem saying? How does Clem express his irritation?

A. He's some important guy Dave told me and he's dressed good and the rest of them aren't dressed good. The rest of them are bums or nuts and he is the only one dressed good.

Q. And what is Clem doing now?

A. Sitting down.

Q. I wonder how angry got?

A. He got angry at all the noise. And every once in a while he would say something to Dave about it.

Q. And what is he saying to Dave?

A. Get the F----- people out of here.

Q. I wonder why?

A. He doesn't like noise.

Q. And where is Dave's roommate?

A. Ah, he's here.

Q. And what is he saying?

A. I don't know, I don't talk to him.

Q. I wonder why you don't talk to Dave's roommate?

A. He doesn't like me.

Q. And what is Dave's roommate holding in his hand?

A. He is in the back.

Q. Is anybody saying anything about this important person?

A. Dave.

Q. What is Dave saying about this important person.



-7-

Q. Dave must have had some feelings for Castro when he is saying that?

A. Dave liked Castro.

Q. What is he saying about Castro?

A. He is saying Castro is the best thing that came into the Western Hemisphere, and he says one day, Castro will be in the United States and if we can get rid of everybody here, we will be a lot better off.

Q. And what else?

A. Dave says Kennedy is smart. He says he is dead or he will be dead.

Q. Where did you see Bertrand before this party?

A. Nashville.

Q. How long ago?

A. Two years.

Q. What was he doing in Nashville?

A. Just walking around.

Q. And who is he talking to at the Nashville Street Wharf?

A. A friend of his.

Q. Would you describe this friend of his for me?

A. He was big, but he wasn't as tall as Bertrand, he had brown or black hair, brown or so on his back.

Q. And what else is being said in Dave's Apartment?

A. Everybody is leaving.

Q. Has Dave's roommate come back from the kitchen yet?

A. Uh huh.

Q. And what is he doing now?

A. He is sitting down.

Q. What does he have in his hand?

A. Nothing.

Q. And what else is Dave saying about the President Kennedy?

A. Dave says he is very smart.



Q. How did he say Kennedy will die?

A. He will be shot.

Q. I wonder by whom?

A. He didn't say.

Q. Did he say when the President would be shot?

A. He says it won't be long, and I joked and called him Criswell.

Q. What?

A. I joked and said you thing you are a Criswell or something.

Q. And?

A. And he laughed and he said it won't be long. Mark my words.

Q. Is Bertrand still there?

A. He stayed after everybody left.

Q. Did Bertrand hear this too?

A. Uh huh. They got into a big argument.

Q. And what were they saying in this argument?

A. This was before, because Bertrand was pissed-off at everybody being there and I don't think he likes me either.

Q. I wonder why Bertrand doesn't like you?

A. Cause he kept telling Ferrie why all these people were here and I just figured he meant me and Sandra.

Q. Are you leaving the apartment, now?

A. No.

Q. Well, tell me what else is going on.

A. Everybody is gone.

Q. Who left?

A. The young boys, all the Spanish guys, except Julian. He said he would be back, and Sandra left and me stayed.

Q. And where are you?



- A. Sitting over in the corner.
- Q. Describe him for me. Take a good look at him. Start at the top of his head and describe him.
- A. He is dirty. He has brown hair and he's got a beard on, old dirty clothes and rubber tennis shoes.
- Q. How tall would you say he was?
- A. He's shorter than Clem.
- Q. Shorter than who?
- A. Clem. Oh, 5'10" or 11".
- Q. 5'10" or 11".
- A. Right.
- Q. I wonder how heavy is Dave's roommate's beard? Take a good look at it and tell me. Is it beard or hair?
- A. The guys at school call it a beard, but they just haven't shaved.
- Q. I wonder where Dave's roommate comes from?
- A. I don't know, Dave never told me.
- Q. Is the roommate married?
- A. He was.
- Q. Who was he married to?
- A. Margerite.
- Q. I wonder how you come to find out how Dave's roommate was married and his wife's name was Margerite?
- A. Dave told me when we drove up.
- Q. Is there a rifle or a pistol in the room? Take a good look and see.
- A. The place is in a wreck. Everything is upside down and moved around.
- Q. Look around and see if there is a rifle or pistol present.
- A. There was one.



Q. And where are you now Perry?

A. I am in school.

Q. In school? And what day is it?

A. September 26.

Q. And who are you with?

A. By myself.

Q. Where did you see Dave's roommate last?

A. He was leaving.

Q. What day is that?

A. October 7.

Q. October 7?

A. uh huh.

Q. Where are you now? It is October 7.

A. At Dave's.

Q. Who's there?

A. The roommate.

Q. Who else?

A. That's all.

Q. And what's going on?

A. The roommate's leaving.

Q. The roommate's leaving?

A. He has all his luggage packed up.

Q. All of his luggage is packed up. I wonder where he is leaving?

A. Houston.

Q. Where is he going in Houston?

A. He didn't say, he doesn't talk to me.

Q. Who talked to him?

A. Dave.

Q. What did Dave say?



- A. Dave said, is everything prepared for you in Houston and wants to know if you need any money? And Leon said, no. He don't need any money, I will write you if I need some, and Leon asked Dave if he was coming over, and Dave said he would later.
- Q. Yes, and continue with the breeze.
- A. And Dave asked (he yawned).
- Q. Continue relating some of this breeze.
- A. Dave does most of the talking.
- Q. And what is he saying?
- A. Dave says goodbye and picked up his luggage. Dave's holding his luggage and is going to give him a ride.
- Q. Describe the luggage to me.
- A. It's cheap, it's not leather, its heavy, it uh, uh, canvas, like a schoolbag.
- Q. What kind of ticket does he have, a train ticket?
- A. A bus.
- Q. A bus? I wonder what time of day it is?
- A. Afternoon, I had just ate.
- Q. I wonder who got Dave's roommate's bus ticket?
- A. Dave.
- Q. And I wonder what bus line he bought those tickets from?
- A. Greyhound
- Q. I wonder when Dave bought those tickets?
- A. I don't know.
- Q. Is there anything of much importance in Dave's luggage?
- A. It's cheap. He's changed and he's clean now.
- Q. Did he put his rifle in there too?
- A. No
- Q. Did he put his pistol in there?



Q. Describe the case for me. Take a good look at the case and describe that case in detail; describe every mark that's on that case.

A. It is made out of it looks like leather, but it's not. It's not as long as the gun and it's about two feet long and it looks like a pool case for a pool stick. It has a zipper and it was tied on.

Q. It was what?

A. It was tied on.

Q. What was tied on?

A. The small leather case.

Q. Tied onto what?

A. To the big one, on the outside.

Q. Look at the case and tell me what stickers are on there.

A. None, it's new.

Q. I wonder where the roommate's wife is now.

A. I guess she's in Houston.

Q. Is there any talk about someone living on Magazine Street?

A. No.

Q. Did you see Dave's roommate between September 16 and October 7, if you did lift the index finger of the right hand. You did see Dave's roommate between September 16 and October 7. Let yourself go back to the exact time, what date is it?

A. September 28

Q. Describe September 28, re-live September 28 and describe it to me in detail.

A. It's about 11:00. I just came in from school where I was staying because Dave lives up at the school and has an argument. I should've gone home, I think.

Q. You can go ahead, Perry.

A. I was pissed off at Dave and when he came there he slapped his head and he said "F\_ \_ \_ you".

Q. Who did Dave say that to?



- Q. I wonder why he was mad.
- A. Something about his wife. He said he was going home.
- Q. I wonder where he was going.
- A. He didn't say. Dave wanted him to stay.
- Q. What was Dave saying about Leon's wife?
- A. Leon said it.
- Q. What did Leon say?
- A. Margurite was pissed off, mad. Dave said, I'll take care of it, now just calm down. She can't calm down, she's mad. I don't know what the f\_\_ she's going to do. So Dave said just let it go, I'll handle it. And I walked in and I didn't know what was going on until this day.
- Q. Who else is in the room?
- A. Just us.
- Q. I wonder if anybody is talking about Ruth Baine?
- A. No.
- Q. Is anybody talking about Mexico?
- A. No.
- Q. No?
- A. No.
- Q. Inaudible
- A. Greyhound
- Q. What's being said . . .
- A. Nothing, I just said I'd go and come back later.
- Q. It's the 28th of September is it not, Perry?
- A. I don't know.
- Q. Go deeper and deeper into sleep and time goes on until the next time you saw Dave's roommate, when you do lift up the index finger of your right hand. What date is it?
- A. October 7



A. 1964

Q. And what were you doing?

A. I had car trouble.

Q. And go deeper into the sleep deeper and deeper. We are going back again to September 16. We are going all the way back to September 16. If you were in Dave's apartment, lift up the index finger. If the conversation was about President Kennedy, I would like for you to listen to their conversation and tell us every word that was spoken. And who spoke the words?

A. Dave did most of the talking. Dave and Clem and Leon they didn't do much talking. Dave did most of the talking.

Q. Yes

A. Dave did most of the talking. All the stuff he said before and more of the same stuff. He said it was so easy to do it and said if we did it we would need three people at three different locations in a crossfire and I left in time before and you have to get out and you have to make sure you get out of the confusion and be able to leave and the easiest way to get out is to fly. He said he could fly. He could fly to Cuba or to fly to Mexico and then on to Brazil and then Clem got pissed off and he said you couldn't fly to Mexico and then on to Brazil because he said that if you had a big airplane with a lot of gasoline, the authorities in Texas would stop you.

Q. Who is saying that?

A. Clem. He said you have to fly to Cuba.

Q. Is that Clem Bertrand?

A. Uh huh.

Q. Yes.

A. And the roommate got pissed off and everybody is pissed off. I don't think he likes Clem. He didn't like anybody.

Q. I wonder why he didn't like Clem?

A. I think they were "mothers", Ferrie and the roommate, he used to make Ferrie feel good.

Q. I wonder what was said of a diversionary shot?

A. He had three men at the crossfire. One of them was the



Q. I wonder where they were going to get the money to do this with?

A. Clem. He's got money.

Q. Are you saying that Clem is going to finance this?

A. No.

Q. How do you know that Clem is going to finance this?

A. I don't, but he was the only one there who had money because he dressed good.

Q. And now, Perry, I'd like for you to go back and listen to Clem Bertrand talking and as you listen to Clem Bertrand talking, relay to me what Clem Bertrand says.

A. He's arguing with Ferrie. He's mad. And he asked Ferrie, do you want this to be successful or you don't. I am going to leave it up to you or I'll pull out of this altogether and Ferrie says he knows what he is doing. He will handle this and he will do the flying. He said he was talking up the wrong street because you don't know what you are talking about anyway and the roommate told Clem to shut up. He said he didn't know what he was talking about. He said let him handle it. Clem says he's a washed-out pot and Ferrie got real mad cause Ferrie really shows it when he is mad.

Q. Yes. And then?

A. And Ferrie said whoever is elected, the rest will either have to disappear or move out and establish alibis. They have to be seen and they have to be in public. And Clem says I know where I'll be.

Q. Yes.

A. Ferrie says I will be making a speech on the day of the assassination. I plan to make a speech or something.

Q. Yes. I wonder where Leon said he would make a speech that day?

A. No, Ferrie.

Q. Ferrie was going to make a speech? I wonder where?

A. College, at Southeastern.

Q. At Southeastern?

A. A speech or something.

Q. Did Clem say where he was going to be on the day of the assassination?



A. On business.

Q. What kind of business?

A. Just company, I guess.

Q. That's right, go deeper and deeper relaxed. We're going back now to September 28. When you get to September 28, the index finger on your right hand will lift. Now where are you?

A. At Dave's.

Q. Who's there? What's his roommate's name? Who?

A. Leon.

Q. You are very deeply relaxed. Was Leon supposed to leave that day?

A. What day?

Q. The 28th day of September.

A. He said he was going home.

Q. Where is his home?

A. I don't know.

Q. He was going home on that day?

A. Uh huh.

Q. Deeper relaxed. And now we are going in time until we get to October 7, 1963. When you get to October 7, lift up your index finger. Had Dave's roommate been out of the country?

A. That's what Dave said.

Q. Where was he?

A. Mexico.

Q. What day did Dave say he went down to Mexico?

A. End of September.

Q. And when did he return?

A. He didn't say.

Q. I wonder what he went to Mexico for?

A. He didn't say.



you can permit these starts to come into your mind exactly as you have seen them without fear, without remorsefulness. That's right, because all you will be doing is telling the truth, Perry, as you see it, nothing more or nothing less. Now when you get ready, Perry, I'd like for you to count to five out loud. There's no rush about it. When you count to five, let your eyes spring wide open becoming wide awake and I'd like you to open your eyes with a smile on your face. Remember, now that you have a task that you, yourself, have elected to perform. You can do it well and you will do it well. And remember, Perry, the truth always wins out. There is no question about that in my mind and you may also find that to be true also. Whenever you are ready, count to five, let your eyes spring wide open and you will be wide awake.



Interview with PERRY RAYMOND RUSSO at the Mercy Hospital on  
February 27, 1967.

On February 27, 1967 Al Oser and I, after talking with Dr. Nicholas Chetta of the Orleans Parish Coroner's Office, took PERRY RAYMOND RUSSO over to the Mercy Hospital located on Bienvenue and Jefferson Davis Parkway. Present in the Emergency Ward Operating Room were Al Oser, Dr. Nicholas Chetta, Dr. James Wall, Dr. Richard Zepernick, PERRY RUSSO and myself. At this point, Dr. Chetta began getting PERRY RUSSO ready to undergo sodium pentothal. After the preparations were over Dr. Chetta and Dr. Wall began administering glucose into his arm and at 3:28 p.m. the actual injection of sodium pentothal into RUSSO began.

After a few minor questions such as: what was his name, where does he live, where does he work and did he know other individuals I got into the main stream of questioning. My first question pertained to his relationship with AL LANDRY. He said that AL LANDRY was a friend of his and he had known him for five years. I asked him if he knew DAVID FERRIE and he said yes, he knew DAVID FERRIE and that he had first met him at FERRIE'S house in 1962. He said that it was through AL LANDRY that he had the occasion to come into contact with FERRIE, as FERRIE was queer and was in love with AL LANDRY. He said that LANDRY'S mother had asked him to try and break the relationship that existed between LANDRY and FERRIE and that he thought that he would intercede and try to do this.

He then began to tell us of an event that he experienced at FERRIE'S apartment with AL LANDRY. He said that he went to FERRIE'S apartment near Kenner with LANDRY and FERRIE introduced him to his mother and about eight or ten boys that were in the Civil Air Patrol unit of FERRIE'S. He said this was more or less an informal meeting and FERRIE took this occasion to demonstrate his hypnotic powers. He did this by using LANDRY as a subject and after putting him in a deep hypnotic trance he began sticking pins into LANDRY'S body and LANDRY did not feel any pain whatsoever. He also said that FERRIE used post-hypnotic suggestion on LANDRY. He also said that at one time FERRIE had also hypnotized him and that when he came out of it he felt like a fool because everybody was laughing at what he had done under hypnosis. He did not remember what he had done but whatever it was it must have been funny because everybody was laughing at him.

I then asked him if he remembered seeing any Cubans with FERRIE and he told me that he could remember when he was living on Elysian Fields Avenue, FERRIE came to his apartment one day with two very thick, husky Cubans. He said FERRIE introduced them to him but that he didn't remember the names because they



RUSSO Interview (Continued)

Page Two

He then said that FERRIE used to always drop over to his apartment on an average of two times a week and that he believed that FERRIE may have been trying to hawk him but he never actually made any advances towards him.

I then asked him if he remembered telling me in our previous interview in Baton Rouge that he went up to FERRIE'S apartment on Louisiana Avenue Parkway and met FERRIE'S roommate. He said that he did remember and then I asked him to describe him and tell me all that he could remember about this roommate. He said that he had seen the roommate on about three different occasions in FERRIE'S apartment and that FERRIE at first told him that it was his roommate and called him LEON. He said LEON seemed to be around 25 years old and that what he noticed most about him was that he was very dirty and a beatnik-type guy. He said that the guy appeared to be a little nuts to him and that he would never talk to anyone. FERRIE had told him that he did not like to talk to anyone and that he was a bug on history and all he did was sit down on the porch in a rocking chair and also he read a lot. He said that he remembered FERRIE telling him that LEON was a real nut about guns and RUSSO remembered one time as he went into the apartment, LEON was sitting on a chair with his leg up cleaning a rifle. He said the rifle had a telescopic sight mounted right on top of the rifle and it was a bolt-action rifle. He also said that LEON had a pistol.

I asked him could he pinpoint the times that he saw the roommate with FERRIE and he said it was September 20 until around September 25, 1963. I asked him could he be sure of this and he said he is pretty sure -- that he knows it had to be in September.

I then asked him if the picture that we had drawn up this morning in my office resembled FERRIE'S roommate whom he referred to as LEON, and he said yes, the picture did. He said the roommate had a bushy beard and his hair was all messed up and he was extremely dirty. He said the picture we had drawn up this morning was very, very close to FERRIE'S roommate except maybe the guy was a little dirtier.

He also said another thing he remembered about the roommate was that OSWALD wore a wedding band on his left hand and it appeared to be gold or brass. I then pointed out to him that he had referred to the roommate as OSWALD and asked him if there was any particular reason why he now referred to FERRIE'S roommate as OSWALD. He said that he didn't know - that seems to be what he was called or what somebody said his name was.

I then returned to talking about the picture of LEE HARVEY OSWALD that we had added a beard to and messed up his hair and he said that that was very similar to how the roommate looked. He said



that the guy did not talk to him and when he asked the roommate where he was from, the roommate said "Everywhere". He said FERRIE had told him that his roommate did not like to talk to people and did not even get along with his (FERRIE'S) Cuban friends.

I then asked him if he knew CLAY SHAW. He said that he did not know CLAY SHAW. I then asked him if he knew CLAY BERTRAND and he said that he did know a BERTRAND and he is a queer. RUSSO said that FERRIE had introduced him to BERTRAND while he was at FERRIE'S apartment on Louisiana Avenue Parkway. I then asked him to describe CLAY BERTRAND and he said that CLAY BERTRAND was a tall man with white kinky hair, sort of slender and that he had seen BERTRAND on two other occasions. One occasion when his car had some trouble and he pulled into FERRIE'S service station on the Veterans Highway and on another occasion when he went to see President Kennedy speak at the Nashville Street Wharf. He said that he remembered BERTRAND because BERTRAND was hawking some kid who was not too far from him at Kennedy's speech.

I then asked him if he could remember any of the details about CLAY BERTRAND being up in FERRIE'S apartment and he told me that he was in FERRIE'S apartment with CLAY BERTRAND and FERRIE and the roommate and he remembers FERRIE telling him that "We are going to kill John F. Kennedy" and that "it won't be long". He said FERRIE again repeated his earlier statement that he could plan the perfect assassination of the President because he could fly anything that had wings on it and he had perfect availability of exit out of the country. When I asked him who FERRIE was referring to when he said "we", he said "I guess he was referring to the people in the room". He said this was not the first time that FERRIE had talked to him about how easy it would be to assassinate the President. He said that FERRIE, in September and October of 1963, became obsessed with the idea that he could pull off a perfect assassination.

He also repeated the previous story about FERRIE telling him that he knew more about drugs and autopsies than any doctor in the world. Also that FERRIE had told him of how he had given this drug, which was similar to an aphrodisiac, to his roommate and his roommate became very aggressive and had sexual relations with him. He said that he had also used this drug on AL LANDRY before.

My last question to RUSSO was something to this effect, "Is all that you are telling us true and to the best of your knowledge?" He said, "Yes, it is, as much as I can remember".

Dr. Chetta then informed us that he had been under sodium pentothal for over a half-hour and the administration of sodium



DISCREPANCIES AND CONTRADICTIONS IN RUSSO'S STORY

1. Perry Russo first offered himself as a witness to Garrison a few days after the death of Dave Ferrie, when Russo wrote a letter to Garrison. Garrison says the letter cannot be located; Russo says he did not make a carbon copy. But in an interview with me at Baton Rouge after the Shaw hearing, Russo declared that the letter said merely that "I had occasion to meet Ferrie and some of his friends and I'm willing to tell you what I know about them." The letter did not mention Shaw, "Bertrand," Oswald, or an assassination plot at Ferrie's apartment.

2. Russo first outlined in <sup>Feb.</sup> detail what he knew about the case on the afternoon of ~~Jan~~ Feb. 24 to Reporter Bill Bankston of the Baton Rouge State-Times. Russo told me that he talked to Bankston "between 45 minutes and an hour" and that he wanted to "get the whole story down with somebody." Russo told Bankston nothing about knowing Shaw, "Bertrand" or Oswald, and nothing about an assassination plot at Ferrie's apartment. Bankston has given me a statement to this effect.

3. Although Russo testified in detail <sup>at the Shaw hearing</sup> about events three and four years earlier--such as conversations at the "plot" session--he was not able correctly to remember Bankston's name four weeks after he had talked to him. When I interviewed Russo in Baton Rouge on March 21, he referred to Bankston as "Ray" rather than "Bill."

4. Russo was interviewed on Feb. 24 by at least three radio and tv newsmen, after the Bankston story appeared. To none of these did he state that he knew Shaw, "Bertrand", or Oswald, nor did he say anything at all about the "assassination plot."

5. On the following day, Feb. 25, Russo was interviewed for approximately three hours by Anthony Scianora, assistant to Garrison. According to a 5,500-word memorandum written two days later by Scianora, Russo volunteered no information of any sort about Oswald, Shaw, "Bertrand" or the "assassination plot" at Ferrie's apartment. When shown a picture of Shaw, Russo said he thought he had seen him twice, once at the Nashville Wharf and once in a car with Ferrie. When shown a picture of Oswald, he said only that the picture resembled Dave Ferrie's roommate if it had a beard on it. According to Scianora's memo, Russo made no mention of knowing Shaw as either Clem or Clay Bertrand, and said nothing about the heart of the case against Shaw--the "assassination plot" at Ferrie's apartment.



6. On March 19, after the Shaw hearing, I drove out to Garrison's home and informed him of the wide discrepancy between Russo's original story, as reported by Sciambra, and the story Russo testified to at the Shaw hearing. Garrison seemed genuinely surprised at this information, and could offer no explanation. He said merely, "I'll get 'Moo' out here to explain this."

7. When confronted with the discrepancy, Sciambra first hotly and categorically denied that any discrepancy existed. He told me that I "didn't know what I was talking about" and that his Baton Rouge memo had reported the same facts to which Russo later testified. At the time Sciambra made this statement, he was not aware that I had a copy of his memo, which at the time was in the vault at my hotel in New Orleans. I immediately challenged him to read his memorandum with me and show me where Russo had said anything about Shaw knowing Oswald, about Russo knowing Shaw as Bertrand, or about anything resembling an assassination plot between Shaw, Oswald, and Ferrie, or anything about a party attended by the three at Ferrie's apartment. "If I am wrong," I told Sciambra, "I'll resign from the Saturday Evening Post. If you're wrong, you resign from the D. A.'s office." As I proposed this showdown to Sciambra, Garrison was rummaging in his desk for a copy of the Sciambra memo. As Garrison continued to rummage, Sciambra abruptly abandoned his contention that there was no discrepancy between his memo and Russo's testimony. Sciambra offered a new explanation; that he had written his memo under trying circumstances, that he was busy with "a half-dozen other things" and that he might have "forgotten" to include the vital information about Shaw, Oswald, and Ferrie plotting to kill Kennedy. I told him I found this incredible; that if he had uncovered a witness (Russo) to the crime of the century and had written a single paragraph report, he would have mentioned the assassination plot. To have written a 5,500-word report, I went on, and to have left out all the substantive material defied belief.

8. When driving me back to the hotel after the above meeting, William Gurvich declared that he believed Sciambra lied to me. He said that Sciambra had prepared the Russo-interview memo with great care, writing and rewriting and polishing it. He also said that Sciambra had not been engaged in a "half-dozen other things" while writing the memo. Gurvich then commented: "I think a crime was committed in New Orleans--and I don't mean a plot to assassinate Kennedy." The context of the comment made it clear he was referring to Russo's testimony.

9. The day after the confrontation with Sciambra, I saw him a second time and asked him to produce his original notes from the Russo interview, to substantiate his contention that Russo had told him about the assassination "plot". Sciambra said he had "burned my notes after typing the report." Garrison



repeatedly has ridiculed, in his public speeches, the claim of an autopsy doctor that he burned some notes after writing up the Kennedy autopsy report. He apparently finds nothing absurd about Sciambra's bonfire.

10. On March 21, with Matt Herron of New Orleans as a witness, I interviewed Russo in Baton Rouge. I gave him my copy of Sciambra's memo, told him I intended to use it in writing my Sat Eve Post article, and asked him to read the memo for accuracy. He made four minor corrections that had nothing to do with the heart of his testimony against Shaw. When he encountered Sciambra's notation that he, Russo, "had seen Shaw twice"--a passage I had underlined in ink, Russo stated: "I should have said three times, counting the party. I'm usually careful about what I say, but"--and then he shrugged--"maybe I only said twice." When he finished reading the memo, I asked, "Then you first mentioned the assassination plot when?" Said Russo, "Down in New Orleans." This, of course, destroyed Sciambra's contention that Russo had told him about the plot in Baton Rouge and that he, Sciambra, had forgotten to include it in the memo.

11. Approximately a month later I returned to New Orleans for NBC and talked to Russo daily for six days. At our first conversation, he suddenly blurted out that "if Garrison knew what I told my priest in Baton Rouge after the Shaw hearing, he would go through the ceiling." He volunteered that he had told the priest he wanted to sit down alone with Shaw in a room, listen to him "breathe and talk" and ask him some questions so he could resolve doubts he had about his identification of Shaw.

12. At Russo's request, I arranged a tentative meeting between Shaw and Russo, with only myself present. Russo then withdrew from the project, on the grounds that news of the meeting would leak back to Garrison. Later he told me, "I lied to you about why I didn't want to meet with Shaw. I was afraid that if I talked to him I'd know he wasn't the man. What could I do then? I could go on the run to Mexico, or to California and become a beatnik, but I couldn't run from myself."

13. When hypnotized by Dr. Fatter, Russo did not volunteer any information incriminating Shaw until Fatter set the stage for him, placed Shaw and Oswald in Ferrie's apartment, and instructed him that "they are talking about assassinating somebody" and "describe it to me."

14. Under hypnosis, Russo placed the "assassination plot" on Sept. 16. On the stand, he changed this to "around the middle of September."

15. In the same hypnotic interview, Russo refers to Shaw as "Clem Bertrand" and later as "Clay Bertrand." On the stand, he said he knew him as "Clem Bertrand."

16. Under hypnosis, Russo identified "Brett Wall"--a reference to Brock Wall--as a "friend of Leon" (Oswald). Russo also said



that Ferrie "asked Leon if Brett Wall would be there" in Houston, and "he said he supposed so." I have interviewed Brett Wall in Las Vegas. He denies knowing Ferrie, Oswald, or Shaw or ever meeting them. He expressed willingness to take a polygraph test if Garrison injects him into the case.

In my interview with Garrison in Las Vegas prior to the Shaw hearing, it became apparent to me that Garrison had simply decided that Wall was a conspirator in the assassination because of what Garrison considered circumstantial evidence. Wall was a friend of Jack Ruby, and Ruby called Wall in Galveston the day after the Kennedy assassination. Garrison found it highly suspicious that Wall left Dallas after the assassination and went to Galveston, passing en route through Houston, where Ferrie journeyed from New Orleans "to go ice-skating." "Wall is a homosexual, a friend of Ruby, and passes through Houston while Ferrie was there," Garrison told me. "So Wall has got to be in on this thing." Wall and Ruby, interviewed after the assassination, told the same story about the phone call--that Ruby, disturbed because his strip-joint competitors stayed open after the assassination, complained to Wall as an officer of the entertainers' union. Wall further stated to me that he passed through Houston late at night, long after Ferrie had visited the skating rink.

It is my opinion that Russo's statements about Wall under hypnosis are totally the result of Russo's suggestibility.

17. In the hypnotic interview, Russo declared he saw Oswald in New Orleans on Oct. 7, when Oswald was known to be in Texas.

18. Under hypnosis, Russo refers to Oswald's wife as "Marguerite," whereas that is Oswald's mother's name.

19. In the first Fatter hypnotic session, Russo said that Oswald had a rifle with him at the Sept. 16 party. In the second interview, Russo said he had "nothing" in his hands.

20. In the second Fatter interview, Russo said that "Clem" Bertrand had stated at the Ferrie party that he intended to "be on the coast" the day Kennedy was assassinated. At the time Russo made this statement in a trance, Garrison already had determined that Shaw had been in San Francisco the day of the assassination and this fact had been printed in the New Orleans papers. In my conversation with Russo in May, I told him that this sequence of events was almost too neat for belief and sounded as if he was the object of some suggestion. Russo immediately told me that, shortly after arriving in New Orleans for sodium pentathol and hypnosis, he "had picked up a lot of information from Garrison's people just from the way they asked questions." He said, "I'm a pretty perceptive guy, and besides, when they got through asking me questions, I asked them a lot of questions--like 'Why is this man important?' and so on. I also," he continued, "read every scrap the papers printed about the case before the Shaw hearing."











3/14/69

**AIRTEL**

**AIRMAIL**

**TO :** DIRECTOR, FBI (44-41624)  
**Attention: Civil Rights Division**

**FROM :** SAC, New Orleans (44-3768) (C)

**SUBJECT:** DISTRICT ATTORNEY JIM GARRISON,  
 ORLEANS PARISH, NEW ORLEANS,  
 LOUISIANA;  
 CLAY LAVERGNE SHAW - VICTIM  
 CR  
 (OO: New Orleans)

Re New Orleans airtel and LHM, dated 3/4/69.

Enclosed herewith for the Bureau are four (4) copies and for Dallas one (1) copy of a letterhead memorandum captioned as above, suitable for dissemination.

The Bureau is requested to transmit one copy of the enclosed letterhead memorandum to Division Five for Bufile 62-106090.

A copy of the enclosed is also being provided to the U. S. Attorney's Office at New Orleans, as well as to the Departmental Attorney of the Civil Rights Division located in the Masonic Temple Building at New Orleans.

3-Bureau (Enc. 4) (RM)  
 -Dallas (Enc. 1) (Info)  
 -New Orleans (2-44-3768)  
 (1-39-69)

cam

*cam*

*[Handwritten signature]*

**D. S. HOGAN**  
**CHIEF STENO**  
**GRAPHICSTRIPPER**

INITIALS \_\_\_\_\_  
DATE: JUL 24 1972

99-69-1415

SEARCHED \_\_\_\_\_  
 SERIALIZED \_\_\_\_\_  
 INDEXED \_\_\_\_\_  
 FILED \_\_\_\_\_



DIRECTOR, FBI (44-41893)  
ATTN: CIVIL RIGHTS DIVISION

5/7/69

SAC, NEW ORLEANS (44-3772) (C)

DISTRICT ATTORNEY JIM GARRISON,  
ORLEANS PARISH, NEW ORLEANS, LOUISIANA;  
DEAN ADAMS ANDREWS - VICTIM  
CR

Enclosed for the Bureau are two copies of a motion filed in Criminal District Court, Parish of Orleans, State of Louisiana, Section "G", No. 198-483.

On April 28, 1969, [REDACTED]

[REDACTED] New Orleans, Louisiana, appeared at the New Orleans Office.

70 [REDACTED] Victim ANDREWS, who appeared with ANDREWS at this office on March 10, 1969, as identified in New Orleans LHM dated 3/11/69.

70 On April 28, 1969, [REDACTED] advised that as yet ANDREWS had not completed his prepared statement in this matter.

70 [REDACTED] had in his possession a 321-page document which he identified as a motion filed before the court by ANDREWS to recuse DA GARRISON from prosecuting ANDREWS on a charge of perjury. This motion was subsequently denied and as a result ANDREWS was tried and convicted of perjury and received an 18-month sentence which is currently on appeal.

70 [REDACTED] advised that he had borrowed the above-described document from [REDACTED] of New Orleans [REDACTED] ANDREWS' appeal on the perjury charge conviction.

70 [REDACTED] stated that both he and ANDREWS felt that there was information contained in this document which will lend credence to their beliefs that GARRISON had used his

3 - Bureau (Encls. 2) (RM)  
2 - New Orleans (1: 44-3772)  
(1) 89-89)

ENC/sab

(4)

89-89-4429

SEARCHED

SERIALIZED

INDEXED

FILED



NO 44-3772  
SNC/sab

position as District Attorney to violate ANDREWS' civil rights under the color of law.

70 [REDACTED] advised that both he and ANDREWS desired that a copy of this document be forwarded to the Department of Justice.

Three copies of this document were made and two are being enclosed, one for the Bureau file in this matter and one for transmittal to the Department. The third copy is being retained in the New Orleans file in this matter.

Because of the expense involved in reproducing the three copies, no copies were made for transmittal to the U. S. Attorney at New Orleans or to the Departmental Attorney at New Orleans.

It is suggested that in the event the Department desires copies of the enclosed be made available to the two aforementioned agencies that the Department be requested to make these additional copies and transmit same.

At such time in the future as victim furnishes his prepared statement as previously indicated, this statement, together with any oral information provided, will be furnished.

In the meantime, this case will continue to be maintained in a closed status.



DIRECTOR, FBI (44-41693)

5/13/69

SAC, NEW ORLEANS (44-3772) (P)

DISTRICT ATTORNEY JIM GARRISON,  
ORLEANS PARISH, NEW ORLEANS, LOUISIANA;  
DEAN ADAMS ANDREWS - VICTIM  
CR

This is to advise that on May 12, 1969, victim ANDREWS telephonically contacted this office and furnished the following information:

He now has in his possession one copy of the transcript of his perjury trial held at New Orleans, Louisiana, beginning August 11, 1967. This transcript consists of two large volumes totalling about 300 pages each.

Mr. ANDREWS stated he would make this transcript available for copies to be made in the event the Department wanted copies to review in connection with captioned matter.

The Bureau is requested to contact the Department regarding the above and, in turn, advise New Orleans of the Department's decision.

In the event the Department desires copies, the transcript will be obtained from ANDREWS and forwarded to the Bureau for reproduction.

2-Bureau (RM)  
3-New Orleans  
(2: 44-3772)  
(1: 89-69)  
SNC/ITS  
(5) *lrc*

89-69-4430

~~89-69-4430~~  
SEARCHED \_\_\_\_\_  
SERIALIZED *gt*  
INDEXED \_\_\_\_\_  
FILED *gt*





UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New Orleans, Louisiana  
June 17, 1969

In Reply, Please Refer to  
File No.

DISTRICT ATTORNEY JIM GARRISON,  
ORLEANS PARISH, NEW ORLEANS, LOUISIANA;  
DEAN ADAMS ANDREWS - VICTIM

On June 6, 1969, Mr. Dean Adams Andrews telephonically contacted the New Orleans Office of the FBI and advised that he was mailing to this office a copy of a document entitled, "State of Louisiana Versus Jim Garrison" "Motion to Recuse District Attorney". He advised that he had filed this document in Section D, Number 209-401 in the Criminal District Court, Orleans Parish, State of Louisiana. Mr. Andrews advised he desired this document to be brought to the attention of the Department of Justice.

On June 9, 1969, the above described document was received at the New Orleans Office of the FBI and is set forth on the next pages of this memorandum:

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

6 - Bureau (44-41893) (RM)  
1 - USA, New Orleans (RM)  
1 - Departmental Attorney, New Orleans (RM)  
3 - New Orleans (2 - 4403772)  
SAC/mak (1 - 89-89)  
(11) BNC

Wall  
89-69-4435  
gd  
or



CRIMINAL DISTRICT COURT  
ORLEANS PARISH  
STATE OF LOUISIANA

SECTION: " D "  
NUMBER: 209-401

STATE OF LOUISIANA

VERSUS

JIM GARRISON

FILED:

DY. CLERK:

~~TO THE HONORABLE THE JUDGES OF THE CRIMINAL DISTRICT COURT IN AND  
FOR THE PARISH OF ORLEANS:~~

MOTION TO RECUSE  
DISTRICT ATTORNEY

Now, into Court, comes Dean A. Andrews, Jr., the injured party complaining herein, and who, pursuant to Art. 680(1); and Art. 680(1) together with Art. 681 respectfully avers, to-wit:

Art. 680(1) provides: <sup>1.</sup> " A district attorney shall be recused when he;

- (1) has a personal interest in the cause which is in conflict with fair and impartial administration of justice;"

it is respectfully pointed out that the District Attorney is the defendant in the above numbered and captioned cause; of necessity he has a personal interest which is direct conflict with the fair and impartial administration of justice.

Art. 681 provides: <sup>2.</sup> " A district attorney may recuse himself, whether a motion for his recusation has been filed or not, in any case in which a ground for recusation exists.

A motion to recuse the district attorney shall be in writing and shall set forth the grounds therefor.

The motion shall be filed, and shall be tried in a contradictory hearing, prior to commencement of trial. If

a ground for recusation is established, the court shall



CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

NUMBER: 209-401

SECTION: "D"

STATE OF LOUISIANA

VERSUS

JIM GARRISON

BY CLERK:

FILED:  
TO THE HONORABLE THE JUDGES OF THE CRIMINAL DISTRICT COURT IN AND FOR  
THE PARISH OF ORLEANS, STATE OF LOUISIANA:

MEMORANDUM OF AUTHORITY

FACTS: Pursuant to Section 385 of the Louisiana Code of Criminal Procedure Dean A. Andrews, Jr., in proper person executed and swore to a written accusation of crime. The affidavit was filed with a Court having jurisdiction to try the offense.

The affidavit coupled with a motion for recusation of the District Attorney (ART. 680(1)) was also filed.

The Clerk of Court, case # 209-401, assigned the matter a number, (supra), and by allotment/procedure the case fell to section "D: entitled, State of Louisiana v JIM Garrison, 4TH class, the subject matter being the motion to recuse the District Attorney for having a personal interest in the affidavit.

The legal posture of the case is as follows:

The subject matter before the Court is simply the motion to recuse the District Attorney under Art. 680(1).

This article calls attention to the Court, and requires the Court to hear the matter contradictorily.

The Court knows itself that a prosecution in a criminal District Court is by information or indictment; further that the District Attorney may accept or refuse an affidavit filed in his jurisdiction; further, OR he can accept the affidavit convert it into