

Russo Testifies He Was Hypnotized to Check Credibility

BY JERRY COHEN
and NICHOLAS C. CHRISS
Times Staff Writers

NEW ORLEANS—In a strained, almost inaudible voice, Perry Raymond Russo testified Thursday he underwent hypnosis three times in an effort to establish the credibility of his claim that he overheard a plot to assassinate President John F. Kennedy.

Dr. Nicholas Chetta, Orleans Parish coroner for 17 years, took the stand later and said that the hypnotic sessions and a sodium pentothal test he administered convinced him Russo is neither "a faker" nor "insane."

Russo, a 25-year-old insurance salesman, said he underwent the hypnoses between Feb. 24 and Monday, the day before he began testifying at a preliminary hearing into conspiracy charges against New Orleans civic leader Clay L. Shaw.

Russo said he could not remember the exact dates, but recalls that the hypnotist told him to think about "nice, soothing, relaxing things."

Truth Serum Administered

Dr. Chetta said he administered the sodium pentothal (the so-called truth serum) to the state's witness and was present when Russo was subjected to three hypnotically induced trances.

The results, the coroner said, convinced him Russo "definitely not faking" and "fulfilled all the requirements of legal sanity."

Chetta added that he found the witness a "very rational, controlled and well-disciplined individual."

The sodium pentothal test, the coroner said, produced a "good resulting examination."

Russo has testified at the hearing that he heard Shaw, Lee Harvey Oswald and David W. Ferrie conspiring to assassinate President Kennedy. The hearing will enter its fourth day at 10 a.m. today.

If Dist. Atty. Jim Garrison, who claims to have "solved" the Presidential assassination, succeeds in establishing "probable cause" during the hearing, Shaw, retired

director of the International Trade Mart, will have to stand trial.

Chetta tangled verbally with Garrison three weeks ago, after Ferrie was found dead in his bed at his apartment here. The coroner ruled Ferrie died of natural causes; the district attorney has insisted repeatedly that he committed suicide.

Chetta's testimony was the high point of Thursday's session.

Chetta Accepted

Three judges sitting at the hearing accepted Chetta as qualified to offer expert testimony in the fields of forensic (legal) medicine and psychiatry.

Chetta conceded that sodium pentothal had "limitations" if the individual given the test were not a fit subject and if the physician administering it were not an expert in its use.

But, he said, a person who undergoes what he called "narcoanalysis" will "recall events" and "reveal things he does not care to reveal," if properly tested.

He said from his observation of Russo he considered the witness to have been a fit subject for a sodium pentothal test, and added that a person "skilled in the use" of the drug can separate the untruth from the truth.

Fewer Inhibitions

Chetta said the test puts the subject in a "twilight zone" in which the individual is conscious and can answer questions. But he said the inhibitions of the person are sharply reduced.

The test was given Feb. 27 in Mercy Hospital operating room.

Present were two other doctors, district attorney's aides and Sister Albertine, superintendent of surgery at the hospital. The test lasted about 40 minutes, the coroner said.

Chetta also testified he was present when Dr.

Esmond A. Fatter, a private physician, hypnotized Russo, twice in the coroner's office and once in the district attorney's office. Russo voluntarily submitted to hypnosis as a credibility test.

Chetta said he had talked with the informer "six or seven times" when he was not in a sodium pentothal-induced trance or under hypnosis.

Attorney's Question

Asst. Dist. Atty. Al Oser asked Chetta if Russo made any statements to him about the assassination of President Kennedy.

"Yes," the coroner replied.

Oser made repeated efforts to get Chetta on record as saying that statements Russo made under the influence of drugs and hypnosis were "substantially the same" as those he made when not.

But each time defense attorney F. Irvin Dymond objected, and presiding Judge Bernard J. Bagert

sustained the objection.

Before Chetta took the stand during the afternoon session, Dymond made further efforts in cross-examination to damage Russo's reliability as the state's informer.

Often Mumbles

Russo was visibly tired. In contrast to the two previous days on the witness stand when he boomed out his replies, Russo often mumbled his words. He sometimes was slow in responding and often asked the defense attorney to repeat his questions.

But he fared much better than he did Wednesday when Dymond trapped him in several conflicting statements.

"Have you ever heard of post-hypnotic suggestion?" Dymond asked.

Russo said he had, but he rejected any implication that he might have

been under post-hypnotic suggestion Tuesday when he took the stand for the first time to reveal the alleged plot.

He repeated his story of having overheard ~~Shaw~~ Oswald and Ferrie plotting in the latter's apartment in mid-September, 1963.

Russo said that despite the conversation he claims to have overheard, "I didn't get the impression" that the three men were necessarily planning to carry out the alleged plot.

Russo has testified that he knew Shaw as "Clem Bertrand" and Oswald as "Leon Oswald" the "three or four times" he saw each of them in 1963.

He admitted for the first time Thursday that the last time he had seen Leon Oswald the latter was clean and shaven. Before, he had insisted that each time he encountered Oswald he had been "dirty" and bewhiskered.

Why, then, he was asked, had he not recognized Lee Harvey and Leon as the same man from photographs published of Oswald after the assassination?

"Cause I was only there eight or 10 minutes," he replied, indicating that he had taken only a brief, disinterested look at Oswald at the time.

Early October

That was in Ferrie's apartment in "early October," Russo has insisted.

Dymond contended Wednesday that the Warren Commission reported that Oswald left New Orleans Sept. 25, 1963, and never returned here.

Russo contends the conversation he heard between Shaw, Oswald and Ferrie followed a "party" in Ferrie's apartment, attended by "eight or 10 people."

Wednesday, he said he could remember the names of only two persons he believed attended the party, "Sandra Moffett" and "Lefty Peterson."

But Thursday Russo said he believed two of the "Spanish-looking people" he had seen at the party, which ended before he claims to have overheard the plot, were named "Manuel" and "Julio."

Records Wanted

Later, defense attorneys obtained a subpoena calling for the Immigration and Naturalization Service here to produce records the federal government may have for a "Julio Busnedo or Busnede" and a "Manuel Garcia Gonzales (Gonzales)."

The defense attorneys indicated in the subpoena they believe the records will reflect on Russo's credibility.

The names Gonzales and Busnede have figured nebulously in Garrison's investigation. There have been reports that the district attorney's investigators have made several trips to Florida trying to find the two men. Also, there have been reports they have enlisted the support of Florida authorities in an effort to find the two Cubans. Both Cubans have been linked to mysterious activities concerning exile movements aimed against Premier Fidel Castro's Communist Cuba.

Cushing Doubts One Man Carried Out Assassination

Special to The New York Times

BOSTON, March 16—Richard Cardinal Cushing said Thursday, "I never believed the assassination of President Kennedy was the work of one man."

The Cardinal, at a news conference, declared "I don't think the Warren Report is complete. There are portions of it I think should be followed." He did not elaborate on his opinion of the official Government document covering the investigation of the Kennedy assassination.

During the news conference, Cardinal Cushing reaffirmed his intention to resign as Archbishop of Boston on his 75th birthday, on Aug. 24, 1970. He had previously made known this intention.

Hypnotized

Witness in Assassination 'Plot' Says That He Was

By GENE ROBERTS

Special to The New York Times

NEW ORLEANS, March 16

—The state's chief witness in an alleged Kennedy assassination plot testified today that investigators had him placed under hypnosis three times before this week's court hearing.

Perry Raymond Russo, 25-years old, told a three-judge panel that he did not remember the dates of the hypnosis sessions but that they took place within two weeks of the hearing.

Although Mr. Russo gave no details as to why he had been placed in the trances, a close friend said yesterday in Baton Rouge that it had been to jog his memory.

"The assistant district attorney asked him questions," said Steve Derby, a 20-year-old student at Louisiana State University. "And the more questions he asked, the more the story came back to Perry."

Involvement Denied

Mr. Russo, in ending three days of testimony, denied that he had been involved in a Kennedy assassination plot, the planning of which he said took place here in mid-September, 1963, in the apartment of the late David W. Ferrie, a former airline pilot.

He said he had sat quietly while Lee Harvey Oswald, Mr. Ferrie and Clay L. Shaw, discussed killing the President.

The court hearing was called by the three-judge panel to determine whether District Attorney Jim Garrison and his investigators had sufficient evidence against Mr. Shaw, a retired New Orleans business executive, to warrant binding him over for trial.

Staff members of the Warren Commission have said their investigation convinced them that neither Mr. Shaw nor Mr. Ferrie were involved in an assassination conspiracy. The

commission concluded that Oswald had killed the President alone and had not been part of any plot.

Appearance Questioned

At one point, Mr. Russo testified that Oswald was clean-shaven and neatly dressed when he last saw him in October, 1963.

This drew a flurry of questions from the defense because Mr. Russo said yesterday that he was unable to link Oswald and two New Orleans men in the alleged assassination plot until Mr. Garrison's investigators spent six hours painting whiskers on Oswald's photographs.

The whisker painting was necessary, Mr. Russo said, because at the time of the alleged conspiracy in mid-September of 1963 Oswald had a three-or-four-day growth of whiskers.

But today he testified that "somewhere around the first of October" in 1963 he saw Oswald and that Oswald was clean-shaven and was talking of "going to Cuba."

The defense wanted to know why Mr. Russo could not identify Oswald from assassination photographs if he had seen him clean shaven less than two months before the assassination.

Time a Factor

Mr. Russo replied that perhaps it was because he had seen Oswald "clean shaven and neatly dressed for only eight or 10 minutes." He said, however, that he had seen Oswald with a three-or-four-day growth of beard for a much longer time.

When the defense asked him how long, he said he could not remember.

"What part did you play in this assassination plot?" Irving Dymond, one of the defense attorneys, asked Mr. Russo.

"I had no part," Mr. Russo said. "I never said I wanted to see President Kennedy killed."

"Did you contribute anything to the [assassination] plan that

was formulated at that time?" Mr. Dymond asked.

"No sir," was the reply.

"Did anyone," Mr. Dymond continued, "tell you not to say anything about this meeting?"

"No one told me anything," Mr. Russo replied.

Mr. Dymond then asked Mr. Russo if he did not think it strange that three conspirators might let someone sit in on a planning session unless that person was a part of the plot.

Presence Protested

Mr. Russo said that Oswald and Mr. Shaw, whom he said he knew then as "Clem Bertrand," protested but that Mr. Ferrie prevailed upon them to let him stay in the apartment.

"Oswald looked up and said, 'What the hell is he doing here?'" Mr. Russo said, "and a few seconds later Bertrand said, 'It's risky, we shouldn't have anyone here' or that sort of stuff."

"Am I to understand," Mr. Dymond asked later in the day, "that you sat there all through the conversation and said not one word?"

"No sir," Mr. Russo said.

Then he said that the conspiracy was "their business, I wasn't particularly interested."

He also said that he frequently went to the window in Mr. Ferrie's apartment where the alleged conspiracy took place to see if "Lefty" Peterson, a friend who drove him to Mr. Ferrie's apartment, had returned to drive him home.

Mr. Dymond pointed out that yesterday Mr. Russo said that he expected Mr. Ferrie might take him home.

Trip Home Discussed

Mr. Russo said he could not recall ever saying that and that in any event he did not believe that either Mr. Peterson or Mr. Ferrie drove him home after the alleged conspiratorial meeting.

"I think I caught a bus," he said. "I'm not sure."

Meanwhile, an Orleans Parish grand jury, conducting a separate investigation of the assassination at the district attorney's request, heard testimony from other witnesses.

One witness at the closed session was Dean A. Andrews Jr., a suspended assistant district attorney in neighboring Jefferson Parish, who also testified last week.

Mr. Andrews told the Warren Commission that a telephone caller he identified as "Clay Bertrand" had asked him to represent Oswald after the assassination.

The district attorney has contended that Bertrand was an alias used by Mr. Shaw, but Mr. Andrews has indicated publicly that he did not know whether Mr. Shaw was Bertrand.

Also summoned before the grand jury was Gordon Novel, a 29-year-old bar owner who said he believed he had been subpoenaed for questioning about the activities of a one-time Cuban exile leader.

Mr. Novel identified the leader as a Sergio Arcacha Smith, who lived here in 1961 and was a leader of the Cuban Democratic Revolutionary Front, an anti-Castro group.

The exiled leader was reported to have been training men for an invasion of Cuba. But he left here in 1962 and moved to Houston. After the assassination he was located in Dallas.

The district attorney's office once tried to question Mr. Arcacha in Dallas, but he refused to cooperate unless Dallas law enforcement authorities were present.

OSWALD COULDN'T BE CONVICTED, RUBY LAWYER SAYS

BY GENE BLAKE

Times Staff Writer

LAS VEGAS—Lee Harvey Oswald could not have been convicted of assassinating President John F. Kennedy because Oswald's wife provided the key leads to incriminating evidence, one of Jack Ruby's defense lawyers said here Friday.

Attorney Joe H. Tonahill of Jasper, Tex., told an American Trial Lawyers Assn. seminar that Oswald nevertheless was the guilty man—"to the exclusion of all others."

And he charged that the inquiry by New Orleans Dist. Atty. Jim Garrison, indicating that Oswald conspired with others, is "pure political hogwash."

"He (Garrison) is dealing with rejects," said Tonahill. "It is material completely resolved against his

contentions."

Tonahill was one of the three lawyers defending Ruby in his 1964 trial for the murder of Oswald. The conviction was reversed and Ruby was awaiting retrial when he died of cancer last January.

New Theory

The theory that most of the key evidence against Oswald would have been inadmissible if he had lived to go on trial apparently has not been advanced previously.

"Texas law builds a fence around a man when leads come from his wife," Tonahill told 1,000 lawyers assembled at the Sahara Hotel for the criminal law seminar.

"The state's tree of evidence against Lee Harvey Oswald had poisoned roots. Marina Oswald is the one who furnished the evidence on which the Warren Commission based its conclu-

sion."

Among the evidence for which Mrs. Oswald furnished leads and which would have been excluded from the trial, according to Tonahill, was the identification of the rifle used to assassinate President Kennedy and bearing Oswald's palm print.

Also excluded, he said, would have been the blanket in which the rifle had been wrapped and which contained human hairs matching Oswald's.

And, Tonahill added, there were the camera and pictures showing Oswald with the death weapon, plus a shirt and two jackets he wore on the day of the assassination.

Some of this physical evidence was taken illegally without a search warrant, Tonahill said.

"The most the district attorney of Dallas could have hoped to obtain would be from documentation," he said. "It would have been a circumstanti-

al evidence case."

Fair Trial Doubted

In addition to all this, Tonahill said, was the theory previously raised that the release of information to the public about the case would have prevented a fair trial in Dallas.

Tonahill said he often has been asked if he would have defended Oswald.

"No, I would not have taken his case for a fee," he said. "I could not have honored my conscience by doing so."

But he said he would have taken the case under court appointment, because at the same time he would have been defending American law.

"John Fitzgerald Kennedy would not have had it any other way, would he?" he asked.