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# Dead Witness Now a Factor In Shaw Trial

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NEW ORLEANS—With testimony from the state's star witness completed—including an admission that he'd "never said anything about a conspiracy meeting"—the Clay Shaw trial concerning an alleged plot to assassinate President Kennedy turned today to a dispute over a dead man's testimony.

As the trial entered its fourth week here yesterday, Perry Raymond Russo, 27, the only witness to the alleged conspiracy, completed two days of testimony which included numerous changes from the story he told during the preliminary hearings held here in March 11 1967.

Shaw, 55, former director of the International Trade Mart here, is accused of having plotted to kill Kennedy at a September, 1963, meeting with Lee Harvey Oswald and David Ferrie, a pilot now dead. The alleged conspiracy meeting followed a party in the home of Ferrie, who Russo said was "prone toward the fantastic."

## Plot Theory

Oswald was named in the Warren Report as the lone gunman who killed the President in Dallas on Nov. 22, 1963. District Attorney Jim Garrison maintains that the killing was done by several conspirators, with the fatal shot being fired from in front of the Presidential limousine. The Warren report found that Oswald had fired the fatal shot from a window in a building behind the motorcade.

Presiding Judge Edward A. Haggerty Jr., said he would rule tomorrow on whether to admit testimony taken during the preliminary hearing from the late Dr. Nicholas Chetta, former coroner of Orleans Parish. Chetta died after the first hearing. He had ruled that Ferrie's death was natural, Garrison nevertheless insisted that

Ferrie had been a suicide.

The question to be decided by Haggerty was whether to admit the questions Chetta put to Russo while the witness was under the influence of truth serum.

The defense had objected to the testimony during the preliminary hearings but was overruled by the three-judge court which said at the time that, although the testimony from Chetta was hearsay, it was admissible at the arraignment hearing. The defense now also contends that truth serum testimony is not admissible in any court in the country.

## He Was Present

Chetta also testified during the earlier hearings that he was present on the three occasions when the prosecution questioned Russo, prior to the hearing, while Russo was under hypnosis.

Garrison's office had used hypnosis—as brought out at the earlier hearing—to help refresh

recall the events of the alleged meeting in Ferrie's home.

While it has always been generally understood that the alleged conspiracy took place in Ferrie's home following a party when Russo remained behind and allegedly heard Shaw, Oswald and Ferrie plot the assassination, defense attorneys are quick to differ with this belief.

Under the conspiracy statute here, the prosecution must prove that one or more persons conspired to commit the illegal act and then must prove only one overt act in furtherance of the alleged conspiracy.

## List Six Acts

In the bill of indictment filed by the state there are six overt acts listed. The alleged meeting in Ferrie's home is one of them. Therefore, it was explained, de-

spite the softening of testimony against Shaw by Russo in the last two days, the jury still could find a wide area for the alleged conspiracy.

Russo yesterday testified that he had never heard Oswald or Shaw, who allegedly used the name Clem Bertrand at the meeting in Ferrie's home, "agree" to kill the late President.

He testified that he had heard Ferrie say, "We will kill him," but he admitted that he had heard Ferrie say that on many occasions. He testified that Ferrie was "obsessed" with killing Kennedy because of the Bay of Pigs and the Cuban crisis.

Russo testified that he was in and out of the apartment during the alleged meeting and heard "only portions and fragments" of the conversation.

Russo said he never heard anyone say: "Yes, this will be the time we will do it. We will do it this way."

## First Day on Stand

On Monday, his first day on the stand, he testified that the conversation he had heard was a "bull session." Asked by chief defense counsel F. Irvin Dymond yesterday if "it appeared to you that it was just another bull session like they were always having," Russo replied, "I probably said shooting the breeze instead of bull session."

Late yesterday Dymond again touched on the question of a conspiracy. "I didn't sit in on any conspiracy," Russo replied.

In his testimony two years ago Russo clearly stated that he had heard the three accused plotters make plans for killing Kennedy.

The only heated exchange yesterday occurred near the end of the day when Dymond questioned Russo about having seen Shaw through a one-way mirror in the DA's office prior to his coming into court two years ago where he identified Shaw for the first time as the mysterious Clem Bertrand who was in on the alleged plot meet-