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EANS, WEDNESDAY MORNING, MARCH 15, 1967 Second-Class Postage Paid at New Orleans, La. SINGLE COPY 10 CENTS

HEARD SHAW, OSWALD, FERRIE PLOT JFK KILLING, SAYS RUSSO

Shaw Draws Attention at Court Entrance

Identifies Shaw in Court as Man He

—Photo by The Times-Picayune.

SHOWN ARRIVING at the Tulane ave. entrance of the Criminal District Courts building is white-haired Clay L. Shaw, defendant in a preliminary hearing which has aroused worldwide interest. On Tuesday, a witness said that he heard Shaw, David W. Ferrie and Lee Harvey Oswald plot the death of President John F. Kennedy. Here, deputies sheriff, attorneys and newsmen surround Shaw as one photographer behind him tries for an over-the-head picture.

Knew as Clem Bertrand

By CLARENCE DOUCET and DON HUGHES

Perry Raymond Russo testified Tuesday that in mid-September 1963, he was present at a meeting at which Clay L. Shaw, Lee Harvey Oswald and David W. Ferrie plotted to murder President John F. Kennedy.

Russo, sometimes speaking so fast he had to be asked by court reporters to slow down, said he heard the three men plan the assassination as well as discuss an escape.

At one point, on the instructions of District Attorney Jim Garrison, the 25-year-old Russo stepped down from the witness chair, walked to the rear of Shaw's chair and placed his outstretched arm over Shaw's head, indicating to the court that this was the man he knew as Clem Bertrand at the meeting.

PERRY R. RUSSO
Calls Shaw plotter.

Defense attorneys for Shaw, admitting their surprise at Russo's testimony, put off cross-examining the Baton Rouge insurance salesman, and instead filed three motions for writs of subpena just before the case was adjourned about 3:30 p. m.

The special three-judge preliminary hearing will resume at 10 a. m. Wednesday.

Subpenaed for the defense were:

Frank J. Stass, 51, 400 Faye ave., Metairie, the registrar at Loyola University, where Russo studied a year of law.

Endicott A. Batchelder, the registrar at Tulane University, where Russo did some undergraduate study.

James J. Kennedy, called on the subpena listing the personnel manager for Equitable Life Assurance, the firm presently employing Russo.

The three men were instructed to bring all records to court pertaining to Russo.

Russo was called to testify at

11:45 a. m. Tuesday, the fourth witness to be called by the state. His appearance, though, came as a surprise because the district attorney's office, in naming five witnesses it had available at the outset of the hearing, did not mention Russo's name.

Russo told the three-judge panel that he had seen Oswald on one occasion previous to the September meeting at Ferrie's apartment at 3330 Louisiana ave. pkwy., and twice after the meeting.

On the various occasions, Russo said, Oswald did not appear to like him and he did not hit it off with Oswald.

Concerning Shaw, Russo said he saw him at the dedication of the Nashville ave. wharf, when President Kennedy came to New Orleans to speak at the ceremonies.

He said that he saw Shaw with Ferrie one time after the September meeting, at a service station on Veterans hwy., which Russo said Ferrie eith-

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er owned or operated. He said Shaw and Ferrie were sitting together ina car at the time, adding it was "six or eight months" after the meeting in Ferrie's apartment.

Russo's testimony was interrupted frequently by defense objections that Russo was giving hearsay evidence when repeating what he remembered either Oswald or Ferrie to have said on occasions when he was with them.

Defense also argued that because of the nature of the preliminary hearing, which was called for by Garrison's office, testimony taken at it could be used as evidence at a trial if a witness died or was missing.

Hearsay evidence admitted during the preliminary hearing, the defense maintained, could become evidence later on.

After a whispered conference shortly after Russo took the stand, presiding Judge Bernard J. Bagert told defense: "We sustain the objection at this time, though it is possible there may be a change later."

The state maintained that the testimony of co-conspirators was admissible as evidence, but the defense argued that this was so only if the co-conspirators had been charged. The state pointed out that both Oswald and Ferrie were dead.

Oswald was shot to death on Nov. 24, 1963, two days after he was arrested in Dallas for assassinating President Kennedy. Ferrie died last Feb. 22, a few days after public disclosure of Garrison's probe into an assassination plot.

Ferrie denied knowing Oswald.

Shaw, arrested March 1, has denied knowing either Oswald or Ferrie.

Russo said that he met Ferrie in 1960 through the Civil Air Patrol nad continued to know him until 1964.

He said that in addition to knowing Ferrie he had an "open book invitation" to visit Ferrie's apartment at any time.

He told the court that he and Ferrie had an "arrangement" by which Ferrie could visit him at any time he wanted, and he could visit Ferrie any time he wanted.

It was because of this, Russo continued, that many of his friends met Ferrie at Russo's home, and he met some of Ferrie's friends at the Louisiana ave. pkwy. apartment.

He testified that his first encounter with Oswald was a few days prior to a mid-September meeting between Shaw, Oswald and Ferrie.

He said that during that first meeting, he entered Ferrie's apartment and he saw Oswald sitting on a sofa cleaning or polishing a rifle. He referred to it as an "old fashioned, bolt-action rifle," and said it has a sight on it.

Garrison showed Russo a rifle with a telescopic sight, identified as State Exhibit 14, and asked Russo to compare it with the gun Oswald had.

Russo said that the sight on the gun Oswald had was not bubble-shaped but straight and that the stock of Oswald's gun was dull brown while the rifle he was being shown was polished.

He said it was about the same size, though.

Concerning the meeting when he said he heard the three men plot the murder, Russo said he arrived at Ferrie's apartment and it was obvious that a party was in progress because there were several people there "drinking beer and talking."

He said: "Sometime around the middel of September I went to the house and at that time there was some sort of party in progress. There were eight or nine people there. As the party dissipated it narrowed down to three people beside myself because had no ride home."

Says Shaw Was Called 'Bertrand'

Concerning the meeting, itself, he said that at first Ferrie was doing all the talking and pacing up and down. Russo said Oswald had been introduced to him as Leon Oswald and that Shaw had been introduced as Clem Bertrand.

"Ferrie took the initiative in the talk, pacing back and forth," Russo said. "He was talking to both Mr. Bertrand and Mr. Oswald, discussing 'diversionary tactics.'"

He said the two questioned his (Russo's) presence, but Ferrie vouched for him, telling them that Russo was alright.

Russo quoted Ferrie as saying there would be two to three people involved. One person would shoot "diversionary shots," the other would shoot what he said Ferrie termed "the good shot."

He also quoted Ferrie as saying that one man "would have to be the scapegoat."

During that part of the planning, Russo said, Bertrand and Oswald mostly listened, but as the plot moved to its next phase, the availability of exits, the others joined in.

One plan called for a plane trip to Mexico for refueling, then on to Brazil. Another was a direct flight to Cuba, Russo said.

He said that at one point Bertrand argued that once the shot was fired, news of the assassination would be heard around the world and they might be captured easily if a trip was made to Mexico.

Russo said that when Bertrand disagreed with Ferrie, Oswald said: "Shut up and leave him alone," adding Ferrie was a pilot.

Bertrand, according to Russo, told Oswald that as far as he was concerned, Ferrie was a "washed up pilot."

Shaw smoked almost con-

tinuously during the nearing and during the time that Russo was on the witness stand, Shaw seldom took his eyes off him. Russo did not appear nervous. From time to time Shaw used a handkerchief to wipe his forehead. However when Russo placed his hand over Shaw's head, Shaw continued to look straight ahead.

Russo continued that at the meeting after there was some objection to the plan to fly out of the country, Ferrie came up with an alternate plan by which those involved should "be in the public eye" on the day of the assassination.

He said Ferrie explained they "should just be around a lot of people" who could testify later about their whereabouts at the time.

Ferrie, said Russo, said he could arrange to go to Southeastern Louisiana College to speak, and Bertrand, continued Russo, said he could gon on a business trip for his company to the West Coast.

Oswald didn't say anything, according to Russo.

On the day of the assassination, Shaw was in San Francisco. Ferrie went on a hunting trip to Texas with some friends on the afternoon on Nov. 22, 1963, the day Kennedy was shot.

At the meeting, Russo said Ferrie was wearing baggy pants and a white shirt. Bertrand, he said, was the only one dressed deecntly, wearing a white shirt and deep maroon jacket. Oswald, he said, "was dirty, as usual, and half-shaven."

Russo was questioned by Garrison. Witnesses who appeared prior to Russo were interrogated by other members of Garrison's staff. Only one of the three other witnesses was cross-examined.

After he had Russo go into detail about the meeting at Ferrie's apartment, Garrison asked Russo to describe his other encounters with Oswald and with Bertrand.

Toward the end of September, 1963, Russo said, he went to Ferrie's apartment and as he walked through the doorway he saw Oswald and Ferrie standing together "having words." Russo explained they were not having an argument, but rather "conversation."

Oswald, according to Russo, was telling Ferrie that he "was having trouble with his wife."

"Don't worry about it," Russo quoted Ferrie as telling Oswald, "I'll take care of it."

The last time he saw Oswald, said Russo, was also at Ferrie's apartment. "He was leaving Dave at that time," said Russo.

Garrison asked where Oswald said he was going, but defense objected on the basis that this was conversation out of the presence of Shaw.

This was when one of the discussions about the admissibility of testimony of co-conspirators was held, but the objection was overruled. However, Russo was not asked the question again about Oswald's plans.

Garrison, instead, switched to the times that Russo claims he saw Bertrand.

He said he saw him prior to the meeting, at the Nashville ave. wharf. Russo said that he had arrived late for the dedication and as he was looking around he noticed one person who was not paying attention to the President's speech. Russo said that at the time he thought he was a Secret Service man, but later met the man as Clem Bertrand at the mid-September meeting at Ferrie's home.

Concerning the encounter in 1964, Russo said he was having trouble with his car and went to the service station on Veterans hwy., which Ferrie owned or operated. He did not give the address.

Russo said two young boys asked him to move his car and that when he did he saw Ferrie coming over to talk with him.

They exchanged greetings and Ferrie asked him how he was doing, said Russo. Russo said Ferrie then went back to a compact white car where he was sitting with Bertrand.

Asked if he was certain that it was Bertrand, Russo said the cars were about five feet apart, and because of their positions—Russo at the driver's wheel and Bertrand in the front passenger's seat—they were only about 10 feet apart and that he could see Bertrand clearly.

Garrison asked if there had been any other occasions.

"When I came to New Orleans at the request of the district attorney's office," Russo answered.

He said he waited with Garrison's investigators in a car by Shaw's apartment on Dauphine, near Esplanade.

Russo said he had waited about an hour to an hour and a half when "Bertrand came out because one of his friends was leaving."

'THAT'S HIM; I'M SURE,' SAYS RUSSO

"That's him," Russo said he told the investigators, "I'm sure of it."

He said that the investigators were not satisfied so he asked them if he could go to the house, pretending to represent an insurance agent.

Russo said Bertrand came to the door, and after Russo explained he was an insurance agent, Bertrand said he had Blue Cross coverage and he thought he had adequate life insurance coverage.

Russo said, he asked if he could contact him later about his insurance coverage and was told, "That would be fine, but not at this time."

Asked if this was the same man, Russo answered: "I was absolutely sure I had seen him before, at Ferrie's and at Nashville ave. wharf.

This was Garrison's last question and the answer came at 2:50 p. m. with defense asking for a five-minute recess.

The session reconvened about 3:20 p. m. and when defense filed the three motions for writs of subpena, the state said it appeared that defense was making an effort to prolong the hearing, asserting the session was not a trial, but a hearing.

Defense rebutted that it had heard numerous rumors prior to the hearing as to the confidential informant on whom Garrison was basing his case, but because it did not know until Tuesday that it was Russo it was not as fully prepared as it might have been otherwise.

The district attorney's office then asked that the hearing be adjourned until 10:30 a. m. Wednesday.

No Interviews, Russo Informed

After a brief discussion with attorneys from both sides, Russo

was brought back into the courtroom and told that the judicial guidelines of the hearing prohibit him or anyone else directly concerned from giving out press interviews.

Judge Bagert then said: "We find in the interest of justice to all that justice would be best served if we adjourn this hearing until tomorrow morning." He then set the time for renewal as 10 a.m.

The first witness called, when the hearing started about 10:40 a.m. was Det. Frank Haywood, now assigned to Central Lockup, but in August, 1963, attached to First District.

Haywood was one of the two policemen who arrested Oswald and three other men on Aug. 9, 1963, when they became involved in an altercation in the 700 block of Canal while Oswald was handing out "Fair Play for Cuba" leaflets.

Haywood was shown two pictures of Oswald, State Exhibits 1 and 2, and asked if the person in the pictures was the same man he had arrested. He answered affirmatively.

Defense had no questions.

Peter Schuster, an investigator-photographer for the coroner's office, was the second person called to testify.

Schuster, who was questioned by Asst. DA Alvin V. Oser, said his job involved taking photographs at the scene of violent deaths or suspicious deaths, adding later that he was on duty on Feb. 22, 1967, when Ferrie's body was found, and took photographs at Ferrie's apartment.

Photos of Ferrie Apt. Introduced

The state then introduced a series of pictures, numbered S-3 through S-7, and asked Schuster if he could identify them.

He said they were photographs that he had taken and that he could identify them by his signature on the reverse side, explaining he arrived at Ferrie's apartment about 12:50 p.m. on Feb. 22, and was there about 15 minutes taking photographs.

Another photograph, numbered S-8, was also shown to him and he said he had taken it also about 1:40 p. m. in the morgue in the coroner's office. It was a photograph of Ferrie.

Defense, on cross examination, produced some 15 photographs taken at Ferrie's apartment, and asked Schuster if he could look at them and tell what sections of the apartment they represented.

An exhibit, numbered D-1, was a sketch of the apartment.

As Schuster identified the location in the apartment of the various photographs, which were numbered D-2 through D-16, Dymond would enter on the sketch the number of the photograph in the particular room that was applicable.

After Schuster had done this, Dymond asked if the scenes he had seen in the photographs presented by defense were substantially the same as he had seen.

Schuster said the principal differences were that in the defense photographs the linen had been stripepd from Ferrie's bed; that some papers he had seen on the floor apparently had been picked up, and that "some type of letter or legal document" which he had seen on a table was missing.

He described it as being about the size of lettehead paper and sai he thought it was typewritten, although he did not read it. He said it did not appear to him that any of the furnishings had been rearranged.

Third Witness Identifies Photo

The third witness called by the state was John F. Reilly a 12-year vtteran with the New Orleans Police Department assigned to the Bureau of Identification.

He was asked to identify a photograph, numbered S-9, which was an interior view of the Ferrie apartment at 3330 Louisiana ave. pkwy., and the adjoining building at 3328.

Reilly said he took the picture about 1 p. m. on Feb. 22, 1967, and that he could identify it because of his stamp and signature on the reverse side.

Again defense had no questions.

Russo took the stand at 11:45 p. m. and Garrison, looking sunburned, began his questioning, asking Russo to tell a little about his background.

Russo said he was 25 and employed by the Equitable Life Assurance Society. He said he was a native of New Orleans and had completed high school, done five years of undergraduate work at Tulane and Loyola and had studied law at Loyola for year. He said he held a Bachelor of Social Studies in Political Science degree.

Garrison asked if he knew David Ferrie.

"Yes, sir," came his reply.

Garrison then asked if he could identify the person in a photograph which he presented as State Exhibit 10. Again Russo said, "Yes, sir," and then when he was shown S-8, he said: "That's the same Dave Ferrie." Garrison then opened his interrogation covering Russo's association with Ferrie, leading up the mid-September meeting and Russo's subsequent encounters with Oswald and Bertrand.