

'Overt Act' Testimony Begins at Shaw Trial

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

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

Then it introduced testimony to show an overt act by Ferrie — a trip to Houston, Tex., just after the Kennedy slaying — to further the alleged plot. The state will try to prove four more such acts.

Conspiracy Defined

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

The state cleaned up its "agreement" case by calling Assistant Dist. Atty. Andrew J. Sciambra, to bolster the testimony of its star witness, Perry Raymond Russo.

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

Lists 21 Errors in Memo

Russo had listed 21 errors he said Sciambra made in a memo about the state's first interview with Russo, Feb. 25, 1967.

Sciambra testified he did not put Russo's story of the conspiracy and some vital names in the memo because he delayed its writing so long it had become "secondary" to a report about Russo's conspiracy story told while under truth serum.

For the first overt-act evidence, the state called R. C. Roland, who in 1963 was president and general manager of an ice

rink in Houston, Tex.

He testified Ferrie phoned him to make a reservation for himself and two other men to skate Nov. 23, 1963, the day after the Kennedy assassination. He said Ferrie "made a little bit of a pest of himself" by constantly announcing his name. While the other two skated, he testified, Ferrie stayed near the public phone and used it three times.

Reported to FBI

Roland said he reported it to the Federal Bureau of Investiga-

tion and an agent had spent an hour and half with him reviewing the incident.

Defense attorney F. Irvin Dymond asked him when Dist. Atty. Jim Garrison's office had gotten in touch with him, and he replied 1964. Dymond told him that was two years before Garrison began his investigation.

Russo testified he knew Shaw, through Ferrie, as Clem Bertrand. Garrison has told the jury he will show that Shaw in 1966 changed his mail delivery address from his own home to that of a longtime friend, Jeff Biddison, and that at least five letters were delivered there addressed to Clem Bertrand.

The state yesterday produced from a post office clerk testimony of the address change at an unknown date plus a cancellation, moving it back to the Shaw home, on Sept. 21, 1966.

Mailman on Stand

When the session ended, mailman James Hardiman was still on the stand after having testified he remembered delivery of Shaw's forwarded mail to Biddison and also some letters addressed to Clay Bertrand.

The alias in question has been referred to as both "Clem Bertrand" and "Clay Bertrand" by different persons.