

## WOULD TESTIFY IN N.O.—PHELAN

### Willing to Tell Story of DA Probe, He Says

A magazine writer whose story has brought him in conflict with an assistant district attorney in the presidential assassination probe said Wednesday night he is willing to come to New Orleans and testify in court that his article was true.

He is James Phelan, writer for the Saturday Evening Post. His story in the May 6 issue of the magazine, "Rush to Judgment in New Orleans," was critical of DA Jim Garrison's investigation and centered upon the testimony of witness Perry Russo.

Phelan said in a long distance telephone conversation on a New Orleans radio station Wednesday night that "I am willing to come to New Orleans, to go to court, to be sworn and tell my story under oath."

Attorneys for Clay L. Shaw, who has been indicted with conspiracy to murder President John F. Kennedy, filed a motion in the clerk of court's office for the Criminal District Court Wednesday seeking to subpoena Phelan.

**'DESTROYS CREDIBILITY'**  
Attorneys Edward F. and William Wegmann and F. Irvin Dymond said the writer has "personal information" that "completely destroyed the credibility of Perry Russo."

Russo had testified in a preliminary hearing for Shaw that he was present when Shaw, the late David W. Ferrie and Lee Harvey Oswald plotted the death of Kennedy.

Russo testified that this meeting occurred in Ferrie's apartment at 3330 Louisiana ave. prkwy. in mid-September, 1963, two months before the President was killed in Dallas. Oswald was named by the Warren Commission as the lone assassin.

The motion to subpoena Phelan

as a material witness quoted long passages from his story.

### WRITES OF INTERVIEW

Phelan wrote in his article that Asst. District Attorney Andrew Sciambra first interviewed Russo Feb. 25. Of a report by Sciambra to Garrison, Phelan said in his story, "At no point did it mention an assassination plot. It made no reference to the party at Ferrie's apartment, where Russo later said the plot was discussed."

Phelan also wrote that the sensational story Russo told on the witness stand "was elicited from him under hypnosis."

Shortly after the motion was filed, Sciambra issued a statement saying he would welcome



—Photo by The Associated Press.  
ANDREW SCIAMBRA

Phelan's testimony under oath "where he will be subject to cross examination."

Sciambra said Phelan's story was "incomplete and distorted," and he asserted that any suggestion that the district attorney's office permitted Russo to testify under post-hypnotic suggestion is "ridiculous."

Sciambra did not say he will oppose the Shaw motion to bring Phelan here.

Sciambra said: "I guarantee that he will be exposed for having twisted the facts in order to build up a scoop for himself and the Saturday Evening Post."

He charged that Phelan omitted the "most important and unreported fact" that Phelan visited Russo at Baton Rouge and

was assured by the witness that he and Sciambra discussed an assassination plot at their first meeting.

### CRITICIZES SCIAMBRA

Phelan on the radio program Wednesday night compared Sciambra to a "boy scout" and said the assistant DA "should be in some other business."

He said Sciambra "called me a liar on national television. He should know that when I talked to Perry Russo in Baton Rouge I was with a witness and I recorded the conversation. Mr. Sciambra should be very careful when he calls me a liar because he may have some legal action against him."

The writer said he was not at all satisfied with Sciambra's explanation that he (Sciambra) had forgotten to include in his

report to Garrison that Russo had told him of the alleged plot.

Phelan said Garrison himself gave him Sciambra's report without reading it and that the DA was astonished when he told him it contained no mention of the plot.

The journalist also said Garrison told him that Russo was his chief witness against Shaw.

### DEPOSITION SOUGHT

Shaw's lawyers want Phelan brought to New Orleans to give a deposition in open court following 48 hours notice to both the defense and the district attorney's office.

If he will not come voluntarily, the motion asks that Phelan be placed under bond and brought to New Orleans until his testimony can be taken.

The motion was filed with the clerk of court in the absence of Judge Edward A. Haggerty Jr., who is attending a meeting of the Louisiana State Bar Association in Biloxi.

In another development, the attorney for Layton P. Martens said he believes his client's constitutional rights were violated during his appearance before the grand jury.

Martens, a college student who once roomed with Ferrie, was indicted for perjury in connection with disappearance of explosives from a munitions bunker at Houma. Two other probe figures were charged

with burglarizing the explosives' dump.

Milton Brener, Martens' attorney, told Judge Oliver P. Schulingkamp:

"I strongly believe and do allege his constitutional rights were violated." Brener appeared at a hearing in support of his motion last week to make available all grand jury proceedings surrounding Martens' indictment.

#### SECRECY ALLEGED

Only three questions were released by the grand jury, and Brener argued a "cloak of secrecy" was thrown around all but that small bit of testimony.

He said Martens testified for more than an hour March 29, and he estimated the transcript may run as long as 80 or 100 pages.

Asst District Attorney Richard Burnes replied that Brener was confusing the law of confession with laws on perjury.

Judge Schulingkamp observed from the bench that a sharp conflict of law and precedent resulted.

"On one hand we have the general rule of secrecy in the grand jury, and on the other hand there is the fundamental fairness of the defendant being apprised of the full charge against him before his trial. . .

"There is also a scarcity and dearth of jurisprudence in this matter. I will make no snap judgments in this case."

The hearing ended when the judge gave Brener until May 5 to prepare a memorandum on his motion.

#### Ohio Again Asks Purpose of Attempts

T-P  
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BATON ROUGE, La. (AP)—Ohio again has asked Louisiana to clarify the purpose of attempts to extradite Gordon M. Novel, the State-Times reported Wednesday.

Certain reports "indicate that the extradition was for a purpose other than the simple burglary charge and we want clarification," a legal aide to Gov. James Rhodes of Ohio told the newspaper.

Gerald Collins, the legal aide, declined to go further into the "other purpose."

Rhodes earlier raised legal questions and returned to Gov. John McKeithen of Louisiana extradition papers for Novel, sought by Dist. Atty. Jim Garrison of New Orleans in his Kennedy assassination probe. Garrison claims Novel is a key witness.

Collins told the newspaper here that John McElroy, executive assistant to Rhodes, wrote another letter seeking clarification.

He said as far as his office is concerned "we do not have an application" for extradition of Novel to Louisiana.

#### AVERAGE \$8,680

CHICAGO—The average salary of Methodist ministers in the Chicago area is \$8,680 a year, including the \$1,800 average value of free parsonage use.

Years ago the word, "typewriter," referred not only to the writing implement but also to the girl who operated it.