

RUSSO CHANGES

TESTIMONY ON EX-GIRL FRIEND SANDRA

**NEW ORLEANS
STATES - ITEM**

VOL. 92—NO. 210

MONDAY, FEBRUARY 10, 1969

PRICE 10c



PERRY RAYMOND RUSSO MAKES RIFLE IDENTIFICATION

Perry Raymond Russo today changed his story about missing witness Sandra Moffett's presence at a party at which the assassination of President Kennedy was discussed.

Russo, the state's star witness in the trial of Clay L. Shaw, took the stand today as the trial went into its third week, and generally repeated the testimony he gave at a preliminary hearing for Shaw in March, 1967.

SHAW, 55, IS ON TRIAL in Criminal District Court on charges of conspiring to kill Kennedy. Russo testified today and at the earlier hearing he heard Shaw plotting the assassination with Lee Harvey Oswald and David William Ferrie here in September, 1963, at a party in Ferrie's apartment.

But at the 1967 hearing, he said he came to the party with Sandra Moffett, a girl friend. Today, he said he "probably" came with some friends from Loyola University, but didn't list Sandra among them.

Sandra Moffett, now Mrs. Harold McMaines of Des Moines, Iowa, says she could destroy Russo's testimony about the alleged party but refuses to come to New Or-

leans to do so because she says she is afraid of District Attorney Jim Garrison.

IN ANY CASE, RUSSO testified both today and at the earlier hearing that only Shaw, Ferrie, Oswald and Russo himself were still at the party when the assassination was discussed.

Russo also testified today he discussed a man he knew as "Clem Bertrand" with an aide to Garrison in his first contact with the DA's office.

Russo thus contradicted a claim by F. Irvin Dymond, chief counsel for Shaw, that Russo never mentioned Shaw or Bertrand in his Feb. 25, 1967, interview with assistant DA Andrew Sciambra.

GARRISON CLAIMS Bertrand and Shaw are one and the same. Shaw has denied ever using that alias.

Dymond, in his opening statement to the jury Thursday, said Russo met with Sciambra in Baton Rouge on Feb. 25, 1967, for 3½ hours. He said Sciambra then wrote a 3,500

(See TRIAL Page 12, Column 1)

Continued from Front Page

word memo on the conversation and never mentioned either Shaw or Bertrand.

RUSSO SAID HE MADE HIS first contact with the DA's office when he wrote Garrison a letter on Feb. 21, 1967. (This would have been the day before Ferrie's death here.)

The witness said he did not mail the letter until two days later. He said Sciambra came to see him as a result of the letter.

During the Sciambra interview, Russo said, he identified pictures of Ferrie, Oswald, Bertrand, Sergio Arcacha Smith and Emilio Santayna.

Russo said he did not tell Sciambra in detail what he testified to today, but gave him "just a gist."

Asked if he identified pictures of Shaw, Russo said:

"I HAD NEVER HEARD the name Shaw before I identified him as Bertrand. He asked me what was Bertrand's first name and I said Clem."

Chief prosecutor James L. Alcock then called Russo's attention to a conversation with James Phelan, then a writer for the Saturday Evening Post, on March 21, 1967.

Russo said: "I was shown a memorandum of the interview I had with Mr. Sciambra and Mr. Phelan pointed out discrepancies between this interview and my testimony at the preliminary hearing."

Dymond objected and Alcock offered to produce copies of the memo. The court recessed to give the defense time to study the memo.

In testifying about the alleged party at Ferrie's apartment at 3330 Louisiana ave. pkwy., Russo, a 27-year-old book salesman, pointed out Shaw as the man to whom he was introduced to at the party as Bertrand. In this, he followed his testimony at the earlier hearing. Similarly, he said the man he knew as Leon Oswald was Lee Harvey Oswald.

The Warren Commission named Oswald as Kennedy's lone assassin. Garrison has named Ferrie as a key figure in the assassination plot.

The trial was resumed today before Judge Edward A. Haggerty Jr. after a Sunday recess.

As court opened today, Dymond asked that minutes of the preliminary hearing be on hand. He objected to the introduction by Alcock of the picture of a black Cadillac and of leaflets which witnesses say they saw Oswald handing out on the street here.

THE BLACK LIMOUSINE figured in testimony last week when several state witnesses said they saw Shaw and Oswald in such a car in Clinton.

Judge Haggerty overruled the objection and allowed the material to be introduced. Then Russo took the stand.

After routine identification, Russo said he met Ferrie in 1960 when Ferrie lived in Kenner. He said he saw Ferrie extensively during the period of 1963 and 1964, "twice a week or better."

RUSSO SAID HE MET Lee Harvey Oswald at Ferrie's apartment in September, 1963. He said Oswald was introduced both as Leon Oswald and as Ferrie's roommate.

Oswald, Russo said, wore dirty clothes, had unruly hair and a light beard. He said the beard appeared to be of three or four days' growth.

When he met Oswald, Russo said, he was cleaning or polishing a rifle. Alcock produced a rifle which Russo identified as the one Oswald had.

Russo then was questioned about the alleged party which was the focal point of his preliminary hearing testimony. He said it took place in the middle of September, 1963.

HE SAID HE "JUST dropped in" and found eight to 10 persons there, including Oswald and Ferrie, "three or four Latins or Cubans, a couple of young guys and one well-dressed man."

(He made no mention here of Sandra Moffett.)

Russo then identified the "well-dressed man" as Shaw, pointing him out in the courtroom.

He said Shaw was introduced as "Clem Bertrand."

Asked if he had ever seen the man before, he related an incident at the Nashville ave. wharf in 1962 when Kennedy visited New Orleans.

RUSSO SAID HE NOTICED Shaw because he "didn't seem to be paying any attention to President Kennedy. He was looking around."

Returning his testimony to the party, Russo said Ferrie "pretty much monopolized the conversation, talking about the Cuba thing, just talking."

He quoted Ferrie as saying "We'll kill the President," but added Ferrie had said that many times before.

The conversation involving Shaw lasted three or four hours, Russo said, with Ferrie, Oswald and Russo present. Asked if anyone else was in the house, Russo said: "Not that I know of."

HE IDENTIFIED PICTURES of the interior of the Ferrie apartment.

Asked to describe the conversation, he said Ferrie carried newspaper clippings dealing with Kennedy and "walked up and down talking about the projected assassination and how there could be a triangulation of crossfire."

Russo said Ferrie talked about three persons firing, and said "one of these would have to be a scapegoat." He went on:

"We could either have one diversionary shot or we could have all three shoot at one time. The diversionary shot would be to draw the attention of the police and after that the other two could shoot for the kill."

RUSSO QUOTED FERRIE as saying there would be no way to escape except by airplane. "They discussed Brazil and Cuba, but to go to Brazil would mean stopping to refuel. He then mentioned Mexico."

Shaw, Russo said, remarked that was not possible. "There would have to be a stop for refueling and it would have to be some friend to give them assistance to fly out and the police would be everywhere."

Oswald, Russo continued, told Bertrand to shut up. "Ferrie knows what he's doing, he's a pilot."

FERRIE SAID ALIBIS would be needed, and Shaw said he could go to the West Coast on business and Ferrie said he could be in Hammond, Russo said. Oswald said nothing. The gun to be used, Russo testified, was to be a rifle.

Russo said he came "probably" to the party with several people from Loyola University, including Lefty Peterson, Mike Ogden, Tommy Hopkins, Hopkins' brother and Kenny-Carter.

Alcock asked if at the time Russo knew Sandra Moffett.

"I did," Russo said, and agreed he would term her his "constant companion." But he added there were times he would not see her for a week or so.

HE SAID SANDRA WAS ONE of several girls he was

going out with at the time.

Russo said there was no further conversation at the party. He said he left about midnight and took a bus home.

The witness said he saw Shaw again at Ferrie's apartment a few days later, with Ferrie and Oswald present. He said Oswald and Ferrie appeared to be having "a private discussion."

He said Oswald said he was having trouble with his wife

and Ferrie told him not to worry, that he would take care of it.

RUSSO SAID HE SAW OSWALD at the apartment once more, a few days later, and Oswald then was packing to leave town.

Oswald, Russo said, told them he was going to Houston. He said Oswald looked clean at this time but did not remember whether he had a beard.

Asked if he had seen Shaw again before 1967, Russo said he saw him at a gas station on Veterans Hwy. early in 1964.

He said the gas station was operated by Ferrie and that he, Russo, went there because he had car trouble. He said Ferrie was talking with Shaw, who was sitting in a car.

RUSSO SAID HE DID NOT talk to Shaw at this time.

Alcock then began questioning Russo about how he got in touch with Garrison's office.

Shaw Defense Gets 1967 Hearing Files

The conspiracy trial of Clay L. Shaw resumed today with chief defense counsel F. Irvin Dymond asking the court to make available minutes of the preliminary hearing two years ago which resulted in Shaw being held over for trial.

Trial Judge Edward A. Haggerty Jr. informed the defense that the records would be made available.

Assistant District Attorney James L. Alcock then introduced a series of pictures and leaflets into the record as evidence, marking them S-1 through S-10.

THE DEFENSE agreed to introduction of several pictures of Lee Harvey Oswald, the man named by the Warren Commission as the lone assas-

sin of the President, and David W. Ferrie, whom District Attorney Jim Garrison claims plotted with Shaw and Oswald to murder Kennedy.

But defense counsel objected to the introduction of a picture of a black Cadillac which prosecution witnesses have said was similar to the one they saw in Clinton occupied by a man they testified was Shaw.

Dymond also objected to the introduction of the leaflets which witnesses have testified they saw being handed out in front of the International Trade Mart and at the Nashville ave. wharf in 1963.

IN EACH CASE the defense was overruled by Judge Haggerty and in each case, Dymond took a bill of exception to the ruling.

Perry Raymond Russo, the state's principal witness, then took the stand. He was wearing a gray suit, blue tie and

Turn to Page 4, Column 5



—States-Item photo.
PERRY R. RUSSO, the state's star witness, gestures as he talks with a passerby after testifying at this morning's session of the Clay L. Shaw trial.

Old Hearing Records Given Defense

Continued from Front Page

white shirt, his black hair neatly combed.

ALCOCK BEGAN the questioning.

Q—Mr. Russo, where do you reside?

A—5807 Elysian Fields ave.

Q—How old are you, Mr. Russo?

A—27.

Q—Were you born in New Orleans?

A—Yes, sir.

RUSSO THEN testified to an educational background that includes a bachelor of arts degree from Tulane University, one year of law school and other college training.

Q—During 1960, did you have an occasion to meet David Ferrie?

A—I met him with a friend of mine at his Kenner address.

ALCOCK THEN asked Russo to examine a picture.

Q—Who is that person?

A—Dave Ferrie.

Q—Could you recall for the court when you first met David Ferrie?

A—I guess about 1961.

Q—Could you recall who was present when you first met him?

A—He was there, a lady introduced as his mother. Al Landry was there and several members of the Civil Air Patrol were there.

Q—Mr. Russo, after your first encounter in 1961, did you have occasion to see him again?

A—I saw him in '63 extensively . . . some in '62, and in '64.

Q—How many times in 1964?

A— . . . 12-15 times.

RUSSO SAID he knew Ferrie in 1963 when he (Ferrie) lived on Louisiana ave. pkwy.

Q—Did you know the address?

A—I know the address now. It was 3330.

RUSSO THEN was asked to examine another photograph.

A—That's Dave Ferrie's house.

Q—Did he live upstairs or downstairs?

A—He lived on the second floor.

Q—Coming to the year 1963, the first six months of 1963, January to June, how many times did you see Dave Ferrie?

A— . . . 10-12-15 times.

Q—In the summer of 1963?

A—I'm also sure it would be twice a week or better.

Q—In the summer of 1963, during the course of your encounters with Davie Ferrie, what about his appearance?

A—It varied . . . he had strange hair or a wig. Sometimes it would be spotted. Sometimes it was combed straighter . . . most of the time he wore a white shirt and baggy trousers.

ALCOCK THEN showed Russo a picture apparently of

Ferrie and asked:

Q—Would this always be the condition of his eyebrows?

A—No, not always.

Q—How would they differ?

A—These (referring to the picture) are pronounced. They wouldn't always be so pronounced.

Q—What was the color of the hair?

A—Reddish-brown.

AT THIS POINT Alcock asked the court to make available for further questioning all of the exhibits from the preliminary hearing, especially those showing the interior of Ferrie's apartment.

AT THIS point, Russo testified that he met Lee Harvey Oswald at David Ferrie's apartment in September, 1963. He said that Oswald was introduced to him as Leon Oswald.

Alcock asked:

Q—Perry, now referring you to September, 1963, did you have occasion to go to the apartment of David Ferrie?

A—Yes, sir.

Q—Can you approximate how many times?

A—Perhaps three or four.

Q—Can you remember going in the middle of September, 1963?

A—Yes, sir.

Q—Was anyone else present? Who were they?

A—David Ferrie and a man introduced as his roommate.

RUSSO SAID that Oswald, introduced as Leon Oswald, was wearing dirty clothes, had unruly hair and a light beard.

Replying to a specific question by Alcock, he said that the beard appeared to be three or four days growth. He identified Lee Harvey Oswald from pictures as the man he met at Ferrie's apartment.

It was then that Russo said

that he saw Oswald cleaning or polishing a rifle.

Alcock asked:

Q—On this occasion, how long were you in the presence of the man introduced as the roommate?

A—Not very long.

Q—What was he doing when you entered the apartment?

A—He was cleaning a rifle or polishing it.

ALCOCK SHOWED Russo a long-barreled rifle and asked if it was similar "to anything you've seen in the past?"

Russo carefully examined it for several minutes before answering that he had seen the rifle before.

Q—Where did you see it before?

A—In Ferrie's apartment.

Q—In whose possession did you see it?

A—In Oswald's.

Q—Are you testifying this is the same rifle or similar?

A—It's similar. The stock is similar and the barrel is similar.

RUSO ALSO identified various pictures of Ferrie's apartment, indicating the front room, the front porch and a hallway where he said he had often visited.

Russo also testified that during the period from 1961 to 1963, he visited Ferrie's apartment 20-30 times.

RUSO WAS shown a picture and asked if he recognized it and he said, "Yes, sir." (This was a photograph of the Ferrie apartment on Louisiana ave. pkwy.)

Q—Did you have another occasion to go to Ferrie's apartment in September of 1963 and see a man you identify as Leon Oswald?

A—Yes, sir.

Q—When was that?

A—Sometime in the middle of the month.

Q—What was the occasion for your going to that apartment?

A—I had come from Tulane or from playing basketball and just dropped in.

Q—Was there anyone there?

A—Several people?

Q—How many?

A—Eight or 10.

Q—Did you know any of them?

A—I had been introduced to

Oswald and to Ferrie.

Q—Can you describe any of the others present?

A—There were three or four Latins or Cubans, a couple of young guys and one well-dressed man.

Q—Can you describe the well-dressed man?

A—He wore a deep maroon jacket, white shirt, but I'm not sure of the pants.

Q—Did he wear a tie?

A—Not the way I remember.

Q—Can you describe this man?

A—He was big, 6 foot 4 or 6 foot 5, broad shoulders and distinguished looking.

Q—What color was his hair?

A—White.

Q—Was he there when you arrived?

A—Yes, sir.

Q—Do you see him now?

A—I do. (And he pointed out Shaw.)

Q—What, if anything, did you do in the presence of the defendant after you arrived at the apartment?

A—I don't think I did much. I don't think I had anything to drink, although I was offered some coffee.

Q—Were you introduced to the distinguished-looking man?

A—Yes.

Q—What was his name?

A—Bertrand.

Q—What first name did he give?

A—Clem.

Q—Perry, had you seen the defendant, whom you know as Clem Bertrand, before?

A—I had seen the defendant once or twice, I'm not sure.

Q—The one time you are sure you had seen him, where was that?

A—At the Nashville ave. wharf.

Q—Why had you gone to the wharf?

A—President Kennedy was coming to New Orleans to make a speech and I went with a colored friend of mine and we had to almost run to get there.

Q—What made you notice the defendant?

A—He didn't seem to be paying any attention to President Kennedy. He was looking around.

ADVERTISEMENT

Q—What made you remember him?

A—I had never seen a president before. I had attempted to see President Eisenhower but didn't get the chance, and it struck me funny that some one would not look at the president.

Q—Was everyone else looking at the president?

A—Yes, sir.

Q—The man that you were with, did he observe the defendant?

AT THIS POINT Dymond objected on the grounds that this testimony would be hearsay. He said the best the witness could do is to describe the position of the second man with reference to where the defendant stood.

Q—Where, physically, did the other man with you stand in relation to you?

A—Right alongside of me.

Q—Would he have been on the side between you and the defendant?

A—He was on both sides of me at one time or another.

Q—How long did you look at the defendant?

A—Eight to 10 minutes.

Q—Other than on that occasion, can you remember seeing the defendant?

A—At one time, I'm not sure, but there was a man resembling him who seemed to have the same type of build, although slimmer, who came into the Republican headquarters and picked up a couple of buttons.

Q—At the apartment, what conversations were there in your presence with the defendant?

A—Ferrie pretty much monopolized the conversation talking about the Cuban thing, just talking.

Q—Do you remember anything specific?

A—Ferrie said "we'll kill the president" but he said that before.

Q—How many times before?

A—Many times he had been obsessed with this Kennedy and Cuba thing.

Q—Did everybody stay at the Ferrie apartment?

A—Do you mean overnight?

Q—Yes.

A—No. I didn't notice how long people stayed.

Q—How long was the con-

versation in which the defendant participated?

A—Three or four hours.

Q—Who was present?

A—Ferrie, Oswald, the defendant and myself.

Q—Was anyone else in the house?

A—Not that I know of.

Q—In what rooms did this party or gathering take place?

A—In the first two rooms, mostly in the first room.

AT THAT TIME he was shown a picture of the apartment, which he identified.

Q—In the picture, was the furniture arranged roughly as it was when you were there?

A—The furniture was arranged roughly that way. As I remember there was a sofa along the side of this wall.

Q—Do you recognize any other objects that were present in the room?

A—That sofa was something similar to the one I remember. That coffee table and a lamp. That possibly could be the same lamp that was there, but I'm not sure.

ALCOCK THEN asked the witness to mark an X on the picture of the objects he could recognize, and he did so.

Q—I note that in one of these pictures there is a question mark over a chair.

A—I don't remember those two chairs there. They might have been the ones but there might have been another one.

Q—Who were the guests in the front room?

A—We were in the first two rooms, but especially the front room.

HE THEN identified a dining area as the second room of the apartment.

Q—Do you remember what was in that room?

A—I can remember a dining room table and a cabinet against the wall.

He then was asked to put

Continued on Page 6

Continued from Page 4

an X on the picture of the items he remembered in the room.

Q—What conversation took place then? Between the defendant, Oswald, yourself and Ferrie?

A—On several occasions Ferrie had talked about kill-

ing the president.

DYMOND THEN objected to testimony about all conversations except those made in front of the defendant.

Russo said Ferrie carried several newspaper clippings.

Q—You saw them?

A—I saw a couple and I suppose the rest of them were the same ones I saw. Two or three of them had to do with Kennedy.

Q—What did Ferrie say?

A—He paced back and forth. There was a record playing of a speech or something with someone talking in Spanish. He didn't say much except he was talking about Kennedy.

Q—What did he say?

A—Ferrie walked up and down telling about the projected assassination and how there could be a triangulation of cross-fire.

Russo said Ferrie talked about three persons firing in cross-fire. He said one of these would have to be a scapegoat. We could either have one diversionary shot or we could have all three shoot at one time, Ferrie reportedly said. The diversionary shot would be to draw the attention of the police and after that the other two could shoot for the kill. There would only be a small delay and it would almost be simultaneous, he said.

Q—What else did he (Ferrie) say?

A—There would be no way to escape except by flight. And they discussed Brazil and Cuba, but to go to Brazil would mean stopping to refuel. He (Ferrie) then mentioned Mexico.

Q—Did the defendant say anything?

A—He said that was not possible. There would have to be a stop for refueling and there would have to be some friend to give them assistance to fly out and the police would be everywhere.

Q—What else was said?

A—Oswald told Bertrand to shut up. Ferrie knows what he is doing, he's a pilot.

Q—What else did Ferrie say?

A—He said that we would have to do something to make sure of our alibis and to be in the public eye at the time of the assassination.

Q—What did the defendant

say?

A—He said he could go for his company on business to the West Coast and Ferrie said he could speak in Hammond or some place at a college.

Q—What did Oswald say, if anything?

A—He said nothing. The defendant said Ferrie was washed up as a pilot.

Q—When did he make this comment?

A—I'm not sure of his exact words, but it was right before Oswald told him to shut up.

Q—Was there specific reference to the number of people to take part in the shooting?

A—Two or three. One firing a diversionary shot and two to kill the President.

Q—Was there any reference to the type of gun to be used?

A—No, except that it was to be a rifle.

Q—Did you see a rifle?

A—No.

Q—Besides a rifle you saw Oswald cleaning, did you ever see another weapon in Ferrie's apartment?

A—I'm not sure.

Q—Perry, do you recall specifically whether or not you went to the apartment with any person?

A—During that period of time, I associated with the same people . . . probably some of them came with me.

Q—Can you name these people?

A—Lefty Peterson was one. There were several people at Loyola.

RUSSO THEN named a number of individuals including a Mike Ogden, Tommy Hopkins and his brother and a Kenny Carter.

Q—At this time, did you know Sandra Moffet?

A—I did.

Q—Could you term her your constant companion?

Russo answered this in the affirmative although he said there were times when he said he would not see her for a week or so.

Q—Was she your girl friend?

A—There were several girls I was going out with at that time.

Q—Was she one of them?

A—She was.

ALCOCK THEN asked Russo if any further conversation went on among Os-

wald, Ferrie and the defendant other than what he had previously related.

A—No, not that I can recall.

Q—Do you recall who left the apartment first?

A—No.

Q—Do you recall how you got home . . . ?

A—I'm not sure but I think I took a bus home.

Q—Are you specifically telling us you did not drive home in a car of yours?

A—Yes.

Q—Perry, about what time did you leave Ferrie's apartment?

A—It would be after midnight, but the exact time I'm not sure.

RUSO TESTIFIED that he saw Shaw again at Ferrie's apartment "a few days" later.

Q—Who was present?

A—Again, Dave Ferrie was.

Q—And what, if anything, was Oswald doing?

A—He wasn't doing anything; there was a conversation between Ferrie and Oswald.

At this point, Alcock asked for a recess and Judge Haggerty granted five minutes.

THE TRIAL resumed with Russo continuing his testimony.

Alcock questioned the witness:

Q—Perry, going back to the meeting between Oswald and Ferrie at Ferrie's apartment, who was present?

A—Oswald and Ferrie. They were having what appeared to be a private discussion.

Dymond objected at this point on the grounds that the witness could not discuss a purported conversation between two other parties. He was overruled.

DYMOND RESERVED a bill of exceptions.

The judge rifled through a few law books and said, "I want to cite the laws backing up the ruling I made but I don't want to hold it up now I will do it later. Continue."

Alcock rephrased the question:

Q—What was this private discussion about?

A—Oswald said he was hav-

ing trouble with his wife, and Ferrie said for him not to worry that he would take care of it.

Q—Did you know Oswald was married?

A—Yes.

Q—How?

A—He was wearing a wedding ring.

Q—Did you ever see Oswald at any other time?

A—One other time.

Q—When was that?

A—A few days later.

Q—Where?

A—At Ferrie's apartment.

Q—Who was present?

A—Oswald and Ferrie.

ALCOCK ASKED the occasion of this meeting and Russo said Oswald was packed to leave town.

A—I don't remember his exact words, but he said he was going to Houston.

Q—Can you recall anything else being said?

DYMOND OBJECTED and again was overruled by Judge Haggerty, who said he would cite the law later. Once again, Dymond reserved a bill of exceptions.

Q—What was Oswald's physical appearance at that time?

A—I didn't get a good look at him. I remember he was wearing a white shirt, a tie pulled to one side; he appeared clean looking.

Q—Did you notice anything different about his face?

A—I didn't take great notice of his face.

Q—How long were you in his presence?

A—About five to 10 minutes.

Q—Did you see him leave Ferrie's apartment?

A—No.

Q—Did Ferrie leave the apartment and leave you and Oswald in the apartment together?

A—No.

Q—How long did you remain in the apartment?

A—About five to 10 minutes.

Q—Referring you to the first time you saw Oswald in the apartment cleaning the rifle, was there anyone else present?

A—First time, no.

Turning to a new line of questioning, Alcock asked the witness if he had occasion to see Shaw subsequent to mid-September, 1963, and before

1967.

A—Yes.

Q—Where did you see him?

A—In a Gulf station on the Veterans hwy.

Q—You mean a gasoline station?

A—That is right.

Q—Do you remember when this was?

A—Approximately the early part of 1964.

Q—What was the occasion?

A—I had some trouble with my car and I drove into this station and found out it was Ferrie's service station or he was working there, either one. I pulled over on the side and it appeared it was the trouble with my battery and two attendants began working on it. Ferrie walked up and said something like 'How have you been?' I sat in my car with the door open while the attendants were working on it.

Q—What was Ferrie doing?

A—Ferrie was talking with a man in a car parked next to mine.

Q—Did you see the man?

A—Yes.

Q—Do you see him now?

AT THIS POINT, the witness pointed out Shaw.

Q—How long did you look at this man?

A—I don't know. I looked on and off. I was mad about the car. I just looked up, maybe three or four minutes.

Q—Who was behind the wheel?

A—The defendant was at the wheel; Ferrie was seated next to him on the side nearest to my car.

Q—Was the defendant wearing a hat?

A—No, I don't believe so.

Q—Do you recall having seen this man on any previous occasions?

A—Yes. Once at Ferrie's apartment. Once at the Nashville ave. wharf and once at the Republican headquarters.

Q—Did you talk to him?

A—No, I was in a rush to get out as soon as my car was fixed.

ALCOCK THEN started questioning Russo about how Russo first got in touch with the DA's office.

Q—Do you recall how you

first made contact with the DA's office?

A—Yes, I wrote to the district attorney in February from Baton Rouge.

Q—Do you remember the date in February?

A—About Feb. 21, 1967.

Q—Do you recall what date you mailed the letter?

A—Approximately two days later. I was going to school at the time and involved in a lot of activities and didn't get around to mailing the letter until about two days later.

Q—Did you have occasion to have a conversation with Assistant DA Andrew Sciambra as a result of this letter?

A—Yes.

Q—Do you recall when that was?

A—Feb. 25, he came up to Baton Rouge.

Q—Without saying what he said, what did you do as a result of your conversation?

A—I identified some photographs he showed me. I told him how and where I knew these people in the photographs.

Q—What photos did you identify?

A—I identified pictures of Ferrie, Oswald, Bertrand, Sergio Arcacha (Smith), Emilo Santana.

Q—What did you tell Sciambra about where you knew Shaw from?

A—The first time I met Shaw or Bertrand at the Nashville ave. wharf, the gas station and finally at Ferrie's apartment.

Q—Did you relate to him what you related to the jury about the meeting in the apartment?

A—Not in great detail; but just a gist.

Q—Did you identify pictures of Clay Shaw?

A—I had never heard the name of Shaw before and I identified him as Bertrand. He asked me what was Bertrand's first name and I said Clem.

Q—You said Clem . . . C-L-E-M?

A—Right, C-L-E-M.

MOVING ON to another line of questioning, Alcock asked Russo:

Q—Perry, directing your attention to the period March 21, 1967, did you ever have occasion on that date to have a conversation with a man

named James Phelan?

A—Right.

Q—Did you ever tell this man, Phelan . . .

AT THIS POINT he was interrupted by Dymond who objected to this line of questioning on the ground that it constituted a "self-serving declaration."

Alcock said the witness could testify what he told Phelan because "that is not hearsay."

Dymond can cross-examine Russo if he objects on these grounds, Alcock maintained.

DYMOND WAS overruled again and again Dymond reserved a bill of exceptions.

Alcock began the questioning again:

Q—Did you tell Mr. Phelan . . .

Now, the judge interrupted,

saying Alcock was "leading the witness."

Alcock rephrased the question:

Q—Can you recall what you told Mr. Phelan regarding your testimony before the three-judge panel hearing.

Dymond objected, was overruled and reserved another bill of exceptions.

Russo said: "I was shown a memorandum of the interview I had with Mr. Sciambra and Mr. Phelan pointed out discrepancies between this interview and my testimony at the trial."

AGAIN DYMOND objected and Alcock told the court that he had copies of the memorandum and said he would send someone to his office for "more legible copies."

Assistant DA Harry Hull was sent for the copies.

Q—Where did this conversation with Mr. Phelan take place?

A—At 311 E. State st. in Baton Rouge, my home at that time; I was going to school.

Q—When did the meeting take place?

A—In the evening.

Q—What do you mean by that?

A—Some time between 6

and midnight.

Q—Who else was present?

A—Matt Herron. He came up with Mr. Phelan. He was a photographer. Also my neighbors, Mr. and Mrs. Kenneth Fisher, who came in for a few moments and left.

Alcock asked Russo:

Q—Was anyone else there?

A—Steve Derby was there for a little while.

Q—Was anyone else there?

A—Phil Neal, for one. And several other friends.

Q—Anyone present for the entire length of time?

A—Matt Herron was taking photographs.

Q—Anyone there for the entire time that Phelan was there?

A—No.

Q—Approximately how long was Phelan there?

A—Approximately three hours.

Q—Perry, did you know that Phelan was coming?

A—I supposed he was going to be there the day before. When he didn't come, I called the DA's office and found that he was coming. He never showed up that day, but he came the next day.

Q—Perry, when you contacted the DA's office, did you talk to any individual?

A—Andrew Sciambra.

At this point Alcock told the judge that without the original memorandum which Phelan had taken to show to Perry, covering what he had testified to in the preliminary hearing, he couldn't proceed "as I would like."

JUDGE HAGGERTY asked Alcock how long it would take to get the memorandum from his office. Alcock had sent an assistant DA to his office to pick it up.

WHEN THE assistant returned with copies of a memorandum, Judge Haggerty declared a brief recess to give defense attorney Dymond time to read the document.

The judge directed Dymond to let him know when he was ready for the court to resume. The memorandum, Dymond indicated to the court, was six pages long.