

# DEFENSE, STATE FINISH QUESTIONING OF RUSSO

T-P  
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## Shouting Match Marks End of Testimony

Two days of testimony by Perry Raymond Russo, state witness in the Clay L. Shaw trial, finished in a shouting match among Shaw's attorney, F. Irvin Dymond, Russo and prosecutor James L. Alcock.

Criminal District Court Judge Edward A. Haggerty Jr., presiding over the trial of Shaw, alleged to have conspired to assassinate President John F. Kennedy, had to caution all sides, "We could do just as well by keeping our voices down."

Judge Haggerty, after both the defense and the prosecution said they were finished with Russo, adjourned court early Tuesday afternoon to give himself a chance to read the preliminary hearing testimony of the late Orleans Parish coroner, Dr. Nicholas J. Chetta. Alcock, for the state, sought to have it admitted. The judge said he would rule on the admissibility of the testimony when the trial resumes Wednesday at 9 a. m.

There was no indication from the state who its next witness would be.

In a gruelling day of testimony, mostly under cross-examination by Dymond, these were the highlights:

—For the second time, Judge Haggerty overruled a bid by Dymond to obtain a mistrial declaration. Dymond objected to the judge interceding while he questioned Russo.

—Russo denied that he had ever tried to commit suicide, but acknowledged that he had been under psychiatric care on a "consultation basis" for 12 to 18 months in 1959 and had two telephone conversations with his psychiatrist in 1963 and again in 1965.

—Russo said his home and telephone were bugged and conversations with Saturday Evening Post reporter James Phelan, on which some of the defense questioning was based, were taped and given to the district

attorney's office. Russo said the DA wanted to see how far Phelan would go and that he did also.

—Russo, pointing to Shaw, said he was 100 per cent absolutely sure that he (Shaw) was the person he had seen at the meeting at David Ferrie's home in 1963. However, when Dymond used the word "conspirators," Russo corrected him, saying "I never used the word 'conspirators.'"

—But, later in the afternoon, Russo said—"with some explanation"—he told a New Orleans police sergeant, Edward O'Donnell, that he didn't know if Shaw was at the alleged conspiratorial party.

Russo said he discussed with O'Donnell the great pressures he was under and then made the remark that it was hard to tell if Shaw was or wasn't at the Ferrie party.

Dymond asked if Russo told  
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O'Donnell that if he had to give a yes or no answer as to whether Shaw was at the party, he would have to say no. Answering, Russo said, "Probably not in those exact words. But in essence, yes."

—Dymond elicited from Russo the statements that neither Leon Oswald—whom Russo identified as Lee Harvey Oswald — nor Clem Bertrand — whom Russo identified as Shaw—agreed to kill the President in his presence.

"Then you never heard anyone agree to kill?" asked Dymond.

"I heard people talking," answered Russo, "it seemed to me they were in agreement about certain things."

## Questioning Centers on Memo, Visits

Most of the day's cross-examination centered on a memorandum from Assistant District Attorney Andrew J. Sciambra

to District Attorney Jim Garrison after an interview with Russo and on Russo's visits with Phelan.

The shouting match developed when Dymond began questioning Russo on re-cross-examination.

Alcock had questioned Russo briefly on re-direct.

After obtaining a statement from Russo that Ferrie "had a lab at his home and talked a great deal about medicine," Alcock showed Russo three photographs of different medical equipment.

Dymond objected on the grounds that the matter was irrelevant, but Alcock asked Judge Haggerty to examine the exhibits, adding the state would link up the photographs with other evidence. Judge Haggerty said the exhibits were acceptable as corroborative evidence.

When Russo finally got to look at the pictures, he started to describe an object in the photographs as a microscope, but Dymond objected on the grounds that Russo was not a medical expert.

Again Judge Haggerty overruled the objection, stating Russo was not being asked to answer questions requiring an expert witness.

He said the microscope appeared to be the one he saw at Ferrie's home, or "similar, it looks just like it."

## Russo Is Asked About Interview

Alcock then asked him about a television interview he gave on March 1, 1967, on the steps of the Criminal District Court Building.

The interview, which was shown by two New Orleans television stations, was made after Russo has been questioned by the DA's office, and it was the same day Clay Shaw was arrested.

"At that time, Perry, did you know Clay Shaw?" asked Alcock.

"I knew a man I knew as Clem Bertrand," he replied.

He admitted he had been told the man's name was Clay

Shaw, but he insisted, "I never knew anyone named Clay Shaw. I was introduced to a man named Clem Bertrand."

This, Russo asserted, was the reason he said he did not know Clay Shaw.

Next Alcock questioned Russo about an interview he gave to Jim Kemp in Baton Rouge on Feb. 24.

"Did he exhibit any photographs to you?"

"In Baton Rouge, no sir."

Russo said no photographs were shown and he was not asked to identify any. This was his explanation for not having mentioned the names of Shaw (or Bertrand) or Oswald in that interview.

Alcock asked him about an interview with a Baton Rouge newspaperman, and asked if he was given any photographs to identify. "No," he answered, "we talked in general about Dave Ferrie."

"Did you know Clay Shaw on Feb. 24, 1967?"

"I had never heard the name before in my life," he answered.

"Can you recall when you first learned the name of the defendant?"

"It was sometime after Feb. 27, the middle of the week. I learned it in New Orleans."

### Photo Identified, Russo Testifies

Alcock then asked Russo if on Feb. 24, he had identified a picture of Oswald. He said he told a representative of the DA's office he had known the man as Ferrie's roommate.

"You made this before you attempted to draw whiskers on it?"

"The identification was made before the attempt," he answered.

"Can you tell us why in the interview with Kemp on Feb. 24 you did not go into the degree of detail you have gone into in the courtroom today?"

"He had no photographs. He mentioned no names except Lee Harvey Oswald. He didn't show me anything."

Alcock asked if they could have been the same reasons he didn't go into detail with the newspaperman.

"He was interested in Dave Ferrie. I didn't know a Lee

Harvey Oswald. I knew a Leon Oswald, and I maintain that to this point."

"Can you identify the defendant as the same man as you saw in Ferrie's apartment as Clem Bertrand?"

"The question is whether Clay Shaw and Clem Bertrand are one and the same: They are."

### Russo Saw Shaw Through Mirror

Dymond started off by asking Russo if on March 1, 1967, he was permitted to look at Clay Shaw through a one-way mirror in the DA's office.

Alcock objected, but Judge Haggerty said he would permit the question.

"On March 1? Yes I did."

Dymond asked: "Is it not a fact that Clay Shaw was in another office, sitting down. And you looked through a glass that appeared to be a mirror in the office where Mr. Shaw was?"

"That's right?"

"And were you not told who the subject was?"

Again Alcock objected, but Judge Haggerty quickly said, "I'll permit the question." Alcock argued he had not even given his reason for objecting, hearsay, but Judge Haggerty repeated he'd permit the question.

"I had been told that before March 1," said Russo.

Dymond pressed, and Russo said that when he looked at the man in the office "his name to me is Clem Bertrand," and he added: "No DA walked in and said you're looking at Clay Shaw through a one-way glass."

Dymond raised his voice, asking that if Russo didn't in fact know Clay Shaw when he was interviewed leaving the building.

"No," Russo said, raising his voice, "I didn't know Clay Shaw and I don't know Clay Shaw right now."

Dymond asked why, and Russo said, "Because I was never introduced to a man named Clay Shaw."

"You wouldn't be splitting hairs, would you?"

### Alcock Objects to Questions, Tone

At this point Alcock was on his feet, objecting to the questions and the tones of the

voices.

Judge Haggerty cautioned everyone that "We could do just as well by keeping our voices down."

Dymond moved on to the Kemp interview and asked Russo why he had not mentioned a plot meeting or conspiratorial meeting.

Alcock was on his feet again, objecting that Russo has answered the question.

"You've been overruled" shouted Dymond.

"I have not been overruled," Alcock shouted back.

Judge Haggerty ruled that Dymond "should be permitted to go into it (the interview)."

"Jim Kemp never asked me anything along those lines," Russo finally answered.

"In spite of the fact that you told your friends after the assassination?"

"I told them I think I knew that man," said Russo.

Then Judge Haggerty said: "He only answered questions put to him; he didn't volunteer any information."

"Your honor, please," rejoined Dymond, moving immediately for a mistrial, which Judge Haggerty just as promptly denied.

After a few more questions, Dymond got Russo to admit he called the Baton Rouge newspaper. "You had your story to tell?" "That about knowing Dave Ferrie," said Russo. "That's all," said Dymond, excusing Russo after two days on the witness stand.

The argument over the admission of the testimony of Dr. Chetta from the preliminary hearing followed.

Alcock said that in connection with the testimony of Russo, the state was asking the judge's permission to read into the record Dr. Chetta's testimony at the preliminary hearing.

Dymond objected immediately, and Judge Haggerty told him to state his reason. "I think the jury should be removed," he said.

### Jury Removed; Reasons Given

The jury was ordered removed and Dymond began his reasons. He said the defense wasn't objecting on the basic admissibility of evidence from preliminary hearings, but because Dr. Chetta's testimony concerned statements made by

Russo while under the drug sodium pentathol (truth serum). Dymond said the defense objected at the preliminary hearing, but the testimony was admitted.

Assistant DA Alvin V. Oser Jr. argued that the door for the testimony was opened when the defense questioned Russo's sanity under cross-examination.

Dymond argued that he did not think the state could contend that by asking the witness if he had received psychiatric treatment, that the defense was questioning his sanity.

Judge Haggerty interjected that "to the layman, a person who goes to a psychiatrist, there's something wrong with him. Whether he's goofy or nuts is something else."

Dymond said he knows of no case where such testimony has been admitted as evidence.

William Wegmann, taking part in oral arguments for the defense for the first time since the trial started, told the court:

"Yes, we were present at the preliminary hearing and we did offer objections, but we were told, 'This is a preliminary hearing.' We objected to hearsay, but we were told 'This is a preliminary hearing and hearsay evidence can be admitted.'"

The defense then told Judge Haggerty: "We are now confronted with exactly the same situation we feared at the preliminary hearing."

Judge Haggerty then announced he was overruling the defense's objection, but Dymond asked him, "Will you permit us to research the point?"

The judge heard some more arguments and finally said: "I'll have to read the transcript."

"There's no doubt you will," added Dymond.

Alcock then countered with a statement that "my appreciation of what happened during the preliminary hearing was that hearsay was admissible only because the court was looking for probable cause. But I was overruled on hearsay only until we proved a prima facie case."

Dymond came back with, "There's no point in arguing over what Mr. Alcock remembers. We'll read the transcript."

Alcock maintained that his

questions to Dr. Chetta were all hypothetical questions, and his entire testimony consisted of this.

The judge then said he would read the transcript plus consult the authorities in the matter and have a decision on Wednesday morning. He then excused the jury.

### Cross-Examination Ends Dramatically

Dymond had earlier ended his cross-examination on a dramatic note.

"Have you ever been under psychiatric treatment?" Dymond asked Russo.

"Yes sir," he replied.

"When was this?"

"The first year of college."

"What year?"

"1959."

"Who was your psychiatrist?"

"Dr. Max E. Johnson."

"Do you know if he still has a practice here?"

"No."

"How long were you under psychiatric treatment?"

"Between 12 to 18 months . . . on a consultation basis."

"How often did you consult him?"

"Two or three times a week."

Dymond then asked Russo if he had ever consulted the psychiatrist after the initial 12-18-month period of consultation. Russo replied that he had two telephone conversations with Dr. Johnson, once in 1963 and again in 1965, but that he had no contact with him after 1965.

### Never Attempted Suicide, Says Russo

"Russo, have you ever at-

tempted to commit suicide?" Dymond then asked.

"Never," Russo replied.

"Do you deny that a friend of yours, Mike Fitzpatrick, once came to your home in 1962 and found that your wrists had been cut and blood on the floor?"

"I deny that," Russo answered.

With that, Dymond said he was through with his cross-examination.

In cross-examination testimony earlier in the afternoon, Russo denied telling newsmen he was willing to disclose information about the conspir-

acy case if he were financially rewarded.

Dymond asked Russo if he had tried to strike such a bargain with a reporter by the name of George Lardner on June 20, 1967. "Absolutely not," Russo answered.

Dymond then pressed Russo on whether he told Lardner "I'm looking for guarantees. I'm interested in me, my job and money."

"Part of it (the statement) is incorrect. I deny making that entire statement," Russo declared, explaining that he was certainly interested in himself and his job.

Russo, under questioning, also denied admitting to Lardner there were "holes" in his initial testimony to the district attorney's office.

"Is it not a fact that you told Lardner at the end of the interview that 'If you say anything about this, I'm going to have to call you a liar?'" Dymond asked.

"No," answered Russo.

Russo said he did not know if the conversation with Lardner had been taped. He said the taping mechanism was still in place, but that he was not sure it was on during the Lardner interview as it had been with the Phelan interview.

"Did you tell Mr. Lardner you were taping him?" Dymond asked.

"No," Russo said.

"Did you tell Mr. Phelan?"

"Absolutely not."

### Tapes Picked Up by D.A.'s Office

Russo testified that the tapes of his conversations with reporters were picked up by representatives of the district attorney's office, often on a daily basis.

Dymond attempted to have introduced as evidence a polygraph (lie detector) test made by Russo under the supervision of a New Orleans police department sergeant.

The state objected to this, with Alcock claiming that Dymond wanted to use it for "effect." Dymond maintained that his only purpose for it was to "refresh" Russo's memory.

The defense's request was turned down by Judge Haggerty, but Dymond continued to question Russo about the poly-

graph test.

Russo said the test lasted about an hour and a half. He admitted making a statement during the test that he was "under a great deal of pressure" and "wished" he hadn't got "involved in this."

Dymond then asked if Russo told the police sergeant that he didn't know if he saw Shaw at a party or not. "With some explanation, yes," Russo stated.

"Isn't it a fact," Dymond asked, "that you told the sergeant that if you had to give a yes or no answer as to whether you saw Shaw at a party you'd have to say no?"

"Essentially yes," Russo said, "but with some explanation."

Asked by Dymond if some things were "vague" in his mind, Russo replied "yes" because of the pressure he had been put under by the news media.

Dymond then wanted to know if Russo had ever expressed a desire to meet with Clay Shaw. Russo replied that he had admitted making a statement that he wanted to talk to

Shaw in order to "size him up" and determine whether or not he was capable of committing a presidential assassination. But, Russo added, he felt such a meeting "wasn't possible."

### Wanted to Know D.A.'s Case--Russo

Russo also admitted that because of curiosity he wanted to know Garrison's complete case about Shaw. He denied that he wanted to know the complete case in order to help him reach a decision about testifying.

**Dymond then delved into three hypnotic sessions that Russo underwent, reportedly under the supervision of Dr. Esmond Fatter.**

Russo testified that he was hypnotized by Dr. Fatter a few days after arriving in New Orleans, Feb. 27, 1967, to give information to the district attorney's office.

Russo testified that the first hypnotic session occurred in the coroner's office with Fatter present, along with assistant district attorneys Andrew Sciambra and Alvin V. Oser; Dr. Nicholas Chetta, the coroner, and a stenographer.

Russo said he had seen a

transcript purporting to be that of the hypnotic session, but when Dymond showed him a copy of the transcript he said he was not sure it was the same transcript.

### Alcock Objects to Introduction

Dymond then attempted to have the copy of the transcript placed in evidence, but Alcock objected for the state. Dymond said he wanted to explain the reason for admitting it as evidence, but Alcock demanded that the jury be excused from the courtroom while he did so.

Judge Haggerty excused the jurors and they were taken to the judge's chambers.

Dymond explained that he wanted the transcript as an exhibit in order to lay the foundation for future expert witnesses—including a psychiatrist — who would show that the type of questions put to Russo during his hypnotic trance were "suggestive" and would have the effect of "completely destroying his value and credibility as a witness." He said it would also show the source of Russo's testimony.

Judge Haggerty then ruled to have the transcript marked for identification purposes only until after Dr. Fatter and the psychiatrist had testified. The judge told Dymond he could offer the transcript as an exhibit after their testimony.

The jury was called back into the courtroom and questioning of Russo was resumed.

Russo testified that a second hypnotic session was held in the coroner's office and that a transcript of it had been given to him. He said the transcript was presented to him as a "bound set" and included the happenings of the first two sessions.

The third hypnotic session, Russo said, took place in the office of Charles Ward, assistant district attorney. Present for this session, according to Russo, were Dr. Fatter, Ward, Sciambra and a stenographer.

Dymond then asked if a transcript had been made of this session. Russo said he was told that no transcript had been taken. Sciambra, then explained to the court that a transcript had not been made at that session because Dr. Fatter

had "some problem" in getting Russo into a hypnotic trance.

### Defense Resumes Attack on Memo

Russo resumed the witness stand as the afternoon session convened. Dymond immediately relaunched his line of attack on the controversial Sciambra memorandum with Russo.

"Referring to that memo," began Dymond, "Mr. Russo,

did you say that Kenny Carter, Ken Hershenstein, Lefty Peterson, and maybe Al Landry could tell the district attorney's office about Ferrie's roommate?"

"Essentially, yes, I said that," answered Russo. "I said they were people who associated with me and might recall."

"Did Lefty Peterson ever go with you to see Ferrie?" questioned Dymond.

"I think he did," replied Russo.

"Why were you so sure he went with you to the meeting in your preliminary hearing testimony?" probed Dymond.

"He was around me at the time," rejoined Russo.

"You said he went to the apartment," countered Dymond.

"After your badgering," shot back Russo. "You forced me into that position as I pointed out yesterday. I said likely the people who associated with me, and you said possibly Lefty Peterson and Sandra Moffett, and I said yes."

**Dymond then argued with Russo about what he meant by "badgering," telling Judge Haggerty, who interceded, that he had never before been accused of "badgering."**

Dymond asked, "In other words, Mr. Russo, if someone asks you something enough times you'll say it's right?" Here Alcock objected.

Russo said he didn't recall if Carter, Hershenstein or Landry ever went with him to see Ferrie.

"Did you testify you recognized the picture of Oswald as someone you knew?" questioned Dymond.

"Yes," replied Russo.

"Yet you had to have a beard

put on his picture?" rejoined Dymond.

Alcock objected to this, saying it was not Russo's testimony.

"I say it is," answered Dymond.

### Dymond Is Told to Rephrase Question

Judge Haggerty told Dymond to rephrase his question; and Russo said that in Baton Rouge when talking to Sciambra, he identified the picture of Oswald.

Dymond turned to the subject of hypnosis. "Did you tell Sciambra you had been hypnotized?" he asked.

"I don't know," said Russo, "we covered the subject. I said several people have tried, including Dave Ferrie, but no one has succeeded in hypnotizing me.

"You also told Sciambra that if you were hypnotized you would have total recall on names, dates, etc.," continued Dymond.

"I denied that yesterday," countered Russo.

"Why did you suggest that you would be willing to be hypnotized?" Dymond questioned.

"I told him I understand that going under hypnosis helps in total recall of names and dates," said Russo. "Ferrie told me it does. I said if he gets a professional hypnotist in New Orleans, I would do it."

Russo said he was subsequently hypnotized three times by a representative of the district attorney's office.

"Did you testify that Ferrie's roommate was not talkative didn't have much to say?" continued Dymond.

"That's right," said Russo.

"Is it not a matter of fact that you told Sciambra the roommate never talked with you?" asked Dymond.

"That's not right," said Russo.

### Roommate Wouldn't Talk About Politics

Russo explained that the roommate wouldn't join in discussions on politics. "I talked about not much also but politics then," said Russo.

"Did you ever tell Sciambra that Ferrie used hypnosis for sexual purposes?" quizzed

Dymond.

"No, Landry told him that," said Russo.

"Did you testify that the roommate's beard and hair were approximately the same?" asked Dymond.

"No, I said there was a difference," rejoined Russo.

"Do you deny that you told Sciambra the beard was darker than the hair?" asked Dymond.

"I'm not saying," replied Russo. "I have a feeling the beard was lighter, but I'm not sure. I don't know."

"Referring to the color of the clothing of Shaw when you said you saw him on the Nashville ave. wharf, what was it?" asked Dymond.

"There was a jacket that was striped or lined," returned Russo. "If it was dark or light, I couldn't say. I'm not sure what color the pants were."

Dymond and Russo exchanged

heated words minutes later over the subject of pinpointing whether the roommate he identified as Oswald was in New Orleans as late as October, 1963.

"Would you say that Ferrie's roommate was here in October 1963?" asked Dymond, moving into the subject.

"I'm not sure if it was late September or early October," answered Russo.

"During the preliminary hearing, you said you were sure he was here in October, why can't you say now?" asked Dymond.

"I felt it was September or October," answered Russo. "I'm inclined to say I'm not sure."

"Mr. Russo, isn't it a fact the reason you can't say for sure now is that you have since learned that Oswald left New Orleans Sept. 25 never to return?" Dymond pressed.

Alcock objected to the question, but Dymond was allowed to go on.

Russo then answered, "No." "Do you deny having testified to that (referring to the October date)?" said Dymond.

"No," replied Russo.

Dymond got up from his chair and moved toward the witness with the preliminary hearing testimony in his hand.

"Do you say now you can't say Oswald was here in October?" he asked.

"I said it was in late September or October," said Russo, his voice rising in anger. "I'm not saying that I am changing my testimony. I'm saying essentially now what I said then . . . it was September or October."

Dymond handed Russo the transcript of the hearing testimony. But Russo told him to go back up a few lines and he would see that he is saying now what he essentially said then.

"Mr. Russo, did you say that you didn't know Dave Ferrie had been arrested after the assassination until sometime in 1967?" asked Dymond, moving along to another area.

"Yes," answered Russo.

"Is that the same Dave Ferrie with whom you had a reciprocal invitation and a close friend?" asked Dymond.

Russo looked puzzled by the question. "Is that a question?" he asked Dymond. Dymond said it was. "Yes," answered Russo.

### Meeting with Phelan Is Brought Up

Here Dymond referred to a meeting with Saturday Evening Post writer Jams Phelan. "Didn't you tell Phelan that in your letter to Jim Garrison's office, you never mentioned Clay Shaw, Clem Bertrand, Leon Oswald or the assassination plot?" asked Dymond.

"Right," agreed Russo.

"Didn't you tell Phelan that you wanted to get the whole story down?" asked Dymond.

"No, if you emphasize whole," replied Russo.

Russo explained he wanted to make a statement and first called the Baton Rouge Police Department and after that called the State-Times newspaper before talking with Sciambra.

Russo told Dymond that he was asked by Phelan to thumb through the Sciambra memo to look for mistakes.

"Do you deny you made only four minor corrections?" questioned Dymond.

Russo replied that he saw marks by the word "twice" put there by Phelan and that they centered on this.

According to Russo, he saw Phelan after a Baton Rouge visit, on six occasions in New Orleans.

"Did you not tell Phelan,"

began Dymond, "that if Garrison knew what you told your priest he would go through the ceiling?"

Russo said, "I don't deny that, but I told many people that. You have to put that in the context. From Feb. 24, 1967, until that time, my part in this case, as accuser or witness against the defendant has been a black-gray area. I would like to pull myself out of it."

Russo said his "personal life would never be the same."

In response to a question by Dymond why "Garrison would go through the ceiling," Russo replied that he would like to be in a position not to have to give his cooperation "if I could avoid it."

"Do you deny you told Phelan you would like to see Shaw and resolve doubts by asking him questions?" continued Dymond.

"Right, I probably told him that," said Russo. But Russo added, "I am completely sure he was the man at the Louisiana ave. pkwy. apartment of Ferrie."

Continuing, Russo said he would like to sit down with the defendant and come to an understanding with him.

Russo added, "I told my priest I would like to be out

of this thing and be able to set my life in order."

### Meeting Allegedly Arranged with Shaw

Dymond turned to a meeting that was allegedly arranged with Shaw for Russo by Phelan.

Russo explained that he told Phelan such a meeting with Shaw "would be nice" and that Phelan later came to him and said it had been arranged on the Mississippi Gulf Coast.

But Russo said the district attorney's office knew of the meeting. "The DA wanted to find out how far he (Phelan) would go," said Russo, "and I did also. My house was bugged. I would turn on a tape recorder every time he came over and these would be given to the district attorney's office."

With this, Dymond informed Judge Haggerty that he would

like to have these tapes admitted into the court proceedings.

"I never heard them myself," argued Alcock. "It seems like a lot of hearsay to me. The defense can put Mr. Phelan on the stand and let him tell his side and Mr. Russo can tell his side of the conversations."

Judge Haggerty refused the Dymond request, telling him he was "going far afield. I'm not going to let you go on a hunt looking for something."

Dymond resumed the questioning. "Is it not a fact that you told Phelan that you were afraid to go to the meeting with Shaw because it might get back to Garrison?" asked Dymond.

"Garrison knew it was being set up," rejoined Russo.

### Phelan Didn't Know About Bugging

"Did Phelan know the phone calls and your home were being bugged and taped?" asked Dymond.

"No," said Russo.

Russo denied that he told Phelan that he didn't attend the meeting with Shaw because he was afraid he might find out he was wrong, and that though he could become a beatnik in Mexico or California, he "couldn't run from himself."

Russo said Phelan told him that Garrison had a habit of turning on his friends. He said Phelan said Garrison would turn on him so he (Garrison) could get off the hook if the jury did not declare Shaw guilty.

"Do you deny telling Phelan that you don't know the difference between fantasy and reality?" questioned Dymond.

"Taken out of context, yes," replied Russo. Explaining, Russo said, "I had so many meetings with newsmen. They were trying to split hairs on the subject. I told him that the pressures were so much that at times it was hard to distinguish fact and fantasy. The newsmen had suggested so many stories to me. I said it would help me to get away from it all for a few weeks."

Russo said the DA's office asked him to stall Phelan at the outset of his New Orleans visits. Russo quoted them as saying, "We'll bug the place." He said he did stall Phelan the first day and his house was bugged. Sciambra talked with him

about this.

"Would you say you were baiting Mr. Phelan?" quizzed Dymond.

"Not baiting him," answered Russo. "The DA's office was interested in seeing how far he would go and I was too."

### Questioning Focuses on Three Areas

Dymond's questioning of Russo during the three-hour morning session was focused largely on three areas: Russo's testimony in court when questioned by the state on Monday, the 3,500-word memorandum written by Sciambra after he interviewed Russo in Baton Rouge in late February 1967, and conversations Russo had with Layton Martens in August, 1968.

In connection with the Sciambra memo, as Dymond asked each question and Russo explained how the statement was not entirely correct, or completely wrong, Dymond asked the witness at one point, "Is there anything right about this memorandum?"

A lot of Dymond's questioning covered areas which he had previously asked Russo about on Monday when cross examination began.

He opened his questioning by asking Russo if on Monday he had told "the entire story as you recollected it" about the alleged meeting between Shaw, Oswald and Ferrie in Ferrie's apartment in mid-September, 1963.

Russo said he tried to answer the state's questions, and

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he could not think of anything that had been omitted.

"Did you contribute anything at all to the conversation?"

Russo answered that he was "in and out" of the apartment during the time the three men allegedly plotted to murder the President and he "didn't hear all the conversation."

"Would it be correct to say you heard only portions or fragments?"

"Yes," answered Russo.

"Then you cannot purport to have heard the entire conversation as a matter of continui-

ty?"

"No."

Dymond then asked Russo if, in the parts of conversation he heard, he heard any indication of any agreement between the men. Alcock objected, and Judge Haggerty said this "is a question for the jury to decide."

Russo then said that Ferrie had said, "We will kill him," and Dymond got the witness to admit that Ferrie had said this on several other occasions.

"Did Leon Oswald agree to kill the President?" Dymond asked.

"No."

"Did Clem Bertrand agree to kill the President?"

"No."

"Then you never heard anyone agree to kill?"

"I heard people talking . . . it seemed to me they were in agreement about certain things."

"Did you ever hear them say, 'We will do it.?'"

Russo said he had heard Ferrie say, "We will get him," and that he first heard him say this between June and August, of 1963.

### Dymond Asks Russo If He Agreed

"Did you ever agree with Ferrie? Tell him it was a good idea?" asked Dymond. Russo replied that he had told Ferrie that "it would be extremely difficult."

"Did you ever verbally indicate disagreement with the idea?"

Russo said he'd told Ferrie it wouldn't be possible.

Dymond asked Russo if, in all fairness, he could not say that Ferrie was "lecturing" the night of the alleged meeting in much the same way he had "lectured" Russo about killing a President.

Russo answered that "there was some exchange on that occasion."

Dymond then obtained from Russo the comment that Ferrie was an "opinionated" person and that in certain areas he could be "vociferous" about his opinion.

He also got Russo to admit again that because of earlier statements he had heard Ferrie utter, Russo experienced "no great shock" when he heard

the alleged conversation between the three.

"If you had really taken it as a serious threat, you would have contacted the Federal Bureau of Investigation or the Secret Service, wouldn't you?"

Russo admitted that if he had never met Ferrie before, he might have done this, emphasizing that Ferrie "was not the type of person who you could know if you should take seriously."

Through a series of questions, Russo asserted that after the assassination when Oswald died and the FBI said the matter was "all over," he personally "considered it a closed case," but when the office of DA Jim Garrison confirmed it was investigating the possibility of a plot, and Ferrie's name and picture appeared in the press and on television, "That's when it appeared to me that other people might be involved."

### Reaction to Arrest of Oswald Given

Asked if he was indifferent when Oswald was arrested, Russo said he told a couple of friends "I knew him or thought I knew him."

"But during the period from mid-September until Nov. 22, 1963, you didn't worry?" inquired Dymond.

"You didn't want to see the President dead, did you?"

"No."

"Wouldn't you have worried?"

"If it had been the first time I'd heard Ferrie I might have called the New Orleans police or somebody."

"But because of your personal knowledge you didn't do this?"

"That's one of the reasons."

Dymond then pressed Russo for names of persons at the party. Russo said there were two Spanish men and he thought their names were "Julian" and "Manuel." "Those are really very common Latin names," said Dymond. "You can't recall the names of anyone else there outside of yourself, Clem Bertrand, Leon Os-

wald and Ferrie?" Russo said he could not.

A brief discussion followed on the color of Leon Oswald's hair, and the amount of beard or whiskers he had. Russo said he did not say he had "dirty blond" hair, but instead said he referred to him as a "dirty beatnik," but he said "dirty blond" would make it brown, which would be the way he'd describe the person's hair. Russo said he is still unable to find the proper word to describe the whiskers of Leon Oswald.

### Russo Questioned About Memo, Talks

Then followed a series of questions stemming from Sciambra's memo, and discussions Russo had with Phelan.

In Sciambra's memo, Russo reportedly relates to seeing Shaw and Ferrie at a service station in Jefferson Parish six months after having a run-in with Ferrie on Bourbon St. in late 1961 or 1962. In testimony in court, he said the event took place after the assassination.

Russo told Dymond that if when Phelan came to Baton Rouge to question him, he asked about this inconsistency, then he is sure he corrected it. "If he asked me about it, I'm sure I made it clear."

Later Russo told Dymond that if in Sciambra's memo the seeing of Shaw and Ferrie together is related to the meeting on Bourbon st. "then that's Sciambra's relating. When I said 1962 that was an error on my part."

Russo then told Dymond that Sciambra did not take many notes during the interview and asking Dymond for a legal pad, Russo then demonstrated for the court and jury how Sciambra took notes. He said that maybe at the most he took three pages of notes.

"There would have been no necessity to burn these notes?" asked Dymond.

Alcock objected to Dymond's question, and the objection was sustained.

### Russo Is Asked About Type of Rifle

This was followed by a brief recess and when court resumed Russo was questioned about the type of rifle he claims he saw Leon Oswald cleaning or polish-

ing when he first met him at Ferrie's apartment.

He said the rifle he was shown on Monday was more similar to the rifle than the one which he was shown at the preliminary hearing in March, 1967.

Russo was then questioned about the letter he claims he wrote to the DA's office on Feb. 21, but didn't mail until two days later. Alcock says no one remembers ever having seen the letter, and Russo said it was not returned to him by the post office.

Next Dymond questioned the witness about his relationship with Sandra Moffett.

He would not admit that she was his "constant companion" during the period in question, but he did say that he saw her "off and on" for a period of time.

"Was she your main female companion?"

"I don't know," answered Russo, "maybe . . . that's hard to say. She thought so." This reply brought laughter from the courtroom.

"Did you lead her to believe this?"

"No."

### Dymond Asks for Addresses

He then said he went with Sandra Moffett during the period 1960 to 1965, but when Dymond asked for specific streets on which she lived during the period, or addresses, Russo said she moved often and the only residence he could think of was on "Cleveland st., or a street one or two blocks off Canal toward Tulane and one-way toward the lake."

Dymond said it was difficult to believe he could go with a girl that long and pick her up at her home and not know what street she lived on. Russo said he only picked her up two or three times, and he didn't know "how long she lived there." He asserted that Sandra Moffett "wanted to come over to my apartment all the time. Everybody came over to the apartment."

Dymond then moved back to the number of times Russo saw Ferrie in September, 1963. Russo said Ferrie probably visited his apartment. He thought he may have come to a couple of baseball games in which Russo

was playing.

Next Dymond attempted to have Russo be more specific about the dates he visited Ferrie's apartment during the month, but Russo said he was unable to because he doesn't associate the visits with anything.

Regarding the party at which the alleged conspiracy took place, Dymond asked:

"Do you recall what day of the week it was?"

"No."

"Was it a weekend?"

"No, weekends and week days were about the same."

"Do you know if it was the first, second, third or fourth week of the month?"

"No."

"What time of night did you go there?"

"It was late in the evening and I think it was after midnight when I left."

"Could it have been in October?"

"No."

### Three Remained, Russo Testifies

"It's your testimony that when you left Leon Oswald was still there?"

"Yes."

"Clem Bertrand was still there?"

"Right."

"David Ferrie was still there?"

"Right."

Dymond then got Russo to admit that all the other guests had left before the alleged conversation took place. Dymond asked, "And you think you took a bus home?"

Russo said he was not certain if he took a bus home.

"Did Ferrie ride you home?"

"It's possible."

"Did Clem Bertrand ride you home?"

"No."

"Leon Oswald?"

"Oh, no."

"No one gave you a ride home?"

"It's possible I could have hitch-hiked."

"Leon Oswald, Clem Bertrand, David Ferrie were the only ones left except you—and you are not certain about whether or not someone drove

you home?"

"No, I'm not certain."

Dymond then went back to the Sciambra memo, reading from it a statement that Russo said he hadn't spoken with Ferrie since the assassination.

### Saw Ferrie Several Times, He Says

Russo told Dymond he saw Ferrie several times after the assassination, adding he would not know "where that statement (in Sciambra's memo) came from."

Russo said that in his meetings with Ferrie he did not discuss the assassination, adding that Ferrie had become "very bitter . . . he lacked purpose; he was a different person."

"You didn't see fit to mention it?"

"He'd always be grumbling about the District Attorney, the FBI, everything."

Alcock objected to Russo quoting Ferrie as hearsay evidence.

Russo said his meetings after the assassination were all very short, lasting usually three to five minutes, or on some occasions a little longer.

"He (Ferrie) never said to you, 'For goodness sake, keep quiet about what you heard?'" asked Dymond.

Alcock objected and Judge Haggerty sustained his hearsay objection. Alcock said statements by those concerned after the conspiracy is concluded amount to hearsay.

Dymond then asked that the jury leave the room so he could ask the question and have the answer in the record to perfect his bill of exception to the ruling.

Alcock objected that he should not be permitted to ask the question and receive an an-

swer. He said the record should reflect only the question, the state's objection, and the court's ruling.

"This is testimony that is necessary," argued Dymond.

Judge Haggerty said he'd permit the question and answer.

He then repeated the question asking Russo if at meetings subsequent to the alleged conspiracy meet, Ferrie ever cau-



tioned him to keep quiet.  
"No, sir," replied Russo.

## Meetings with Oswald Are Discussed

Dymond then began asking Russo questions about the number of times he'd met Oswald and the circumstances. Alcock objected, maintaining, "I feel we've been down this path before," but Dymond argued his questions had a purpose and the judge permitted him to continue.

After going through the various meetings, Rymond asked Russo if after the assassination he did not connect Lee Harvey Oswald and Leon Oswald. "It is true I did not know a Lee Harvey Oswald. I knew Leon Oswald. Did I connect the two names? Well, I told a couple of friends of mine in Baton Rouge I had known him." Dymond asked who they were, "Well, my cousin recalls it."

Dymond then moved back to the Sciambra memo — his questioning jumping from one direction to another — and asked if a statement in it about Ferrie's roommate was true. The statement in the memo said: "Ferrie mentioned his name, but Russo can't remember it right now."

"That statement is incorrect."

"You did not tell Mr. Sciambra you could not remember the name of Ferrie's roommate."

Russo repeated that the statement was not correct.

"You knew his name?"

"Right, I did."

"You gave the name?"

"Right."

Then Russo said: "I'm not going to hold by that memo. Let Mr. Sciambra stand by that."

## Russo Says He Knows Martens

Next Dymond asked Russo if he knew Layton Martens. He said he had met him about a year and a half ago.

"In your discussions with Layton Martens, have you discussed the case?"

"Oh, a little bit," said Russo.

"Do you recall on Aug. 15, 1968, picking up Layton Martens in your automobile while he was walking in the French Quarter?"

Russo said he probably did,

although he was not sure of the date.

Then Dymond began reading statements to Russo, asking him if he made those statements to Martens.

The first statement Dymond read was:

"This is the most blown-up and confused situation I've ever seen." Russo said, "Sure, I said that."

Next came, "I don't think any of these people involved except Sheridan and Townley should be convicted of anything."

Russo said he had said that, too, but he said it was not a complete statement. He said he had told Martens that during 1967 "three phonies — Phelan, Rick Townley and Phil Sheridan — were attempting to interfere with the case. They were attempting to create news."

Russo continued: "They told

me we'll cut Garrison down so he wouldn't be elected dog catcher. Phelan, initially, was trying to report the news." Sheridan and Townley, he said, were "scum," more interested in "making news than reporting it."

The next statement Russo was asked if he made to Martens was: "I really didn't know Ferrie very well . . ."

## Statement Not Complete--Russo

Russo again admitted making the statement, but said it was not complete. He said that Martens had told him of the circumstances by which he knew Ferrie and what he knew about him. Russo said he then mentioned the circumstances of his knowledge of Ferrie. Both reflected a different side of the man's personality, he asserted, and that's why he made the statement about "not knowing any of the things he told me."

Dymond then referred to statements made to Martens by Russo on Aug. 17, 1968, two days later.

The first was: "I have made most identifications on the basis of photographs alone." Russo said he made the statement.

Next: "I am sure of the identity I made of Shaw, but I'm not 100 per cent correct. I'd like to meet with him . . ."

Russo said this was not en-

tirely correct.

Russo asserted that he was 100 per cent correct, but what he had said was that in a case of this stature he'd like to be 1,000 per cent correct.

He said Phelan said he could set up a meeting for a town on the Mississippi Gulf Coast where Shaw would be for the weekend and he (Russo) could drop in at the same place and make certain for himself that he was correct.

"I said that in a case like this I'd like to be 1,000 per cent correct. Doesn't that make sense?"

Dymond asked who initiated the proposed meeting with Shaw. Russo said he was not really sure who it was, but he had said "the best way, but an impossible way, for me to be sure would be for me and Shaw to get together. Phelan said he'd set it up for the weekend."

"Shaw agreed to meet with you?"

"I don't know if he did or not."

## Pressure Applied, Russo Testifies

Next Russo discussed "pressure" he said was being applied to make him alter his testimony to identify Guy Banister and James Lewallen as the principals with Ferrie. He said from Feb. 25, 1967, he was in "personal turmoil" because of the pressures, with Sheridan and Townley taking the lead. "These people from WDSU tried to alter the news. They didn't try to just cover the news."

Russo said 1,000 per cent sure was "something you can never reach," and then looking directly at Shaw, he said: "But I'm absolutely sure the defendant is the man who was there."

"Did you say you'd like to get in a room with Shaw and hear him talk?"

"I'd like to get in his mind and think as he thinks. The point is, you can never be too sure."

Then Dymond continued: "On the same occasion, did you say: 'I'm afraid to make any more statements, because no matter what move I make, one side or the other will come after me.'"

Russo denied making this statement.

The next statement was: "I was supposed to be given \$25,000 by Garrison for helping him out, but thus far I've only received \$350.

Again Russo said he made the statement, but asserted it was incomplete. He said the \$25,000 was a rumor started by "these characters," referring to the newsmen he mentioned previously, "and I was telling Martens that according to them I was supposed to receive \$25,000."

### Expense Money Received from D.A.

He said that during the preliminary hearing he was not able to work and he received \$300 from the DA to cover his expenses in connection with his appearances in court and time for questioning, etc. He said he received a check for \$45 during the Dean Andrews perjury case, again to cover expenses, since he was unable to work, and another \$65 or \$70 relating to other subpoenas he has answered.

The next statement was: "I am going to California very soon to get away from this." Russo readily admitted saying this, adding the trial has forced him to put off the trip for a couple of years, "but I still have every intention of going."

The next statement was: "I am not really sure they were plotting against Castro or Kennedy."

Russo said he was going to answer "yes, but I'm going to say 'no' afterward." His reference was to the fact that legally he must first either admit or deny making the statement before explaining it.

He said this reference was made because of the comments during the summer of 1963. He said that while Ferrie liked Castro, "he thought Che Guevara was better, and I thought he might have plotted to get Castro, too."

He said he did not attend any other meetings where a group of individuals discussed any kind of assassination plot.

He was asked if he knew James Lewallen, and he said he did not. He was shown some photographs of Lewallen, and in one of the pictures said the hair of Lewallen was a little

heavier than the person he knew as Leon Oswald.

### Russo Denies Knowing Beauboeuf

Dymond asked him if he knew Alvin Beauboeuf. Russo said he had only seen pictures of him. "Would you be willing to state that during 1961, 1962, and 1963, he never lived with David Ferrie?"

"I don't even know him," answered Russo. "No, I wouldn't be aware of that. He (Ferrie) always had people around."

Russo said the only time he ever knew of a roommate of Ferrie's was "this guy Oswald."

Dymond asked Russo if he knew Melvin Coffey. "I've never seen a picture of him, and I don't know him by name." He also said he did not know Maurice Brundy. "Do you know any of Dave Ferrie's friends who frequented his home during 1963?" asked Dymond. Russo said he could not remember any names.

"You cannot name one friend?" asked Dymond.

Russo said he could not outside of Leon Oswald, the two Spanish-types (Julian and Manuel) and someone named "Tommy."

Next Dymond asked Russo if he knew Guy Bannister.

Russo said he felt he might

have seen him "somewhere," adding, "it may have been with Ferrie, I don't know."

He said he did "not see anyone as Guy Bannister," but having been shown photographs, he recognized one person as someone he might have seen. It turned out this was Bannister.

Dymond asked Russo to search his mind to remember where he saw the person and under what circumstances. "I can't place it," said Russo, "although possibly it was with Ferrie, but I'm just not sure. I've thought about it for quite some time."

"Did he have a hat on?"

"I don't recall."

"Did he have white hair?"

"Oh, yes."

Did you notice his height?"

"No."

Could you approximate his build and weight?"

"No," answered Russo, adding he may have seen the person "in an automobile."

He was also asked if he knew

G. Wray Gill or Jack Wasserman, and he said no to both names.

Dymond dropped the subject and went back to Russo's initial reactions to the conspiracy talk he allegedly overheard, and then he discussed sections of the Sciambra memo, and it was on this occasion, as Russo made corrections, that Dymond asked if there was anything right in the memo.

As the trial opened Tuesday, Joseph P. Ryan, director of the office of personnel, New Orleans Post Office, delivered a change of address form, which had been subpoenaed by the state.

The state alleged that during one period Shaw instituted the change so that his mail would be delivered to another address other than his residence, and during this period pieces of mail addressed to Clem Bertrand were delivered to the new address and were not returned to the post office.