

S-I 2/11/69

19TH DAY

Testimony in Shaw Trial

Proceedings in the 19th day of the Clay L. Shaw conspiracy trial in Criminal District Court follow:

Assistant District Attorney James L. Alcock started today's proceedings by asking the court if a subpoena for post office records has been satisfactorily returned.

In conjunction with the subpoena, the prosecution put Joseph D. Ryan, director of personnel for the New Orleans post office, on the stand.

RYAN HANDED Alcock some papers and the assistant district attorney asked for a few moments to examine them. He then said the state was "satisfied with the return."

Judge Edward A. Haggerty Jr. then asked the state and defense if they were ready to proceed and Perry Raymond Russo was called to the stand.

Defense Attorney Irvin L. Dymond took up the cross-examination of Russo.

Q—On direct examination, did you tell the entire story as you recollect in connection with the meeting on Louisiana ave. pkwy. (David Ferrie's apartment) in 1963?

A—I don't know exactly what information you mean.

Q—I want to know whether you gave a complete account . . . of the conspiratorial meeting?

A—I tried to answer the questions he (Alcock) asked.

Q— . . . In other words, did you leave out anything?

A—Not apparently.

Q—Now, Mr. Russo, during the meeting did you contribute anything to the discussion?

A—No, I was . . . down the street a lot of the time. I did not hear a lot of the conversation.

Q—You were in and out?

A—Yes.

Q—Would I be correct in saying you heard only por-

tions, fragments of the conversation?

A—Yes, sir.

Q—You would not purport to have heard the entire conversation . . . ?

A—No.

Q—Was there ever any actual agreement to kill John F. Kennedy?

AT THIS POINT Alcock ob-
Turn to Page 6, Column 1

Continued from Front Page

jected and Judge Haggerty said, "I'm going to sustain the objection. That is a matter for the jury to decide."

Q—In your presence, did David Ferrie ever agree to kill the President of the United States?

A—He said "We will kill him."

Q—He had said that many times before?

A—Right.

Q—Did Clem Bertrand ever agree to kill the president?

A—No.

DYMOND ASKED the same question as it pertained to the man identified by Russo as Oswald.

The answer was again "No."

Q—Would I be correct in saying you never heard anyone agree to kill the president of the United States?

Russo declined to answer the question yes or no, contending he did not understand what Dymond meant by "agreement."

RUSSO SAID it was true he never heard anyone say "Yes, this will be the time we will do it. We will do it this way."

Q—Did you ever hear anyone say we will do it?

A—Dave Ferrie.

Q—He had said this many times before?

Russo agreed with this statement by Dymond.

THEN DYMOND questioned Russo about his own reaction to statements by Ferrie that the president should be killed.

Q—Did you ever verbally indicate disagreement with the idea?

A—Well, I told him it wouldn't be possible . . . but I never said it wouldn't be a good idea.

Russo said that when Ferrie talked about the subject, it was more of a lecture than a conversation.

Q—It was quite common for him to lecture?

A—Right.

IN ANSWER to another question from Dymond, Russo said Ferrie talked to Oswald and the defendant about the

subject and Dymond then said, "just as he had talked to you on occasion?"

A—On one occasion.

Q—Was it true that Ferrie was an emotional man?

A—No.

Q—He would get excited?

A—No, he had a very analytical mind.

Q—You would call him an opinionated man?

A—Opinionated, yes.

Q—Did he try to convert people to his way of thinking?

A—In some things, yes.

Q—Being an opinionated man, as you say Ferrie was, is it not a fact that he would not be out of character to say that the President should be killed?

A—No, I don't think so.

Q—What you heard that night came as no great shock?

A—No, I agree.

Q—As a matter of fact, if you really thought that the president was really going to be killed, you would have gone to the FBI?

RUSSO AGREED that this was so, although he said he never knew when Ferrie could back up what he said.

At one point Russo said, "If I hadn't known Dave Ferrie . . . I wouldn't know whether to take him seriously or not. In several ways he did back up what he said. You couldn't really tell about some of these fantastic things he said.

"I just sat there. I didn't know whether he would back up what he said or not."

At another point, Russo said Ferrie "could envelope, strangle a conversation. He claimed quite a few things to me; he claimed he was in the Bay of Pigs to me. I don't know . . . He was well read in religious matter, he had a medical laboratory. He said he was a doctor or had extensive medical knowledge."

Q—For approximately four years, you were indifferent to what you heard?

A—Approximately.

Q—Mr. Russo, knowing yourself, could you remain indifferent for four years if you thought you knew of a plan to assassinate the President?

A—In and out. The DA's office mentioned the name of Ferrie. The day Ferrie died I wrote a letter. Mailed it two

days later. That's when it appeared that other people besides him had been involved.

Q—But before that for four years you were indifferent?

A—Yes.

Q—You didn't worry?

A—No. I didn't worry. I told some friends, I think, when the President was shot and they carried his picture in the paper. Then I heard what the FBI said about it—that Oswald had done it—and I believed it.

Q—As a citizen, Mr. Russo, wouldn't you be concerned if you thought there was a plot to kill the President?

A—Judge (Leander H.) Perez stated about a year ago that there was a plot to kill him. Judge Perez named a person whom he said had plotted. I suppose it was true. I've heard people say that he'd be better off under the swamps than on top on several occasions. When the schools were being desegregated I heard people say, "If I had a gun, I'd shoot the President. So-and-so ought to be dead." I just put the remarks on a shelf.

Q—Don't you agree, Mr. Russo, that sometime between mid-September and November of 1963 you should have been worried if you thought there was a plan to kill the President?

A—If I was meeting Ferrie for the first time, maybe I would tell someone. But knowing him, I took it for what it was worth.

Q—Because you knew Ferrie you didn't say anything to anyone?

A—That was one of the reasons.

Q—Perry, yesterday on direct examination you said there were 10 or 12 at that party at Ferrie's house that night before the crowd left. Is that correct?

A—There were eight or ten there.

Q—Can you give me the names of any of those persons there besides the names you mentioned—Oswald, Ferrie or Bertrand?

A—There were two Spanish guys there — a fellow named Julian and one named Eman-

uel.

Q—You realize these are common Latin names, don't you?

A—Emanuel was.

Q—Can't you remember any other names?

A—No. I didn't notice, really. I was watching Dave Ferrie walk up and down lecturing when I was inside.

Q—Were you fascinated?

A—Ferrie always gave directions and explanations to cover anything he was talking about. One night before that I was with Landry on Canal st. and Ferrie came along with some Latin-looking fellows and he began talking and later I asked Landry about it. He said you never know what Ferrie is talking about.

Q—You've heard Ferrie talk many times?

A—Yes. He had a fascinating way of talking, using his hands to emphasize.

Q—Would it be fair for me to say that there is no one alive today to testify about that party except yourself?

AT THIS POINT Alcock objected, telling the court that Russo could not know if there is anyone alive or not today to tell about it.

Dymond argued that Russo had answered by giving two names—two prominent Latin names, Emanuel and Julian. Then he offered to rephrase the question.

Q—Russo, then you know of no one today you can name that could confirm that party?

A—No.

Q—In that Sciambra memo you refer to Leon Oswald as having dirty blond hair. Do you now deny that? Do you change that?

A—I made a correction yesterday.

Q—You mean to say you never referred to dirty blond hair?

ALCOCK OBJECTED and discussion between Dymond, Alcock and the judge followed. Then Russo continued:

A—I don't know that I said dirty. I said beatnik. I don't think I referred to it as blond hair. I may have said blond, but dirty blond would make it brown. I don't recall. It could be brownish. Dirty blond and brown as synonymous.

Q—Can you describe him

now? Describe his hair?

A—Brown. Just brown.

Q—Did you tell Mr. Sciambra that Oswald had a shaggy beard?

A—I may have. He had a growth of whiskers and I was trying to get a word out of the air.

Q—Would you say he had a bushy beard? A bushy growth of whiskers?

A—No.

Q—Was it neat?

A—No.

Q—Can you use a word to describe the beard?

A—Mr. Dymond I am open to suggestions.

Q—I'm just asking questions.

A—The only way I can describe it now is that he had a growth of beard. Some people have long beards. Sometimes they have beards like Mr. Plotkin (Russo looked at attorney Steve Plotkin behind the DA's table). But that's not right again. He just had a growth of beard and there

were spots where it didn't grow. It looked like a two or three days' growth.

Q—Are you confident that it was a three or four days' growth?

A—I can't really tell how long.

Q—Was it the same color as his hair?

A—Not exactly the same.

Q—How would you describe it?

A—It didn't appear the same color as his hair. It did not look like a fake beard, but it could have been.

Q—Could it have been white?

A—You mean gray? It could have been.

Q—Were the sideburns the same?

A—I can't say. The sideburns may have been messed up.

Dymond and Russo went into an involved discussion of the Sciambra memo and when Russo had first noticed he had made a two-year error in placing Shaw in Ferrie's service station on Veterans hwy. in Metairie.

Russo finally answered that he could not remember for certain but thought it might have been when Sciambra interviewed him a second time in Baton Rouge. Russo point-

ed out that, at any rate, he corrected the error in his testimony before the court yesterday.

Q—In other words, your testimony is that you do not know whether you pointed out these errors to Phelan?

A—No, I'm sure I must have pointed it out sometime, perhaps in the preliminary hearing.

Q—Isn't it a fact that you pointed out only minor typographical errors and slight discrepancies?

A—What we were talking about was only a few things that he pointed out. I did not go over it word for word because if I had, I would have found the 26 contradictions you referred to.

Q—You did not go over it word for word?

A—We talked about a half an hour about a lot of things, about the preliminary hearing, about other things I do that have nothing to do with this case and I did not go through it from start to finish. The district attorney's office had notified me he was coming up to Baton Rouge. He had underlined and circled one word that was in the memorandum twice and that seemed to be a big thing for him at the time.

Q—You did not go over it word for word?

A—Absolutely not.

Q—When did you first call to the district attorney's office the two-year error on when you said you saw Clay Shaw?

A—I'm not exactly sure when I first saw the memorandum. I'm not really sure.

Q—Do you remember ever calling the two-year error to anyone's attention prior to yesterday?

A—I'm sure I had a discussion with the district attorney's office but I don't remember exactly when. We talked about two hours, but I don't remember exactly when that was.

Q—Is it your testimony that you were sure you called this to Phelan's attention?

A—In Baton Rouge I talked to him—he was up there one night and I talked to him in New Orleans several times.

Q—When did you have the discussion with Ferrie on Bourbon st. concerning Al

Landry?

A—In 1961 or 1962.

Q—Was it early or late 1962?

A—You asked that yesterday.

Q—In Sciambra's memorandum, you relate seeing Shaw on Veterans hwy. about six months after the incident with Ferrie on Bourbon. After that you say you saw Shaw on Veterans. Is it your intent to set up a time relationship?

A—When I said '62, that was a flat error on my part and I readily admit that error.

Q—Was the Bourbon st. meeting in 1962?

A—I have a tendency to say '61 instead of '62, but I'm not sure.

Q—How about that date of yours in the Sciambra memorandum?

A—He was trying to get some kind of continuity and when he wrote that memorandum it was on Monday. He did not keep a great amount of notes and that's probably where the error came in.

Q—How many notes did he keep?

A—He didn't keep eight or 10 pages, maybe it was a page or two, or maybe more. It could have been a page, a page and a half, two or maybe even three.

Q—Did you get to see these notes?

A—No.

Q—Yet you can tell the

amount of pages of notes he took?

AT THIS POINT Russo picked up a yellow legal pad and pencil.

A—He had a briefcase, about 30 pictures and some books and this is what he did when I gave him the name, he wrote in a big handwriting, stuff like this (he wrote on the pad) but he did not copy everything down.

Q—In other words, his notes could not have revealed the contents of what you were saying to him.

A—That is what I think.

Q—Then there was no need for him to burn these notes.

ALCOCK OBJECTED and Dymond withdrew the ques-

tion.

Dymond, picking up a rifle, approaching Russo, but was stopped by the judge, who told him to check the rifle to make sure it was unloaded.

DYMOND THEN handed the rifle to Russo and asked:

Q—Is this the same type rifle as the one you saw Oswald cleaning?

A—I don't know if it is exactly the same.

Q—Was the rifle dismantled or all in one piece?

A—He was polishing or wiping it, so it wasn't disassembled.

Q—Was he polishing the wooden part?

A—I really don't remember.

Q—Would you say that it is a similar rifle to the one you saw him cleaning?

A—It has the same type bolt action and sight.

ALCOCK OBJECTED, was overruled and Dymond continued.

Q—Is it similar to the one you were shown at the preliminary hearing?

A—No. This one is more similar.

Dymond then put the rifle down on the table and brought another over to Russo.

"I NOW SHOW you the rifle I'm told was exhibited at the preliminary hearing," said Dymond.

Q—Show us the indentations.

A—(Here, Russo rubbed the stock of the weapon, indicating the indentations.)

Q—Did you see the rifle at the party-meeting?

A—No.

Q—In other words, the only time you saw the rifle was when you saw Oswald cleaning one?

A—I saw what appeared to be a rifle bag when he (Oswald) was leaving Ferrie's apartment.

Q—Would you describe this rifle bag for us?

A—I'm not sure it was a rifle bag. In fact, a gun would have to be dismantled to fit in it.

Q—How long was the bag?

A—Oh . . . I suppose about three feet.

Q—In other words, it wasn't long enough to hold either

of these two rifles assembled, was it?

A—No, it wasn't.

NOW, DYMOND asked the judge if a copy of a letter reportedly written to the DA by Russo has been found.

Alcock answered, saying "We have been unable to locate it."

Dymond then asked Russo: "To whom did you address the letter of Feb. 21?"

A—I wrote it to whom it may concern. I addressed it to the DA's office, 2700 Tulane ave. 70119.

Q—So you knew the zip code?

A—I called the information operator in Baton Rouge and asked for the address. This was the information given to me.

Q—You testified yesterday that Sandra Moffett was almost a constant companion of yours. Was that correct?

RUSSO GAVE a lengthy explanation, saying he did practically the same things every week, saw the same people. "But sometimes I wouldn't see these people for five days at a time," said Russo.

Q—Was Sandra your only girl friend during that time?

A—No. I also dated a girl named Perer.

Q—Was Sandra your main female companion?

A—Well, I don't know. Maybe she thought so anyway.

THERE WAS a ripple of laughter through the courtroom.

Dymond persisted in this line of questioning.

Q—Sandra didn't think there was any other girl?

A—I don't think she knew about Adele Maquar.

Q—How long did you go out with Sandra?

A—Until 1965.

Q—You went out with Sandra very often during that time?

A—From about 1960 to 1965.
Q—In other words, about four or five years, she was your constant companion?

A—Yes, sir.

Q—Where did Sandra live during that time?

A—Several places.

Dymond asked Russo to name some of the places.

A—Well, around Canal and Broad; then in a place up-town.

Q—Where around Canal and Broad?

A—I think she lived on Cleveland.

Q—You mean you went with a girl that long and you didn't know her address?

A—Well she came to my house most of the time; she wanted to come all of the time.

Q—When you went to basketball games at Tulane, didn't you pick her up?

A—Most of the time she

HE SAID HE lived on Elysian Fields and she and her friends would come there . . . "that was my routine."

Russo said she lived on a one-way street, going to the lake, which Cleveland does. He said he looked for the house several times recently and could not find it.

Dymond asked about Ferrie.

Q—You said you saw Ferrie three times in September (1963)?

A—Aw . . . no. More times than that.

Q—How many times?

A—About four or five times. Probably he came over to my house. It was the tail end of August and I was on a baseball team. We continued playing into the early part of September and he dropped in several times.

Q—Did Ferrie have free access to your apartment?

A—Not necessarily.

Q—He could go to your house any time he wanted as you could go to his?

A—Yes, sir.

Q—Before mid-September, did you see Ferrie?

A—We played several baseball games at Roehm Park, Pontchartrain and Audubon Park. He came and left I don't how many times.

Q—I'm talking about September.

A—I don't know if he came to any games then or not.

Q—When was the first time he told you he had a room-mate?

A—Approximately, the early part of September.

Q—You can't say specifically?

A—That's right.

Q—Other than mid-September, were there any other times when you specifically saw Ferrie?

A—Not specifically.

Q—Now Mr. Russo, in an attempt to pinpoint the party meeting, are you able to relate to it in relation to the time you registered for school?

A—No. It's between things . . . team games and the first week of school.

Q—Do you recall registering in September?

A—No.

Q—Registration at Loyola was Sept. 14 that year. Do you recall?

A—As best I can recall, it was before the first week of school, before this preliminary stuff was over.

Q—What day of the week was this meeting . . . Sunday, Monday, Tuesday, Wednesday, Thursday, Friday or Saturday?

A—I can't tell you.

Q—Was it on the weekend?

A—No, it wasn't. The weekends were always the same.

Q—Was it the first, second, third or fourth week of September?

RUSSO SHOOK his head.

Q—Do you remember what time of the day it was?

A—In the evening. It was late in the evening when I got there and I didn't leave until 12.

Q—Could it have been October?

A—No. I rarely go anywhere after school begins. I didn't go too many places, to basketball and football games and that's about it.

Q—You've testified that Leon Oswald was still there when you left. Is that right?

A—Yes.

Q—Was Bertrand still there?

A—Yes.

Q—Dave Ferrie?

A—Yes, he lived there.

Q—How did you leave, do you remember?

A—Bus, maybe.

Q—Could anyone have given you a ride?

A—Yes, it's possible someone did.

Q—Did David Ferrie give you a lift?

A—No, he wouldn't leave those people still there by themselves.

Q—Did Bertrand give you a lift?

A—No.

Q—Oswald?

A—No.

Continued from Page 6

RUSSO SAID he could possibly have hitchhiked home.

Dymond said, "You are not certain if any of them gave you a ride home?"

"I don't remember," said Russo. "I remember going to a basketball game the University of Pittsburgh played and a player jumped up into the stands and hit a man . . . the wrong man."

"THE POINT I'm making is I remember about the game but not who took me there or how I got home," said Russo.

Dymond asked if the situation was similar to the party-meeting, with the "conspirators."

Russo said, "I don't call them (the three left at the party) conspirators."

ALCOCK OBJECTED and the judge sustained the objection.

Q—Where had you seen Ferrie after the assassination?

A—I don't know where it was.

DYMOND ASKED if Russo had said previously he had not spoken to Ferrie since the assassination, and Russo answered in the negative.

Dymond asked if Russo had told Sciambra he had not seen Ferrie and again Russo answered in the negative.

"Absolutely," Russo said, when asked if he saw and spoke to Ferrie after the assassination.

Q—Where did you see him?

A—Probably at my apartment, at 4607 Elysian Fields.

Q—This is in keeping with your invitation to Ferrie to go there at any time?

A—All of my friends had that invitation.

Russo said he saw Ferrie several times after the assassination.

Q—Did you ever discuss the assassination with him?

A—No.

Q—You spoke to him on these occasions, didn't you?

A—Yes.

Q—Where did you see Ferrie?

A—I'm almost sure the first time afterwards was at my house, 4607 Elysian Fields. He came there several times.

Q—After what you heard

about an alleged conspiracy, why didn't you discuss the assassination with him?

A—He changed quite a bit. He was very bitter. He apparently lacked direction. He wasn't the same person.

Q—You did not see fit to ask him anything?

A—No, like I said, he was bitter. He mumbled about the DA, about the FBI.

Q—Was this the only two times you saw Ferrie afterwards?

A—No, a few times, five, six or seven.

Q—In all these times there never was a discussion of the assassination?

A—No. He never stayed long. Not more than three or five minutes.

Q—Did Ferrie ever ask you "Please don't repeat what you heard at the meeting on Louisiana pkwy.?"

AT THIS POINT Alcock stood up to object and the

court sustained the objection on grounds Dymond was soliciting hearsay testimony. Dymond then told Judge Haggerty, Russo's answer would have an outcome on any appeal which would be filed in the case.

Then he asked that the jury be excused while Russo answered this one question. Judge Haggerty agreed. The jury filed out. The court room was quieted.

Dymond repeated the question:

Q—At any of these meetings with Ferrie after the assassination did he ever caution you not to tell what you heard.

Russo answered calmly and distinctly.

A—No, sir.

THE JURY WAS brought back in. Dymond took Russo over the alleged conspiracy meeting, then asked him about friends he had mentioned previously—Oswald in particular—and then about the Sciambra memo, jumping rapidly from one subject to another.

Q—How many times did you actually see Oswald?

A—I think four times.

Q—Can you remember the first circumstances?

HERE ALCOCK objected:

"Your honor, we've been down this path before. How many times must we go over it again?" Judge Haggerty ruled Russo could answer.

A—I think the first time I arrived with Ferrie and he introduced me. Oswald was polishing a rifle. He didn't stay long. He left in a little while.

Q—Did you have any conversation?

A—Not that I remember. He didn't stay long.

Q—When was the next time?

A—Oh, probably two or three nights later.

Q—Had you ever heard him introduced to anyone on the night of the party or meeting at Ferrie's apartment?

A—No. They were all there already.

Q—After the party, when did you see him next.

A—Several days later. He was apparently having trouble with his wife.

Q—When was the last time you saw him?

A—A few days after the party. Again I just dropped in.

Q—Was his name mentioned?

A—No.

Q—Did you have any conversation with him?

A—No.

Q—You testified he was going to Houston. Where did you hear it? Who said it?

A—I heard it. I think Ferrie said it.

Q—Did you tell Sciambra you knew Oswald? Did you give him a name?

A—Yes, but I made the identification from pictures that Sciambra brought. I identified him as Leon Oswald.

Q—Had you connected the two names?

A—No, but I told a couple of friends after seeing Oswald after the assassination that I had known him.

Q—What friends?

A—My cousin, and I probably told several people.

At this point, Dymond questioned Russo about people associated with Ferrie, who Russo might have known.

Q—Do you know the name Tommy Compton?

A—I knew his first name. I didn't know his last name until later.

Q—Was Compton ever a roommate of Ferrie's?

A—No.

Q—Do you know the name Layton Martens?

A—Yes.

Q—In your meetings with Layton Martens, have you ever discussed this case?

A—Oh, a little bit.

Q—Do you remember picking up Layton Martens in the French Quarter in your auto in late 1968?

A—I don't remember. If I saw him I would have given him a ride.

Q—Did you make this statement to Layton Martens — "This case is the most blown-up thing I have ever seen?"

A—Yes, I said something like that.

Q—Did you say, "I don't think any of these people except (James) Sheridan of NBC and (Rick) Townley of WDSU-TV should be convicted in this case?"

A—Yes. But do you know what we were talking about? I have to explain it. James Phelan was in the pretext of being a reporter. Sheridan and Townley weren't trying to report — they were trying to create news. Sheridan and Townley said they were only out to try to bust (Jim) Garrison down to his knees. They would cut him down so he couldn't get elected dog catcher.

PHELAN ATTEMPTED to report the news at first, but I don't know where he went wrong. Sheridan and Townley are scum.

Q—Did you say to Layton Martens that you really didn't know David Ferrie very well?

A—Yes, but I have to explain that, too. I really didn't know Ferrie very well because he lived in so many different worlds. Layton Martens told me that David Ferrie was an entirely different person to him than Ferrie was to me. He told me that Ferrie told him things entirely different

than Ferrie told me.

Q—Did you make this statement: "I met Ferrie through Al Landry's parents, his mother in particular. She told me that Ferrie was a homosexual who was trying to take Al away from home?"

A—Yes.

Q—Did you tell Layton Martens, "I've made most of my identifications on the basis of photographs"?

A—Yes.

Q—Did you say that you weren't sure of your identification of Clay Shaw and that you were afraid of facing him?

A—I'm sure of the identification of Shaw, but I said I'd like to see him again to be absolutely sure. I told Sheridan and Townley and Phelan that I was 100 per cent sure, but that in a case like this you have to be 1,000 per cent sure. Phelan tried to set up a meeting in Biloxi where the defendant (Shaw) would be and

I would arrange to drop in.

AT THIS POINT, Russo said the arranged meeting did not work out, but he did not make clear whether it was either his wish or Shaw's that it did not come about or if circumstances prevented the meeting from happening.

Russo continued:

"I told them I was 100 per cent sure, but in a case of this magnitude, you have to be 1,000 per cent sure. Does that make sense?"

CONTINUING TO speak without any urging from Dymond, Russo said, "There was so much pressure being applied from people at WDSU, NBC and Phelan that I wanted to be absolutely 1,000 per cent sure.

"I went into a long explanation of my idea of justice with them — I didn't mind Jim Kemp and Alec Gifford (WVUE newsmen). They just asked questions and left it to that.

"These people from WDSU didn't ask questions and let it go at that, they tried to make the news."

IN ANSWER to a question

from Dymond, Russo reiterated that he was "100 per cent sure, 1,000 per cent is something you can't ever reach."

"Let's suppose there's a man 6 feet 4 or 6 feet 5 with broad shoulders and white hair walking around New Orleans. I haven't seen him. I've seen Clay Shaw."

Dymond asked:

Q—How sure are you of your identification of Clay Shaw?

A—I'm completely sure I saw the defendant with Ferrie and Oswald and they were shooting the breeze about killing President Kennedy.

Q—do you recall seeing pictures of Lewallyn?

A—Yes. You showed me his pictures at the preliminary hearing.

Q—Did the DA show you the picture?

A—Yes, I guess so but I'm not sure.

Q—Did he have a beard?

A—I'm not sure.

Q—DID THE DA put a beard on him?

A—No.

Q—The only picture the DA put a beard on was of Lee Harvey Oswald, is that right?

A—Right.

Dymond asked about the relationship with Layton Martens.

Q—Did you not say that you were afraid to make a move one way or another that either side would come at you with a lawsuit?

A—No, that is not true.

Q—Did you not say you were to be given \$25,000 by the DA for helping him out but "he's only given me \$300 so far?"

A—Yes. That's true. But there's a long explanation. I told him (Martens) there were two rumors, one that I was to get \$25,000 and another to the effect I was to get \$5,000 at the beginning and \$5,000 at the end. I told him those guys from WDSU-TV had the gall

to say this. What they're doing now is cutting off the first part and having me say I'm supposed to get \$25,000. That's not quite what I said.

Q—WILL YOU deny saying

that to him?

A—Absolutely.

Q—Have you ever received \$300 from the DA's office?

A—Let's see; I was here for three weeks and the DA's office covered up to \$300 because I was down here and not working. They paid me \$45 for a four-day trial (Dear Andrews') and another time they gave me a similar amount . . . I just don't remember.

Q—Didn't you make a statement to Layton Martens that you planned to go to California and get away from all this?

A—Absolutely, I said that. Matter of fact, I said it many time before that. I said I was going to California but I had every reason in the world to come back.

Q—Didn't you also tell Martens you weren't sure they were plotting against Castro or Kennedy?

A—I WILL GIVE you a qualified yes to that.

Q—Did you not make the statement?

A—I'll start off by saying yes . . . Ferrie started off by talking about Cuba. He liked the Cubans but he liked Che Guevara better. They spoke in broad generalizations about Cuba. I had the feeling he was plotting about Castro, too.

Q—The night of the meeting?

A—No. Castro may have been mentioned but I don't remember anything specific. They talked about agrarian reform.

Q—When you told Martens your weren't sure they were plotting to get Castro or Kennedy, you were talking about the summer of 1963?

A—NO. I WAS speaking broadly . . . the whole year.

Q—When you say 'they' you mean more than one person?

A—Right. We just didn't break it down.

Q—Your testimony is now that you did not know James Lewallyn?

A—Yes, I did not know him at all.

The questioning by Dymond next turned to various names which had been mentioned during preliminary motions in the case.

Dymond showed Russo first a picture of James Lewallyn,

an associate of Dave Ferrie.

Q—Did you ever see him?

A—NO. I don't think so. Dymond showed him another photo.

Q—Do you know him?

A—It looks like Oswald.

D Y M O N D CONTENDED the picture was Lewallen:

Q—Do you see any difference in the two pictures?

A—No. I'm not really sure except that this man's hair is different. (And he pointed to the second photo.)

Q—Do you know Alvin Beauboeuf (a friend of Ferrie's who allegedly accompanied Ferrie to Texas the day after Kennedy's assassination)?

A—NO, SIR.

Q—Were you ever introduced to a person at Ferrie's house who knew Beauboeuf?

A—No.

Q—Would you be willing to state that between 1961 and 1963 Alvin Beauboeuf never lived with Ferrie?

A—I DON'T even know him.

Q—In your relation with Ferrie, would you know if he had a roommate?

A—NO. HE always had friends over there.

Q—You mean someone could have been living there in 1963 for a period of six months and you wouldn't know?

A—Conceivably.

Q—Do you know one friend of David Ferrie's by name except Oswald and Clem Bertrand? Who was at that party?

A—No.

Q—Do you know Guy Bannister (deceased private investigator who is supposed to resemble Shaw)?

A—I've seen him somewhere, maybe in a photo.

Q—Have you ever met him?

A—NO. I'VE just seen him . . . somewhere.

Q—I want you to search your memory—try to remember where and under what circumstances you've seen this man. (He then showed him a picture purporting to be that of Bannister).

A—I've thought about it

many times. Maybe he was with Ferrie. I'm just not sure. But I know I never formally met him.

Q—Did he wear a hat?

A—NO.

Q—Did he have white hair?

A—Yes.

Q—How was he built?

A—I really can't say.

Just before the noon re-

cess, Dymond returned to the subject of whether Russo thought the conversation he heard at Ferrie's apartment about killing the President was a serious plot.

Q—If you thought this was a serious plot that you heard on Louisiana ave., would your loyalty to David Ferrie have prevented you from telling the authorities about it?

A—I HAVE NO LOYALTY TO DAVID FERRIE.

Q—Was there anything else at any time to have prevented you from reporting the conversation to legal authorities?

A—For a while, no.

Q—Would I be fair in reporting your reasons for not reporting it as being you did not think it was a serious threat?

A—You just didn't know with Ferrie. He always said such fantastic things, such as invading Cuba. I didn't know what to believe.

Q—I TAKE IT THAT YOU DIDN'T consider the bull ses-

sion about the shooting important enough to report?

A—Right.

Q—Mr. Russo, referring again to the Sciambra memo and more specifically to the third paragraph on page one, "Russo said he and Landry ran in a small group and it was common knowledge that Ferrie was a homosexual and was trying to alienate Landry from his family."

A—Ferrie never admitted that and I didn't go into it at any extent at Baton Rouge.

Q—YESTERDAY, YOU SAID THAT YOU had never said that Ferrie was a homosexual. Did Ferrie ever admit it?

A—Oh, no.

Q—I refer (in the memo) to where Ferrie spoke of using an aphrodisiac on his roommate, which aroused his roommate sexually, resulting in their having intercourse twice.

A—I didn't say that. Ferrie spoke of it . . . but there was never any mention of intercourse.