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Criminal District Judge Bernard Bagert is shown as he left the Criminal Court Building in New Orleans yesterday. Judge Bagert told newsmen that he expected the preliminary hearing for Clay Shaw to end today. Shaw has been accused by Dist. Atty. Jim Garrison to be involved in a plot to murder President Kennedy. —AP Wirephoto

Determined Shaw Lawyer Raises Tough Questions

By BILL CRIDER

NEW ORLEANS, La. (AP) — Whiskers for Lee Harvey Oswald and some tough questions haunted the Kennedy assassination conspiracy case against Clay L. Shaw today.

Perry R. Russo, 25, the insurance salesman turned star witness, remained on the hot grid-dle of cross-examination at the preliminary hearing on whether Shaw must go to trial.

Shaw, 54, a wealthy retired executive, chain-smoked and watched impassively as his lawyers tried Wednesday to destroy Russo's credibility.

Why did Russo wait three years to tell authorities about an alleged conspiracy to kill President John F. Kennedy? the defense attorney, F. Irvin Dymond, asked.

Why didn't Russo recognize Lee Harvey Oswald, the one-time New Orleans resident named as the assassin, from television and newspaper photographs shown at the time? Dymond asked.

Russo, of Baton Rouge, had told the three-judge criminal District Court panel he was present in mid-September 1963 when Shaw, Oswald and David W. Ferrie plotted to kill the President.

Kennedy was shot about two months later in Dallas.

Shaw, booked but not formally charged with conspiracy to murder, has said he never knew Oswald or Ferrie. Free under \$10,000 bond, he is the only man of the three named by Russo still living.

Ferrie, 49, a free-lance pilot with a record of morals offenses, died last Feb. 22 while

under investigation by Dist. Atty. Jim Garrison. The death was officially listed as due to natural causes.

Oswald was killed in Dallas after the assassination.

Russo, stolid under Dymond's questioning, said Oswald had seemed vaguely familiar when he saw photographs of him in 1963, but it wasn't until "they put whiskers on him" that he knew Oswald was the same man he had seen in Ferrie's apartment.

"Who put whiskers on him?" said Dymond.

"One of the artists," replied Russo. He pointed out a man seated with a cluster of assistant district attorneys at the prosecution table. Garrison was not present.

Asst. Dist. Atty. James L. Alcock arose and handed over a picture of a rather shaggy Os-

wald. "Perhaps this will help the court." At this point, the hearing adjourned, ending its second day.

Russo, a darkly intense man, agreed under cross-examination that he must have seen photographs of Oswald many times since the assassination.

"What finally succeeded in making you sure that Lee Harvey Oswald and Ferrie's roommate were one and the same?" demanded Dymond.

Russo said the pictures he had seen were of a neat Oswald, whereas the "Leon Oswald" he

had seen at Ferrie's cluttered apartment "was half shaven, his hair mussed. He was a beatnik."

After contacting Garrison by letter last month, he added, an agent arrived and began showing him various photographs of Oswald.

Russo said he stopped the process, after being shown a picture of Oswald disheveled, and told the agent: "That's not Oswald. That's Ferrie's roommate."

It was after this that Russo came under full interrogation by Garrison's staff, including the use of sodium pentothal — the so-called "truth serum," a controversial term among some psychologists who say it often does not really guarantee true statements.

As to why he didn't come forward with his report of a conspiracy in 1963, Russo said he was involved in school work at

the time — a reply that left Dymond apparently aghast.

Besides, said Russo, Oswald was shot to death by Jack Ruby in a Dallas police station, two days after the assassination — and the Warren Commission said no one else was involved in the assassination.

"I didn't know Ferrie was being investigated until I saw a story on the Garrison investigation in the newspaper," said Russo.

This statement made some observers wonder whether Russo really was Garrison's legal ace in the hole.

After the first reports of the investigation were disclosed, Garrison said he was certain of arrests and convictions in his probe — which started last October.