

Kennedy 'Plot' Witness Gives Testimony Conflicting With Warren Report's Findings on Oswald

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NEW ORLEANS, March 15—

The chief witness in an alleged Kennedy assassination plot gave testimony at a court hearing today that conflicted with the Warren Commission's findings.

The witness, Perry Raymond Russo, a Baton Rouge insurance salesman, also testified that he spent 18 months under the care of a psychiatrist in 1959 and 1960.

He continued to insist that he listened in on a meeting in mid-September, 1963, in which he said Lee Harvey Oswald, David W. Ferrie and Clay L. Shaw conspired to kill the President.

He testified before a three-judge panel, headed by Bernard J. Bagert, which must decide whether District Attorney Jim Garrison has enough evidence against Mr. Shaw to bind him over for trial.

Mr. Shaw was arrested here on March 1 by Mr. Garrison, who says he has "solved" the Kennedy assassination. Mr. Shaw, released on \$10,000 bond has denied all knowledge of any conspiracy.

In his testimony today Mr. Russo said that Oswald shared an apartment with Mr. Ferrie in September, 1963, and that he saw Oswald in New Orleans as late as October, 1963.

This conflicted with the findings of the National Commission that investigated the President's murder. It said Oswald moved from New Orleans no later than Sep. 25, 1963.

Ferrie Reported Cleaned

The commission also said it had concluded Oswald was living with his wife in the summer and early fall of 1963.

Although the commission's final report did not specifically exonerate Mr. Ferrie, a former airline pilot who was found dead in bed here last Feb. 22, commission staff members have said they determined that he was not involved in any assassination conspiracy.

The commission said Oswald killed President Kennedy alone and unaided, without being a part of any conspiracy.

Mr. Russo conceded today that he had once told newsmen he had never heard of Lee Harvey Oswald prior to the assassination, but he explained the change represented by his testimony by saying that at the time of the alleged conspiracy Oswald was wearing a few days' growth of beard.

After he talked with newsmen last Feb. 24, he said, investigators for the District Attorney jogged his memory by

placing "beard after beard after beard" on photographs of Oswald.

Earlier in the day, he testified that he received treatment from a psychiatrist over 18 months, ending in late 1960. He said he had talked with a psychiatrist as recently as last January, "but not on a professional basis."

Today was the second day of the hearing to determine whether Mr. Shaw is to be bound over for trial. Yesterday Mr. Russo gave direct testimony on the alleged assassination plot. Today he was cross-examined.

The defense questioned Mr. Russo at length as to why he waited more than three years before telling anyone of what he said was a conspiracy to assassinate President Kennedy.

studies at Loyola University

"At that time [the time of the assassination]," he said, "everybody on TV said Oswald was the only man who did it. And I said [to himself] it's O.K. with me."

Later, he said, he read that the Warren Commission had been appointed to investigate the assassination and assumed that the investigation "was in professional hands" and that there was no need for him to tell his story. Still later, he said, he became involved in his studies at Loyola University here and dismissed the conspiracy from his mind.

The defense asked what made Mr. Russo feel that his knowledge of the alleged "plot" might not be valuable?

"Because," Mr. Russo said, "everybody else except Mr. Garrison had said that Oswald acted alone."

"I have never pushed myself on anybody. From what I read on the Warren Report, everybody had something to say."

Asked if he did not think his testimony would have been valuable to the Warren Commission, Mr. Russo replied, "No, I never did think about."

The Warren Commission, he went on, "was supposed to be people who knew what they were doing, and I let them investigate it. I had other things that were on my mind at the time," he said.

When Mr. Russo said he last saw Oswald in late September or early October of 1963, the defense challenged him on the ground that the Warren Commission had concluded Oswald had left New Orleans, where he lived in the spring and summer of 1963, by Sept. 25.

A Motion Denied

Mr. Garrison's staff objected. They said the time of Oswald's departure was not definitely proved "in this court."

The defense at this point tried

to introduce the commission's report.

"You're not serious, are you?" Judge Bagert said. "Motion denied."

The defense declared Louisiana law required that documents by the United States Government be admitted into state court hearings.

"I tell you, you're wrong," Judge Bagert said. "Motion denied."

The court sustained the state's objection.

When the debate had ended, the defense asked Mr. Russo if he still believed Oswald might have been in New Orleans in early October.

"I say in October, yes, Sir," Mr. Russo replied.

Although Mr. Russo did not go into it at the hearing, newspaper reporters and television men in Baton Rouge said he sought them out last Feb. 24 and told them he had known Mr. Ferrie to be "obsessed with Kennedy."

Asked if he had told law enforcement officers, the newsmen added, Mr. Russo replied on Feb. 24 that he had mailed Mr. Garrison a letter on Feb. 22 or 23 but had not yet heard from him.

The sound track of one of the tape-recorded interviews was played in the courtroom today. In the interview, conducted by a Baton Rouge representative of station WDSU in New Orleans, Mr. Russo said Mr. Ferrie had talked "in a joking way" of how easy it would be to kill the President.

When the defense demanded to know why he had since changed his story, Mr. Russo replied that there was no conflict between the television interview and his testimony in court.

In using the word "joking," he said, he had been referring to conversations in the summer of 1963. But, he said, in telling the court Mr. Ferrie and others had "conspired" to kill the President, he was talking about a meeting in September of that year.

"I don't claim to this minute that there was anything serious in the summer months," he testified, "but in September it was a different story altogether."

Before the WDSU sound track was played in court, Mr. Russo testified under questioning by the defense that he had never seen anyone practicing "jungle warfare" near a house in which Mr. Ferrie once lived in suburban New Orleans.

However, the WDSU sound track indicated Mr. Russo had

told WDSU that "Ferrie had a group of boys practicing jungle warfare" in his neighborhood.

After the sound track was played, Mr. Russo was asked by the defense if he thought it was an accurate reproduction of his interview. He said it seemed to be.

A large part of the defense cross-examination was directed at what Mr. Russo said was a "party" that immediately preceded the alleged conspiratorial meeting.

Mr. Russo testified yesterday that one night in September of 1963, he visited Mr. Ferrie's apartment on Louisiana Avenue Parkway with several friends. After the party, he said, Mr. Ferrie, Mr. Shaw [whom he said he knew as "Clem Bertrand"] and Lee Oswald [whom he said he knew as "Leon Oswald"] remained at the apartment to discuss ways of killing Mr. Kennedy.

Today the defense asked him to identify the other persons he had brought to the party.

He said that one was a man named Lefty Peterson of New Orleans and one was a girl named Sandra Moffett, but that he could not remember the others. He said he had recently seen Mr. Peterson in the District Attorney's office here but had not seen Miss Moffett recently.

He added that she was originally from Alabama and that they had dated several times but that he could not remember precisely where she lived in New Orleans.

He also added that Miss Moffett and his other friends had left the party alone and that he could not remember what they had been wearing that night. He said, however, that "Clem Bertrand" was wearing a maroon jacket.

"Can you explain," asked Irvin Dymond, defense attorney, "why you are able to describe the dress of some of the people at that party and cannot tell us the people who went there with you and what time you went there?"

"Because of the very nature of Dave Ferrie," Mr. Russo replied.

"Please explain what the very

over

nature of Dave Ferrie has to do with your inability to answer."

"Dave Ferrie," Mr. Russo answered, "was spectacular."

Asked again for an explanation, he said Mr. Ferrie was the type of man who dominated everything about him "because he was very smart," had a broad range of knowledge and "not only talked a good game but played a good game."

He was asked again to describe the eight or 10 people at the party when he arrived, and he said some were "Spanish-speaking guys who were dressed in dark green" and there were also "two young boys."

"I don't remember what they were dressed in—dungarees or something," he said.

Oswald Widow Dubious

DALLAS, March 15 (AP) — The former wife of Lee Harvey Oswald said today that she had never heard of nor met any of

the persons mentioned in the New Orleans investigation into a possible conspiracy to kill President Kennedy.

"I never met David Ferrie — I never heard of him," said Mrs. Marina Oswald Porter, who is now married to Kenneth Jess Porter.

Asked if she had ever met or heard of a Clay Shaw, she replied in an interview: "Not until I saw him on television recently."

She said Jim Garrison had not been in touch with her during his inquiry, and she added: "I don't want any publicity. I don't wish to say anything. Please go away."

She asked: "When was all this supposed to be taking place? I wasn't even in New Orleans then. I believe that all this is blown up and said over and over again, and then people just believe it."