

DIDN'T HEAR SHAW, OSWALD
AGREE TO KILL, RUSSO SAYS
"Ferrie Only One to Make Vow"

Perry Raymond Russo admitted today he never heard Clay L. Shaw and Lee Harvey Oswald actually agree to kill President John F. Kennedy.

Russo, who testified yesterday he heard Shaw, Oswald and David W. Ferrie plotting to kill Kennedy in September, 1963, said today under cross-examination only Ferrie actually vowed to kill the president.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to assassinate Kennedy. District Attorney Jim Garrison is challenging the Warren Commission's view that Oswald acted alone in shooting the president to death in Dallas Nov. 22, 1963.

RUSSO, a 27-YEAR-OLD BOOK SALESMAN, said today he never heard any "agreement" to carry out the plot. He said he was in and out of the room during the party at Ferrie's apartment at 3330 Louisiana ave. pkwy. when he said the assassination was discussed.

Other key points of Russo's testimony this morning:

—The 3,500-word memorandum of his first official interview in February, 1967, with Assistant DA Andrew J. Sciambra was "incomplete and wrong on many points," he said.

—Russo said he is "not 1,000 per cent sure of his identification of Shaw" as the man he heard plotting with Ferrie but he is "100 per cent sure."

—He admitted he told Layton Martens the Shaw case is "the most blown up thing I've ever seen."

—Russo admitted he saw Ferrie several times after Kennedy was assassinated, a fact left out of the Sciambra memo.

Chief defense counsel R. Irvin Dymond questioned Russo closely on these points. Handling questions for the state was chief prosecutor James L. Alcock. The trial moved into its 15th day today before Judge Edward A. Haggerty Jr.

As today's morning session opened, Alcock examined some Post Office records the state had subpoenaed and pronounced himself satisfied with them. Russo then returned to the stand.

DYMOND ASKED HIM IF HE TOLD the whole story yesterday of the meeting in Ferrie's apartment where the alleged assassination plot was discussed.

Russo said he didn't "apparently" leave out anything. Dymond asked him if he contributed anything to the discussion.

"No, I was down the street a lot of the time. I did not hear a lot of the conversation," Russo said. He said he would not purport to have heard the entire conversation.

Asked if Ferrie, in his presence, ever agreed to kill the

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president, Russo quoted Ferrie as saying, "We will kill him." He agreed Ferrie had said this many times before.

DYMOND ASKED IF "CLEM BERTRAND" ever agreed to kill the president. Russo said no. Bertrand is the name by which Russo says he knew Shaw.

Asked if "Leon Oswald" ever agreed to kill Kennedy, Russo's answer again was no.

"Would I be correct in saying you never heard anyone agree to kill the President of the United States?" Dymond asked.

Russo said he couldn't answer yes or no because he didn't understand what Dymond meant by agreement. But he agreed he never heard anyone say, "Yes, this will be the time we will do it. We will do it this way."

Asked if he heard anyone say "we will do it," he said only Ferrie, who had said it many times before.

DYMOND THEN QUESTIONED RUSSO about his own reactions to Ferrie's statements. Russo said he told Ferrie "it wouldn't be possible . . . but I never said it wouldn't be a good idea."

Russo said Ferrie was an emotional, opinionated man, but he had an analytical mind. He said Ferrie's opinion that JFK should be killed "came as no great shock."

The witness agreed that if he really thought the president was going to be killed, he would have gone to the FBI.

"For approximately four years, you were indifferent to what you heard?" Dymond asked.

"Approximately," Russo agreed.

DYMOND THEN ASKED RUSSO if he could remain indifferent for four years if he thought he knew of a plan to assassinate the president. Russo replied by mentioning the letter he says he wrote to Garrison the day Ferrie died. (Yesterday he testified this letter was written the day BEFORE Ferrie died.)

Russo said he believed the Warren Commission's report that Oswald had killed Kennedy.

"Wouldn't you be concerned if you thought there was a plot to kill the president?" Dymond asked.

Russo said many persons had talked about plots to kill Kennedy during the period when schools were being desegregated. "I just put the remarks on a shelf," Russo said.

HE SAID THAT BECAUSE HE KNEW Ferrie to be unreliable, he was not worried about an assassination.

Dymond asked Russo if he could remember the names of the other "eight or 10" persons he said were at the party.

"There were two Spanish guys there—a fellow named Julian and one named Emanuel," Russo said. He said he couldn't remember any others.

"Russo, then you know of no one today you can name that could confirm that party?" Dymond asked. Russo said no.

DYMOND THEN QUESTIONED RUSSO closely about his description of "Leon Oswald." Russo said he made a correction yesterday about the color of his hair. He said Oswald's beard looked like a two-or-three-days growth, but he couldn't be sure. He said it could have been a fake beard.

Dymond asked Russo when he first noticed he had made a two-year error in placing Shaw (or Bertrand) at a filling station in Metairie at which Ferrie worked.

Russo said he couldn't remember for certain, but believes it was in a subsequent interview with Sciambra. He said he corrected his error in yesterday's testimony.

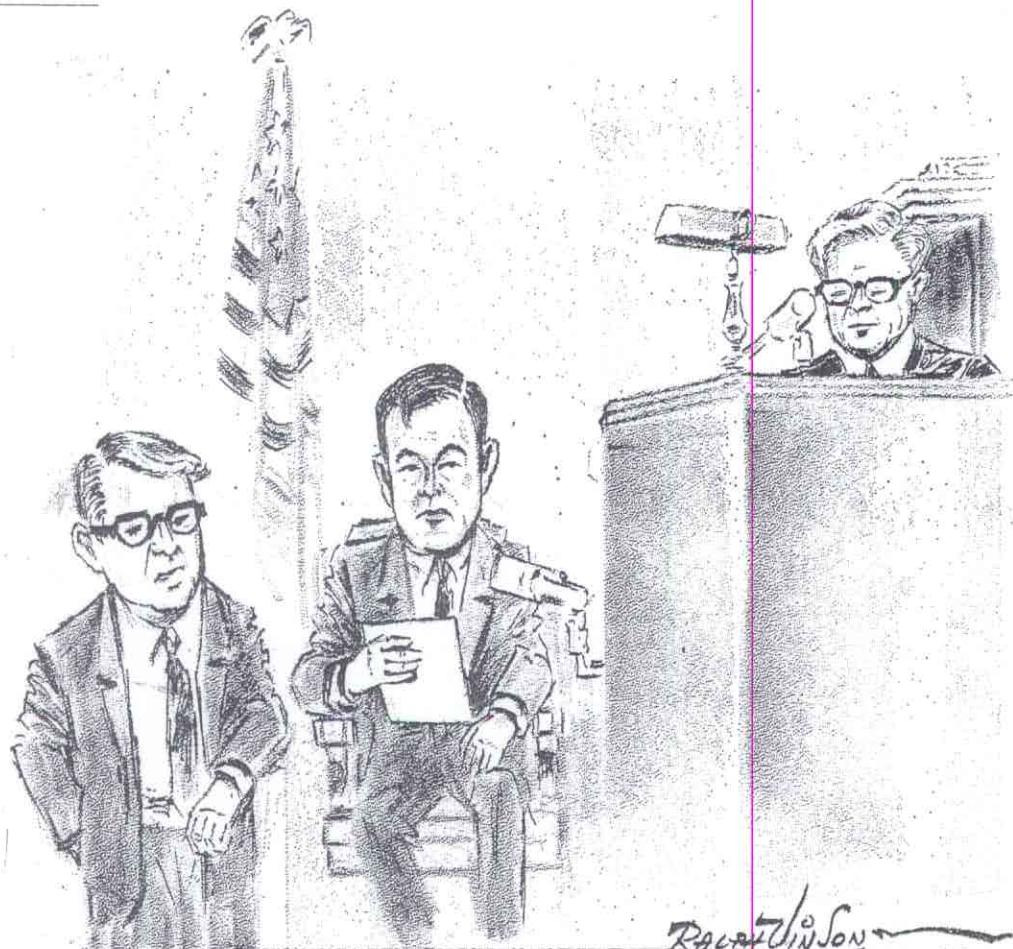
DYMOND ASKED RUSSO IF HE pointed out the error to James Phelan, who as a Saturday Evening Post reporter in 1967 wrote an article noting discrepancies in Sciambra's memo. Russo didn't remember.

He said he talked to Phelan several times, but couldn't answer the question specifically.

Russo said when he put the time he saw Shaw (Bertrand) at the filling station on Veterans hwy. as in 1962, "that was a flat error on my part and I readily admit that error."



JAMES L. ALCOCK READS SCIAMBRA MEMO TO JURY
... high point in yesterday's session of Shaw trial



PERRY R. RUSSO STUDIES PHOTO OF "LEON" OSWALD
... questioned by James L. Alcock, left, at Shaw trial

He said Sciambra took few notes in the interview, and never showed them to Russo. At this point Judge Haggerty called a recess.

After the recess, Dymond picked up a rifle and approached Russo. The judge stopped him and told him to make sure the gun was unloaded.

Russo said it was the same type of rifle he saw Oswald cleaning in Ferrie's apartment, but didn't know it was exactly the same. He said he did not see the rifle at the party.

When Oswald was packing to leave, Russo said, he saw a rifle bag among his belongings.

DYMOND ASKED ABOUT the letter Russo says he wrote to the DA's office on Feb. 21 or 22, 1967. Alcock said the DA's office has been unable to locate it.

Asked if Sandra Moffett was his "constant companion" in this period, Russo said he dated another girl. Asked if Sandra was his "main female companion," Russo said:

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

Russo said he went out with Sandra from about 1960 to 1965, but couldn't remember her address.

"You mean you went with a girl that long and you didn't know her address?" Dymond asked.

"Well, she came to my house most of the time; she wanted to come up all of the time," said Russo.

Russo said he saw Ferrie about four or five times in September 1963. He said Ferrie dropped in at his house.

The first time he learned Ferrie had a roommate, Russo said, was in early September.

RUSSO SAID HE couldn't remember on what day of the week the "conspiracy" party took place. Nor could he remember the time of day the party started. He did remember leaving about midnight.

Ferrie, Oswald and "Bertrand" were still there when he left, Russo said.

Explaining why he didn't remember something, Russo used a basketball game as an analogy and Dymond asked him if the situation was similar to the "meeting with the conspirators."

"I don't call them conspirators," Russo said. Alcock objected and the judge sustained him.

Russo said he saw Ferrie more than once after the assassination but never discussed the event with him. Asked why, Russo said:

"He changed quite a bit. He was very bitter. He apparently lacked direction. He wasn't the same person. . . . He mumbled about the DA, about the FBI."

Dymond asked: "Did Ferrie ever ask you, 'Please don't repeat what you heard at the meeting on Louisiana Parkway.?'"

ALCOCK OBJECTED ON GROUNDS Dymond was soliciting hearsay testimony. Judge Haggerty upheld him. Dymond asked that the jury be excused while Russo answered. The jury filed out. Russo answered "no." The jury returned.

Returning to Oswald, Dymond asked Russo how he knew he was going to Houston on the last occasion he saw him. Russo said Ferrie told him.

Russo said he told some friends after the assassination that he had known Oswald.

Dymond then asked Russo about persons associated with Ferrie. He said he knew a Tommy Compton, but Compton was never a roommate of Ferrie's.

Russo said he has discussed the case with Layton Martens, another youth associated with Ferrie, who is under indictment for perjury in connection with Garrison's investigation.

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

"YES, I SAID SOMETHING LIKE THAT," Russo admitted.

Dymond asked Russo if he ever told Martens he didn't know Ferrie very well. Russo said yes, but explained he meant Ferrie "lived in so many worlds. . . . Martens told me Ferrie was an entirely different person to him than Ferrie was to me."

Dymond asked: "Did you say you weren't sure of your identification of Clay Shaw and that you were afraid of facing him?"

"I'm sure of the identification of Shaw, but I said I'd like to see him again to be absolutely sure," Russo said. He added:

"I told him I was 100 per cent sure, but that in a case like this you have to be 1,000 per cent sure."

Later, he said "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," he said.

Asked how sure he was of his identification of Shaw, Russo said:

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

Russo was shown a picture of James Lewallen, another Ferrie associate, but said he didn't know him. Shown another photo, Russo said, "It looks like Oswald." Dymond said it was Lewallen.

RUSSO SAID HE DID NOT KNOW Alvin Beauboeuf, a friend of Ferrie's who accompanied him to Texas the day of the assassination.

Dymond showed Russo a picture of W. Guy Banister, a deceased private detective. Russo said he had seen him "somewhere," maybe with Ferrie, but never formally met him.

Then Dymond returned to the subject of whether Russo thought the conversation at Ferrie's apartment was a serious plot.

Russo said Ferrie often "said fantastic things." He said that contrary to the Sciambra memo, Ferrie never admitted being a homosexual.

Dymond asked Russo if he told Martens "you weren't sure they were plotting against Castro or Kennedy."

"I will give you a qualified yes to that," Russo said.

RUSSO SAID FERRIE STARTED OFF talking about Cuba and "I had the feeling he was plotting about Castro, too."

Asked if he ever told Martens he was to be given \$25,000 by Garrison, he said he did not. He said he told Martens there was a rumor to that effect.

Russo said he has been paid about \$345 by the DA's office in expense money.

Here are the highlights of Russo's testimony yesterday:

—At the alleged party at Ferrie's apartment in September, 1963, Russo heard Shaw, Ferrie and Oswald plot to kill Kennedy.

—Russo knew Oswald only as "Leon" Oswald and Shaw only as Clem Bertrand.

—Initially, Russo attached little importance to the conversation in Ferrie's apartment, regarding it as only a "bull session."

—The witness feels Dymond "forced" him into giving conflicting testimony on who accompanied him to the party at Ferrie's apartment. In fact, Russo can't remember who went with him or what he was doing before he went.

—In interviews with newsmen prior to the preliminary hearing for Shaw in March, 1967, Russo failed to mention either Shaw, Bertrand, Oswald or the alleged party.