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002041

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....

STATE OF LOUISIANA	.	198-059
vs.	.	14:26 (30)
CLAY L. SHAW	.	SECTION "C"
	.	

.....

PROCEEDINGS IN OPEN COURT OF
Wednesday, February 26, 1969

Testimony of James Phelan

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,
JUDGE, SECTION "C"

93 pages

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JAMES R. PHELAN	2	58		

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
D-54	6	7	7

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1 Pursuant to the adjournment of
2 February 25, 1969, the proceedings herein
3 were resumed on Wednesday, February, 26,
4 1969, appearances being the same as hereto-
5 fore noted in the record

6 JAMES R. PHELAN,

7 a witness called by and on behalf of the Defendant,
8 having been first duly sworn, was examined and
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. DYMOND:

12 Q Mr. Phelan, for the record, would you state
13 your full name, sir?

14 A James R. Phelan.

15 Q What is your occupation, Mr. Phelan?

16 A I am a magazine writer.

17 Q For any particular magazine or magazines?

18 A I am freelance. I was a staff writer with the
19 Saturday Evening Post for six years.

20 Q And the Saturday Evening Post is now shut down,
21 right?

22 A It's gone.

23 Q How long have you been a magazine writer?

24 A Since 1953, and before that I was a newspaperman
25 for 15 years.

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1 Q What newspapers did you work for, sir?

2 A I worked for the Glendale News Press in
3 California, the Long Beach Crest Telegram
4 in California, the Alton Evening Telegram
5 in Alton, Illinois, and the St. Louis
6 Globe Democrat in St. Louis.

7 Q Did you receive an assignment to cover the
8 Garrison-Kennedy assassination probe in
9 1967?

10 A Yes, sir.

11 Q By whom were you assigned to cover this story?

12 A Saturday Evening Post.

13 Q Do you know approximately when you came to
14 New Orleans in connection with that
15 assignment?

16 A Probably late in February, 1967.

17 Q What was your purpose in coming here to New
18 Orleans at that time, sir?

19 A I wanted to interview Mr. Garrison.

20 Q Did you get to interview Mr. Garrison?

21 A Yes, sir. I was here four or five days, and
22 the press of the world was here, there were
23 two or three hundred reporters, and I
24 finally got a message to Mr. Garrison and
25 he suggested --

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1 MR. ALCOCK:

2 Objection, it is hearsay.

3 MR. DYMOND:

4 We submit this is not hearsay evidence,
5 inasmuch as Mr. Garrison at this time
6 was representing the Office of the
7 District Attorney for the Parish of
8 Orleans, and I think what a repre-
9 sentative of the District Attorney's
10 Office says is not hearsay.

11 MR. ALCOCK:

12 I have never heard that exception to the
13 hearsay rule.

14 THE COURT:

15 Neither have I. I sustain the objection.

16 BY MR. DYMOND:

17 Q Had you met Mr. Garrison before you came here?

18 A Yes, sir. About four years earlier I had been
19 down here and done another article for
20 the Saturday Evening Post about Mr.
21 Garrison.

22 Q Did you meet him in connection with that article?

23 A Yes, sir, and spent about ten days here and saw
24 him frequently.

25 Q After you came here to New Orleans in February,

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1967, did you see Mr. Garrison, and if so, where?

A I saw him first in his office here, later on his home and four or five days after I first saw him I met him in Las Vegas.

Q Did you suggest the meeting in Las Vegas or not?

MR. ALCOCK:

This is hearsay.

BY MR. DYMOND:

Q Did you suggest it?

A No, sir.

Q Was it a prearranged meeting?

A Yes, sir.

Q Are you acquainted with Mr. Andrew Sciambra?

A Yes, sir.

Q When did you first meet Mr. Sciambra?

A After I returned from Las Vegas and after the Clay Shaw preliminary hearing.

Q You have told us you met Mr. Garrison in Las Vegas, Nevada. Do you know on what date you went to Las Vegas, Mr. Phelan?

A Yes, sir. I have my hotel bill, I believe. I went out on March 4 and met him at the airport on March 5. I met him when he flew in from New Orleans and I took him to his

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1 hotel, and he registered there under the
2 name of W. O. Robertson.

3 Q Who was registered under the name of W. O.
4 Robertson?

5 A Mr. Garrison.

6 Q Do you have anything with you from the hotel
7 showing the dates you were there, Mr.
8 Phelan?

9 A I have my own hotel bill. I stayed at the
10 Dunes.

11 Q May I see that, sir?

12 A Yes, sir.

13 Q Mr. Phelan, you have identified this document: --

14 MR. ALCOCK:

15 May I see that exhibit?

16 MR. DYMOND:

17 Surely. I will mark it for identification
18 purposes as "D-54."

19 (Whereupon, the document referred
20 to by Counsel was duly marked for
21 identification as "Exhibit D-54.")

22 BY MR. DYMOND:

23 Q Mr. Phelan, I submit to you the document which
24 you just handed to me and which I have
25 marked for identification as D-54, and ask

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you to identify this document.

A It is a paid hotel bill from the Dunes Hotel
in Las Vegas for the room I occupied from
March 4 to March 7.

Q Of what year, sir?

A 1967.

MR. DYMOND:

If the Court please, in connection with

the testimony of this witness, I

would like to offer, file and produce

in evidence the document marked for

identification as "D-54."

MR. ALCOCK:

No objection.

THE COURT:

Let it be received.

BY MR. DYMOND:

Q Mr. Phalen, you have testified you arrived in
Las Vegas on the 4th, of what month was
that, sir?

A March.

Q The 4th of March, 1967. Was that before or
after the holding of the preliminary hear-
ing in this case?

A That was prior to the preliminary hearing.

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1 Q After arriving in Las Vegas on March 4, 1967,
2 when did you first see Mr. Garrison in
3 Las Vegas?

4 A March 5.

5 Q Where did this meeting take place, sir?

6 A I met him at the airport then I talked to him
7 at the Sands Hotel.

8 Q At the time you talked with Mr. Garrison at
9 the Sands Hotel on March 5, 1967, in
10 Las Vegas, did Mr. Garrison give anything
11 to you?

12 A He gave me two documents, but I don't believe
13 it was March 5, I think it was the day
14 after, March 6. We had a series of con-
15 ferences before he gave me the documents.

16 Q Mr. Phalen, I show you a document which has
17 been introduced in evidence and marked for
18 purposes of identification as State and
19 Defense 20, and ask you to examine this
20 document and tell me whether it was one of
21 the documents given to you by Mr. Garrison
22 on the 6th of March, 1967? That is, whether
23 that is a true and faithful copy of it,
24 not necessarily the same paper?

25 A Yes, sir.

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1 Q Now, Mr. Phelan, after this document was given
2 to you by Mr. Garrison, what did you do?

3 A I went back to my hotel. He gave it to me late,
4 I went back to my hotel and read the two
5 documents, and reread them and reread them.

6 Q Could you tell me approximately how many times
7 you read them on that occasion, sir?

8 A I read this one about six times.

9 Q What was your purpose in reading it so many
10 times, Mr. Phelan?

11 A Because there was a wide discrepancy --

12 MR. ALCOCK:

13 I object to this. He cannot testify as
14 to the nature of the document. The
15 document speaks for itself. It has
16 been read to the Jury.

17 MR. DYMOND:

18 I am entitled to know why this man read it
19 an unusual number of times.

20 MR. ALCOCK:

21 He is going into inconsistencies.

22 MR. DYMOND:

23 Try to answer the question without ex-
24 pressing an opinion, if you can.

25 THE COURT:

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1 That is almost impossible.

2 MR. DYMOND:

3 Yes, I am afraid it might be.

4 THE WITNESS:

5 It is very difficult, sir.

6 BY MR. DYMOND:

7 Q Be that as it may, you say you did read it
8 about six times?

9 A Yes, sir.

10 Q After having read this document numerous times,

11 Mr. Phalen, what did you do?

12 A The next morning I Xeroxed a copy of it and a

13 copy of the other document and returned

14 the original to Mr. Garrison.

15 Q Did you tell him anything at that time?

16 A No, sir.

17 Q Was the last you saw of Mr. Garrison at Las

18 Vegas on that occasion?

19 A I think I talked to him one more time. I talked

20 to him a total of about four or five times.

21 Q Mr. Phalen, when did you eventually leave

22 Las Vegas on this trip which commenced on

23 March 4, 1967?

24 A March 7.

25 Q Where did you go from Las Vegas after leaving

1 there?

2 A I went to my home in Long Beach and then re-

3 turned to New Orleans.

4 Q Approximately, sir, when did you return to

5 New Orleans?

6 A A couple of days later.

7 Q Upon your arrival here what did you do?

8 A I covered the Clay Shaw preliminary hearing.

9 Q When you say you covered it, were you here on

10 behalf of a publication?

11 A I covered it for the Saturday Evening Post.

12 Q Were you sitting in the courtroom during the

13 testimony elicited at this preliminary

14 hearing?

15 A Yes, sir.

16 Q After hearing the preliminary hearing proceed-

17 ings, what did you then do, Mr. Phalen?

18 A After the preliminary hearing?

19 Q Right.

20 A I believe it was the next day I called Mr.

21 Garrison and told him I was tremendously

22 disturbed by the testimony of Perry Russo.

23 MR. ALCOCK:

24 I am going to object to this line of

25 questioning and the answers, because

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1 the Court has repeatedly said the pre-
2 liminary hearing forms no part of
3 this case, and what this man is
4 saying now is as a result of him
5 listening to the testimony at the pre-
6 liminary hearing.

7 THE COURT:

8 I overrule the objection. He is testifying
9 as to the fact he made a statement to
10 someone.

11 BY MR. DYMOND:

12 Q What did you tell Mr. Garrison, Mr. Phalen?

13 A I called him at his home and told him I was
14 tremendously disturbed by the testimony of
15 Perry Russo.

16 Q Did you tell him why?

17 A Not on the phone.

18 THE COURT:

19 Don't tell us what he told you.

20 BY MR. DYMOND:

21 Q Can you tell us how long after the preliminary
22 hearing this telephone conversation took
23 place?

24 A I think it was the next day. It couldn't have
25 been more than two.

Reference copy, JFK Collection: HSCA (Rg 233)

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- 1 Q What was the next contact, if any, you had
2 with Mr. Garrison concerning this?
- 3 A Shortly after the telephone call I went to
4 his house.
- 5 Q Was that here in New Orleans, sir?
- 6 A Yes, sir.
- 7 Q Daytime or nighttime?
- 8 A Evening.
- 9 Q Approximately what time?
- 10 A I would have to guess. Maybe 6:00 or 7:00.
- 11 Q Upon your arrival at Mr. Garrison's home, did
12 you find him there?
- 13 A Yes, sir.
- 14 Q Who else, if you know, that is who that you
15 know of in addition to Mr. Garrison was
16 there when you arrived?
- 17 A Mrs. Garrison and their children.
- 18 Q At this time did you tell Mr. Garrison anything?
- 19 A Yes, sir.
- 20 Q What did you tell him?
- 21 A I told him that there was a complete discrepancy
22 between what Mr. Russo had told as related
23 in the Sciambra memorandum and what he
24 testified to on the stand here.
- 25 Q What, if anything, was Mr. Garrison's reaction

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to this?

MR. ALCOCK:

Objection.

MR. DYMOND:

I didn't ask what he said. The reaction
could be physical.

THE WITNESS:

His jaw dropped a little bit.

THE COURT:

I haven't ruled on it yet. I think he
can testify to a reaction.

BY MR. DYMOND:

Q What, if anything, was Mr. Garrison's reaction
to your statement?

A His jaw dropped a little bit.

Q After he picked his jaw up, what happened?

A He made a telephone call.

Q As a result of this telephone call did anyone
else come to Mr. Garrison's home?

A Yes, Mr. Sciambra.

Q Was he accompanied by anyone else from the
DA's Office?

A No, but before he arrived Mr. William Gurvich
came to the house.

Q So I take it Mr. Sciambra, Mr. Gurvich, you and

Reference copy, JFK Collection: HSCA (Rg 233)

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1 Mr. Garrison were there, is that correct?

2 A Yes, sir, in his study.

3 Q During the course of this visit did you have
4 occasion to say anything to Mr. Sciambra?

5 A Yes, sir.

6 Q Will you tell us what you said to Mr. Sciambra,
7 please?

8 A I told Mr. Sciambra that in his interview, in
9 his report of the interview with Mr. Russo
10 in Baton Rouge, there was no information
11 whatsoever about an assassination plot,
12 about Mr. Shaw knowing Lee Oswald, and
13 there was nothing about Mr. Russo saying
14 that he knew Clay Shaw as Clay Bertrand
15 or Clem Bertrand.

16 Q What was Mr. Sciambra's reaction or his reply
17 to that statement?

18 MR. ALCOCK:

19 I object to that.

20 THE COURT:

21 I sustain the objection.

22 MR. DYMOND:

23 May I be heard on that?

24 THE COURT:

25 Not in front of the Jury.

Reference copy, JFK Collection: HSCA (RG 233)

1 MR. DYMOND:

2 Then I would like to be heard outside of
3 the presence of the Jury.

4 THE COURT:

5 I think I anticipate what you are going
6 to say.

7 MR. DYMOND:

8 If I may suggest, we can argue this matter
9 before the Jury comes back for lunch.

10 THE COURT:

11 Gentlemen, do not discuss this case
12 amongst yourselves or with anyone
13 else until it is finally given to you
14 for your decision.

15 Sheriff, take charge of the Jury and have
16 them back here for 1:30.

17 (Whereupon, the Jury was removed
18 from the courtroom.)

19 THE COURT:

20 You may proceed, Mr. Dymond.

21 MR. DYMOND:

22 If the Court please, with regard to what
23 Mr. Sciambra said at this time, we
24 now get into an area which is com-
25 pletely different from having one

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1 person testify as to what another
2 has said, for the reason at this
3 point in the trial Mr. Sciambra has
4 testified as a witness, has denied
5 making certain statements to Mr.
6 Phalen in the course of some conver-
7 sation about which we are talking
8 right now. So we have here a con-
9 flict in the testimony as between
10 two witnesses which is certainly
11 relevant to the credibility of both
12 of those witnesses.

13 THE COURT:

14 Wasn't Mr. Sciambra refused permission
15 to testify what Mr. Phalen told him?
16 Now we have the other side, Mr. Phalen
17 saying what he said.

18 MR. DYMOND:

19 The record will reflect we did not object
20 to Mr. Sciambra testifying to what
21 Mr. Phalen had said during the course
22 of that conversation. Mr. Sciambra
23 was examined as to what he said during
24 the course of that conversation.
25 When he denies he said something we

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1 are entitled to show by another wit-
2 ness what he said.

3 MR. ALCOCK:

4 Is Defense Counsel saying they are putting
5 this man on the stand to impeach
6 specific statements made by Mr.
7 Sciambra? I don't recall his atten-
8 tion being called to specific state-
9 ments and him denying it. This is
10 the only way this witness could testi-
11 fy about anything Mr. Sciambra said.

12 MR. DYMOND:

13 From memory I can point out one specific
14 statement that was denied.

15 THE COURT:

16 Did you lay a predicate as to time, place,
17 and --

18 MR. DYMOND:

19 Yes, we did. It was set forth as to where
20 it was, what took place and the circum-
21 stances.

22 THE COURT:

23 We can look it up.

24 MR. DYMOND:

25 Mr. Sciambra was specifically asked whether

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1 he engaged in a conversation with
2 Mr. Phalen with regard to a bet about
3 what was contained in this memorandum
4 and he denied it.

5 THE COURT:

6 I recall that. If there is a question on
7 exactly what was said we are going
8 to have to get in touch with Mrs.
9 Dietrich and find out who was the
10 court reporter who took Mr. Sciambra's
11 testimony. If you can show me you
12 laid a predicate, then I will rule
13 you have laid a proper foundation.
14 Unless you can show me you have done
15 that I will sustain Mr. Alcock's
16 objection. Is that the legal situa-
17 tion?

18 MR. ALCOCK:

19 That is as I understand it. The only thing
20 this man can testify to as to what
21 Mr. Sciambra said or what Mr. Russo
22 said, is if their attention was called
23 to a specific statement at a specific
24 time and they can be impeached. In
25 testifying what he is doing is going

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1 into the Sciambra memo which is already²⁰
2 in evidence and it speaks for itself.
3 Now he is putting his interpretation
4 on the Sciambra memo, which is con-
5 trary to the earlier ruling of the
6 Court, which said the Sciambra memo
7 should be read to the Jury and no
8 interpretation put on it.

9 THE COURT:

10 I wouldn't say he is putting an interpre-
11 tation on it.

12 MR. ALCOCK:

13 These things were admitted by Russo and
14 Sciambra. What are we impeaching?
15 I know the newspaper reports have not
16 been very -- well, perhaps I had
17 better not say that. There may possi-
18 bly be some report in the press as to
19 what was said.

20 THE COURT:

21 Mrs. Dietrich is here now. Mrs. Dietrich,
22 we have come to a point where we find
23 it necessary to go over Mr. Sciambra's
24 testimony. I don't know who took it.
25 I don't know if you have expedited

Reference copy, JFK Collection: HSCA (RG 233)

1 that particular testimony at the
2 request of any person, but we have
3 reached a point where we have to have
4 someone read through Mr. Sciambra's
5 testimony for this specific point.
6 What was the point you wanted to
7 check?

8 MR. DYMOND:

9 It is our contention that Mr. Sciambra
10 was specifically asked about this
11 meeting at Mr. Garrison's house after
12 the preliminary hearing, the meeting
13 being attended by Mr. Gurvich, Mr.
14 Sciambra, Mr. Phalen and Mr. Garrison.
15 We contend that he was asked whether
16 at that time he had any conversation
17 with Mr. Phalen in connection with a
18 bet which was offered as to what was
19 or was not contained in his memorandum
20 to Mr. Garrison under date of
21 February 27, 1967, and that Mr. Sciambra
22 denied there having been any conver-
23 sation pertaining to a proposed bet.

24 MR. ALCOCK:

25 For the sake of expedition, is this the

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22

1 only point you want looked up?

2 MR. DYMOND:

3 I can't say at this time whether it is
4 the only point. However, I think
5 once we locate the general area in
6 the record where this subject matter
7 is covered we are not going to have
8 any problem.

9 THE COURT:

10 Suppose the reporter who took it is out of
11 town? Who took it, Mrs. Dietrich?

12 MRS. DIETRICH:

13 May I get my notes, Judge?

14 THE COURT:

15 Yes.

16 MRS. DIETRICH:

17 Mr. Neyrey took it on Wednesday, the 12th
18 of February, and I don't have a nota-
19 tion that Mr. Sciambra continued the
20 next morning, so Mr. Neyrey must have
21 all the notes.

22 THE COURT:

23 Is there a way you can reach Mr. Neyrey?

24 MRS. DIETRICH:

25 I will try right away.

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THE COURT:

Could you ask him to be here at 1:30
with his notes of Mr. Sciambra?
Meantime, I will ask Mr. Jacobs if
he can get us a noon edition of the
11th or 12th. It may have something
we can use in that edition.

Mr. Phalen, you are excused for lunch.
The Court is adjourned until 1:30 p.m.

(Whereupon, a luncheon recess was taken.)

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24

1 AFTER THE LUNCHEON RECESS:

2 THE COURT:

3 For the record, before we bring the Jury
4 down, I don't believe -- do you want
5 to have him read the question back?

6 MR. ALCOCK:

7 I have no objection to the question being
8 repropounded.

9 THE COURT:

10 Why don't you repropound the question
11 where we excused the Jury and I will
12 go to what I have.

13 MR. DYMOND:

14 Let me see what I have.

15 THE COURT:

16 I want you to propound it because I want
17 to clear this up out of the presence
18 of the Jury and then we will bring
19 them back.

20 JAMES R. PHELAN,

21 having been sworn and having testified previously,
22 resumed the stand for a continuation of the

23 DIRECT EXAMINATION

24 BY MR. DYMOND:

25 Q Mr. Phelan, referring to the meeting at Mr.

11/N3

1 Garrison's home about which you were
2 testifying when you left the witness stand,
3 at that time did you ask Mr. Sciambra why
4 his report of the first interview with
5 Perry Raymond Russo contained nothing
6 about an assassination plot or an assassi-
7 nation meeting?

8 THE COURT:

9 Was that the interruption at that time?

10 MR. DYMOND:

11 I think the interruption came on what

12 Mr. Sciambra stated in reply to that.

13 THE COURT:

14 The legal point when we get the Jury down,
15 you can ask the question what did
16 Mr. Sciambra say to him, then you can
17 call for a verbatim transcript which
18 you have written down by Mr. Neyrey
19 and I will rule on it.

20 Bring the Jury down. I think we are going
21 to have Mr. Neyrey in attendance at
22 least part of the afternoon.

23 MR. DYMOND:

24 Maybe there is one other question that I
25 have propounded and I had better

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mention it to you now.

THE COURT:

Shut the door.

BY MR. DYMOND:

Q Did Mr. Sciambra contend that his original memorandum to Mr. Garrison contained an account of an assassination meeting or assassination plot?

THE COURT:

You would object on the grounds that predicate was not laid.

MR. ALCOCK:

Yes, Your Honor.

THE COURT:

Then you will have to get Mr. Neyrey again for that part of the testimony.

MR. DYMOND:

That gets us up to date, Your Honor.

THE COURT:

We used the newspapers as a reference, but it was out of context. We will have to wait for that to be transcribed.

MR. DYMOND:

We now have a verbatim transcript, Your Honor.

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W1/N5

1 THE COURT:

2 We do. Did that occur in the cross-
3 examination by Mr. Wegmann --

4 MR. DYMOND:

5 Yes.

6 THE COURT:

7 Suppose we try to find that.

8 MR. DYMOND:

9 It is in that portion that you have, we
10 have covered most of it.

11 THE COURT:

12 I will let you ask both questions.

13 Bring the Jury in.

14 You can use this as an exhibit.

15 (Whereupon, the Jury was brought
16 back in.)

17 THE COURT:

18 I would suggest, Mr. Dymond, you do it all
19 over again in front of the Jury.

20 MR. DYMOND:

21 Very well, Your Honor.

22 BY MR. DYMOND:

23 Q Mr. Phelan, referring again to the meeting at
24 Mr. Garrison's house, where Mr. William
25 Gurvich, you, Mr. Sciambra, and Mr. Garrison

W1/N6

1 were present, at that time did you ask Mr.
2 Sciambra why his report of his interview
3 with Perry Raymond Russo which was dated
4 February 27, 1967, did not contain anything
5 concerning an assassination meeting or
6 assassination plot?

7 MR. ALCOCK:

8 Objection, Your Honor.

9 THE COURT:

10 State your reason why, Mr. Dymond.

11 MR. DYMOND:

12 My reason is that when Mr. Sciambra was
13 on the witness stand he was asked
14 whether or not he had ever claimed,
15 whether he had ever claimed -- may I
16 have that transcript, I will give it
17 to you verbatim, Your Honor.

18 THE COURT:

19 Here it is.

20 MR. DYMOND:

21 Whether he ever claimed that an account
22 of an assassination meeting or
23 assassination plot was contained in
24 this memorandum which he had written
25 for Mr. Garrison, and in answer to

V1/N7

1 that question he said no, he had
2 never contended that.

3 THE COURT:

4 The article that covers that.

5 MR. DYMOND:

6 Article 493.

7 THE COURT:

8 It is my understanding you are claiming
9 that he did not distinctly admit --

10 MR. DYMOND:

11 Not only did he not distinctly admit it,
12 he denied it, and his denying it under
13 the terms of Article 493, it gives me
14 the right to put on evidence at this
15 time to prove that he did make the
16 statement.

17 THE COURT:

18 I will overrule the objection. I will per-
19 mit you to proceed.

20 MR. DYMOND:

21 Would you kindly repeat the question,
22 please.

23 (Whereupon, the pending question
24 was read back by the Reporter.)

25 THE WITNESS:

W1/N8

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I certainly did.

BY MR. DYMOND:

Q And what was Mr. Sciambra's reply to that question, Mr. Phelan?

A He said that I did not know what the hell I was talking about.

Q After he said that you didn't know what the hell you were talking about, was there any conversation between you and Mr. Sciambra or any conversation by you pertaining to a proposed bet on what was in the memorandum?

A Yes, there was.

Q Would you relate that for us, please.

A He stated, he stated that I was all wrong, about stating that there was nothing about the assassination plot, and I told him that I had a copy of his memorandum and had read it six or eight times, and I said, "I will bet my job on the Saturday Evening Post that that memorandum is exactly the way I described it if you will bet your job with the District Attorney's Office and we will read the memorandum and find out who is right."

Q Was there any response to this proposal?

Reference copy, JFK Collection: HSCA (RG 233)

W1/N9

31

1 A I did not get a bet.

2 Q Did you at any time during this conversation
3 request the production of Mr. Sciambra's
4 notes on this interview with Perry Raymond
5 Russo?

6 A Not at Mr. Garrison's house.

7 Q Not at that time. Did you at a later date?

8 A The next day -- I hadn't thought at the time,
9 the next day I went down to the DA's
10 Office and I said, "We can clear up this
11 matter real easy by your producing your
12 original notes." I said, "I would assume
13 that if you heard a witness say that he
14 had heard a plot to assassinate the Presi-
15 dent, that you would at least make a note
16 of it." I said, "Get your original notes
17 and we will clear it up right now."

18 Q Now, Mr. Phelan, at the time of the meeting at
19 Mr. Garrison's house or any other time, did
20 you ask about any other things that you
21 considered discrepancies in this memo-
22 randum as distinguished from the testimony
23 that you heard Russo give at the preliminary
24 hearing?

25 A Well, we discussed the memorandum at considerable

1/N10

32

1 length for, oh, a half hour or so.

2 Q What other discrepancies did you ask about and
3 asked to be explained to you?

4 MR. ALCOCK:

5 I object to this, Your Honor, the memo-
6 randum is in evidence, the Jury heard
7 it and they heard Mr. Sciambra and
8 they heard Perry Russo, the dis-
9 crepancies based on whose opinion,
10 his opinion? They are asking for an
11 opinion.

12 MR. DYMOND:

13 I will rephrase the question if the Court
14 please.

15 BY MR. DYMOND:

16 Q Were there any other matters contained in this
17 memorandum which you had read six or eight
18 times about which you asked either Mr.
19 Sciambra and/or Mr. Garrison?

20 A Yes.

21 Q Tell us what other things you asked them about.

22 A We went over it at great length, and one line
23 in the memorandum --

24 Q Let me interrupt you and say if you have any
25 notes of your own to which you might refer

W1/n11

33

1 for the purpose of refreshing your memory,
2 you may do so, sir.

3 THE COURT:

4 I suggest we get the exhibit, the Sciambra
5 memorandum and let him have the memo-
6 randum.

7 MR. DYMOND:

8 All right, Your Honor.

9 THE COURT:

10 Do you recall what State exhibit number
11 that would be, "S and D-20," "State
12 and Defense 20"?

13 MR. DYMOND:

14 That is correct, "S and D-20."

15 BY MR. DYMOND:

16 Q I am handing a copy of the Sciambra memorandum
17 of February 27, which has been marked for
18 identification "S and D-20," and --

19 A The main point that we discussed was on Page 6 --

20 MR. ALCOCK:

21 This is what I was objecting to, this memo-
22 randum is in evidence, it states for
23 itself, the man can't go down the
24 memorandum and pick out discrepancies
25 that he feels that are present in the

1 memorandum. It has already been read
2 to the Jury.

3 MR. DYMOND:

4 I agree he cannot pick out what he considers
5 to be discrepancies, I am not asking
6 him to do that, and I will specifical-
7 ly ask the witness at this time to
8 refrain from labelling anything "main"
9 or putting any adjectives before it.
10 I merely want to know what discrepan-
11 cies, at least --

12 THE COURT:

13 You are using the word, that is a bad
14 word.

15 MR. DYMOND:

16 I want him, I want to ask this witness
17 what matters in this memorandum, what
18 matters did he ask questions about,
19 that's all.

20 THE WITNESS:

21 The section that says "The next picture
22 that he identified was that of Clay
23 Shaw, he said he saw this man twice."

24 BY MR. DYMOND:

25 Q What did you ask either Mr. Sciambra or Mr.

1 Garrison about that?

2 A I pointed out that I had heard Mr. Russo's
3 testimony and that he had testified that
4 he saw Shaw three times. The one time
5 it was not mentioned in this memorandum was
6 the party where the assassination plot
7 presumably occurred.

8 Q Will you name another portion of that memorandum
9 that you asked about.

10 A The conversation centered on this point, and the
11 other two times at which Russo claims to
12 have seen Shaw.

13 Q What did you say in connection with that?

14 A I said that I found that absolutely incredible
15 that a lawyer could go to Baton Rouge,
16 interview a supposed witness to the crime
17 of the century and then come down and write
18 a 3500-word memorandum and leave out the
19 crime.

20 Q I will ask you -- go ahead.

21 A I said that if I had heard Mr. Russo describing
22 the assassination plot, and I came down
23 and wrote a one-paragraph memorandum, I
24 would certainly have mentioned the assassi-
25 nation plot.

W1/N14

1 Q I will ask you to look further at the memorandum
2 and tell me whether there are any other
3 portions about which you asked or com-
4 mented.

5 A I think there were not.

6 Q I beg your pardon?

7 A I think there were not.

8 Q Now, after leaving Mr. Garrison's house that
9 evening, did you testify that you came to
10 the District Attorney's Office the follow-
11 ing morning, Mr. Phelan?

12 A Yes.

13 Q And that is when you had your conversation with
14 Mr. Sciambra?

15 A Correction, I am not certain whether it was the
16 morning or the afternoon, the next day.

17 Q It was the following day?

18 A Yes.

19 Q All right. At any time subsequent to your
20 coming here to the District Attorney's
21 Office, did you have occasion to see
22 Perry Raymond Russo?

23 A Subsequent to the preliminary hearing?

24 Q Yes, and subsequent to your coming to the District
25 Attorney's Office following the meeting at

W1/N15

- 1 Mr. Garrison's home?
- 2 A Yes, I went to Baton Rouge and saw him.
- 3 Q Was this or was it not a prearranged meeting?
- 4 A It was prearranged.
- 5 Q With whom did you make the arrangements for this
- 6 meeting?
- 7 A Mr. Sciambra.
- 8 Q When you went to Baton Rouge, were you alone?
- 9 A No, sir.
- 10 Q Whom did you have with you?
- 11 A I had Matt Herron, he is a New Orleans photo-
- 12 grapher who shot the pictures for my
- 13 Saturday Evening Post piece.
- 14 Q Now, did you and Mr. Herron end up seeing Mr.
- 15 Russo in Baton Rouge?
- 16 A Yes, we did.
- 17 Q Where did you see him?
- 18 A At his home. I don't recall the address, the
- 19 place where he was living at, a little
- 20 frame house.
- 21 Q Now, tell us what happened when you went in
- 22 and saw Mr. Russo on that occasion?
- 23 A We talked for several hours, he gave me the back-
- 24 ground of how he had appeared as a witness,
- 25 and at the end, near the end of our inter-

1 view, I handed him a copy of the Sciambra
2 memorandum.

3 Q What did you tell him when you handed him that
4 copy?

5 A I told him I was going to use the material in
6 the memorandum in the Post piece, and I
7 was giving it --

8 Q Now, the Post piece --

9 A The article I was writing for the Saturday
10 Evening Post, and I gave it to him and
11 asked him to read it and tell me if it
12 was a correct account of his original
13 interview by Mr. Sciambra.

14 Q When you handed it there to him, did he or
15 did he not read it?

16 A Yes, he read it, he read it line by line.

17 Q Did he make any corrections or did he accept
18 it?

19 A Yes, he made some corrections.

20 Q Approximately how many?

21 A He made four specific corrections and a comment.

22 Q Could you tell us what the four corrections
23 were, Mr. Phelan?

24 A He corrected the line on Page 1 that said, "He
25 was told at time" -- I presume it is at

W1/N17

1 that time, a misprint here, "He was told
2 at that time by Landry's mother that
3 Ferrie had taken Landry out of the country" --

4 THE COURT:

5 Would you repeat that, please.

6 THE WITNESS:

7 He corrected the line in the second para-
8 graph, he said, "He was told at that
9 time by Landry's mother that Ferrie
10 had taken Landry out of the country."

11 He changed that to say that Landry had
12 told him this, and not Landry's mother.

13 BY MR. DYMOND:

14 Q All right.

15 A He corrected the line on the second page in the
16 last paragraph where it says, "Russo said
17 that one night he and Landry and Tim
18 Kershenstine, who lives on 2061 Pelopidas,"
19 p-e-l-o-p-i-d-a-s, --

20 Q Pelopidas.

21 A "Phone Number 943-8490, and possibly Niles
22 Peterson were in the Interlect, which is
23 located on Bourbon Street and they ran into
24 Dave Ferrie." He said it was a place next
25 to the Interlect.

1 Q All right. Anything else?

2 A He corrected the line on Page 3, which says,
3 "He also admitted to Russo for the first
4 time he was a homosexual."

5 Q What did he correct about that?

6 A He said that he had not made, that Russo -- that
7 this is referring to David Ferrie, and he
8 said that David Ferrie did not make that
9 admission to him.

10 Q Did he make any other corrections?

11 A He made a correction, he made a correction on
12 the seventh page, where it says, "He also
13 said that if he were hypnotized," -- no,
14 "He said that he had been hypnotized like
15 this before," he corrected that line and
16 said he had not been hypnotized.

17 Q Did he take exception to the statement to the
18 effect that Russo had reported having seen
19 Shaw only twice rather than three times as
20 he had testified? Did you make any comment
21 to him about that?

22 A I can tell you what he said.

23 Q What did he say?

24 A I had underlined that in a copy of the memorandum
25 I had, I had underlined that in with a ball-

1 point pen, it was the only mark I made
2 on the memorandum, it struck me at the
3 time, so when he was reading through, he
4 comes to that line and he stopped, he
5 stopped and he said, "I should have said
6 three times, I am usually pretty careful
7 about what I say," and he shrugged and he
8 said, "but maybe I only said twice," and
9 went on reading the memorandum.

10 Q Did you ask him any questions pertaining to
11 when was the first time that he had
12 mentioned the assassination meeting or
13 plot to Mr. Sciambra?

14 A Yes, I did. When he finished reading the memo-
15 randum, I asked him one question.

16 Q What was that, sir?

17 A I said, "Well, then, you first mentioned the
18 assassination plot when," and he said,
19 "After I got to New Orleans."

20 Q Now, after this Baton Rouge meeting, Mr. Phelan,
21 did you have any other occasion or occasions
22 to see Perry Raymond Russo?

23 A Yes.

24 Q How did these visits or meetings come about?

25 A After I had talked in Baton Rouge I went im-

1 mediately to New York and I wrote the
2 article for the Saturday Evening Post.

3 About a week or so after the article was
4 out I called Matt Herron here in New
5 Orleans and I asked him what the local
6 reaction had been about it and he told me

7 MR. ALCOCK:

8 Objection to what Matt Herron may have
9 said.

10 MR. DYMOND:

11 You cannot say what Mr. Herron told you.

12 BY MR. DYMOND:

13 Q What you wanted to know was the local reaction
14 to what?

15 A To the article and the statements made in it.

16 Q Now, as a result of your conversation with
17 Matt Herron, did you have any further
18 meeting or meetings with Mr. Russo?

19 A I telephoned him from New York. The result of
20 the telephone call --

21 MR. ALCOCK:

22 I didn't hear his response to that.

23 THE WITNESS:

24 I telephoned Perry Russo from New York.

25 BY MR. DYMOND:

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Q After this telephone call by you to Perry Russo, when approximately and where did the next meeting take place?

A About the last week in May, 1967.

NO HIATUS HERE.

Reference copy, JFK Collection: HSCA (RG-213)

W2/N1

1 Q And where, Mr. Phelan?

2 A At his home.

3 Q What section of the City or on what street was
4 he living at that time, sir, if you re-
5 member?

6 A Well, the geography of New Orleans kind of
7 baffles me. I think it is out near City
8 Park. I don't recall the address.

9 Q Now, what, if anything, did you ask Russo at
10 this meeting?

11 A The first meeting we went down to the corner,
12 to the poolroom there and played a little
13 pool, and we started back to the house,
14 and I did not ask him anything, he stopped
15 and made a statement to me in the middle of
16 the street or in the middle of the side-
17 walk.

18 Q What was the statement?

19 MR. ALCOCK:

20 I object to any statement he may have made
21 unless the Defense Counsel can show
22 it is used for impeachment purposes
23 and show the proper predicate was
24 laid and show the witness denied making
25 the statement.

1 MR. DYMOND:

2 If this is the statement, if that is the
3 statement I think it is, I will refer
4 the Court to Page 420 of the transcript.

5 THE COURT:

6 All right.

7 MR. DYMOND:

8 If I might ask one question here. I think
9 I can identify the statement about
10 which Mr. Phelan is testifying in a
11 non-prejudicial manner.

12 BY MR. DYMOND:

13 Q Did this statement have anything to do with a
14 priest, Mr. Phelan?

15 A Yes.

16 MR. DYMOND:

17 I refer Your Honor to Page 420.

18 THE COURT:

19 The top of Page 420?

20 MR. DYMOND:

21 Yes.

22 THE COURT:

23 I overrule the objection.

24 MR. ALCOCK:

25 I suggest the Court look at Page 419 where

1 the question is answered. He went
2 in great lengths in that answer.

3 MR. DYMOND:

4 There are two sections to this statement,
5 and I refer Your Honor to the last
6 sentence of R.S. 15:493, where the
7 statute says that, "If the witness
8 does not distinctly admit making such
9 statement, evidence that he did make
10 it is admissible."

11 THE COURT:

12 I am aware of that.

13 I overrule the objection. I think your
14 question should revert back to the
15 middle of page 419.

16 MR. DYMOND:

17 I think the question was directed toward
18 that, Your Honor, and I think that
19 is what the witness --

20 THE COURT:

21 I overrule the objection based on the last
22 sentence of R.S. 15:493.

23 Do you wish to have this back?

24 BY MR. DYMOND:

25 Q What statement did Perry Raymond Russo make to

1 you at that time concerning a priest,
2 Mr. Phelan?

3 A He stopped, and right out of the blue he turned
4 to me and said, "If Jim Garrison knew what
5 I told my priest in Baton Rouge after the
6 Shaw hearing, he would go through the
7 ceiling."

8 Q And what did you say?

9 A I said, "Do you want to tell me what you told
10 the priest," and he said, "Yes."

11 Q And what did he say he had told the priest?

12 A He said he told -- he told me that he had told
13 the priest that he wanted to meet somewhere
14 with Clay Shaw in order to be sure of his
15 identification of Mr. Shaw.

16 Q At any time, or was at any time a meeting between
17 Clay Shaw and Perry Russo suggested?

18 A I asked him first, I said, "For goodness sake,
19 you got up here in Court and put your hand
20 over the man's head and swore that he was
21 the man," and I said, "now you want to make
22 sure after you identified him," and I said
23 "if you want to see Shaw, I think I could
24 arrange it."

25 Q What did he say to that?

1 A He said, "All right."

2 Q Did you attempt to arrange such a meeting with

3 Clay Shaw and Perry Raymond Russo?

4 A Yes. The next day I went to Mr. Wegmann's

5 office and they had Mr. Shaw there and I

6 told them what Mr. Russo had said.

7 Q Did this meeting ever take place?

8 A No, sir.

9 Q To your knowledge, why not, Mr. Phelan?

10 THE COURT:

11 If he knows of his own knowledge.

12 MR. DYMOND:

13 That is correct.

14 THE WITNESS:

15 Mr. Shaw agreed to it immediately, and I

16 went back and so reported it to Perry

17 Russo and he backed off.

18 BY MR. DYMOND:

19 Q At that time, did he give you any reason for

20 his backing off?

21 MR. ALCOCK:

22 I object to this, Your Honor, is this

23 impeachment or are we going back over

24 this area? We will put Perry Russo

25 back up and Mr. Sciambra, we will be

here two years, Your Honor.

THE COURT:

I think Mr. Alcock's objection, unless you lay a predicate, specifically to impeaching on that particular point, you can't let it go into a general summation of what he thinks happened.

MR. DYMOND:

I refer Your Honor to Page 429 of the transcript of Mr. Russo's testimony, and it is also covered on a couple of the preceding pages, Your Honor.

THE COURT:

I think the question refers to the last paragraph of Page 428.

MR. DYMOND:

Yes, and it is also covered on a couple of the preceding pages, Your Honor. The main question that I wanted to ask is covered on Page 429.

MR. ALCOCK:

I don't think there is any impeachment here.

THE COURT:

That is what I was going to say.

The question was put to the witness, Mr.

1 Phelan.

2 MR. DYMOND:

3 This has to do with the first reason for
4 not going through with the appoint-
5 ment.

6 THE COURT:

7 You are asking the question on that matter?

8 I am not going to repeat it, in the
9 middle of 428, he gave you an answer.

10 I think this answer is such that he
11 would not call it, you would not call
12 it a denial. It is in the middle of
13 Page 428.

14 MR. DYMOND:

15 That is not a flat denial, but, once again,
16 I refer the Court to the last sentence
17 of R.S. 15:493, which says, "If the
18 witness does not distinctly admit
19 making such statement, evidence that
20 he did make it is admissible."

21 Certainly while it may not be a flat
22 denial, it is not a distinct admis-
23 sion.

24 THE COURT:

25 I am not going to repeat the question, he

1 says that may have been part of it.
2 I would understand that ordinarily
3 to me that the part that he is ad-
4 mitting is part of it, there may be
5 more to it than that, you haven't
6 asked him about the part.

7 MR. DYMOND:

8 He says that may be part of it, but --

9 THE COURT:

10 It goes on "Did you tell him that?", and
11 his answer is "I am not sure that is
12 exactly the reason I gave, no," so he
13 is not sure.

14 MR. DYMOND:

15 That is correct, so that he does not dis-
16 tinctly admit it.

17 MR. ALCOCK:

18 He may not be sure of the reason he gave,
19 but it is an admission.

20 MR. DYMOND:

21 The law requires a distinct admission.

22 THE COURT:

23 I agree with you, Mr. Dymond. Mr. Alcock,
24 based on that last sentence, if the
25 witness does not distinctly admit

1 making such statement, evidence that
2 he did make it is admissible," and
3 under the way I am reading the testi-
4 mony of 428 and 429, I will overrule
5 your objection and permit him to
6 answer the question.

7 BY MR. DYMOND:

8 Q What was the first reason that Perry Raymond
9 Russo gave to you for not going through
10 with that meeting?

11 A He said that word of it would undoubtedly leak
12 back to Mr. Garrison that he met with
13 Mr. Shaw and that Mr. Garrison would
14 clobber him.

15 Q Now, at any subsequent time did Mr. Russo give
16 you any other reason for not having gone
17 through with that meeting?

18 A Yes.

19 Q Approximately when and where did this occur,
20 Mr. Phelan?

21 A About six, five or six days later, on the eve
22 of my departure for New York, out of my
23 car in front of his house.

24 Q What did he say at that time?

25 MR. ALCOCK:

1 Objection, unless it can be shown in the
2 record --

3 MR. DYMOND:

4 That is on Page 429.

5 MR. ALCOCK:

6 That has something to do with the dinner
7 at Fitzgerald's. He said it happened
8 when he got out of his automobile.

9 THE COURT:

10 Let me see if I understand the legal
11 situation. You are asking Mr. Phelan
12 of an incident which occurred in
13 front of Russo's home, and there was
14 nothing here --

15 MR. DYMOND:

16 I will ask Mr. Phelan where they had been
17 prior to that in order to tie it in.

18 THE COURT:

19 Because there is nothing in here.

20 BY MR. DYMOND:

21 Q Prior to the statement about which you were about
22 to testify, where had you and Perry Raymond
23 Russo been?

24 A I took him and his roommate, Steve Derby, to the
25 seafood restaurant on the Lake, I think it

W2/N11

1 is Fitzgerald's, right on the edge of
2 the water.

3 Q Now, at any time after leaving Fitzgerald's
4 and more particularly in the vicinity of
5 Perry Raymond Russo's house, did he give
6 you any other reasons for not having kept
7 the appointment?

8 MR. ALCOCK:

9 I object, the objection being that Mr.
10 Russo was on the stand as clearly
11 demonstrated in 429, his attention
12 was not called to a specific time and
13 place.

14 MR. DYMOND:

15 I submit it was, Your Honor, if you will
16 read the transcript --

17 THE COURT:

18 I think the time, place and circumstances
19 have been sufficiently identified at
20 the place in the City, the time right
21 after the dinner, and I overrule the
22 objection.

23 MR. DYMOND:

24 You can read the same sentence, if you
25 want.

W2/N12

1 BY MR. DYMOND:

2 Q After the dinner at Fitzgerald's, did Mr. Russo
3 give you any other reason for not having
4 gone through with the appointment to meet
5 Clay Shaw?

6 A Yes, he did.

7 Q What was it, sir, what did he say?

8 A He told me, "I lied to you the first time I
9 explained why I did not want to see Mr.
10 Shaw," he said, "the reason I did not
11 was that if I knew that if I got in the
12 same room with him and talked to him, that
13 I would know he was not the man, and if I
14 knew that," he said, "what could I do, I
15 could go on the run somewhere, I could go
16 to Mexico or go out to California or
17 San Francisco and become a beatnik, but I
18 could never run from myself."

19 Q Was there ever any conversation by you with
20 Russo in connection with the difficulty
21 and indistinction between reality and
22 fantasy?

23 A Yes.

24 Q Did he ever say that he had difficulty in so
25 doing?

W2/N13

1 MR. ALCOCK:

2 I object, Your Honor, unless it can be
3 shown where.

4 MR. DYMOND:

5 Page 433 of the transcript, Your Honor.

6 THE COURT:

7 The way I read Mr. Russo's answer is that
8 he did admit distinctly, he did not
9 deny it.

10 MR. DYMOND:

11 He admitted it with an explanation which
12 amounted to a qualification.

13 THE COURT:

14 I rule that he did admit it and he had a
15 right to give an explanation in that
16 particular instance. I will sustain
17 the objection.

18 BY MR. DYMOND:

19 Q Mr. Phelan, did Mr. Russo ever express any fear
20 of reprisals from Mr. Jim Garrison in the
21 event that he should change his testimony?

22 MR. ALCOCK:

23 Objection, Your Honor.

24 MR. DYMOND:

25 Page 436, Your Honor.

W2/N14

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THE COURT:

It involves two full pages, Mr. Dymond.

Mr. Alcock, the way I read the testimony, it is from the beginning Mr. Russo answered not exactly, no, and then he was permitted to explain, and after he explained, the question was repeated, "You didn't say it the way I read it to you, right," and he says "No," so he makes an absolute denial of the way, so I overrule the objection.

MR. ALCOCK:

All right, Your Honor.

BY MR. DYMOND:

Q Do you recall the question?

A Yes, he did.

Q What did he say in this connection, Mr. Phelan?

A He said that he kept agonizing over the thing, he repeatedly said that he was sorry he had come forth as a witness, he felt trapped, and that if he tried to change his story now, that Mr. Garrison would probably charge him with something and that he would be clobbered and discredited

Reference copy, JFK Collection: HSCA (RG 233)

W2/N15

58

1 and lose his job, he was particularly
2 concerned about his job with an insurance
3 company.

4 MR. DYMOND:

5 We tender the witness.

6 CROSS-EXAMINATION

7 BY MR. ALCOCK:

8 Q Now, Mr. Phelan --

9 THE COURT:

10 Just a second. I know we did not come
11 from lunch because we were waiting on
12 the official transcript of testimony,
13 so I sent for some coffee, and rather
14 than start your examination, I will
15 call a recess, we will take the Jury
16 upstairs.

17 (Whereupon, a recess was taken.)

18 AFTER THE RECESS:

19 BY MR. ALCOCK:

20 Q Do you recall in April of 1967 appearing by --
21 rather, interviewed by telephone on Close-
22 up, WDSU Closeup, a radio program?

23 A Not specifically. After my article came out
24 I was interviewed by probably 20 different
25 organizations.

Reference copy, JFK Collection: HSCA (RG 233)

W2/N16

1 Q Do you recall when your article came out?

2 A Yes.

3 Q What date was that?

4 A Oh, I think -- no, I don't recall the exact
5 date, I think -- I think it was May 3,
6 we have a copy there, is there a copy of
7 it there I can refresh my memory from?

8 THE COURT:

9 He can refresh his memory.

10 MR. WEGMANN:

11 Just read it to him.

12 THE COURT:

13 If he wants the article, he can have it.
14 What is the date, Mr. Phelan?

15 THE WITNESS:

16 May 6, 1967.

17 THE COURT:

18 1967?

19 THE WITNESS:

20 Yes.

21
22 NO HIATUS HERE.
23

25

Reference copy, JFK Collection: HSCA (R9 233)

W3/P1

60

1 BY MR. ALCOCK:

2 Q To further refresh your memory Bill Slater,
3 Rick Townley and Dean Andrews were also
4 in this program. Does that refresh your
5 memory any more on this particular program?

6 A No.

7 Q Do you recall having made a statement on the
8 program to the effect that Mr. Sciambra
9 better watch out, that you taped your
10 interview with Perry Russo in Baton Rouge?

11 A I don't specifically recall that.

12 Q You deny it?

13 A No, I would not deny it.

14 Q Did you tape it?

15 A No, sir.

16 Q Then if you made that statement on this program,
17 it was a lie, right?

18 MR. DYMOND:

19 The witness has testified he does not
20 remember making it.

21 MR. ALCOCK:

22 He does not deny it either.

23 THE COURT:

24 I will permit the question.

25 BY MR. ALCOCK:

Reference copy, JFK Collection; HSCA (Rg 233)

W3/P2

61

1 Q If you made the statement on the program that
2 you do not deny, that would have been a
3 lie, is that correct?

4 A If you wish to call it that.

5 Q Now, Mr. Phelan, going back to the conversation
6 you had with Mr. Garrison, I think you
7 said Mr. Gurvich was present, Mr. Sciambra
8 at Mr. Garrison's home. Do you recall
9 the conversation now? I am talking about
10 the first conversation --

11 A Yes.

12 Q -- when you spoke to Mr. Sciambra. Is it your
13 testimony that this is the first time that
14 you called this discrepancy or alleged
15 discrepancy to the attention of
16 Mr. Garrison and Mr. Sciambra?

17 A Yes.

18 Q Do you recall whether or not Mr. Sciambra told
19 you at that time that he, upon leaving
20 Baton Rouge, February 27, reported
21 verbally to Mr. Garrison that Perry Russo
22 did in fact tell him about the party or
23 gathering in which the assassination was
24 discussed?

25 A Yes.

Reference copy, JFK Collection; HSCA (RG 233)

W3/P3

62

1 Q Do you recall that?

2 A Mr. Sciambra said that.

3 Q Did Mr. Garrison deny that in your presence?

4 MR. DYMOND:

5 I object to this on the ground it would
6 be hearsay, Your Honor. Mr. Garrison
7 is available to testify, Your Honor,
8 and this is asking in fact what did
9 Mr. Garrison say at this time.

10 THE COURT:

11 I sustain the objection.

12 MR. ALCOCK:

13 Very well, Your Honor.

14 BY MR. ALCOCK:

15 Q Now, Mr. Phelan, Mr. Sciambra then did deny the
16 fact that Russo did not tell him. Is that
17 correct? In other words, you got the
18 impression from reading the memorandum that
19 Russo did not tell Sciambra in Baton Rouge
20 about this meeting. Is that correct?

21 A Yes, that is, I did not get the impression, I
22 simply was not there.

23 Q But, Mr. Sciambra said he did tell him about
24 it. Is that correct?

25 A Mr. Sciambra made a number of statements. He

W3/P4

63

1 first said that I had incorrectly
2 described the memorandum and then about
3 three minutes later he said, "Well, if
4 the material is not in the memorandum,
5 then I must have forgotten to put it in."

6 Q But he never denied, he never said or denied
7 that he did not directly come back to
8 Mr. Garrison and verbally relate the
9 conspiratorial meeting to Mr. Garrison,
10 did he?

11 A He claimed that, yes.

12 Q Now, was it not Mr. Sciambra who made arrange-
13 ments for your going to Baton Rouge and
14 interviewing Perry Russo?

15 A Yes, it was, he did it on Mr. Garrison's
16 instructions.

17 Q I take it then as far as you know,
18 Mr. Garrison did concur in the arrange-
19 ment. Is that correct?

20 A I would have -- I would say yes, and then I
21 would have to --

22 Q You can explain that.

23 A -- qualify it. Oh, no, that is correct,
24 certainly, yes.

25 Q Now, did you feel at that time, did you, as you

W3/P5

64

1 feel now, that that was inconsistent with
2 their trying to hide something?

3 MR. DYMOND:

4 I object, Your Honor, that calls for a
5 conclusion and opinion of this
6 witness.

7 THE COURT:

8 Would you rephrase your question.

9 BY MR. ALCOCK:

10 Q Did Mr. Sciambra in directing or assisting you
11 in getting in touch with Perry Russo appear
12 to be hiding anything from you?

13 MR. DYMOND:

14 Objection, it calls for a conclusion and
15 opinion, Your Honor.

16 THE COURT:

17 I think he can still rephrase the question.

18 MR. ALCOCK:

19 Well, I will go on to something else,
20 Your Honor.

21 BY MR. ALCOCK:

22 Q Now, during the course of your -- How long was
23 your interview with Perry Russo, sir?

24 A Repeat that, please.

25 Q How long was your interview with Perry Russo?

Reference copy, JFK Collection: HSCA (Rg 233)

W3/P6

65

1 A Oh, between two and three hours.

2 Q Two and three hours?

3 A Yes.

4 Q Did you discuss the content of the memorandum
5 the entire time?

6 A No, sir.

7 Q When did you start discussing the content of
8 the memorandum?

9 A Near the end of the interview.

10 Q Was there any particular reason since you were
11 so concerned about this memorandum that you
12 did not discuss it at the outset of the
13 interview?

14 A Oh, he wanted to tell me the whole background
15 on the thing.

16 Q But you did not?

17 A I also asked him about other statements that he
18 had made and other interviews that he had
19 given prior to Mr. Sciambra's arrival up
20 there.

21 Q Would not you say, Mr. Phelan, that your
22 principal concern on that occasion was
23 the so-called Sciambra memorandum?

24 A Yes.

25 Q And yet it's your testimony now that you did

W3/P7

66

1 not approach the subject until just
2 before leaving. Is that correct?

3 A No, I left, I left after he finally read it.

4 Q I don't understand your answer.

5 A He wanted to talk to me. He talked to me at
6 great length and there were some other
7 people there.

8 Q He did not call you, did he?

9 A No, sir.

10 Q The arrangements were made for you to see him,
11 weren't they?

12 A Yes.

13 Q About this memorandum, weren't they?

14 A Yes.

15 Q What was your reason for not bringing up this
16 memorandum that you felt so critical until
17 the latter part of the conversation or just
18 before you left?

19 A I told you he wanted to talk to me. He is a
20 very talkative boy, and he felt that he
21 was sort of the center of a lot of atten-
22 tion and he kept telling me the background,
23 his own background and so on. When he
24 got through talking, and there were other
25 people there, and some general conversation,

W3/P8

67

1 and when he got through talking, he knew
2 I came up there to discuss this, I said,
3 "Here is the memorandum," and I gave it
4 to him.

5 Q Was there a lot of confusion, would you say,
6 there?

7 A No, sir.

8 Q Were there many people in and out?

9 A There were -- Perhaps besides Mr. Herron,
10 four or five people.

11 Q And what had you brought Mr. Herron along for?

12 A As a witness.

13 Q Did you give Mr. Herron an opportunity to read
14 the memorandum before you questioned
15 Perry Russo about it?

16 A I believe he did.

17 Q You are not sure?

18 A I am not certain. I knew -- He knew the main
19 point in the memorandum, and that was the
20 lack of any incriminating matter regarding
21 Mr. Shaw, he knew that this was the thing
22 that I was concerned about, but whether
23 he read the entire memorandum I can't say.

24 Q Now, you say that you gave the memorandum to
25 Mr. Russo and he read it word by word. Is

W3/P9

68

1 that your testimony?

2 A That is correct.

3 Q How long did it take him to read it?

4 A Oh, quite a while, he sat on the recliner and
5 he went through it and he would stop and
6 make a comment on a portion of it, and he
7 made his corrections, it took him quite
8 a while.

9 Q How many comments did he make?

10 A He corrected four statements and then made one,
11 he made a comment on another section of
12 the memorandum where it said he had seen
13 Shaw twice, and then he responded to my
14 final question --

15 Q In other words, it took him a long time to make
16 his four corrections and one comment. Is
17 that your testimony?

18 A It took him quite a while to read the memoran-
19 dum, sir.

20 Q You said you discussed it, did you discuss it
21 at the time he was reading it?

22 A No, we were not discussing, we were not discuss-
23 ing the memorandum, I mean, he made the
24 comment to me, he sat there and read it
25 and made the comments on the four

Reference copy, JFK Collection: HSCA (RG 213)

W3/P10

69

- 1 corrections that he wished to make.
- 2 Q The twice should have been three times, is that
- 3 your testimony?
- 4 A Yes, and then his response to my final ques-
- 5 tion, I asked him only one question.
- 6 Q One question the entire day?
- 7 A Only one question about the entire memorandum.
- 8 Q One question about this memorandum that you
- 9 felt so critical, is that what your
- 10 testimony is?
- 11 A Yes.
- 12 Q When was the question posed?
- 13 A Right at the end when he finished reading it.
- 14 Q As a matter of fact, weren't you going out the
- 15 door?
- 16 A No, sir.
- 17 Q How long before you left was it before you posed
- 18 this question?
- 19 A Oh, probably five or ten minutes, merely a
- 20 general conversation.
- 21 Q Five or ten minutes. Is that correct?
- 22 A Yes.
- 23 Q Now, did you consider this question a very
- 24 essential part of what you were up there
- 25 for?

Reference copy, JFK Collection: NSCA (RG 233)

13/P11

70

- 1 A Yes.
- 2 Q And you waited that long to pose the question?
- 3 A I could not pose it until he read the memoran-
4 dum.
- 5 Q But you gave it to him toward the end of your
6 interview?
- 7 A Yes.
- 8 Q Isn't it a fact, Mr. Phelan, that Perry Russo
9 never denied telling you that in fact he
10 did tell Mr. Sciambra about this party
11 or meeting or conspiratorial meeting?
- 12 A His whole comment was what I testified to.
- 13 Q Well, tell me what that is again.
- 14 A He said when he hit that line, when he hit the
15 line that I underlined, he said "I should
16 have said three times, and I am usually
17 pretty careful about what I say," and he
18 started to shrug and he said, "But maybe
19 I said only twice," and then went on
20 reading the rest of the memorandum.
- 21 Q I see. Now, what was the question that you
22 asked him, is that the question?
- 23 A Oh, no, no.
- 24 Q Go on with the question. What was the question?
- 25 A When he finished?

Reference copy, JFK Collection: HSCA (NY 233)

W3/P12

71

1 Q Right.

2 A And I said "Other than the corrections that you

3 have made, is the memorandum accurate,"

4 and he said "Yes," and I said "And you

5 first told about the assassination plot

6 when, Perry," and he said "After I went

7 down to New Orleans."

8 Q Now, did you ask him to explain when he cor-

9 rected the twice to three times, did you

10 ask him to explain that?

11 A No.

12 Q You didn't ask him any questions?

13 A No.

14 Q You weren't interested?

15 A When I got there, when he finished reading the

16 memorandum, I asked him the critical

17 question, and I had my answer.

18 Q And you had your answer.

19 A Yes.

20 Q Now, when did you start writing this article

21 for the Saturday Evening Post?

22 A About two or three days after I had the inter-

23 view with Mr. Russo.

24 Q Did you consider his statement to your last

25 question highly important and critical?

Reference copy, JFK Collection. HSCA (JFJ 213)

W3/P13 1

A Simply confirmed what was in the memorandum.

72

2

Q Did you consider it highly important and

3

critical that in effect he said that

4

Sciambra was a liar?

5

A I don't understand the question.

6

Q In other words, Mr. Sciambra assured you before

7

you left while he was making arrangements

8

for you to see Mr. Russo that Mr. Russo

9

had in fact told him about the party or

10

the gathering where the plot was hatched.

11

Is that correct?

12

A Yes.

13

Q All right. Now, you say Russo said that the

14

first time he mentioned anything about it

15

was in New Orleans. Is that correct?

16

A Yes.

17

Q Now, my question is did you not think that this

18

was in effect saying that Mr. Sciambra

19

was a liar if he said otherwise?

20

A Yes.

21

Q All right. Now, how many words was your

22

article, do you recall?

23

A Oh, probably around 6,000.

24

Q Would say that is an article critical of the

W3/P14

1 A I certainly do.

2 Q Now, do you have mentioned in that article

3 anywhere where Russo in effect called

4 Mr. Garrison a liar and Mr. Sciambra a

5 liar?

6 A No.

7 Q You don't mention that in your article?

8 A That Russo called him a liar?

9 Q In effect by making the statement that the first

10 time that he mentioned anything about the

11 plot was in New Orleans.

12 MR. DYMOND:

13 We object to that, asking this witness to

14 pass upon and interpret an article.

15 If the State wants to introduce it,

16 the article speaks for itself.

17 MR. ALCOCK:

18 We are not introducing the article, Your

19 Honor.

20 THE COURT:

21 I overrule the objection. I think it is

22 legitimate cross-examination.

23 BY MR. ALCOCK:

24 Q Is there any reference in your article to

Reference copy, JFK Collection: HSCA (RG 233)

P15

74

1 he did not tell Mr. Sciambra in Baton
2 Rouge anything about the meeting with
3 Leon Oswald, the Defendant, and David
4 Ferrie?

5 A No, sir, there is not.

6 Q There is not in your article anything about
7 that?

8 A There is not.

9 Q Well, can you explain that for us?

10 A Why, certainly. It merely confirms what I
11 learned from Mr. Sciambra's memorandum,
12 and I made the statement in the article
13 that Perry Russo had told two different
14 stories and this information confirmed it,
15 and I said it in small words in the
16 article.

17 Q And you did not put in your article that Perry
18 Russo confirmed that when you went to him
19 in Baton Rouge?

20 A I did not.

21 Q And that is your explanation?

22 A Oh, you want an explanation?

23 Q I want an explanation as to why you did not put
24 that critical thing in your article since
your lingering doubt with Mr. Sciambra's

Reference copy, JFK Collection: HSCA (NG 233)

W3/P16

75

memorandum.

A Because the information that Mr. Russo gave me confirmed the accuracy of what I printed. Now, I talked to many people, I covered the whole range of the investigation, there was only a small portion of this devoted to the Sciambra memorandum, and it was simply an editorial judgment. We had confirmed the truth of what I was printing, and the article ran much longer than the space given for it, it had to be cut, it was put in the Post, and there was a matter that I had evidence of the statements that I made in the article and I kept this in reserve in case the article should be challenged or if we were to be sued, which we were not.

Q You kept what in reserve?

A The statement that Mr. Russo made in Baton Rouge.

Q And you relegated this most important memorandum to a small portion of your article. Is that your testimony?

A No, sir.

Q That is what you just testified to, was it not?

1 A I said I had the -- to cover the entire inves-
 2 tigation in 6,000 -- this article is
 3 ~~about~~ the whole investigation, sir, and
 4 the background on it, my conversations
 5 ~~with~~ Mr. Garrison, and the background on
 6 the whole assassination story, and I had
 7 to tell quite a long story in 6,000 words.
 8 ~~This~~ is not an article about the Sciambra
 9 memorandum.

10 Q But this is a critical article of the investi-
 11 gation. Is that not your testimony?

12 A Indeed it is.

13 Q I see. And don't you, did you not deem this
 14 an extremely important and critical piece
 15 of evidence for your article?

16 A No, sir, it simply confirmed the statements
 17 that I made there.

18 Q Oh, I see. You had a time and space problem.
 19 Is that essentially it?

20 A No, that is not essentially it.

21

NO HIATUS HERE

25

Reference copy, JFK Collection; HSCA (RG 233)

W4/P1

77

- 1 Q Did you not tell Mark Lane that you had a
2 space problem?
- 3 A I don't what I told Mark Lane.
- 4 Q Would you deny it?
- 5 A Do I deny what?
- 6 Q That you made the statement to Mr. Lane that
7 you had a space problem, that is why you
8 left that critical piece of evidence out.
- 9 A I made that statement to you, sir.
- 10 Q Well --
- 11 A We had to cut the article.
- 12 Q So you had a space problem.
- 13 A Yes.
- 14 Q Now, Mr. Phelan, when you next saw Perry Russo,
15 that would be in May, I think of 1967, for
16 whom were you working?
- 17 A For National Broadcasting Company.
- 18 Q How long had you been working for the National
19 Broadcasting Company?
- 20 A How long had I been?
- 21 Q Yes.
- 22 A I was hired for a specific White Paper docu-
23 mentary that they were doing on the
24 Garrison investigation.
- 25 Q Who hired -- Go ahead, I am sorry.

Reference copy, JFK Collection, NRC (NY 711)

W4/P2

78

1 A I worked five weeks.

2 Q You worked five weeks on that paper?

3 A Yes.

4 Q On the White Paper?

5 A Yes.

6 Q And who hired you for that?

7 A The producer.

8 Q Did you work with Walter Sheridan during the

9 course of that?

10 A He was working on -- He was a part of the

11 White Paper team and he was working on

12 the same story, yes.

13 Q And what was the purpose of this White Paper?

14 A It was a report on the Garrison investigation.

15 Q A report on it or to wreck it?

16 A To report on it.

17 Q When you came to New Orleans and you were

18 employed by NBC. Is that correct?

19 A The second time, yes.

20 Q Now, where did you stay when you came down

21 here?

22 A At the Maison deVille.

23 Q Did you come down here with anyone?

24 A No, I came alone.

25 Q And what was your assignment in New Orleans when

Reference copy, JFK Collection: HSCA (NG 233)

W4/P3

79

1 you came down here?

2 A To explore the discrepancies in Mr. Russo's

3 story.

4 Q To what?

5 A To explore the discrepancies in Mr. Russo's

6 story.

7 Q Hadn't you already done that in Baton Rouge?

8 A Yes.

9 Q In other words, you still had that in reserve,

10 that --

11 A No.

12 Q Had that been printed by that time?

13 A I did not understand the question.

14 Q I said did you still have that little piece of

15 evidence in reserve at this time?

16 A Well, it still existed.

17 Q Now, did you work with anybody in this particu-

18 lar area, that is, exploring the statements

19 of Perry Russo?

20 A I did not understand that question.

21 Q Did you work with anyone down here besides

22 Mr. Freed, did he come down here with you?

23 A He was here.

24 Q Did you work with anyone?

25 A Mr. Freed and Mr. Sheridan.

Reference copy, JFK Collection: HSCA (RG 233)

74/P4

1 Q Do you know where they were staying at the
2 time?

3 A I think they were staying at the Maison deVille
4 -- excuse me, Mr. Freed was staying at the
5 Maison deVille, Mr. Sheridan was staying,
6 I believe, at the Bourbon Orleans.

7 Q Now, just what was your purpose in talking
8 with Perry Russo?

9 A First of all, he invited me to come down here
10 and he invited me to come here before I
11 was employed by NBC. He said that -- I
12 called him from New York after the
13 article came out --

14 Q You called him?

15 A I called Mr. Russo, I called him at the sugges-
16 tion of Mr. Matt Herron and Mr. Matt
17 Herron had received a call from Perry Russo
18 and he said "If Phelan is ever around
19 here, I would like to see him," and he
20 asked me if I would, he asked -- related
21 the message through Mr. Herron for me to
22 call him, so I called Mr. Russo, he told
23 me that he thought it was a pretty good
24 article I had written in the Post and he
25 said he could not understand what all of

80

Reference copy, JFK Collection: HSCA (Pg 233)

4/P5

81

1 the hullabaloo was about, and if I was
 2 ever down here to be sure and give him a
 3 ring and come and see him.

4 Q Did you remind him at the time that you had
 5 the statement from him in Reserve?

6 A I did not need to remind him, he knew it.

7 Q Had you heard of anyone by the name of Guy
 8 Bannister at that time?

9 A I heard about him later.

10 Q From whom did you hear about him?

11 A From Mr. Freed and Mr. Sheridan.

12 Q And where was that?

13 A Sir?

14 Q Where was that that you heard about it?

15 A Down here.

16 Q Was that on the same occasion?

17 A Yes.

18 Q In connection with this White Paper?

19 A Yes.

20 Q Had you ever heard of the name of James
 21 Llewellyn before that time?

22 A No, sir.

23 Q When did you hear of the name of
 24 James Llewellyn?

Reference copy, JFK Collection: HSCA (RG 233)

W4/P6

- 1 Q Did you have a picture of either one or both of 82
2 these men?
- 3 A No, sir.
- 4 Q You did not have a picture of them?
- 5 A No, sir.
- 6 Q Did you ever see a picture of either one or
7 both of these men?
- 8 A I saw one of -- one or two of Mr. Bannister,
9 but I don't believe I saw any of
10 Mr. Llewellyn, I might have.
- 11 Q Did you show any pictures to Perry Russo during
12 any of your interviews with him?
- 13 A No, sir.
- 14 Q None whatsoever?
- 15 A No.
- 16 Q Did you mention the name of Guy Bannister during
17 any of your interviews with him?
- 18 A Yes.
- 19 Q For what purpose?
- 20 A I told him that there was some speculation that
21 perhaps the man that he had identified as
22 Mr. Clay Shaw had actually been
23 Mr. Bannister.
- 24 Q And where did you hear this speculation?
- 25 A From Mr. Sheridan and Mr. Freed.

Reference copy, JFK Collection: HSCA (RG 233)

W4/P7

83

1 Q And do you know where they got it from?

2 A No.

3 Q In other words, you suggested to this State
4 witness that he was wrong and it might
5 have been Mr. Bannister?

6 A Mr. Alcock --

7 Q Answer the question and then you can explain
8 it.

9 (Whereupon, the question was read
10 by The Reporter.)

11 THE WITNESS:

12 I would answer yes with a qualification.

13 BY MR. ALCOCK:

14 Q Go ahead.

15 A From the first time that I talked to Perry
16 Russo until the day that I left, I re-
17 peatedly told him over and over and over
18 again that if his story that he had told
19 at the preliminary hearing was true, that
20 he should get up on the stand and tell it
21 exactly the same way, and I never once
22 suggested to Mr. Russo that he change his
23 story. We discussed it, he was uncertain
24 about himself, he was looking for other
25 explanations, he was not certain of his

Reference copy.

1 identification of Mr. Shaw, and he was a 84

2 boy who was tortured and in real agony.

3 Q So why did you suggest Guy Bannister?

4 A Because of his similarity to Mr. Shaw.

5 Q You think there is a similarity? Have you ever
6 see Guy Bannister?

7 A No, sir.

8 Q Now, did you ever mention the name of James
9 Llewellyn to Mr. Perry Russo?

10 A No.

11 Q Did you ever tell Perry Russo that you would
12 get him a lawyer in New York or a group of
13 lawyers in New York?

14 A I told him that a lawyer would be provided for
15 him, not that I would get him one.

16 Q Provided for him?

17 A Yes.

18 Q For what?

19 A When Mr. Russo, when I first talked to Mr. Russo
20 from New York, one of the first things he
21 stated to me was "everybody down here thinks
22 that I ought to have a lawyer," he said
23 "What do you advise" and I said that "I

25 Perry, that is to tell the flat out truth."

P9

85

1 Now, when we came down here he raised the
2 issue of a lawyer again, he thought he
3 was in trouble, and he said he could not
4 afford a lawyer.

5 Q And you would provide him with a lawyer?

6 A Not I would provide him, I will explain this --

7 Q NBC provide him?

8 A I don't know that, sir.

9 Q Well, who are you talking about?

10 A I relayed the information that Mr. Russo was
11 interested in getting a lawyer to
12 Mr. Freed, and Mr. Sheridan told me after
13 Russo raised this and said he did not have
14 enough money for a lawyer, he said that
15 there was a well-known lawyer who would
16 take his case without a fee, and this was
17 what I was referring to when I spoke to
18 Mr. Russo. Now, when I told him this I
19 said, "Perry, you're going to have to do
20 it yourself," I obtained the phone number
21 of the lawyer, I said, "I can call the
22 lawyer and I will tell him my name and I
23 will say this is Mr. Russo and I will hand
24 the phone to you and you will have to ask
25 for his help."

Reference copy, JFK Collection: HSCA (R 713)

14/p10

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Q What particular case had you suggested he need
a lawyer for?

A Sir?

Q What particular case had you suggested that he
needed a lawyer for?

A I did not suggest that he needed a lawyer, he
told me that he thought he needed one.

Q Now, did you have occasion at any time you were
talking to Perry Russo at this time for
NBC to have any conferences with the De-
fense Counsel in this case?

A Yes.

Q How often?

A Once.

Q Well where did this take place?

A Mr. Wegmann's office.

Q Who was present?

A Mr. Shaw.

Q Who else?

A Mr. Edward Wegmann, Mr. Dymond.

Q When was this, do you recall that?

A It was between one and three days after I
came down here, it was the day after my
initial conversation with Perry Russo when
he said he wanted to see Mr. Shaw to check

Reference copy, JFK Collection HSCA (pg 211)

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1 on his identification of him.

2 Q Did you have any other meetings with them?

3 A With whom?

4 Q With Defense Counsel.

5 A No.

6 Q Any telephone conversations with them?

7 A Not to my recollection.

8 Q Now, do you recall Perry Russo telling you

9 anything about he wanted to be 1,000 per-

10 cent sure other than 100 percent, do you

11 recall anything like that?

12 A Absolutely not, never once.

13 Q You don't recall that at all?

14 A I do not.

15 Q How many times did you mention your ability to

16 get Perry Russo a lawyer to him?

17 A Oh, we discussed it four or five times.

18 Q Four or five. Do you feel that is the most?

19 A He kept bringing the subject up.

20 Q Did you tell Perry Russo that if the Defendant

21 were not convicted, he would be a patsy?

22 A Sir?

23 Q Did you tell Perry Russo that if the Defendant

24 were not convicted, he would be a patsy?

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1 Q You did ~~tell~~ him that?

2 A Yes, ~~he is~~ the man that made the accusation
3 against Mr. Shaw, and if Mr. Shaw was
4 acquitted -- this whole case rests on
5 ~~Perry Russo~~.

6 Q And ~~that~~ Garrison would turn on him in the
7 ~~event~~ the Defendant was acquitted?

8 A Yes, with an explanation.

9 Q Go ahead.

10 A Mr. Garrison told me in Las Vegas 10 or 12
11 days before the hearing that he was going
12 to get Dean Andrews, he did not -- he did
13 not use the name, he said I'm going to get
14 a lawyer who is a good friend of mine, and
15 I am going to wreck him, and immediately
16 after the Preliminary Mr. Andrews was
17 arrested and I told Perry Russo that
18 Mr. Garrison had a way of busting on any-
19 body who didn't go along with his theories.

20 Q I see. And Dean Andrews was also indicted and
21 convicted by a Jury. Is that correct?

22 MR. DYMOND:

~~_____~~
23 ~~_____~~ Counsel well knows that conviction is on
24 ~~_____~~ appeal at this time and that cannot
25 ~~_____~~ be properly brought out as long as a

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conviction is not final.

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THE COURT:

The subject matter was opened by
Mr. Andrews himself and he stated to
the Jury he was convicted, and, as
I say, we are all aware of the fact
that he is appealing that conviction.
Mr. Alcock's question to Mr. Phelan,
is it not a fact that a Jury con-
victed Mr. Andrews, not Mr. Garrison.

MR. DYMOND:

I will ask that the question be read back.
(Whereupon, the question was read
by the Reporter.)

THE WITNESS:

I have no first-hand knowledge of
that.

BY MR. ALCOCK:

Q After your article appeared, do you recall
Mr. Sciambra inviting you down to New
Orleans?

A No.

Q You don't recall that?

A No, someone told me he got up on television and
said something about my coming down here

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2 before the Grand Jury, but I received no
3 communications from the Grand Jury, from
4 Mr. Sciambra, from Mr. Garrison's office,
5 although they all knew my business address
6 in New York and my home address in
7 California. When I came down here for
8 NBC Mr. Sciambra had made this statement,
9 the first thing I did was to let
10 Mr. Garrison know I was in town. I was
11 advised by Mr. -- by my lawyers not to
12 come down here because of Mr. Garrison's
13 ruthlessness with people who criticized
14 him, but I came anyway, and the first thing
15 I did was to go to Larry Lamarca at the
16 Gunga Den, a long-time personal friend of
17 Mr. Garrison's, I said, "Tell Big Jim I
18 am in town," and I went to Pershing
19 Gervais at the Fontainebleu and I said
20 "Tell Big Jim I am in town and I am not
21 hiding from anybody."

22 Q Did you interview anybody when you were down
23 here for this NBC White Paper?

24 A One or two other people.

25 Q Can you recall their names?

A I talked to Layton Martens, I talked to a

1 Marilyn -- I think it is Marcuso (?), she
2 was identified to me as the former wife
3 of Gordon Novell.

4 Q Anyone else?

5 A Not that I recall right now. Mr. Alcock, fur-
6 ther on the matter of Mr. Sciambra inviting
7 me to come down here where I would be in
8 reach of the Grand Jury, Mr. Russo
9 informed me, I think it was the second
10 time that I saw him, that he had told
11 Mr. Sciambra that I was in town, and
12 Mr. Russo also told me that he knew my
13 hotel and no one came around.

14 Q Did you know, as a matter of fact, that during
15 the conversations with Perry Russo that
16 you were being led on?

17 A Absolutely not.

18 MR. ALCOCK:

19 No further questions.

20 MR. DYMOND:

21 No further questions.

22 THE COURT:

23 You may step down.

24 MR. DYMOND:

25 You may step down, sir, that's all.

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THE COURT:

Do you have any need for Mr. Phelan under
the obligations of his subpoena?

MR. DYMOND:

No, sir.

THE COURT:

You are released from the obligations of
the subpoena, sir.

NO HIATUS HERE

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