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Page: 1

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STATE OF LOUISIANA V. CLAY L. SHAW
SCIAMBRA, ANDREW J.
RUSSO, PERRY
GARRISON, JAMES
FERRIE, DAVID

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000913

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
VERSUS	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

EXCERPT OF
PROCEEDINGS IN OPEN COURT,
MORNING, FEBRUARY 12, 1969

Paul Williams,
Reporter

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,
JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-522-3111

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1 THE COURT: 39
2 IT is 11:31, call your next witness.
3 MR. ALCOCK:
4 I call Andrew Sciambra.
5 ANDREW J. SCIAMBRA,
6 having been first duly sworn, was examined and
7 testified as follows:
8 DIRECT EXAMINATION
9 BY MR. ALCOCK:
10 Q For the record, state your full name and
11 occupation.
12 A My name is Andrew J. Sciambra, Assistant 2
13 District Attorney, Parish of Orleans.
14 Q How long have you been Assistant District
15 Attorney?
16 A Since March -- since May of 1966.
17 Q And are you an attorney at law?
18 A I am.
19 Q Mr. Sciambra, referring you to the day of
20 February 27, 1967, did you have occasion
21 to interview Perry Raymond Russo?
22 A February 27 or February 25?
23 Q February 25, I am sorry.
24 A Yes.
25 Q When did this interview take place?

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1 A The interview took place in Baton Rouge,
2 Louisiana.
3 Q Were you with anyone at the time the inter-
4 view was conducted?
5 A No, I was alone.
6 Q And for what reason did you go up to Baton
7 Rouge on that occasion?
8 A Well, that morning I had received a telephone
9 call from Jim Garrison, and Jim asked
10 me did anyone talk to Perry Russo yet,
11 and I told Mr. Garrison --
12 MR. WEGMANN:
13 Object to what someone told him.
14 BY MR. ALCOCK:
15 Q As a result of a conversation --
16 A As a result of my conversation with Mr.
17 Garrison, I went up to Baton Rouge to
18 interview Perry Russo.
19 Q Now, prior to that occasion, Mr. Sciambra,
20 or subsequent to it, have you ever seen
21 a letter allegedly addressed to the
22 District Attorney's office by Mr. Russo?
23 A No, I never have.
24 Q Do you recall approximately what time the
25 interview began?

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1 A Well, as best I can recall, when I first got
2 to Baton Rouge, Perry was not home, they
3 had a baseball game going on, the LSU
4 team had a practice baseball game, I
5 believe, going on at the baseball field,
6 and I was told that Perry was at the --

7 MR. DYMOND:

8 I object to what he was told.

9 THE WITNESS:

10 I went over to the baseball field and
11 I saw Perry at the baseball field
12 and he was watching Steve Derby,
13 who was playing for LSU at the
14 time, and I told Perry that I was
15 from the District Attorney's office,
16 and I told him that I would like to
17 interview him in regards to what I
18 had read and what Garrison had
19 read in New Orleans and Baton Rouge
20 papers concerning what Dave Ferrie
21 had told him. Perry said that,
22 well, as a result --

23 MR. DYMOND:

24 Objection.

25 MR. WEGMANN:

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Object, Judge, this is rank hearsay.

THE WITNESS:

As a result of my conversation with Perry, later on that afternoon, around 5:30 or 6:00 o'clock I went over to Perry's apartment at 311 East State Street in Baton Rouge, Louisiana, and I began my interview with Perry Russo.

BY MR. ALCOCK:

Q Now, who was present in the apartment besides yourself and Perry Russo?

A Well, during the course of my interview with Perry, many people were present, coming in and out, actually if you know Perry Russo at all you know that his apartment is more or less like a fraternity house in regards to many of his friends in his presence.

MR. WEGMANN:

Objection, he is stating an opinion as to what he thinks Perry --

THE WITNESS:

There were many people in Perry's apartment from time to time, the

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people were friends of Perry's.

MR. WEGMANN:

I object unless he knows of his own
personal knowledge.

THE WITNESS:

I do know of my own personal knowledge
these were friends of Perry and
there were people coming in and
out of the apartment.

BY MR. ALCOCK:

Q Approximately how long did you interview
Perry?

A I would imagine I interviewed Perry about two
and a half hours, give or take fifteen
or twenty minutes.

Q On this occasion, did you take any notes?

A In the beginning of the interview I took
very few notes. Actually I was more
interested in names and addresses and
telephone numbers and it was not until
about -- I was there, I would say, an
hour and a half to an hour and forty-
five minutes when I took a little more
extensive notes, in all I would say I
took about two and a half, maybe three

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1 pages of notes.

2 Q On what size pad did you take these notes?

3 A A regular legal-sized pad.

4 Q Did you have a tape recorder with you?

5 A No, I did not.

6 Q Did you tape down anything Perry Russo said?

7 A No, I did not.

8 Q At any time during the course of the inter-

9 view did you leave the room where Perry

10 was?

11 A I don't believe I did.

12 Q Do you recall his leaving the room at any

13 time?

14 A Well, he may have walked from the room that

15 we were in into the kitchen or something,

16 but I don't really remember.

17 Q What, Mr. Sciambra, were you using for your

18 writing purposes, how did you have your

19 legal pad?

20 A Well, I sat down on the chair and I put my

21 brief case on top of my legs and I put

22 the legal pad on top of the brief case,

23 I wrote like that.

24 Q During the course of your interview, Mr.

25 Sciambra, did Perry Russo identify any

Reference copy, JFK Commission

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pictures?

A During the course of our interview, Perry identified many pictures. I had about forty photographs and I showed these photographs to Perry during the course of our interview and he identified many of them as being familiar or that he thought he may have known this person or that he thought he may have known that person, and also during the course of this interview, Perry identified a picture of Lee Harvey Oswald as Leon, a person whom he had been introduced to by Dave Ferrie.

MR. WEGMANN:

I object, Your Honor, hearsay.

THE COURT:

All right, --

MR. DYMOND:

It's hearsay, we object on the grounds it is hearsay evidence.

THE COURT:

Anything that Perry Russo told him is hearsay, yes.

MR. ALCOCK:

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Reference Court

Even though Perry has testified --

THE COURT:

Yes.

MR. ALCOCK:

He can say whether or not he identified a picture, that is what he was saying, I asked him if he identified any pictures and he said yes.

MR. DYMOND:

If the Court please, in order to identify a picture you must say who that picture represents, that is what identifying a picture is, and that is certainly hearsay evidence.

MR. ALCOCK:

He can say out of a stack of forty pictures which pictures he mechanically picked out and sat aside.

THE COURT:

I think Mr. Sciambra can testify to a physical act done by another person without stating what the person said. It would be hearsay.

MR. WEGMANN:

If we are going to do it this way, if

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1 we are going to permit the witness
2 to do this, I think we should call
3 for the production of the forty
4 pictures that were there and let
5 him point out the ones that he
6 identified.

7 THE COURT:

8 Are you trying to tell the State how
9 to run the case?

10 MR. WEGMANN:

11 No, Your Honor, but --

12 THE COURT:

13 That is what it amounts to.

14 MR. WEGMANN:

15 If he does not do it that way, it is
16 hearsay.

17 THE WITNESS:

18 I did not say he identified forty
19 pictures --

20 THE COURT:

21 Let me make a ruling on this. Make
22 your objection again for the record.

23 MR. WEGMANN:

24 If he is going to point out the pictures
25 that Mr. Russo identified, he

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should show us all of the pictures
so we could be aware of what he
chose from and what he didn't
choose from. If we are going to
show him specific items, you are
in effect leading the witness if
you are going to ask him did he
choose this one and that one.

MR. ALCOCK:

That is not leading a witness, to show
the witness a picture and ask
whether or not on a certain
occasion this man identified a
picture. He could either say yes
or no.

THE COURT:

The observation was that the man would
have to physically state orally
whether it was or was not, and
the only other way was the effort
you mentioned, that he mechanically
separated them, which is a physical
act and not verbal conversation.
If your proposition is done the
way you say, with these forty

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pictures, this man physically separating the ones that you have into evidence, then I would permit that, if it was done that way, and Mr. Wegmann's objection is that there were forty pictures, get the rest of the pictures because it is the same physical act, pick these out of the forty.

MR. ALCOCK:

Let's determine whether or not he still has them or recalls what the pictures were.

THE COURT:

That is a good idea.

BY MR. ALCOCK:

Q Do you still have the thirty or forty pictures that you have presented to Perry Russo on that occasion?

A In the course of the investigation we were constantly changing pictures.

MR. WEGMANN:

I ask the Court to instruct him to answer the question.

MR. ALCOCK:

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He is not questioning this witness,
he will have his opportunity,
let's have an objection, not just
start talking.

MR. WEGMANN:

I have the right to make an objection
to the Court.

MR. ALCOCK:

Then make your objection.

MR. WEGMANN:

The objection at this time is the answer
is not responsive to the question.

MR. ALCOCK:

That is the Court's decision to make.

MR. WEGMANN:

It is my right to make the objection to
the Court and call it to the Court's
attention.

THE COURT:

Say yes or no and then you can explain it.

THE WITNESS:

Yes, and let me explain. I have most
of the pictures in the course of --

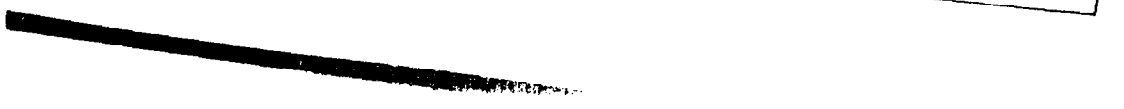
THE COURT:

The answer should have been no, you do

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not have the forty.

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THE WITNESS:

I do not have the complete forty, Your Honor.

THE COURT:

The answer is no, I do not have it, and you can explain.

THE WITNESS:

I don't have the exact forty pictures; as a matter of fact, I couldn't tell you the exact forty pictures I have but I do believe I have most of the pictures at that time that I was carrying around.

MR. ALCOCK:

It is the State's position that it is not necessary to have these forty pictures brought into Court and to have this witness say which one was separated from the stack of pictures. Now, yesterday Mr. Dymond cross-examined Perry Russo on Mr. Sciambra's memorandum, and this is exactly what we are getting into here now.

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1 THE COURT:

2 I am aware of that.

3 MR. DYMOND:

4 If the Court please, if a particular
5 photograph was physically separated
6 from other photographs, the Jury is
7 certainly entitled to know what
8 other photographs they were separ-
9 ated from. I don't say this is a
10 fact, but conceivably all forty
11 could be the same, we don't know.

12 THE COURT:

13 I rule that Mr. Sciambra came back to
14 the City with certain exhibits as
15 a result of talking to Perry Russo,
16 and I will permit you to introduce
17 them into evidence.

18 MR. ALCOCK:

19 They have already been introduced, Your
20 Honor.

21 MR. DYMOND:

22 To which ruling Counsel objects, reserves
23 a bill, making the question, the
24 answer, whatever photographs were
25 exhibited and allegedly identified,

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the ruling of the Court, the
entire record, parts of the bill.

BY MR. ALCOCK:

4 Q I show you two pictures which have been
5 previously marked for purposes of
6 identification as "S-1" and "S-3,"
7 and I ask you whether or not these
8 pictures were selected during the
9 course of that interview.

10 A These pictures were selected.

11 Q Do you know who is depicted in "S-1" and
12 "S-3"?

13 A Lee Harvey Oswald is depicted in "S-1,"
14 and David W. Ferrie is depicted in
15 "S-3."

16 Q Now, Mr. Sciambra, at the conclusion of
17 this interview, where did you go?

18 A At the conclusion of my interview with
19 Perry Russo in Baton Rouge, I went
20 directly to Jim Garrison's house.

21 Q And what did you tell him without saying
22 what he told you?

23 A I told Jim Garrison that Perry Russo told
24 me during our interview in Baton Rouge
25 of a meeting --

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MR. WEGMANN:

This is hearsay, Your Honor.

MR. DYMOND:

He is relating hearsay.

THE COURT:

I sustain the objection.

BY MR. ALCOCK:

Q Did you inform Mr. Garrison of the contents
of the interview?

A Yes, I did.

Q As a result of that or in conjunction with
your duties, did you have an occasion
shortly thereafter to see Perry Russo
again?

A Yes, I did, the next time I saw Perry Russo
was Monday morning, February 27.

Q And where did you see him?

A In the District Attorney's office.

Q And who was present with you at that time?

A At the time I don't know exactly who was
present, but he came up to my office
as a result of my phone call.

Q Did you go anywhere with him on that occasion?

A Well, at first I believe we went down to the
Detective Bureau in order to draw a

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1 composite sketch of Lee Harvey Oswald,
2 and then from there we went back up to
3 the District Attorney's office, contacted
4 Detective Jano in an effort to get the
5 beard of Lee Harvey Oswald properly
6 drawn on the photograph.

7 Q And other than those activities, did you have
8 any other contact with Perry Russo on
9 that day?

10 A After that Al Oser and myself took Perry
11 Russo to Dr. Nicholas Chetta's office
12 on Bienville Street, I believe it was,
13 and from there we took Perry Russo over
14 to the Mercy Hospital and he was put
15 under sodium-pentothal.

16 Q Were you present during the interview on the
17 sodium-pentothal?

18 A Yes, I was.

19 Q Was there a stenographer taking down what
20 was said during the interview?

21 A No, Al Oser was taking down notes.

22 Q Subsequent to this interview, did you or Mr.
23 Oser ever put Mr. Oser's notes to a
24 memorandum or a writing?

25 A The first thing that we did Tuesday morning,

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1 the first thing I did Tuesday morning
2 was contact Lorraine Schuler, Jim
3 Garrison's personal secretary, and we
4 went in Mr. Garrison's office and Al
5 Oser and myself dictated the memorandum
6 concerning the sodium-pentothal interview
7 with Perry Russo.

8 Q Now, going back to your original interview
9 with Perry Russo, Mr. Sciambra, did you
10 have occasion at any time to commit that
11 interview to writing, in memorandum form?

12 A Monday morning, the 27th, the first thing I
13 did when I got in the DA's around 9:00
14 o'clock, I picked up the telephone and
15 I called Perry Russo's place of employ-
16 ment in Baton Rouge, Louisiana, which
17 was an insurance company, and Perry
18 Russo was not in at the time, so I left
19 a message with his boss to have Perry
20 call me when he did come in, and subse-
21 quent to that I contacted a secretary
22 in the DA's office and got her into my
23 office and began dictating a memorandum
24 of my interview with Perry Russo on the
25 25th. I had dictated about one paragraph

reference copy, JFK collection

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of that memorandum when the telephone rang, it was Perry Russo.

Q You can't say what he said.

A No, I told Perry Russo to come on down here, that Jim Garrison wanted to talk to him, and as a result of what he told me, I was waiting for Perry to get in New Orleans about an hour and a half after I talked to him, and I did not finish the memorandum at that time. I finished only dictating about one paragraph of the memorandum, which was begun on the morning of February 27.

Q Now, I am going to show you, Mr. Sciambra, that which has been introduced into evidence and marked "S and D-20," which purports to be a memorandum prepared by yourself, and I ask if you can identify it.

A Yes, I can identify this memorandum. This is a memorandum that I started to dictate on the morning of February 27 before I had received the phone call from Perry Russo and which was completed about seven to ten days later.

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Reference Copy, JFK Collection: HSCA (RG 233)

1 Q Mr. Sciambra, which memorandum was completed
2 first, the memorandum that you have
3 just identified or the memorandum that
4 you and Mr. Oser dictated the morning
5 after the sodium-pentothal administration?

6 A The first memorandum that was dictated and
7 completed first was the memorandum that
8 Mr. Oser and I dictated Tuesday morning
9 to Miss Lorraine Schuler, the memorandum
10 that Mr. Dymond has labeled as the
11 Sciambra Memorandum was not finished
12 until ten days, seven to ten days after
13 the sodium-pentothal memorandum.

14 Q Mr. Sciambra, can you recall how many dic-
15 tation sessions you had in total or
16 what was required in total for you to
17 complete the memorandum, "S and D 20"?

18 A You are referring to what Mr. --

19 Q The Sciambra Memorandum.

20 A I would say it took anywhere from four to
21 five sessions to complete that memorandum.
22 You see, the way I dictated that memoran-
23 dum, there were so many things going on
24 at the time that whenever I would get
25 a chance to dictate on the memorandum

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and whenever the secretary had a chance to receive the dictation, I would call her to my office and would dictate bits and pieces of the memorandum.

Q Now, Mr. Sciambra, does that memorandum reflect all that Perry Russo told you on the 25th of February?

A It does not. That memorandum was hastily done, it was incomplete, it was inaccurate, there were omissions in it, and it does not reflect what Perry Russo told me during my first interview in Baton Rouge on February 25.

Q And does the memorandum that you prepared along with Mr. Oser on the 27th accurately reflect the interview at Mercy Hospital?

A The sodium-pentothal memorandum, which was the first memorandum that I dictated, reflects the most important thing that Perry Russo told me during our interview on February 25th in Baton Rouge, namely of a meeting.

MR. DYMOND:

I object to what Perry Russo told him.

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1 MR. WEGMANN:

2 He is violating the basic rule of
3 testimony.

4 THE WITNESS:

5 That is your opinion.

6 THE COURT:

7 Don't answer the attorney back. You are
8 a witness at this stage, please
9 check yourself and make sure you
10 don't tell us what he told you.

11 MR. ALCOCK:

12 I will make him a copy. It is almost
13 lunch, Your Honor, if they want
14 to peruse it during lunch.

15 THE COURT:

16 Here is what we will do, Gentlemen, if
17 you wish. It is five minutes to
18 twelve. You can get a copy Xeroxed
19 and you can have it during recess.
20 Gentlemen, do not discuss the case with
21 one another or any other persons.
22 We will now be in recess for lunch.
23 Let everybody have a seat until the Jury
24 leaves.

25 We will be in recess until 1:30.