

Date: 08/13/93
Page: 1

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : HSCA
RECORD NUMBER : 180-10097-10195
RECORDS SERIES :
NUMBERED FILES
AGENCY FILE NUMBER : 002015

DOCUMENT INFORMATION

ORIGINATOR : CRIMINAL DISTRICT COURT PARISH OF ORLEANS, LA
FROM :
TO :

TITLE :

DATE : 02/12/69
PAGES : 46

SUBJECTS :

SHAW, CLAY L.
STATE OF LOUISIANA V. CLAY L. SHAW
SCIAMBRA, ANDREW J.
GARRISON, JAMES
PHELAN, JAMES
GERVICH, WILLIAM

DOCUMENT TYPE : TRANSCRIPT
CLASSIFICATION : U
RESTRICTIONS : OPEN IN FULL
CURRENT STATUS : O
DATE OF LAST REVIEW : 05/06/93

OPENING CRITERIA :

COMMENTS :

Transcript of court proceedings. Box 43.

[R] - ITEM IS RESTRICTED

002915

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,
AFTERNOON, FEBRUARY 12, 1969

Charles A. Neyrey,
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

After the recess from 2:50 o'clock p.m.
to 3:10 o'clock p.m., the following
took place:

P R O C E E D I N G S

THE COURT:

Is the State and Defense ready? I
believe the witness has been
tendered.

MR. ALCOCK:

Yes, Your Honor.

CROSS-EXAMINATION

BY MR. WILLIAM WEGMANN:

Q Now, Mr. Sciambra, for the record, you are
the same Andrew Sciambra who has been
participating in this case as an
Assistant District Attorney, is that
right?

A That is correct.

Q You have examined witnesses and have ex-
amined prospective jurors?

A I have.

Q And you are at this time presently an
Assistant District Attorney?

A I am.

Q And you are still actively engaged in the

trial of this case?

2 A I am.

3 Q And you were present in the courtroom
4 during the entire time that Perry
5 Raymond Russo testified?

6 A I was.

7 Q And you are privy to the district at-
8 torney's entire file?

9 A I am.

10 Q Mr. Sciambra, you testified I believe, and
11 correct me if I am wrong, that on
12 February 25, 1967, you interviewed
13 Russo in Baton Rouge?

14 A That is correct.

15 Q Now when did you begin to prepare your
16 memorandum?

17 A On the morning of February 27.

18 Q And that was a Monday morning?

19 A That was a Monday morning, correct.

20 Q What date did you completely complete the
21 memorandum by dictation to the steno-
22 grapher?

23 A I cannot give you the exact date but any-
24 where from seven to ten days later.

25 MR. DYMOND:

That is a 1967 calendar.

BY MR. WEGMANN:

3 Q Now I hand you a 1967 calendar and direct
4 your attention to the latter part of
5 February and first part of March,
6 1967 and can you state the day of the
7 week in which you finally completed
8 your memorandum?

9 A I cannot state the exact date of the week
10 because I can't give you the exact
11 time it took me to finish it. I can
12 say it took me anywhere from seven to
13 ten days and that is an approximate
14 figure.

15 Q What would be the date of the seventh day?

16 A The day of the seventh day?

17 Q Would be March what?

18 A March 4.

19 Q Monday, March 4, is that right?

20 A It is Saturday, March 4.

21 Q In other words it may have been completed
22 on Saturday, March 4?

23 A Possibly.

24 Q Would you and your secretaries have worked
25 to complete the statement on Saturday?

1 A At that time we did and frequently on
2 Saturday -- matter of fact we still
3 do.

4 Q What would be the outside date that the
5 memorandum was completed?

6 A Outside date, I would say somewhere around
7 March 7 which is within seven to ten
8 days, a seven to ten day-span.

9 Q What day of the week was that?

10 A That would have been a Tuesday.

11 Q When the report was completed, Mr. Sciambra,
12 what did you do with it?

13 A When the report was completed I just fin-
14 ished dictating it and went on to
15 other things, left it to the secre-
16 tary to type it up whenever they'd
17 get a chance to.

18 Q When was the report physically delivered
19 to you typed as it appears in this
20 record?

21 A I don't remember.

22 Q Was it more than seven to ten days?

23 A It could have been.

24 Q It wasn't less than seven to ten days?

25 A I doubt if it was less than.

Q When the secretary completed the physical
2 typing of it, what did she do with
3 it?

4 MR. ALCOCK:

5 I object unless he knows of his own
6 knowledge.

7 THE COURT:

8 If you know, Mr. Sciambra.

9 A I could give you the procedure, the stand-
10 ard procedure in the office.

11 BY MR. WEGMANN:

12 Q I will be more specific, Mr. Sciambra:
13 Was the report delivered to you or
14 delivered to Mr. Garrison?

15 A It was delivered to both of us.

16 Q At the same time?

17 A I can't tell you that. I did receive a
18 copy eventually of the report.

19 Q And you can't give us the approximate date
20 when you received the completed re-
21 port?

22 A I cannot.

23 Q Did you personally deliver a copy to
24 Garrison?

25 A No, I did not.

Q Do you know who did?

2 A Of my own knowledge, no.

3 Q Now is it possible that you delivered the
4 memorandum to Garrison at the NOAC,
5 the New Orleans Athletic Club?

6 A I didn't.

7 MR. ALCOCK:

8 I object as I believe the witness
9 said he did not deliver it.

10 BY MR. WEGMANN:

11 Q Did you direct anyone to deliver a copy
12 to Garrison?

13 A No, I did not.

14 Q How do you know Garrison got a copy or is
15 it merely an assumption on your part?

16 A Later on I found out he read it so I assume
17 he got a copy.

18 Q When did you find out he read it?

19 A I can't give you the exact date.

20 Q Approximately how long after it was dic-
21 tated.

22 A I have no idea.

23 Q Was it before or after the preliminary
24 hearing?

25 MR. ALCOCK:

I object, Your Honor, as he answered
he had no idea.

MR. SCIAMBRA:

I can give you an idea.

THE COURT:

Would you approximate it, Mr.
Sciambra?

THE WITNESS:

If I could explain this perhaps it
would straighten it out as re-
gards the memorandum.

BY MR. WEGMANN:

Q You stated this morning you made a verbal
report to Garrison on the interview
of Russo on February 25.

A That is correct.

Q When did you make this verbal report?

A As soon as I left Perry's apartment in
Baton Rouge.

Q You made it via long distance telephone?

A No, I got in the car and drove to
Garrison's house.

Q Who was present?

A Just me and Jim Garrison, perhaps his wife
was home. I don't remember.

Reference copy. Not correct.

RELEASED UNDER E.O. 13526 (JFK ACT)
NARA DATE 10/15/83

1 Q Other than the immediate family were there
2 any newspaper reporters present?

3 A No, nobody at all.

4 Q Now, Mr. Sciambra, you took notes, is that
5 correct?

6 A I did.

7 Q Where are those notes today?

8 A Those notes were burned.

9 Q When did you burn those notes?

10 A Sometime after I completed the memorandum.

11 Q How long after?

12 A Very shortly, shortly and may I explain
13 why I burned my notes?

14 THE COURT:

15 You have a perfect right to explain.

16 A Ever since this case began we have had
17 tremendous problems in the District
18 Attorney's office trying to keep
19 information from flowing out of the
20 district attorney's office to others.
21 Not too long ago a person who works
22 for a national news magazine and
23 a person who is a witness for the
24 Defense showed up in Clinton and
25 Jackson, Louisiana with a certain

list of our witnesses trying to see just what they would testify to in this trial.

One of the persons noticed them and that is the reason we burned them now and the reason why many people in the district attorney's office burn their notes. We have been trying very unsuccessfully to prevent this information from getting in the hands of others.

BY MR. WEGMANN:

Q And hasn't it been a practice from Mr. Garrison's control of the office to show your files and other information to the news media?

A Absolutely not, not me.

Q Don't you know, Mr. Sciambra, that the Sciambra Report was shown to James Phelan by Mr. Garrison?

A Yes, I do know that.

Q Isn't it also a fact that there was a meeting at Mr. Garrison's home at which you were present, Mr. William Gervich and Mr. Jim Phelan was present

2 and also Mr. Garrison, where it was
3 discussed in great detail the omis-
4 sion in your report of the so-called
"third meeting"?

5 A That is exactly right. There was a meet-
6 ing there and at that time I explained
7 to Jim Phelan and I have also ex-
8 plained to this Court that even though
9 the second memorandum, that Phelan
10 insisted was the first memorandum, was
11 incomplete; it properly reflected
12 everything Perry told me in Baton
13 Rouge except the meeting in Ferrie's
14 apartment with Clem Bertrand, Lee
15 Oswald --

16 Q Let me ask you this: When you went to
17 Baton Rouge what crime were you in-
18 vestigating?

19 A Investigating a conspiracy -- at that
20 time nobody had been charged. We
21 were investigating the Kennedy as-
22 sasination.

23 Q Can you show me anywhere in the Sciambra
24 Memorandum where there is any state-
25 ment by you in your seven-page

Reference copy, 11-11-63

memorandum with reference to the
assassination of Kennedy?

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A Indirectly on page 5, just to point out
one thing, -- "Russo said that, that
in the summer -- Russo said --,
Russo said that during the summer of
'63 Ferrie became obsessed with the
idea that an assassination could be
carried out in the United States very
easily if the proper amount of plan-
ning was made. Every time Russo
talked to Ferrie he told him more and
more about how he was the kind of
person who could successfully plan an
assassination. Russo said that he
never referred directly to J. F. K.
and always used the President of
Mexico or President Eisenhower as an
example" --

There is an indirect reference to the
assassination of Kennedy and also
when he mentions availability of
escape, and also when he mentions
about triangulation of cross-fire.

Q Where does it say triangulation of

cross-fire?

2 A It is not in this memorandum.

3 Q Excuse me?

4 A It is not in this memorandum but another
5 thing we discussed that was omitted
6 from this memorandum.

7 Q In other words you went to Baton Rouge to
8 investigate the assassination of the
9 President but there's only an indi-
10 rect reference to Kennedy --

11 A Well --

12 Q Let me finish my question and you now
13 mention cross-fire and you mention
14 the possibility of exits of escape
15 and where in this memorandum is there
16 anything about exits?

17 A Let me explain my frame of mind.

18 Q Answer the question first and then you can
19 explain.

20 A In regard to exits?

21 Q Yes, sir.

22 A "Ferrie said --" this is on page 5 --

23 "The whole key to a successful assas-
24 sination would be the availability of
25 exit and the use of the mass

Reference copy, 5/11/68

confusion that would result from
such a plot."

Now let me further explain my answer.

Q Go on.

A When I went up to interview Perry Russo
in Baton Rouge at that particular
time I had read, heard, knew, of an
interview that Perry had given to
I believe a Baton Rouge reporter by
the name of Bankston or Cranston.
The article appeared in the Times-
Picayune and also appeared in the
Baton Rouge paper, so even before I
talked to Perry I certainly was aware
of the content of what he had to say
because of what I had seen in the
newspaper article and that Perry was
referring to the assassination of
President Kennedy, and Perry had
brought out in the interview, and in
that sense I was perfectly aware that
Perry was discussing the assassina-
tion of President John Kennedy.

Q So as I understand it when you went to
Baton Rouge you had prepared yourself

or brought yourself up to date by reading Bankston's article in the Times-Picayune?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A When I went to Baton Rouge I was concerned -- I was the most surprised guy in the world when Perry picked out the picture of Clay Shaw and identified him as Clem Bertrand and when he picked out the picture of Lee Harvey Oswald.

Q And the conspiracy' meeting involving Dave Ferrie?

A Definitely.

Q And still is it a fact that you went up there and prepared yourself by reading Bankston's article?

A That is correct.

Q And is it a fact that you came back from Baton Rouge and yet that conspiracy meeting is not mentioned in your detailed seven-page memorandum?

A That is because this conspiracy meeting was taken care of in my first memorandum, which was the sodium pentathol memorandum and not this one which is

Reference Copy

my second memorandum, and which I considered secondary and peripheral to the most important thing that Perry told me in Baton Rouge, which was the meeting between Clem Bertrand, Leon Oswald and Dave Ferrie.

3
4
5
6
7 Q My question is that there is nothing in
8 this memorandum, is there, about the
9 third meeting?

10 A As I said before --

11 Q Answer yes or no and then explain.

12 A You are correct, and this memorandum which
13 is not the first memorandum but the
14 -- was a secondary memorandum and I
15 was not as concerned about this at
16 this time as I was about the first
17 memorandum which had already been
18 tested successfully under sodium
19 pentathol.

20 Q You are telling us that this memorandum
21 does not contain a true content of
22 your conversation with Russo on
23 February 25?

24 A I am telling you this memorandum does not
25 contain a complete transaction or a

word by word description of the discussion between Perry and me. It is incomplete, inaccurate, there are omissions and I think I have a good reason for it.

4
5
6 Q In other words you admit that the memorandum
7 is full of omissions, full of
8 inaccuracies and is full of errors?

9 A Definitely.

10 Q When Sciambra you were shown earlier by
11 Mr. Alcock an exhibit identified as
12 S-1 --

13 A And which exhibit is that? Can I see S-1?

14 Q I don't have it now but while they're
15 looking for that, Mr. Sciambra, as
16 an attorney and practicing criminal
17 attorney, don't you know that a
18 sodium pentathol memorandum would
19 have been inadmissible whereas a mem-
20 orandum you prepared on February 27
21 was admissible?

22 A I didn't think about it.

23 Q You didn't give it any concern?

24 A I didn't. I did it because I was in-
25 structed to do it.

Q I show you a drawing marked S-1, as is
identified now, and you testified this
3 morning before lunch that Russo iden-
4 tified that picture in Baton Rouge?

5 A That is correct.

6 Q Is that the identical picture?

7 A I don't know if it's the identical one but
8 it is a picture of Lee Harvey Oswald
9 and he did identify a picture of
10 Oswald.

11 Q You don't know if that is the picture or
12 not?

13 A If it was introduced it was.

14 Q Isn't it true that Russo only identified
15 one side of the picture?

16 A I really don't remember.

17 Q You don't have any recollection?

18 A I don't have any recollection.

19 Q Did you show him Russo's picture indivi-
20 dually?

21 A No.

22 Q Or as a general picture?

23 A All I know is he saw the picture of Lee
24 Harvey Oswald and picked it out.

25 Q You testified earlier about bringing in

Reference copy, see 100-100000

1 James Phelan subsequently, after the
2 memorandum was submitted to Mr.
3 Garrison, came to you and asked you
4 for those notes?

5 A That is exactly right and I went to look
6 for them and couldn't find them
7 there.

8 Q There weren't any leaks in the district
9 attorney's office that time?

10 A We always had leaks in the District
11 Attorney's office.

12 Q From the very inception?

13 A From the inception.

14 Q If you knew you had burned them why did
15 you go look for them?

16 A I wanted to see if -- the main reason is
17 I wanted to see that I had done it.

18 Q How many pages of notes?

19 A I would imagine I took two and a half to
20 three pages of notes.

21 Q Legal-sized paper?

22 A Right.

23 Q On regular legal paper?

24 A Yes, correct.

25 Q Isn't it a fact your memorandum contains

extensive memorandums as to phone numbers and addresses?

A He does have some phone numbers and some addresses.

Q And isn't it a fact on occasion in your memorandum you have properly spelled such names as Kershenstine and Landry and --

A That is the purpose for putting them on the legal pad.

Q And at least that part of the memorandum is correct?

A That is correct.

Q Were there any names omitted that Russo mentioned to you?

A Not that I can remember.

Q Now, Mr. Sciambra, on your Direct Examination you made reference to Item No. 7 which according to my numbers is found on the bottom of Page 3 that was admitted -- look there --

A The bottom of Page 3?

Q The bottom of Page 3, "He also admitted to Russo for the first time that he was a homosexual and he wanted to

1 know if Russo would be willing to
2 take the drug."

3 A Unh-hunh.

4 Q As I understand your testimony that is
5 not what Russo told you?

6 A Can I tell you exactly how it happened?

7 Q Answer my question and then you can ex-
8 plain. Is it not there?

9 A That is not what Russo said specifically
10 word for word but that is my appre-
11 ciation, my own words of what Perry
12 did tell me.

13 Q Did Perry tell you Ferrie was a homosex-
14 ual?

15 A Perry told me he knew Ferrie was a homo-
16 sexual.

17 Q Isn't that what the statement says?

18 A The statement does say that but Perry
19 said that Ferrie did not tell him
20 that.

21 Q So we are splitting hairs?

22 A You are splitting hairs.

23 Q Let me ask you this, Mr. Sciambra: What
24 explanation do you have for the fact
25 that today you have a specific

Reference copy, JFK Collection: NSA (NO 100-100000)

Reference copy, JFK Collection: HSCA (RG 233)

1 recollection as to specific items --
2 for instance that took place over
3 two years ago whereas within seven
4 days after the time it happened you
5 apparently were filled with inaccur-
6 acies?

7 A Because I sat down and heard Perry explain
8 it.

9 Q Now it is your testimony now based upon
10 what Mr. Russo had to say in the last
11 two days?

12 A I think I listened to Perry's testimony
13 and it brought back a lot of things
14 that happened.

15 Q Isn't it a fact that since the time that
16 Mr. Russo appeared on the scene he
17 has been your responsibility?

18 A He has not been my responsibility.

19 Q Haven't you seen him on a regular basis?

20 A I have not seen Perry on a regular basis.
21 As a matter of fact no one particular
22 individual is my responsibility.
23 There are about four or five people
24 assigned to this investigation and
25 no one can take the time out to have

Reference copy, JFK Collection: HSCA (RG 233)

1 any one person under him because
2 there is too many things to do, too
3 many people to see and too many
4 people to talk to.

5 Q Have you had any other assignment since
6 February of '67 other than this
7 assignment?

8 MR. ALCOCK:

9 Read the question and don't answer
10 it yet.

11 (Whereupon the last propounded question
12 was read back by the Reporter.)

13 THE COURT:

14 You are assuming he did have an
15 assignment.

16 BY MR. WEGMANN:

17 Q Have you any other assignments besides
18 the assassination probe?

19 A At the present time?

20 Q You, yes.

21 A You mean since I began on the case -- oh,
22 I see, I know what you mean, no, no.

23 Q Your answer is no?

24 A I have been working primarily on the inves-
25 tigation of the assassination.

Reference copy, JFK Collection: HSCA (RG 233)

1 Q That was probably true in February and
2 March '67 when the statement was
3 made?

4 A Right.

5 Q Now I direct your attention to what I
6 call Item No. 14 which is found on
7 Page 4 of the memorandum right about
8 a quarter of the way up from the
9 bottom. I will read it to you be-
10 cause I don't believe we have the
11 same memorandums, but it's my Item
12 14.

13 "Ferrie told Russo that he had tried the
14 aphrodisiac drug --" you find that?

15 A Right.

16 Q Where it says, "Ferrie told Russo that he
17 had tried the aphrodisiac drug on
18 his roommate and it worked perfectly.
19 He said that he and his roommate laid
20 in bed naked and he gave the drug to
21 his roommate and his roommate became
22 very passionate and aggressive and
23 had intercourse with Ferrie."

24 A Correct.

25 Q My question is did Russo use the word

1 "intercourse" with you?

2 A As I said before --

3 Q Answer yes or no and then you can explain.

4 A I can't remember, can't remember specifi-
5 cally and I would like to explain why
6 I can't remember.

7 Q Go ahead.

8 A I remember specifically Perry telling me
9 that Ferrie had the aphrodisiac drug
10 and had given it to his roommate and
11 that they had laid in bed and that
12 Leon became very passionate and
13 whether or not Perry used the word
14 or whether I assumed that, I can't
15 answer and that is the reason why
16 "intercourse" is in the memorandum.

17 Q As I understand, this is your language?

18 A This is completely my interpretation, my
19 own words of what Perry told me.

20 Q Do you usually put assumptions in your
21 report to the District Attorney?

22 A Sometimes, yes.

23 Q And without identifying them as assump-
24 tions?

25 A Sometimes, yes.

Reference copy, JFK Collection: BSCA (RG 233)

- 1 Q Routinely or as regular procedure?
- 2 A I don't know what is regular procedure
3 and again we are splitting words.
- 4 Q Do you state your assumptions as facts as
5 you did in this particular memorandum?
- 6 A I said my assumptions what they are and
7 I use them to explain it in the
8 memorandum.
- 9 Q Is there any way by reading your memoran-
10 dum that we can distinguish the facts
11 from the assumptions?
- 12 A Sometimes but not all the time.
- 13 Q How would you do that?
- 14 A The memorandum states assumption and states
15 facts.
- 16 Q No one would know?
- 17 A No but as each situation has come up I
18 would be able, I would be able to
19 explain it.
- 20 Q Directing your attention to No. 20 which
21 is on Page 6 and which deals with
22 the time he called his "brother
23 Steve" over to look at Arcacha's
24 picture and asked him if that face
25 was familiar and where his brother

Reference copy, JFK Collection: BSCA (RG 233)

Reference copy, JFK Collection: HSCA (RG 233)

1 Steve said "Yes, it looks like the
2 guy in the film." Is that in your
3 words also?

4 A No.

5 Q Which part are you referring to, the
6 word "brother"?

7 A Perry did introduce me to Steve as a
8 brother or half-brother.

9 Q He introduced you to him as a brother or
10 half-brother and was Steve actually
11 in Baton Rouge?

12 A Definitely.

13 Q And the first time you heard the expres-
14 sion "soul brother" was when Russo
15 testified here?

16 A Right.

17 Q I notice various parts in your memorandum,
18 Mr. Sciambra, where you have certain
19 statements like No. 19 where it says
20 "Do you know or recognize any of
21 these people?"

22 A Wait a minute so I can find that.

23 Q It's halfway down on Page 6 about Arcacha
24 Smith.

25 A Okay.

Reference copy, JFK Collection: HSCA (RG 233)

1 Q I notice you have that in quotation marks
2 and was that a true quote from Russo
3 or rather a true quote by you from
4 your notes?

5 A I don't know if it's word by word but the
6 essence is correct and I showed him
7 pictures and asked him if he recog-
8 nized any of the people in the
9 pictures. The essence is correct.

10 Q The essence is correct?

11 A I don't know if do you know or recognize
12 any of these people but that is the
13 essence of what I would say to any-
14 body when I would show them a pic-
15 ture, do you know or recognize any
16 of these people.

17 Q Well why did you put it in quotes?

18 A Because those would be my words.

19 Q Further down where he said "It looks like
20 a guy in the film," is that a true
21 quote from Russo -- that's two lines
22 down?

23 A That's right.

24 Q Is that fact or assumption?

25 A Where is that -- two lines down?

1 Q Then he called his Brother Steve over to
2 look --

3 A Yes.

4 Q -- and he said, "Yes, it looks like the
5 guy in the film"?

6 A That is what Steve said, right. Right
7 before that it says Steve said in
8 his own words "Yes, it looks like the
9 guy in the film."

10 Q You are reading a quote in your words at
11 that particular time when you were
12 dictating this particular portion of
13 the memorandum?

14 A I was writing notes on that day, and I
15 was writing quotes and it just de-
16 pended that particular day in what
17 was involved.

18 Q I am talking about when you were writing
19 these notes?

20 A Writing notes?

21 Q In Baton Rouge, Louisiana, did you take
22 down quotes from Russo?

23 A I don't know if I would go through the
24 trouble of opening quotes and closing
25 quotes when I was taking those notes.

Reference copy, JFK Collection: ESCA (RG 233)

Reference copy, JFK Collection: HSCA (No 433)

1 Q I will take you now down to my Item 23
2 which is at the bottom of Page 6,
3 where he said "The only thing that
4 doesn't make him stand up and say he
5 is sure beyond the shadow of any
6 doubt is the fact that the roommate
7 was always so cruddy and had a bushy
8 beard."

9 A I don't see that -- I see it now.

10 Q Is that Russo's words to you?

11 A I can't tell you exactly if that was
12 Perry's words to me or not because
13 it is my interpretation of what
14 Perry told me when he said he would
15 like to see Oswald in the same condi-
16 tion he was in in Ferrie's apartment,
17 namely messed up hair, three or four
18 day growth of beard, and dirty look-
19 ing like a beatnick.

20 Q In Baton Rouge there was a doubt in
21 Russo's mind as to the identity of
22 Oswald?

23 A No, sir, not a doubt in Russo's mind as
24 to identifying Oswald but only a doubt,
25 not a doubt but only a desire on

1 Russo's part to see Oswald in the
2 same physical condition, never a
3 doubt in the identification; he was
4 always positive.

5 Q Why do you use the words in your memoran-
6 dum, "Beyond the shadow of any
7 doubt," these are your words?

8 A Right, because at that time --

9 Q Is your interpretation?

10 A It is my interpretation on what Perry was
11 saying.

12 Q That it is your interpretation of what
13 Russo told you?

14 A Okay, fine.

15 Q Now it is also your interpretation of
16 what Russo told you that "He was
17 always cruddy and had a bushy beard."

18 Did Russo use the word "bushy"?

19 A I don't know if Russo used the word
20 "bushy" or not. I am inclined that
21 he didn't. He described Oswald as
22 having a three or four day growth
23 and it was in between that. That
24 was one of the problems in trying to
25 get a picture to look like that with

Reference copy, JFK Collection: HSCA (RG 233)

1 a three or four day growth.

2 Q Have you ever seen a bushy beard only

3 three or four days old?

4 A It would depend, it would depend on the

5 individual. Some would grow a three

6 or four days growth and have a bushy

7 beard and some can grow 'em for three

8 or four weeks and you would not

9 describe it as such.

10 Q Let's go to the item at the very end where

11 you talk about hypnosis and do I

12 understand that you disagree with

13 Russo when he says this is an error

14 where you say he says he had been

15 hypnotized and he said that he never

16 had been hypnotized?

17 A Russo said yesterday he never had been

18 hypnotized?

19 Q Yes.

20 A What is your question?

21 Q I'm asking you "He states he had been

22 hypnotized like this before and it

23 had helped him to recall and that he

24 would be glad to do it for us."

25 Is that what Perry told you or is

Reference copy, JFK Collection: BSCA (RG 233)

Reference copy, JFK Collection: HSCA (NO 433)

1 this an assumption?

2 A It is my interpretation of what Perry

3 told me.

4 Q Well tell us what Perry told you.

5 A Perry told me that Dave Ferrie and some-

6 one else, I forget his name, had

7 attempted to hypnotize him and it

8 was or there was a difference be-

9 tween Ferrie and Perry as to whether

10 or not Ferrie and the other guy had

11 actually accomplished it by putting

12 him under hypnosis. He said he did

13 not and Ferrie said he was of the

14 opinion he had and this was my

15 interpretation of that conversation.

16 Q Mr. Sciambra, you were satisfied with

17 Ferrie's interpretation rather than

18 Russo's?

19 A On that particular item?

20 Q Yes.

21 A Evidently I did.

22 Q Now did you ever have a conversation with

23 Ferrie?

24 A Dave Ferrie?

25 Q Yes.

Reference copy, JFK Collection: BSCA (RG 233)

1 A Which time?

2 Q Any time.

3 A I met Dave Ferrie two or three times out
4 on the Lakefront Airport when I was
5 in Law School.

6 Q Was Dave Ferrie alive February 25?

7 A Was Dave Ferrie alive February 25?

8 Q Yes.

9 A If I'm not mistaken Dave Ferrie died
10 February 22.

11 Q He wasn't in Baton Rouge and you were
12 reporting only what Russo told you
13 and your interpretation?

14 A That is correct.

15 Q Have you ever taped an interview with
16 Perry Russo?

17 A No, I never did.

18 Q Does the District Attorney's office own
19 tape recording equipment?

20 A They own it but you've got to realize at
21 that time we had three or four --
22 the District Attorney's office owns
23 big tape recorders and certainly it
24 would be unreasonable to have to carry
25 them around. As you well know,

1 Mr. Wegmann, you talk to a lot of
2 people and you don't record it. We
3 have a couple of small ones but at
4 that particular time I believe there
5 -- they were out and in addition I
6 was called from home and wasn't pre-
7 pared and if Garrison hadn't called
8 me at 8:00 o'clock in the morning I
9 certainly wouldn't have gone.

10 Q You stated in April or May of '67 that
11 James Phelan got your permission or
12 Russo told you that Phelan was going
13 to talk to him.

14 A Russo told me that Phelan did.

15 Q Isn't --

16 A I called Perry and told him that Phelan
17 wanted to talk to him and I set the
18 whole thing up.

19 Q Wasn't that in March?

20 A In March.

21 Q I am talking about May.

22 A May in Perry's apartment on St. Philip?

23 Q Yes.

24 A Yes, Perry called Phelan and said that and
25 I said let me first check with

1 Garrison and as a result of my check-
2 ing with Garrison we let Phelan go
3 over there, let him go over there
4 and see how far he would go and let
5 us tape the conversation and that is
6 what we did.

7 Q Mr. Sciambra, let's go back to the meet-
8 ing that took place between you,
9 James Phelan, Jim Garrison and Bill
10 Gervich at Mr. Garrison's home.

11 A Okay.

12 Q Isn't it a fact that there was a discus-
13 sion between you and Phelan as to
14 whether or not the third meeting was
15 contained in the memorandum and isn't
16 it a fact at that time that you and
17 Phelan disagreed and that he said --

18 MR. ALCOCK:

19 I object to what Mr. Phelan said. We
20 have gotten into an awful lot of
21 hearsay here.

22 THE COURT:

23 Rephrase the question.

24 BY MR. WEGMANN:

25 Q Isn't it a fact that Mr. Phelan offered to

Reference copy, JFK Collection: HSCA (NO 437)

1 make you a bet that it was not in the
2 memorandum and you insisted it was
3 in the memorandum?

4 A In --

5 MR. ALCOCK:

6 My objection is hearsay.

7 THE COURT:

8 I will permit it.

9 A I don't know anything about a bet offered
10 by Phelan. There was a dispute be-
11 tween Phelan and myself as to whether
12 Perry told me during the first inter-
13 view, and I told James Phelan that
14 Perry did tell me this in Baton
15 Rouge and if he didn't believe it or
16 had any questions I would be per-
17 fectly willing to call up Perry and
18 arrange an interview and he could go
19 up there and talk to Perry all he
20 wanted to.

21 Q Did you talk to Perry before Phelan got
22 to Baton Rouge?

23 A I called Perry and told him that Phelan
24 wanted to talk to him and to ask him
25 questions and to tell me anything he

1 wanted to know.

2 Q Was this before or after the preliminary
3 hearing?

4 A It was after the preliminary hearing of
5 March 21.

6 Q Going back to your memorandum, Mr.
7 Sciabra, on Page 6 --

8 A Okay.

9 Q -- what I call discrepancy No. 21 --

10 A Okay.

11 Q -- the next picture he identified was that
12 of Clay Shaw?

13 A That is right.

14 Q He said that he saw this man twice. The
15 first time was when he pulled into
16 Ferrie's service station to get his
17 car fixed?

18 A That is correct.

19 Q And he said Shaw was the person who was
20 sitting in the compact car talking
21 with Ferrie?

22 A Yes.

23 Q And he remembers seeing him again at the
24 Nashville Street Wharf when he went
25 to see J. F. K. speak?

Reference copy, JFK Collection: HSCA (NO 111)

1 A Right.

2 Q But he recollects nothing about meeting
3 him at Ferrie's house?

4 A That is an omission by me.

5 Q But there is nothing in this memorandum
6 about a third meeting?

7 A That is correct.

8 Q Why didn't you in this memorandum say that
9 he saw him three times and ennumerate
10 the third meeting?

11 A Because it was an error on my part. I
12 was not really concerned, as I said
13 before, not really concerned of the
14 information in the second memorandum.
15 I considered this a memorandum of
16 record and not information and the
17 information in this record I con-
18 sidered to be secondary and peripher-
19 al to the information I dictated in
20 the first memorandum which contains
21 the full account of the meeting that
22 took place in Ferrie's apartment
23 between Shaw, Oswald and Ferrie.
24 I made this memorandum to begin with
25 because there were some names we were

1 going to check out at a later date.

2 Q And it is a seven-page memorandum, six
3 and a quarter pages?

4 A Right.

5 Q Let me ask you this: When Phelan talked
6 to you at Garrison's house, isn't it
7 a fact you insisted to Phelan it was
8 in the memorandum and Phelan told you
9 that you didn't know what in the
10 world you were talking about?

11 A I insisted to Phelan that Perry told me
12 this in the first interview.

13 Q Answer the question.

14 A The answer is no and I gave you the ex-
15 planation.

16 Q Do you deny that Mr. Phelan offered to
17 quit his job with the Saturday Evening
18 Post if you would quit yours with the
19 District Attorney if it wasn't in
20 that memorandum?

21 A I never denied anything.

22 Q You mean he never offered anything?

23 A That is exactly right.

24 Q You told, you told Russo to lead Phelan
25 on in May or June '67?

Reference copy, JFK Collection: HSCA (RG 233)

1 A That is right and can I give you my rea-
2 son?

3 Q Can you say yes or no?

4 A At that particular time we didn't think
5 an out-of-State Journalist, we con-
6 sidered at very best as a journalis-
7 tic prostitute, should come into
8 this State and try to hurt our case
9 by trying to influence our case by
10 showing him a picture of Guy Bannis-
11 ter.

12 Q You've finished your explanation?

13 A By showing Perry a picture of Guy
14 Bannister, which he later did and
15 telling him it was Bannister and not
16 Shaw and telling Perry he would be
17 the patsy if Shaw were not convicted;
18 that Perry would be on the edge of
19 the limb and Garrison would go and
20 get him; and also told Perry he should
21 visit an attorney, a \$200,000.00 a
22 year attorney that they had and that
23 he or Shaw would take care of the
24 expenses.

25 Q Isn't this the same James Phelan that in

Reference copy, JFK Collection: HSCA (RG 233)

1 March you arranged for Russo to meet
2 himself without any representative
3 of the DA's office being present,
4 without anybody being bugged, yet
5 this is the same man you told Russo
6 to talk to in Baton Rouge?

7 A I was merely telling him --

8 Q But by May he had become a prostitute?

9 A That is right because of his inability to
10 objectively report what he should.
11 That is why he became a prostitute.

12 Q In the same month of June '67 Russo gave
13 a statement to Sergeant O'Donnell.
14 Did you tell Russo to lead O'Donnell
15 on?

16 A No, I didn't.

17 Q Do you know who I'm talking about when I
18 say O'Donnell?

19 A Sure did.

20 Q You arranged the meeting?

21 A I don't know if I arranged it.

22 Q Did O'Donnell report back to you?

23 A No, he didn't.

24 Q Did you read O'Donnell's report?

25 A You mean the report of the interview?

Reference copy, see page 44

Q Yes.

A Of the sodium pentathol?

Q The report of O'Donnell made in June of
'67 to the District Attorney's office.

A I didn't read it word for word but I had
the memorandum that O'Donnell had
given a copy to Jim Garrison.

Q You are not saying that O'Donnell is a
prostitute?

A Definitely not. I think he misinterpre-
ted Perry's words though.

Q You said that Phelan was a prostitute and
for not have "objectively" reported
it?

A That was obvious.

Q What did he find -- do you feel you ob-
jectively reported what Russo told
you on February 25 in Baton Rouge?

A I reported it to the best of my ability.
That would make me a sloppy memorand-
um writer but it doesn't make me a
prostitute.

Q What?

A Some twenty-six inaccuracies, twenty-six
inconsistencies, differences between

1 my interpretation and Perry's words.

2 Q How many omissions?

3 A It had some omissions but the obvious
4 omission was the fact I did not re-
5 port in that memorandum that Perry
6 had told me about meeting in Ferrie's
7 apartment between Shaw, Ferrie and
8 Oswald and that was the big omission
9 and that I pointed out.

10 Q He used the word "Shaw" in Baton Rouge?

11 A No, he didn't. He has always identified
12 Clay Shaw as Clem Bertrand. Even
13 today he identifies Clay Shaw as
14 Clem Bertrand.

15 MR. WEGMANN:

16 That is all the questions I have.

17 MR. ALCOCK:

18 No further questions.

19

20 ...oOo...

21

22

23

24

25

Reference copy, JFK Collection: HSCA (RG 233)