

Asst. D.A. Witness In Clay Shaw Case

NEW ORLEANS (AP) — An assistant prosecutor became a witness today at Clay Shaw's conspiracy trial as the state again moved to explain omissions and errors in the "Sciambra memorandum."

Andrew J. Sciambra, a trim, dark assistant district attorney who was a boxer in college, testified his report was "hastily done, incomplete, with errors in it, omissions in it, and does not reflect all that Perry Russo told me."

Sciambra wrote his 3,500-word memorandum to Dist. Atty. Jim Garrison after the first official interview of Russo, the star state witness.

Russo, a 27-year-old New Orleans book salesman, testified he attended a party at David W. Ferrie's apartment in September 1963 and overheard Shaw, Ferrie and Lee Harvey Oswald plotting to assassinate President John F. Kennedy.

However, none of this appeared in Sciambra's memorandum — which developed into a major point for those skeptical of Garrison's probe.

Sciambra said he didn't make notes during the Feb. 25, 1967, talk with Russo and was constantly interrupted while dictating it after the meeting.

Russo, in his testimony, agreed he was befuddled at times — but remained 100 per cent sure he heard the assassination plotting.

He insisted that his expressions of grave doubts made to various people before the trial started were due to enormous mental pressures generated by the case — which Garrison claims will prove the Warren Commission wrong.

"I would like to be 1,000 per cent sure," said Russo. "But 1,000 per cent is something you can never really reach. Does that make sense?"

"No," said defense lawyer F. Irvin Dymond.

"Then why keep pursuing it?" snapped Asst. Dist. Atty. James L. Alcock.

But Dymond concentrated to the end on whether Russo had, as he once put it, lost the ability to distinguish "fact from fantasy."

Russo, ending nearly 10 hours on the stand, stepped down yesterday.

Criminal Dist. Court Judge Edward A. Haggerty, who has

described the trial as just another job of legal umpiring, promptly ran into a major problem.

Could a dead man's testimony, given at Shaw's preliminary hearing, be read to the jury hearing the charge that he conspired with Lee Harvey Oswald and David W. Ferrie to murder Kennedy?

Alcock said Louisiana law permits it. Dymond said there was "no case in the history of our jurisprudence where such testimony was allowed in court."

Haggerty, a square faced Irishman with a mane of white hair, first ruled for Alcock. Then he changed his mind and ordered both sides to prepare arguments on the issue.

After hearing 30 minutes of argument this morning, Judge Haggerty ruled: "I will permit it." He said the testimony was allowed on the state's plea that it was needed to show Russo was sane at the time he was questioned.

The prosecution said the testimony was needed because the defense had raised the question of Russo's sanity when it queried him about his 18 months of treatment by a psychiatrist.

In his long cross examination, Dymond bore down hard on statements Russo made to police Sgt. Edward O'Donnell during an interview after a June, 1967, lie detector test.

Before the test, Russo had told the preliminary hearing he was at a party at Ferrie's apartment in September of 1963 and overheard the plotters.

"Do you deny that when you were asked if Clay Shaw was at the party, you replied, 'Do you want to know the truth? I don't know if he was there or not?'" asked Dymond.

A—With some explanation, yes. At that time so many people were pressuring . . . it was getting hard for me to tell if he was there or if he wasn't.

Q—But you did tell him it was hard to tell if Shaw was there or not?

A—After explaining, yes.

Q—Did you tell Sgt. O'Donnell that if you had to give a yes or no answer as to whether Shaw was at the party, you would have to say no?

A—Probably not in those exact words but in essence, yes.