Dr. Fatter Testifies On Hypnosis Use

Dr. Esmond A. Fatter, a private practitioner, followed Orleans Parish Coroner Nicholas J. Chetta to the witness stand in the Clay L. Shaw preliminary hearing in Criminal Court.

The questioning was begun by assistant district attorney Alvin V. Oser:

Dr. Fatter identified himself as a medical doctor, a family doctor in general practice with offices at 3330 Canal.

OSER ASKED HIM IF HE USED hypnosis in the course of his practice. He answered yes.

Q. Have you been qualified as an expert?

The witness said yes, that he had lectured in hypnosis in seminars in Chicago and had been a faculty member of a Chicago institution, The Educational and Research Foundation of Clinical Hypnosis.

He said he took his formal training in 1958 and has been using hypnosis as a medical adjunct since that time.

DR. FATTER SAID HE HAD hypnotized hundreds of persons, had been a guest lecturer at the Loyola Dental School, at Louisiana State University Medical School and at state medical society meetings in Louisiana and Texas and before medical societies in several parishes in the state.

Dr. Fatter said he had also lectured on hypnosis in medicine at Mercy and de Paul Hospitals.

Q. Have you ever written anything?

A. Two papers of mine have been published in Louisiana Medical Society and Southern journals.

Q. HAVE YOU EVER HAD ANY referrals from other doctors?

A. Yes, many.

Dr. Fatter said he was a member of the American Medical Association, the Louisiana Medical Society and the Orleans Parish Medical Society.

He said that he was a member of the American Academy of General Practitioners, the Louisiana chapter, of which he was president in 1959, and the American Society

(Turn to Page 12-A, Column 5)

Continued from Front Page

of Clinical Hypnosis.

Asked if he had had any training in psychiatry. He said, "yes—nine years."

HE SAID HE was recently written up in the States-Item in a series on hypnosis.

Dr. Fatter was asked if hypnosis was a specialty of medicine.

A. No, it is part of practicing medicine.

Q. Are any medical schools teaching hypnosis in Louisiana?

A. None in Louisiana. There are several in the country. I think the University of Tennessee offers it and Washington University in Chicago.

The court qualified Dr. Fatter as an expert witness. Under direct examination by Asst. Dist. Atty. Alcock, Dr. Fatter testified that he had met Perry R. Russo in the coroner's office March 1.

Q. Do you remember the time of day or night that it might have been?

A. Approximately 7 p. m. or thereabouts.

Q. Who was present?

A. Russo; his cousin; a man whom I thought at first was his brother; Dr. Chetta; Mr. Sciambra and a stenographer or secretary.

ALCOCK ASKED DR. Fatter to briefly define hypnosis.

Dr. Fatter responded by defining hypnosis as a "trained trance; a state of relaxation; altered awareness."

He further defined it as a state in which the individual is more concerned with his internal feelings and less with those of his immediate environment.

Dr. Fatter offered two terms to clear up the meaning of hypnosis. One, he said, was the trance state. He explained that everyone has "constitutional endowments" and explained them as "those attributes all of us possess, given to us by our creator."

THESE ARE THE abilities, he said, the senses, the ability to see, feel, hear, etc.

He described another of these "endowments" as the ability to attain a state of dormancy.

He explained that bacteria go to spore to sustain themselves. Fish, he said, do the same when their streams dry up. When springtime arrives, he said, water comes back and the fish come out of their state of dormancy. Plants do the same thing, Dr. Fatter added. Their sap dies out but it returns in the spring.

In lower animals, he said, this is known as hibernation.

MAN ALSO POSSESSES the ability to attain the state of dormancy, he said.

Man, he said, is a spiritual and intellectual being. Education is the utilization of man's intelligence, he said. Hypno-

sis is man's ability to enter a trance state.

"It is much like amnesia," he asserted, "another of man's constitutional endowments. Thank the Lord we have it."

Dr. Fatter said, "If you ever go to introduce a very dear friend of yours to another dear friend and suddenly forget his name, that is what is known as amnesia, and we should be glad that we have it."

Alcock asked, "What is regression, Dr. Fatter?"

"**BY REGRESSION** it is meant that one goes back in his mind and relives in his mind some experience . . . like dreams," Dr. Fatter replied. "One can recall memories such as hearing or seeing or olfactory.

"Regression is to recall or relive the experience," he said.

Q. Under hypnosis, how can an individual recall by questions?

A. May I cite an example? If I were to ask an individual, age 40, what he had for breakfast on his fifth birthday it might sound alarming. However, if I were to place that individual under hypnosis and present ideas — incidentally, this is another definition of hypnosis, that is to say hypnosis is a presentation of ideas or you might say a salesmanship of ideas — that individual immediately thinks in terms of his fifth birthday.

HE REMEMBERS, for example, that was the first time he received a gift of a two-wheeled bicycle. He remembers further that two-wheel bicycle had two stabilizer wheels on the back. He remembers that he got into the car with his father and rode to his grandmother's house and his grandmother made him his favorite breakfast — pancakes and syrup and milk.

This is what is known as thought process.

Q. What is meant by fixation of attitude?

A. That means the narrowing down to one particular thing. For example, while I'm talking to you, you've forgotten about your glasses. Your glasses are on your head but you haven't thought about that.

Q. Did you put him (Russo) in an hypnotic trance?

A. Yes, I did.

Q. PRIOR TO THAT, did you have the occasion to talk to him about his background?

A. Yes.

Q. Did you learn about his background from him or other persons?

A. From him. I will not take information from others.

Q. What procedure did you use?

A. Immediately, at first, I asked Mr. Russo if he had ever been hypnotized before. And he answered, yes he had. I asked him in what way. He told me a silver coin was used.

AT THIS POINT, there was an objection by defense attorney Irvin Dymond, who contended this was hearsay.

Judge Bagert overruled the objection and Dymond reserved a bill of exceptions.

Dr. Fatter was allowed to continue his testimony and he said, "I was told that a coin was used, so I took a coin from my pocket and placed it in front of him like this (and here Dr. Fatter held his hand out in front of his face) and he said 'the last time I was hypnotized I saw two coins.' I held the coin closer to his face. Russo told me that he might resist me. I told him that was his privilege, that he had a right to.

ONCE AGAIN THERE was an objection raised on the claim this was hearsay, outside of the presence of the defendant.

Alcock changed his question and asked: "Did you arrive at a technique?"

A. Yes I did. I used the trans-induction technique. I used the doctor-patient relationship. This began, incidentally, with my first meeting with Russo. I cannot make anybody do anything. I can only help him use his constitutional endowments. Who does it benefit? It benefits Mr. Russo.

Dr. Fatter described this as a "teacher-pupil relationship," explaining that he was teaching Russo to use his (Russo's) trance-state and he said thi was done for Russo's benefit, "not mine."

Q. What kind of trance-state would you say Mr. Russo attained?

A. I would say he reached a moderately deep trance-state.

Q. What were the signs?

A. THE TONE OF THE muscles of his face. The condition of his arms, as though they were inanimate, just like the arms of a doll. You picked them up and they dropped to his side. His eyelids were closed. The levitation of movement was elicited. You lift up one finger on one hand or any other part of the body. (Dr. Fatter indicated the limb would just drop if lifted.)

Q. Was he able to regress?

A. Mr. Russo regressed very beautifully.

Q. Was he able to verbalize?

A. Yes, like talking in his sleep.

Q. DID YOU HAVE occasion to ask questions about the month of September of 1963?

At this point, Dymond objected again.

There followed an exchange of words between Dymond and Alcock. Alcock cited the newspapers, claiming that they made the hearing appear like a "lot of mumbo-jumbo," the district attorney's investigation of Russo and the use of hypnosis in particular.

Judge Braniff said that the state had a perfect right to clear up any misunderstanding, which Alcock claimed Dymond caused yesterday when he asked Russo, "Are you hypnotized right now?" and Russo answered, "No sir."

EACH JUDGE THEN cited his feelings about the objection.

Judge O'Hara said he felt he would limit his evaluation to whatever Russo testified to at the hearing himself.

Judge Bagert said he was

convinced that Dr. Fatter is an expert in his field, and that if he relates any statements made by Russo, he would have to stop him.

Judge Braniff drew a round of laughter from the courtroom when he asserted, "And now the junior member of this firm would like to put his two cents in." Braniff said the defense counsel through implication convinced some people that Russo was under hypnosis while on the stand yesterday.

Judge Braniff said he felt the state has a perfect right to question Dr. Fatter to overcome that idea.

Defense attorney William Wegmann entered the debate, saying, "I'm not objecting to the question, but to the manner of questioning. The manner in which the question is asked. I feel that they can ask him (Fatter) if he had asked Russo about certain times and dates, but I do object to him testifying to the exact dates.

"Unfortunately, this testimony can go before the jury. If it were not for that fact, I would not be concerned.

"If we were going to try our case before a judge, I would have perfect confidence in the abilities of the three judges to understand and rule accordingly. However, in dealing with juries, it's a more difficult matter."

THE THREE JUDGES huddled and then Judge Bagert asserted, "After that nice piece of rhetoric, we're going to have to agree with the defense counsel."

Alcock appeared perplexed and asked for an explanation of the ruling. Judge Bagert said they had ruled to sustain the defense objection.

Dr. Fatter, speaking into a microphone, asked at this point if he had a right to make an objection, which broke up the courtroom.

Judge Bagert, still smiling, said after order was restored, "No. You happen to be the patient in this case, not the doctor."

DR. FATTER then pushed the microphone away and leaned up toward Judge O'Hara and conferred out of earshot. Judge O'Hara passed on the words and then Judge Bagert allowed Dr. Fatter to make his "objection."

"I would like to make it clear that I am not a hypnotist. I am a doctor," he said.

He said he didn't think the attorney intentionally referred to him as a hypnotist, but that he wanted to clear up that point.

Judge Bagert put a postscript on the matter by saying, "You can look at his shingle and see that it has M.D. on it and not hypnotist."

ALCOCK THEN RESUMED his questions.

Q. Without saying what was said, Dr. Fatter, did you have occasion to consult with members of the district attorney's staff to obtain certain questions?

At this point, another objection was raised by Dymond on grounds that it was "an obvious attempt to get around the court's ruling."

Judge Bagert announced that court would recess before ruling on this objection.

Alcock asked Dr. Fatter:

Q. Were you successful in getting Perry Russo to regress while under a hypnotic trance?

Q. I WAS.

Q. Were these regressions brought about by questions?

A. The regressions were brought about by suggestions and ideas.

Q. How long was he in a trance?

A. I had him in a trance for approximately an hour and a half. To him it appeared to be only five minutes.

Q. HOW LONG did it take you to bring him out of a trance?

A. I usually ask the subject to count from three to five.

Q. Did you converse with him after the trance?

A. Yes.

Q. Did you feel his memory was refreshed by the trance?

A. He subjectively experienced feelings of sight, sound and touch much like you would experience in a dream.

Q. HOW MANY times was Russo hypnotized?

A. Three times.

Q. Where was he hypnotized the second time?

A. In the district attorney's office.

Q. When?

A. March 9.

At this point Alcock showed Fatter a calendar and Dr. Fatter said it was Thursday.

Q. When was the first time he was hypnotized?

A. First date was March 1.

Q. WHEN WAS the last time?

A. The last occasion was Sunday, March 12.

Q. Did you use the same techniques on all occasions?

A. No, I used different techniques. The second time I asked him to envision himself at the top of a staircase looking down and to indicate to me with his finger when he had visioned it.

He moved his finger much as I am now. (At this point Fatter indicated how Russo had moved his right index finger rapidly back and forth.)

THERE WERE 21 steps on the staircase and he was told to walk down the staircase and with each step he would go deeper and deeper into a trance. This was to induce a deep trance. Then he would walk down a hall to a door. He would indicate to me with his finger when he got to the door. I told him to open the door and enter into a time tunnel and envision himself in September.

Dymond objected here to the detail of testimony and Judge O'Hara sustained the objection, saying, "I for one am not interested," in the details.

ALCOCK CONTINUED:

Q. Do you feel you induced a deep hypnotic trance?

A. It was sufficient enough

for the purpose.

Q. Would you say it increased memory?

A. Yes, because it is a learning process and each time it is used it is more effective.

Q. Would you say a trance state increases memory about certain events?

Here Dymond objected but was overruled. He filed a bill of exceptions.

A. I DON'T know that I can answer that yes or no. Mr. Russo was put into a trance. Mr. Russo was regressed. It is possible for a subject to recall what went on in a trance and also possible for him to recall in a wakeful state but his recollection is more profound in a trance state.

Q. You had occasion to confer with the witness and you know whether his memory had been refreshed to certain events?

Dymond objected saying the witness was asked to testify about the truthfulness of another witness . . . Russo.

AFTER SOME discussion, Dymond said t he witness (Fatter) would have to be telling whether the witness recollected something that actually happened.

The objection was sustained.

Q. Was he faking that he had been in a trance state?

A. Mr. Russo was in an authentic trance state.

Q. WHAT IS meant by a hypnotic suggestion?

A. It is the transferring of ideas while in a trance state. Referring to it at a later time. You can put a man into a post-hypnotic state and he will do in the future that which he was told while in the deep hypnotic state. He would not do any thing against his moral principles.

Q. On March 9, 1967, Dr. Fatter, or the last time you saw him, did you give Mr. Russo a post-hypnotic suggestion?

A. I DID.

Q. Will you tell this court about that?

A. I would like to read from by notes the exact suggestion given to Russo on March 12, 1967.

There had been numerous objections to the line of testimony with Judge O'Hara agreeing with the defense, but Judge Bagert and Judge Braniff ruling that they felt that the questioning and the answers by the doctor were not objectionable.

DR. FATTER then unfolded a piece of paper which he had taken from his pocket and began to read. This, he told the court, was the post-hypnotic suggestion he made to Russo on March 12:

"That's right. Go deeper. Relax. Anytime you want to you may permit yourself to be cool, calm and collected.

"This is a task you have voluntarily entered into. Let yourself do this task well. You'll be amazed how acute your mind will be in the next few weeks.

"**YOU WILL** be telling only the truth without fear or remorsefulness. All you are doing is telling the truth, nothing more, nothing less.

"Count to five, let your eyes spring open. Remember, you have a task you elected to perform. You can do it well. You will do it well.

"Remember, the truth always rings out."

Dr. Fatta said, "At the count of five, you will open your eyes" and Russo did.