

RUSSO MEMO

INCOMPLETE,

HASTY,

SCIAMBRA

ADMITS

S-I
2/12/49



ASST. DA ANDREW SCIAMBRA, left, leaves court for a lunch break after taking the stand in the Clay Shaw conspiracy case today to explain the omissions and errors in the "Sciambra Memorandum." Driving the car is Asst. DA JAMES ALCOCK, who questioned Sciambra on the stand.

Assistant District Attorney Andrew J. Sciambra testified today a 3,500-word memo he wrote on his first interview with Perry Raymond Russo was "incomplete and hastily done."

The memo has become a controversial point in the trial of Clay L. Shaw because Russo, the state's star witness, has testified it contained a large number of errors.

Earlier today, Judge Edward A. Haggerty Jr. ruled over strenuous defense objections that the testimony of the late Orleans Parish Coroner Nicholas J. Chetta at a March, 1967, preliminary hearing for Shaw could be introduced into the trial.

The 67 pages of transcript from the hearing were read to the jury and into the record by Assistant DA Alvin V. Oser, taking up most of the morning session of the trial's 20th day.

Shaw, 55, is on trial in Criminal District Court on charges of conspiring to kill President John F. Kennedy. District Attorney Jim Garrison is challenging the Warren

Commission's thesis that Lee Harvey Oswald acted alone in shooting Kennedy to death in Dallas Nov. 22, 1963.

Under questioning by chief prosecutor James L. Alcock, Sciambra said he went to Baton Rouge Feb. 25, 1967, alone, to talk with Russo. He said Russo's roommates were in and out of the room at the time of the interview. The interview took 2½ hours, he said.

Sciambra said he took "very few" notes. He said he had about 44 pictures with him. When Sciambra started to say Russo identified one of the pictures as "Leon" the defense objected.

Defense Attorneys F. Irvin Dymond and William Wegmann contended this was hearsay testimony. The judge ruled that Sciambra could identify the photos.

He identified one as that of Oswald, and another as David Ferrie.

SCIAMBRA SAID HE NEXT SAW Russo in the DA's office Feb. 27, the following Monday. He said he and Oser took Russo to Dr. Chetta, and from there they went to

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Mercy Hospital where the sodium pentathol was administered.

The witness said he completed the memo seven to 10 days after the Baton Rouge interview. He said he and Oser dictated a separate memo after the Mercy Hospital session.

"DOES THE FIRST MEMO ACCURATELY reflect your interview with Perry Russo in Baton Rouge?" Alcock asked.

"It was incomplete, hastily done and does not reflect what Russo told me in Baton Rouge," Sciambra said. He said the Mercy Hospital interview was much more accurate, and more important.

At this point, Judge Haggerty recessed the trial for lunch.

Dr. Chetta testified at the preliminary hearing he helped administer sodium pentathol ("truth serum") to Russo, and was present when Russo was hypnotized to draw out his story that he heard Shaw plotting the assassination with Oswald and Ferrie here in September, 1963.

THE DRUG WAS USED DURING RUSSO'S sessions with a hypnotist to "refresh" his recollections of an alleged party at Ferrie's apartment at 3330 Louisiana ave. pkwy. at which the assassination was discussed. The hypnotist enabled him to relive the occasion, Russo said.

Defense attorneys contended, among other things, that testimony at the preliminary hearing was not intended to be a part of the trial record.

Wegmann argued the state is trying through Dr. Chetta's testimony to "rehabilitate Perry Russo's testimony."

The point, Wegmann said, is "they have rehabilitated this witness when nobody from the defense was present," meaning that only representatives of the DA's office were present when Russo was questioned.

He also contended that what Dr. Chetta found in his interview with Russo in 1967 has no bearing on the present. "The question is not whether Russo was sane in 1967, the question is whether he is sane in 1969."

WEGMANN SAID THE STATE IS DOING just what the defense predicted it would do at the hearing, introduce testimony from that hearing into the trial.

Alcock said Dr. Chetta's testimony will "show the stability of the witness."

Wegmann said if Dr. Chetta were alive to testify "we would make the same objection to his testimony I'm making now. If they want to rehabilitate this witness, they must do it by a psychiatric examination in 1969."

He also challenged the validity of the three-judge court which conducted the hearing, and contended it was established that the testimony there would not become a part of the trial.

WEGMANN CONTENDED HE CAN SHOW the court this specifically in the record of the hearing.

But Judge Haggerty ruled the transcript could be read to the jury. The defense took a bill of exception, giving four different reasons.

Dymond said proper groundwork was not laid for the introduction of the testimony, that no objections were to be permitted to it, that the three-judge court was illegal and that the testimony is irrelevant. Oser then read the 67 pages.

First, in the transcript, Dr. Chetta was qualified as an expert in medicine, psychiatry and forensic medicine.

The coroner said sodium pentathol induces a state of hypnosis. puts the individual in a semiconscious condition

and "helps the person remember things he may have forgotten."

RUSSO, DR. CHETTA SAID, signed a consent form to take the drug, then it was dripped into his arm for about 40 minutes.

The coroner testified he was present on three occasions when Russo was hypnotized by Dr. Esmond Fatter.

On Russo's sanity, Dr. Chetta said, "I feel that Perry Russo fills all requirements of legal sanity." He said he was satisfied that Russo did not fake the test.

Dr. Chetta said an individual's sanity would not be affected by either the hypnosis or the drugs.

At the close of yesterday's trial session, Alcock asked that Chetta's testimony be read to the jury and Dymond objected.

Dymond said there is "no case in the history of our jurisprudence where such testimony was allowed in court."

JUDGE HAGGERTY first ruled for Alcock, then changed his mind and ordered both sides to prepare arguments on the issue. He adjourned court early to give himself time to read the transcript of Dr. Chetta's testimony.

Oser contended the defense had opened the way for such testimony by asking Russo about his visits to a psychiatrist, thus, in Oser's view, questioning Russo's sanity.

Dymond denied the witness' sanity was questioned. Judge Haggerty said:

"To the layman, a person who goes to a psychiatrist, there's something wrong with him. Whether he's goofy or nuts is something else."

RUSSO TESTIFIED he went to a psychiatrist regularly in 1959 and consulted him again in 1963 and 1965. He said he has had no contact with the doctor since then.

The witness denied he has ever attempted suicide. Dymond then excused him, ending a two-day grilling of the 27-year-old book salesman.

Here are the other highlights of yesterday's session:

—For the second time in the trial, Judge Haggerty overruled a bid for a mistrial by the defense. Dymond objected to the judge interceding while he questioned Russo.

—Russo said his home and telephone were bugged and

conversations with James Phelan, then a reporter for the now-defunct Saturday Evening Post, were taped and given to the DA's office. Russo said Garrison wanted to see "how far Phelan would go."

—Pointing to Shaw, Russo said he is 100 per cent sure that Shaw was the person he saw at the meeting at Ferrie's apartment in 1963. However, when Dymond used the

word "conspirators," Russo corrected him, saying "I never used the word conspirators."

—Russo admitted he told a New Orleans police sergeant, Edward O'Donnell, he did not know if Shaw was at the alleged party. Russo explained he was under great pressure when he made this remark.

—Dymond elicited from Russo the statement that neither Oswald nor Shaw ever agreed in his presence to kill the President. Only Ferrie made such a vow, he said.