

# MAIL WAS ADDRESSED TO BERTRAND--CARRIER

## Ferrie Came to Houston Rink, Says Witness

A letter carrier testified Wednesday that in 1966, when the mail of Clay L. Shaw was being delivered to 1414 Chartres, he delivered "several" letters addressed to "Clem Bertrand" to the same address.

James Hardiman, who made the statement, will undergo cross-examination after Shaw's trial is resumed at 9 a. m. Thursday. He could not remember how many letters he delivered addressed to "Clem Bertrand" but he asserted it was enough that he remembered the name when it first appeared in the news in 1967.

Another state witness, B. C. Rolland, testified that Saturday, Nov. 23, 1963, David L. Ferrie came to his skating rink in Houston, Tex., with two young men "and made it a point to make sure he was known to me."

However, when cross-examined, Rolland said he was contacted by the district attorney's office about a year after the assassination of President John F. Kennedy—or about November, 1964—which was nearly two years before District Attorney Jim Garrison launched his investigation.

On re-direct questioning by Alcock, Rolland testified that he was interviewed after November, 1964, but still said the interview occurred "several years ago."

In a free-wheeling series of questions and answers, assistant district attorney Andrew J. Sciambra took the witness stand, and on cross-examina-



—Photo by The Associated Press.  
**JAMES HARDIMAN**  
Tells of letters.

tion conceded that, though he may be "a lousy memo writer, I'm not a prostitute."

Sciambra made the statement shortly after he referred to magazine writer James Phelan as a "journalistic prostitute." Phelan is one of the witnesses who has been subpoenaed by the defense.

## Change of Address Form Was Filled Out

Another witness called during the afternoon was Richard W. Jackson, also an employe of the U.S. Post Office, who testified that he filled out a change of address form regarding Shaw's mail addressed to his residence at 1313 Dauphine.

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—Photo by The Associated Press.  
**ANDREW SCIAMBRA**, assistant district attorney, looks from car window as he leaves court Wednesday for a lunch break. Sciambra's testimony took up most of the day in the trial of Clay Shaw.

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which was being delivered to the 1414 Chartres address.

No date was mentioned as to when the change of address went into effect, but it was mentioned that the change was terminated Sept. 21, 1966.

In the other activity of the trial Wednesday, Judge Haggerty allowed testimony of the late Dr. Nicholas B. Chetta, taken at Shaw's preliminary hearing in March, 1967, to be admitted into evidence. This was done over strenuous objections by the defense.

Shaw is charged with having participated in a conspiracy with Ferrie and Lee Harvey Oswald to murder the late President Kennedy.

Sciambra took the stand because of an all-out attack launched by the defense on a memorandum he wrote after interviewing Perry Raymond Russo Feb. 25, 1967. Russo is the state's leading witness, and he testified he heard Shaw, Oswald and Ferrie plot the assassination.

Hardiman, who has been with the Post Office for 21 years, said he has had the route including 1414 Chartres for 15 years.

On direct questioning, assistant district attorney James L. Alcock asked if in 1966 he had occasion to deliver mail addressed to Shaw at 1313 Dauphine to the Chartres address.

He said he did, explaining that the mail was forwarded to him by the letter carrier who covered 1313 Dauphine, and he remembered because he checked with that letter carrier to make sure he was correct.

There were sharp exchanges throughout the day between Alcock and defense attorneys F. Irvin Dymond and William Wegmann. Criminal District Court Judge Edward A. Haggerty, who is presiding, frequently had to break up verbal fisticuffs.

Under questioning, Hardiman said he delivered "quite a few letters addressed to different" names to the Chartres st. address.

Hardiman told Alcock that "names I'm not allowed to give out, but if you phrase your question so I can answer direct, I can say I delivered mail to Clem Bertrand at that address."

Clem Bertrand is the name which Russo claims Shaw used

at the alleged conspiracy meeting at Ferrie's apartment here in mid-September, 1963.

Hardiman said it would be difficult to estimate how many letters addressed to Bertrand that he delivered, but he added it had to be "several" for him to have remembered.

It was not brought out if the Clem Bertrand letters were addressed to Shaw's 1313 Dauphine st. home and re-delivered to the Chartres address, or if they were addressed to 1414 Chartres.

Alcock asked Hardiman if he ever noticed the return address on these letters. He said he had not, explaining that he gives attention to the return address only if the letter is refused or cannot be delivered.

"Were any Clem Bertrand letters ever returned?" asked Alcock.

### No Memory of Any Letters Coming Back

"I don't recall ever getting any back," said the witness.

Questioning whether the letters were addressed in type or handwriting, Hardiman said the addresses were in script, "a very nice handwriting, very clear." He said the letters were all in personal size envelopes, and that, as he recalled, they all carried local (U.S.) postage.

Alcock asked him if he delivered Shaw's mail to the Chartres st. address during any other period, and Hardiman said this was the "only time I remember. I remember this particularly because when the mail was forwarded to me, I asked him (the forwarding letter carrier) to verify it."

In connection with Sciambra's testimony, Judge Haggerty refused to allow into evidence a memorandum authored by Sciambra and assistant District Attorney Alvin V. Oser Jr. as a result of their conversation with Russo after he had taken sodium pentathol (truth serum). As a result, Alcock had Sciambra go down the controversial so-called "Sciambra memo" to explain how the errors or omissions came to be. Sciambra said he considered most of them minor.

Jackson appeared on the witness stand for about 20 minutes.

He said he has been employed by the Post Office for 26 years assigned to the Cus-

tomhouse Station and that for the past 12 years he has been a letter carrier in the Central Business District.

In 1966 when the change of address form was effective he said he was assigned to "light duty" and was working in the office itself.

He identified a copy of the change of address form describing it as a form used for the

purpose of changing mail from one address to another.

Jackson referred to a discrepancy in the form because he said the cancellation dated Sept. 21, 1966, indicated that mail addressed to 1313 Dauphine should be delivered to 1313 Dauphine, but 1414 Chartres was written across the bottom of the form.

He also identified another exhibit as a page from a book used by letter carriers to let them know if any mail for an address on their route should be delivered to another address.

There was a line through the 1313 Dauphine to 1414 Chartres change, and Jackson said this indicated that the change had been cancelled and mail was again being taken at the Dauphine address.

Alcock asked Jackson if an attempt was made to determine when the change of address order request was made. He said an attempt had been made.

"Has anyone obtained the record of the original change of address request?" he asked.

"To the best of my knowledge, this record has not been located," answered Jackson.

On cross-examination Dymond asked him what he meant about a "discrepancy," and Jackson said the forms were not filled out according "to the way they should be."

Hardiman was called next and he testified about delivering the Bertrand letters. The defense indicated that its cross-examination might be lengthy and said it would prefer to adjourn for the night and begin its questioning Thursday.

Rolland followed Sciambra to the witness chair and identified himself as a professional ice skater and president and general manager of the Winter Land Ice Skating Rink in Houston.

He testified that he saw Ferrie at the skating rink Nov. 23, 1963, the day after Kennedy's

assassination in Dallas. He said Ferrie had two companions with him.

Rolland said Ferrie telephoned him several days before to tell him that he was coming to the rink. Rolland said this was an "unusual" procedure and thus, this was the reason he remembered Ferrie so well.

### Ferrie 'Made Pest of Himself' in Houston

When Ferrie arrived at the rink that day, "he made a pest of himself," Rolland testified. He explained that Ferrie did not buy a ticket of admission and did not ice skate during his stay there.

Rolland said Ferrie remained in the main lobby area and repeatedly used a public telephone in the lobby. At one time, Ferrie received a phone call, Rolland stated.

Rolland said Ferrie approached him at least five times to tell him he was still there. Rolland continually commented that Ferrie was "making a point" about his presence at the rink; but the defense objected to Rolland's surmising Ferrie's motives, and the objection was sustained by Judge Haggerty.

Rolland said Ferrie introduced him to his two companions, but that he did not remember their names. He described Ferrie as having red hair and a ruddy complexion. He said Ferrie was also wearing a toupee.

Rolland stated that he noticed Ferrie making several phone calls because his office and working area are adjacent to the telephone. He said, however, that he did not hear any of the conversations Ferrie may have had on the phone. He said Ferrie spent most of his time walking in the lobby, going to the telephone, and talking to his two companions.

Ferrie left the skating rink with his two companions about 5:45 p.m., Rolland testified, adding that Ferrie came over to tell him he was leaving and that he would be back later in the evening.

"He never returned," Rolland declared.

Rolland said he reported this matter to the Federal Bureau of Investigation and that a representative of the FBI called on him. Rolland said he talked

with the FBI agent for about 90 minutes.

During the latter part of Sciambra's cross-examination, the assistant district attorney admitted that he was a "sloppy memo writer" and had made an "obvious error" in reporting his February, 1967, conversation with Perry Russo.

Sciambra said his "obvious error" was in not mentioning in a second memorandum he wrote for Garrison that Russo told him of a conspiratorial meeting.

### Second Memo Written to Get Names Listed

Sciambra then explained that he did not consider the second memorandum as important as the first memo he wrote. He said the only reason for the second memorandum was to get

several names listed.

Under questioning by Wegmann, Sciambra was asked why there were at least 26 "discrepancies" in the "Sciambra Report" or the first memo to Garrison. (During Russo's stay on the witness stand, he made several changes to the memo.)

Sciambra replied that his memo was simply his "interpretation" of what Russo told him.

Wegmann wanted to know why there was no mention of Kennedy's assassination in the report. Sciambra admitted there was only an "indirect" mention of the assassination in the report, but explained that when he went to Baton Rouge to interview Russo he was "certainly aware of the content" of what Russo was going to say. Sciambra said he knew about what Russo was going to say because of newspaper articles he read.

"I was the most surprised guy in the world when Perry identified a picture of Clay Shaw as Clem Bertrand and a picture of Oswald as Leon Oswald (Ferrie's roommate)," Sciambra testified.

Sciambra said Russo did not have any trouble in identifying Oswald as the roommate, but stated that Russo did want Oswald's picture altered so that he would have the same physical appearance of Ferrie's roommate — as he remembered it. This included a beard and a generally disheveled ap-

pearance, Sciambra stated.

Sciambra testified that he took three pages of notes on the Russo interview, and that these notes were burned after the memorandum was typed up.

Asked by Wegmann why the notes were burned, Sciambra said it was to prevent any information from "leaking out" of the district attorney's office. Sciambra said there had always been "leaks" in the office, with information flowing to unauthorized persons.

Asked if he had taped the Russo interview, Sciambra replied, "I wish I had."

### Memorandum Had 'Several Assumptions'

Sciambra admitted that his first memorandum contained several assumptions on his part, but he maintained this was a usual procedure in making such reports. Additionally, he did not have to indicate what the assumptions were specifically while making the report, Sciambra stated.

Sciambra also admitted that his second memo contained an "incomplete" account of the Russo interview and that it contained many "omissions."

Sciambra said he arranged the interview between Russo and Phelan, the Saturday Evening Post reporter, with Garrison's approval. Sciambra said Garrison wanted to "see how far Phelan would go" and ordered that the interview be taped.

Sciambra called Phelan a "journalistic prostitute" because of what Sciambra said was his inability objectively to report on what he was assigned.

Sciambra said Phelan warned Russo he was going to become a "patsy" if Shaw were not convicted of conspiracy. Phelan told Russo that Garrison would turn on him and go after him if this happened, Sciambra testified.

Wegmann then asked Sciambra if he had been objective in making out his memorandum. It was at this point that Sciambra said he was a "sloppy memowriter" and that there were inconsistencies in the report.

He said, however, that in the interview Russo "always identified Clay Shaw as Clem Bertrand." Sciambra also stated

that he thought New Orleans Police Sgt. Edward O'Donnell misinterpreted Russo's words during a polygraph (lie detector) test. Russo underwent shortly after Sciambra's interview.

## Rolland Is Asked About Contact

Dymond's first question on the cross-examination of Rolland concerned when he first contacted the district attorney's office.

Rolland said "they contacted me," but indicated he did not recall the date.

Dymond indicated that he did not expect the witness to answer exactly, but he would like an estimate. After some additional questions, Rolland replied, "a year after the incident, but I'm guessing."

Dymond asked if he meant late in 1964.

"Yes," answered Rolland.

Dymond then asked what individual contacted him.

"Andy Sciambra," Rolland replied, and then pointed out Sciambra who was sitting at the state table with Alcock.

"You couldn't be a year wrong on your estimate, could you?" asked Dymond.

"I don't think so."

"Two years?"

"I don't think so."

(Sciambra testified during the morning that he did not join the DA's staff until May, 1966.)

Alcock accused Dymond of misleading the witness, and Dymond then asked the witness to think again about when he was contacted.

"If you don't mind I'd like to take a moment to recall events," said the witness.

As Rolland sat in the witness chair trying to recall events, Judge Haggerty asked Dymond if he couldn't, perhaps, offer some assistance to the witness in selecting the time he was contacted.

"I don't think that is my job, your honor," Dymond replied.

Rolland then said he could remember where the meeting with Sciambra took place (a coffee shop at 3700 Kirby dr., Houston), and that they sat in a booth. "I can even tell you what booth," he added.

He did not come up with a

new time, though.

## President of Rink, Says Witness

Dymond asked him if he owned the skating rink, and he said he was president of it from 1962 until 1964.

Dymond then questioned him about his description of Ferrie, including the color of his hair. Rolland said he remembered it as being "reddish" in color and "curly."

"Was it spotty?" asked Dymond quickly.

"What's your definition of 'spotty'?" asked the witness.

"Did it have patches of hair missing?"

Rolland then said that Saturday was a very busy day and he did not have time to observe Ferrie's hair that closely.

Dymond then asked if Rolland was correct that Ferrie arrived on a Saturday afternoon. Rolland said that was correct.

"You picked Saturday?"

"That was my reason for remembering, because I didn't have time to observe closely."

"And you'll stand by that?"

"That's right," said Rolland.

Next Dymond asked the witness to describe Ferrie's eyebrows.

He thought for a while and said they were "light, possibly like they were plucked."

Dymond asked if they were bushy and then showed Rolland two photographs of Ferrie. After examining the photographs, Rolland said Ferrie's eyebrows "weren't all plucked up; they were shaped like a woman's eyebrows."

Ferrie's clothing was next, and Rolland said Ferrie wore a sport shirt, sport coat, slacks and shoes. He said he thought the shirt might have been maroon.

He recounted that Ferrie introduced him to his two companions, and said they were both "pretty much the same in physical build," both between 20 and 25, and one had "blondish hair, the other medium." He said he believed they were both wearing blue jeans, but he didn't recall what kind of shirts they wore.

## Rolland Questioned About Time of Return

Dymond asked if he was certain that he returned to the

rink between 4 and 4:15 p.m. "I'm quite certain." "You're not more than 15 minutes off?" asked Dymond. Rolland said he was certain he wasn't, and that was the reason he had specified between "4 and 4:15 p. m."

"David Ferrie used the pay phone?"

Rolland said he had and he had seen him there at least three times.

Dymond asked if he overheard any part of the conversation. Rolland said that with the music playing and many children around this was not possible.

Dymond asked Rolland if he had seen Ferrie using nickels in the telephone. He said he had. "How many times?" asked Dymond. "Twice," answered the witness.

Referring to the three times he said he saw Ferrie on the phone, Dymond asked, "It wasn't the continuation of the same conversation, was it?"

"It was a long one if it was."

Alcock objected to Dymond repeating the same question about the number of calls the witness saw Ferrie make, maintaining the witness had already answered the question, and the questions were "unnecessary and irrelevant."

"I have a right to test this witness' credibility," Dymond argued.

## Ferrie's Behavior Is Discussed

The judge said he would permit the questions, but Dymond moved on to Ferrie's behavior.

"You said Ferrie walked around?"

"Correct."

"He did not ice skate?"

"Correct."

"Where else could he have gone?"

"He could have gone where most people go who are just

visiting our rink, to the coffee shop."

"And you thought this was unusual?"

"What I thought was unusual is that no one makes it a point of making it a point of you knowing they're there."

"Would you think it's unusual that you say you were interviewed two years before the in-

vestigation started?"

"So I was off on the time," Rolland answered blandly.

Dymond said he was finished with the witness.

On re-direct, Alcock asked Rolland how many times Ferrie introduced himself. "Approximately four or five." In answer to Alcock's next question, Rolland said Ferrie introduced himself each time.

Alcock asked, "Do you recall when the assassination was in relation to David Ferrie being in your ice rink?"

"Yes, I do," answered Rolland. "It was very close to the time."

"Can you specify the day?"

"It was the day after."

Alcock asked additional questions and Rolland said at one point that he got out of the business in September, 1964. He then said it was after he got out of the ice rink business that he was contacted by Sciambra.

"Approximately how long ago were you contacted?"

"Several years ago," answered Rolland.

### Arguments Called Legal Mumbo-Jumbo

Sciambra, dressed in a black business suit, blue shirt and red and black tie, took the unfamiliar role of witness again as the afternoon session opened. Before the session was minutes old, Judge Haggerty had described the arguments back and forth between Alcock for the state—aided at times by Sciambra on the stand — and William Wegmann and Dymond for the defense as "A lot of legal mumbo-jumbo."

Alcock showed Sciambra a memorandum and asked him if he recognized it. Sciambra said he did.

"Mr. Sciambra, is this a memo written by you and Mr. Alvin V. Oser?" asked Alcock.

"I object," interjected Wegmann.

Judge Haggerty asked Alcock to rephrase the question.

"What is this?" resumed Alcock.

"This is a memo, our first one dictated on Feb. 28, 1967," said Sciambra.

"What areas were you attempting to cover in it?" con-

tinued Alcock.

"My first interview with Russo Feb. 25, parts of it," answered Sciambra.

Alcock corrected him, "No, I refer to State Exhibit No. 25."

"That was the interview with Russo after he had sodium pentothal," explained Sciambra. Sciambra continued in response to questions that he was present the entire time at the interview with Russo, while Oser took notes.

"Is that Exhibit S-25 you have in your hands?" asked Alcock.

"Yes, it is," replied Sciambra.

"Having read this, do you see any errors of your own?" asked Alcock.

"I do," said Sciambra.

"I object," protested Wegmann. "He's trying to get put into the record hearsay."

After verbal scuffling between Alcock and Wegmann, Judge Haggerty said, "As I understand it, Mr. Alcock is asking Mr. Sciambra to restate what he dictated in the memo. That is not hearsay."

Dymond joined in. "But, your honor, this testimony could only be what Russo said under the effects of sodium pentothal (truth serum). He would be testifying to what Russo said under sodium pentothal."

As the judge was deliberating on the admissibility of sodium pentothal-induced testimony, Alcock volunteered, "I'm not trying to pull the wool over the court's eyes. This is the result of what Perry Raymond Russo said under sodium pentothal."

Alcock reminded the court that Tuesday Dymond said he will bring in expert witnesses to refute what Russo said under a hypnotic trance, and if testimony under sodium pentothal is not admissible, then testimony under hypnosis should not be either in the future.

### Memo Is 'Critical' of One Attacked

Alcock added that the memo jointly authored by Sciambra and Oser was "critical" of the other so-called "Sciambra memorandum" that was attacked Monday and Tuesday by Dymond for the defense.

Judge Haggerty ruled, "I will not allow the memorandum

(sodium pentothal) but will allow the state to continue its questioning of the witness."

"I hope this holds when we come to the request by the defense to admit that about hypnosis," added Alcock.

"We will cross that bridge when we come to it," said Dymond.

"I will," joined in Judge Haggerty.

Sciambra then resumed testifying, saying that he at the Feb. 27 meeting asked Russo if he could tell him more details than he had told him in Baton Rouge.

"Obviously, I was more concerned about the meeting with Clem Bertrand, Leon Oswald and David Ferrie than anything else," Sciambra said.

This immediately brought protests from Dymond and Wegmann.

Alcock changed questions to State Exhibit 20, the so-called Sciambra memo. Sciambra said he was in court when it was discussed Monday and Tuesday.

"Were there errors in it the result of your work?" Alcock asked.

"They were the result of my trying to repeat what Russo said on Feb. 25," explained Sciambra. "My first memo dealt almost exclusively with the Ferrie party."

"Object, object, your honor," shouted Dymond. "He is saying what was in the memo."

"There is a thin line here," said Judge Haggerty. "He can tell us what he put in the memo."

Alcock then attempted to get Sciambra to differentiate between the memos.

"When I say the first memo," he said, "it is the one I dictated with Mr. Oser on Feb. 28. The second memo is that dictated seven to 10 days later."

Alcock asked Sciambra if he knew James Phelan, formerly a Saturday Evening Post writer who did a story critical of the Garrison investigation. He was asked if he knew that Phelan was going to interview Russo.

"Yes, I set up the interview," said Sciambra. "But I was not present at the interview."

### Witness Did Not Mention Any Names

"Directing your attention to

the Feb. 25 interview with Russo, did you mention the name Clay Shaw?" Alcock questioned.

"I never mentioned names," answered Sciambra. "If the people I interview can identify pictures, I let them identify them by the names they know them."

Alcock then asked Judge Haggerty, "Your Honor, before we get into a shouting match, is it possible for me to ask the witness what Russo said?"

Judge Haggerty replied, "The witness may only testify on an act, nothing verbal."

"I feel it might well be an exception here," rejoined Alcock. "The defense sought to impeach the state's witness, Perry Raymond Russo, Tuesday using the Sciambra memorandum."

"Let me see your contention," said Judge Haggerty. "You feel the defense was permitted to minutely interrogate Mr. Russo on the Sciambra memorandum and that opened the door on hearsay. Since they (the defense) opened the door, you should be able to go into this."

"That's my position," said Alcock.

"I agree," said Judge Haggerty.

Dymond pleaded that he could not understand how the defense "opened any doors" on cross-examination.

Judge Haggerty said if the Sciambra memorandum were introduced by the state he would not have permitted its introduction.

"Certainly we wanted it in," rejoined Dymond, "but it doesn't open any doors."

Judge Haggerty told Dymond, "My ruling has been made. You can take a Bill of Exceptions."

After more pleading by the defense, Judge Haggerty sent the jury out of the courtroom to hear arguments by both sides on whether Sciambra could relate to the court what Russo said in their interview.

Alcock opened, "Mr. Dymond said Tuesday there were 26 errors in the Sciambra memorandum. We ought to be given the opportunity to explain how the errors found their way into the memo. Maybe he will indirectly say what was said. But the jury thinks the memo was

fraught with errors and we should be able to explain them."

Dymond said, "We don't want to keep them from explaining them."

"How can he (Sciambra) do it without saying what Russo said?" volunteered Judge Haggerty.

"I don't believe he can," said Dymond.

"We ought to be able to ex-

plain, to separate the wheat from the chaff," said Alcock.

### Errors or Omissions Taken Up in Court

Judge Haggerty recalled the jury and Sciambra took his marked copy of what Russo Tuesday labeled errors or omissions.

First, Sciambra read from his memo and then went into explanations of Russo's determinations that they were errors.

Sciambra said that "in essence" Russo told him he went to Al Landry's house and Landry's mother told him Ferrie had taken Landry out of the country.

"Your honor," objected Dymond.

"Your honor," retorted Sciambra from the witness stand, "I am pointing out in essence what Perry told me."

"This is very difficult," said Dymond.

"I don't see how he can explain without saying what Russo said," Judge Haggerty said.

"I don't either," said Dymond.

Alcock said Russo was "impeached" by the defense Tuesday by the statement. "We have a situation where the man has already testified under cross-examination," said Alcock. "It is not hearsay."

Dymond told the judge, "You won't find this exception to the hearsay rule in any law book."

"It seems only fair and proper the state should be able to explain how these errors got into the statement," said Alcock.

"Sciambra is not on trial, Mr. Shaw is," reminded Dymond.

"I didn't understand that yesterday," shot back Alcock.

Here, Judge Haggerty referred to the arguing as "legal mumbo-jumbo."

Sciambra resumed. "Ferrie showed five diplomas and said he had two degrees," said Sciambra. "I don't know what

was wrong. It doesn't seem to be very important."

"I object to the witness giving his opinion," admonished Dymond.

"I agree," said Judge Haggerty.

More arguing followed, and Judge Haggerty said, "I ruled that the witness can go in and give his explanation. How can he give it otherwise?"

"But he is reading them and interpreting them," objected Dymond.

"I am going to permit him to interpret," said the judge.

"Objection," said Dymond.

Sciambra was permitted to go down the memo and interpret how the errors came to be. He considered most of them minor.

For instance, when Russo said Sciambra erred by noting that he did not say Ferrie used hypnosis for sexual purposes, Sciambra commented, "Maybe I assumed he did, but the essence of this is correct, if not the word-by-word description."

Sciambra had written that Russo pulled into a Veterans hwy. service station because of a flat tire. Russo said it was battery trouble. "The essence of it is he had car trouble," analyzed Sciambra. "It doesn't make any difference."

Russo said that he did not sell pornographic film for \$150 and he did not know where that figure came from. Sciambra said, "There may have been a discrepancy in price, \$149, \$100, or \$125. But the essence of the memo is Russo sold the film, he admitted that on the stand."

Russo said Ferrie never admitted he was a homosexual, though Sciambra wrote it in his memo. "Those are my own words," said Sciambra, "but Perry was perfectly aware at all times that Ferrie was a homosexual. The essence of it was that he (Ferrie) was a homosexual."

Turning to Ferrie's roommate and a description of him, Sciambra said he and Russo apparently had differences of opinion about descriptions. "He (Russo) said the beard, three or four days' growth, was not described as 'husky,' but I described it as husky," explained Sciambra.

On the matter of Russo not being able to remember the roommate's name, Sciambra commented that later in the

memo he said, "The name Leon rang a bell with him."

Tuesday Russo denied that he said Ferrie and Leon Oswald had intercourse in bed after Ferrie administered a drug to Oswald. Sciambra said he deduced that they had intercourse.

Wegmann objected to Sciambra's manner of interpreting the errors.

"I think I should be able to explain them," said Sciambra from the witness stand.

"He's answering as an assistant district attorney," commented Wegmann.

"Don't answer back from the stand," Judge Haggerty cautioned Sciambra.

Wegmann said that Alcock was "impeaching his own witness." He also added that Sciambra was using extra le-

gal privileges since he sat in on the cross-examination of Russo Monday and Tuesday and was not asked to leave the room as other witnesses.

"I can't tell him to rid his mind of what he heard yesterday," said Judge Haggerty.

Sciambra continued, telling how he came to write that Russo and Ferrie never spoke after the assassination. Russo testified they had a number of meetings, none for any length. "What Perry said was they hadn't spoken about the assassination," said Sciambra, "so I put down they hadn't spoken."

### Sciambra Admits He Made Mistake

Referring to the passage about Shaw, Sciambra admitted he made a mistake by saying that Russo told him he had only seen Shaw twice. "It was three times," said Sciambra. "And he was identified by Russo as Clem Bertrand and not Clay Shaw."

Sciambra said that Russo identified a picture as "Leon Oswald" and not "Lee Harvey Oswald" as he wrote in the memo. "The essence is that he identified the picture," commented Sciambra.

"Does this memo represent all of your interview with Perry Russo?" quizzed Alcock.

"No, it doesn't," said Sciambra.

bra. "We talked two to three hours."

"I object," said Dymond. "We are not going to let him add to this memo."

Returning to the Phelan interview with Russo in April-May, 1967, Alcock asked if he set it up.

"Yes, I did," said Sciambra. "But before Perry let Phelan come over, I asked that he let the district attorney's office bug his house. We wanted to see how far he (Phelan) would go in influencing his (Russo) testimony. I went over there with the men from our office to install the equipment."

"Why?" asked Alcock.

"Object, your honor," said Dymond.

"Why?" questioned Alcock again.

Objection was sustained by Judge Haggerty, but Sciambra started to tell why before the judge stopped him.

"What's objectionable?" Alcock wanted to know.

Judge Haggerty said he rules that the witness (Sciambra) can't give mental reasons. "Otherwise, he would be going into the whole theory of the district attorney's office in regards this case and what it thinks about it," explained Judge Haggerty.

With that, Alcock tendered the witness and turned him over to the defense for cross-examination. But Judge Haggerty called for a brief recess.

Sciambra was called as a state witness at 11:30 a. m., just after Oser finished reading the 76 pages of testimony given by Dr. Chetta at the preliminary hearing.

### Witness Identifies Self as Attorney

Sciambra identified himself as having been an assistant district attorney since May, 1966, and an attorney-at-law.

He said that Feb. 25, 1967, he went to Baton Rouge to interview Russo.

"Why did you go to Baton Rouge?" asked Alcock.

"That morning I received a telephone call from District Attorney Jim Garrison and Jim told me —."

The defense was on its feet objecting that Sciambra's repeating of what Garrison told him would be hearsay, and the objection was sustained. It was

the first of several objections by the defense, being led during this part of the questioning by William Wegmann.

At one point during Sciambra's questioning, Wegmann accused Sciambra, in view of his knowledge as an attorney, of attempting to get hearsay into the trial record.

"That's your opinion, Mr. Wegmann," shot back Sciambra, glaring at the defense.

Judge Haggerty reminded Sciambra that "you're a witness at this stage."

Getting back to Alcock's question, after the defense had objected, Sciambra rephrased his answer to state that as a result of his conversation with Garrison he went to Baton Rouge.

Sciambra was asked if he had ever seen a letter which Russo claims he wrote to the district attorney's office Feb. 21, 1967, and mailed a few days later. "No, I have never seen the letter," he replied.

Discussing the trip to Baton Rouge, Sciambra said that, when he arrived Russo was not at home, but that he was attending a practice baseball game of Louisiana State University. Going to the ball field, Sciambra said he located Russo and identified himself and

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told him he would like to interview him.

"As a result, I returned to his home at 311 E. State st. that evening, about 5:30 or 6 p.m., and I began my interview."

"Was there anyone present during the course of the interview beside yourself and Mr. Russo?" asked Alcock.

Sciambra said during the course of the interview many people were in and out of Russo's home. "Anybody who knows Perry knows his home is like a fraternity house," Sciambra volunteered, only to have the defense object that the witness was drawing a conclusion.

### 'Many People in', Sciambra Tells Court

"There were many people in from time to time," Sciambra quickly added, providing an ac-

ceptable statement to the defense.

He said the interview lasted about 2½ hours "give or take 20 minutes," and he added that during the first hour and a half to took very few notes, being interested mostly in names and addresses which Russo could give him. In all, Sciambra testified, he took "two-and-a-half, maybe three pages of notes."

He said he took notes on a regular legal pad, and that he did not have a tape recorder, nor did he take notes on everything that Russo said.

"During the interview, did you leave the room?"

"I don't believe I did."

"Did Mr. Russo leave the room?"

"He may have left the room to go into the kitchen, but I don't really remember."

"Did Perry Russo identify any pictures?"

"He identified many pictures," said Sciambra. "I had a batch of about 40 pictures with me. He identified many as being familiar, or persons he thought he had known. He identified one of Lee Harvey Oswald as a roommate of Ferrie's he's known as Leon Oswald —"

The defense was on its feet again, objecting on the grounds of hearsay. After some discussion, Wegmann called for production of the 40 pictures which Sciambra took with him to Baton Rouge, and let Sciambra place in a stack those pictures Russo identified.

Judge Haggerty pointed out that Wegmann's suggestion amounted to the defense "telling the state how to present its case."

Wegmann denied this, arguing that if Alcock showed Sciambra one picture at a time and asked if Russo identified that particular picture, then Alcock, in effect, would be leading the witness.

Alcock countered that Sciambra could answer "yes" or "no."

"Do you still have the 40 pictures?" asked Alcock.

"We are constantly changing pictures —," began Sciambra's reply, but again the defense objected, saying his answer "is not responsive to the question."

Sciambra answered again, "Yes, I believe I have," but then he went on to explain

that he may not still have all 40.

"Then your answer should have been 'no,'" said Judge Haggerty.

Alcock then said it was the state's position that it is not necessary to bring in the 40 pictures and then have the witness testify which of the 40 Russo identified.

Dymond countered that the jury was entitled to know which 40 pictures were shown to Russo.

The judge then permitted Alcock to show Sciambra two pictures, and Sciambra said that Russo selected these. They were pictures of Oswald and Ferrie.

"At the conclusion of your interview where did you go?" asked Alcock.

"I went directly to Jim Garrison's home, and I told Jim Garrison that Perry Russo had told me—" and here the defense again objected on the grounds of hearsay.

"You informed him of the contents of the interview?" Alcock asked.

"Yes."

Sciambra said the next time he saw Russo was Monday, Feb. 27, 1967, when he came to the district attorney's office. He said he went to the Detective Bureau with Russo and they returned to the district attorney's office with a police artist "to get the beard on Lee Harvey Oswald properly drawn."

"After that Al Oser and I took Russo to Dr. Chetta's office on Bienville st. and then to Mercy Hospital." He said Oser took notes on this occasion.

### 'Memo on Pentothal Use Was Dictated'

Sciambra said the next thing done was that Oser and he got

with Garrison's secretary, Lorraine Shuyler, and dictated a memorandum concerning the sodium pentothal treatment.

Alcock then asked him about when he committed his initial interview with Russo (in Baton Rouge) to writing.

Sciambra said that when he arrived at the district attorney's office about 9 a. m. Monday, Feb. 27, the first thing he did

was call Russo's place of employment in Baton Rouge. Russo was not in, he said, and he left a message. Next he called a secretary into his office and began dictating "about one paragraph" regarding the interview, when he was interrupted by a call from Russo.

Sciambra said he told Russo the district attorney wanted him to come in for questioning and that he, Sciambra, would wait for him.

He said he was unable to finish the memorandum and that it was not completed until seven to 10 days later.

"Which memorandum was completed first?" asked Alcock, "this one or the one concerning the sodium pentothal test?"

Sciambra said the latter was completed first, and in it he made mention of some things Russo told him in Baton Rouge. His initial interview with Russo, he said, required four or five sessions of dictation during the seven to 10-day period.

He said he dictated it "whenever I had a chance and whenever a secretary was available. It was done in bits and pieces."

"Does it reflect all that was said in that interview?"

"No, it was hastily-done, it is incomplete, inaccurate, and there are omissions in it," Sciambra answered.

He then asserted that his memo of Feb. 27 "reflects the most important things Perry Russo told me in Baton Rouge."

Alcock then presented a three-page typewritten document which the defense asked time to examine. The judge then recessed the morning session for lunch.

The morning session opened with Judge Haggerty hearing arguments about admission of Dr. Chetta's testimony.

Wegmann, arguing for the defense, maintained that the state was attempting to "put into evidence that for which there is no authority."

### 'Prosecution Tries to Rehabilitate Russo'

He said the state was trying to "rehabilitate" Russo and that the defense was not given an opportunity of being present "at this rehabilitation of the witness."

He said the testimony would



indicate only whether Dr. Chetta found Russo sane in 1967 and "not whether he was sane on Feb. 11, 1967."

Oser argued that the state wanted the testimony in the record only for the purpose of determining the question of Russo's sanity.

Wegmann questioned the relevancy of the question of Russo's sanity in 1967. "If they really want to know, now is the time to have him psychiatrically-tested," he said.

Alcock joined in, maintaining that the defense alleged that Russo attempted suicide, questioned him about psychiatric treatment and asked questions if he made statements knowing the difference between fact and fantasy.

Wegmann returned that, at the time of the preliminary hearing, the defense challenged the validity of the three-judge panel that presided, "and we still challenge its validity."

The defense maintained that it was told preliminary hearing testimony would not form part of this record. "Will the court reverse itself now and say, 'Yes, it is part of the record?'"

There was additional discussion from both sides, but Judge Haggerty finally ruled that he would permit the testimony of Dr. Chetta to be admitted.

"I will permit it," he told the defense, "and you can take a Bill (of Exception).

The defense then asked to make it clear that the judge was not ruling the entire preliminary hearing transcript was part of the trial record, and he said he was not.

In the preliminary hearing, Oser questioned Dr. Chetta, and it took him nearly two hours to read the entire testimony.

In gist, Dr. Chetta was accepted at the preliminary hearing as an expert witness on medicine, forensic medicine and psychiatry. His testimony was interrupted numerous times by defense objections and lengthy discussion by the three-judge panel.

### Doctor Said Person Can Lie Under Drug

In his testimony he discusse

drug-induced treatments, in particular sodium pentothal, which he said helps persons remember things they have forgotten. He said a person can lie under the drug, but a skilled medical man can "pick up the fallacies and fantasies he has."

He said he administered this drug to Russo Feb. 27 at Mercy Hospital in the presence of Sciambra, Oser, two other doctors and a head nurse. This administration followed an interview of an hour in his private office, Chetta testimony said.

He testified he talked to Russo once before the test and about six times after between Feb. 27 and March 12.

Dr. Chetta testified that regarding Russo's present sanity (in 1967) "I feel he fills all the requirements of legal sanity."

Oser then asked Chetta a hypothetical question describing a person similar to Russo, who underwent tests similar to Russo, and said something similar to Russo, and then questioned him about this person's sanity in September, 1963.

"I would say he was not insane; he was sane."

Regarding his observations of Russo, Chetta said he was "a very rational, controlled and well-disciplined individual."

Oser asked Chetta if Russo faked any part of his story: "This I would say was not a fake on the part of Perry Russo."

Oser also asked Chetta if, after being hypnotized, a person might tend to recall more after being taken out of the trance. "Yes, sir, this is quite true. Persons sometimes recall a very important place or name."

On cross examination he also testified that "truth serum" is a misnomer of sodium pentothal "because it is quite possible to lie and have fantasies" while under its effect.