

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY NOVEMBER 22, 1963 DALLAS, TEXAS

- Tolson DeLoach Mohr Bishop Casper Callahan Conrad Felt Gale Rosen Sullivan Tavel Trotter Tele. Room Holmes Gandy

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JUDGE DENIES SHAW MOTION FOR ACQUITTAL

Oswald's Widow Contradicts Russo Testimony

NEW ORLEANS, Feb. 21 (UPI)— Lee Harvey Oswald's widow testified today she never heard of Clay Shaw before he was accused of conspiring with Oswald to murder President John F. Kennedy, and that Oswald did not know Shaw's principal accuser, Perry Raymond Russo.

Mrs. Marina Oswald Porter took the stand as the first defense witness a few minutes after District Judge Edward A. Haggerty Jr. refused to throw the Shaw case out of court.

The blond former Russian girl also said Oswald did not know the late David W. Ferrie, the other accused co-conspirator.

Mrs. Porter directly contradicted much of Russo's earlier testimony that he saw Shaw, Oswald and Ferrie plotting Mr. Kennedy's death in 1963, that Oswald went by the name "Leon" and Shaw by the name "Bertrand" and that Oswald was unshaven and dirty and looked like "a hippie."

Earlier Judge Haggerty declined to direct the 12-man jury to acquit the silver-haired defendant.

Judge Haggerty made the decision out of the presence of the jury to continue the trial.

He gave no explanation, but it meant he thought the state had established all essential elements to prove that Mr. Shaw, 55, a retired businessman, conspired with Lee Harvey Oswald and David W. Ferrie, to murder President John F. Kennedy.

Mr. Shaw's defense set out on the 27th day of the trial to prove his principal accuser is a "notoriety-seeking liar." One of its chief witnesses was his father. The key state witness to the alleged

conspiracy is Perry Raymond Russo, 27, a book salesman.

The defense, in its opening statement to the all-male jury, said that "we will prove that the man who says this is a liar — a notoriety-seeking liar."

However, it now contends Mr. Russo pulled a huge surprise on the state and told the truth on cross examination by saying that in his opinion the talk he heard was no conspiracy.

That was the basis of a motion for a directed verdict of acquittal made by defense attorney F. Irvin Dymond yesterday after Dist. Atty. Jim Garrison rested his case.

Mr. Russo's father, Frank, subpoenaed on Valentine's Day, is reported to be ready to testify as a willingly hostile witness. Also subpoenaed by the defense was former Texas Gov. John B. Connally whom the state had subpoenaed and then failed to call.

Mr. Connally and his wife were riding in the jump seats ahead of the Kennedys when the President was killed in Dallas on Nov. 22, 1963, and the state had said his testimony would show bullets entered the car from more than one direction.

The Warren Commission said in 1964 that Lee Harvey Oswald, acting alone, fired the fatal shots from behind. Mr. Garrison contends, and produced a medical expert to testify, the murder shot came from the front.

As for a conspiracy, which is defined in the law as an agreement or combination of persons for

"the specific purpose" of committing a crime; Mr. Dymond told the judge.

"Russo's testimony destroyed the contention that there was ever an agreement or combination."

Handwritten notes: "Russo", "file 5-11-69"

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