

# Shaw Defense Asks Acquittal as Garrison Rests His Case

Says Key Witness Failed to Prove Plot to Kill Kennedy;  
Judge to Give Decision Today After Study of Transcript

L.A.T. *times* BY JERRY COHEN

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NEW ORLEANS—Dist. Atty. Jim Garrison rested his case against Clay L. Shaw Thursday, and the defense immediately asked Judge Edward Haggerty Jr. to order the jury to return a verdict of not guilty.

Judge Haggerty recessed the Shaw conspiracy trial shortly before noon, saying he wanted till 9 a.m. today to consider the motion for a directed verdict.

Primarily, he said, he wants to study the transcript of Perry Raymond Russo's entire trial testimony against Shaw. Russo is one of Garrison's most important witnesses.

A story Russo told two years ago of attending a party in the late summer of 1963 and overhearing Shaw, David W. Ferrie and Lee Harvey Oswald discuss ways of assassinating John F. Kennedy led to Shaw's indictment.

## Claims Innocence Established

In arguing for a directed verdict, F. Irvin Dymond, Shaw's chief defense counsel, insisted that Russo, by his testimony, had established Shaw's innocence.

Dymond recalled that, during cross-examination he had asked Russo:

"And it is your testimony that you sat in and listened in on a conspiratorial meeting with the purpose of killing President Kennedy and did not report it?"

"No. I never said anything about conspiracy. I didn't sit in on any conspiracy," Russo replied from the witness stand 10 days ago. Russo had described the party conversation as "nothing more than a bull session."

Dymond said Russo's statement

"strikes at the very heart, the very core of what the state must start with—even before the state proves an overt act."

He also argued that the prosecution had utterly failed to prove any of the six overt acts it promised it would.

Should the judge opt for a directed verdict of acquittal, which is considered unlikely, Shaw will go free. Otherwise, defense will begin presenting evidence in his behalf today.

The prosecution's resting its case so abruptly, though not unexpectedly, Thursday raised new doubts about what Garrison actually uncovered in his 2½ year investigation.

Now that his case against Shaw has been presented, a case which he insisted would produce startling revelations, what becomes Col. 1 of the most memorable of his declarations?

Some are worth reviewing, in the light of what developed during the prosecution's presentation. For instance:

—Garrison first said homosexuals and anti-Castro Cubans hatched the assassination. Then, Garrison escalated the conspiracy plot to include Minutemen, Central Intelligence Agency agents, Dallas policemen, oil millionaires and "elements of the invisible Nazi substructure."

There were allusions to Ferrie's homosexuality during testimony, and to Russo's suspicion that Shaw "was a queer." But, no mention of the others.

—Garrison said both Oswald and Jack Ruby worked for the CIA and that Ruby was a part of the murder conspiracy. Garrison also claimed to have evidence to show Ruby killed Oswald to "silence" him, and that "much of the evidence we've uncovered about

Ruby's involvement relates to our case against Clay Shaw."

At no time in the trial, after jury selection, has Ruby's name been mentioned.

## No Such Witness

—Garrison said in October, 1967: "We will present in court a witness — formerly a CIA courier — who met both Ferrie and Oswald in their CIA connection."

... ~~... such witness was~~ called.

—Garrison predicted the Shaw case "will never be permitted (by the government) to come to trial."

—Garrison said he had deciphered code entries in both Shaw's and Oswald's address books which linked them to Ruby.

No mention of codes, address books or the defendant's alleged link to Ruby materialized during the last 10 days.

—Garrison, at one time, claimed the fatal shot was a .45-caliber bullet fired from a handgun.

No testimony alluded to a handgun or a .45-caliber bullet. The only gun entered into evidence was a rifle that merely resembled Oswald's.

## Man in Manhole

Garrison once said the fatal bullet was "fired by a man standing in a sewer manhole." On another occasion he claimed Cuban guerrilla fighters made up the assassination team.

No testimony making mention of either was produced.

—Garrison charged the federal government "participated in the framing" of Oswald, and that former President Lyndon B. Johnson—"the man who profited most from the assassination—had to know this."

There was no allusion by prosecution witnesses to the government or the former President, in this respect.

—Garrison even went so far as to say Oswald never fired a shot in Dealey Plaza on Nov. 22, 1963.

## Appeal Denied

His own evidence at the

trial did anything out support this. To the contrary, testimony tended to indicate Shaw and Ferrie were the brains behind the assassination and used Oswald to carry it out.

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The defense issued a subpoena Thursday for former Texas Gov. John B. Connally, who was wounded while riding in the presidential limousine the day of the assassination. Garrison previously had subpoenaed Connally, but never called him even though Connally had said he would not resist that subpoena. *End*