

MARINA

COUNTERS

RUSSO

TRIAL

TESTIMONY

3-21-67
Sawyer
2

The widow of accused presidential assassin Lee Harvey Oswald today contradicted testimony by the state's star witness in the trial of Clay L. Shaw.

Mrs. Marina Oswald Porter of Richardson, Tex., took the stand as the first defense witness in the trial of Shaw, 55, charged with conspiring to kill President John F. Kennedy.

CRIMINAL DISTRICT JUDGE Edward A. Haggerty Jr. today turned down a defense motion for a directed verdict of acquittal for Shaw. Had he granted it, the trial would have ended and Shaw would have gone free.

District Attorney Jim Garrison charges Shaw plotted the assassination here with Oswald and David W. Ferrie. Perry Raymond Russo testified for the state he heard the trio discussing the assassination here in September, 1963, at a party in Ferrie's apartment.

Here are the high points of Marina's testimony:

—During their entire stay in New Orleans, Oswald

spent only one night away from home and he spent that in jail. Russo testified Oswald was Ferrie's roommate.

—OSWALD NEVER WORE A BEARD. Russo said Oswald was bearded, and failed to identify a picture of him until a beard was drawn on it.

—Marina never heard of Shaw, Clay Bertrand, Ferrie, Russo, Dean Andrews or a number of other persons connected with the Garrison case.

—Oswald ordinarily dressed neatly, in clean clothes, and wore short hair. Russo had described him as dirty, long-haired and unkempt.

—A LIGHT-COLORED STATION wagon belonging to Mrs. Ruth Paine was parked outside the Paine household in Irving, Tex., at the time of the assassination. Two state witnesses testified to seeing persons flee the Texas School Book Depository in a light-colored station wagon.

—Oswald never discussed any curtain rods with her. A

state witness testified Oswald told him he was going to the Paine household the night before the assassination to pick up some curtain rods his wife had bought him.

Marina was questioned by chief defense counsel F. Irvin Dymond, then on cross examination by chief prosecutor James L. Alcock.

Dymond moved for the directed verdict yesterday after the state rested its case.

ALSO TODAY, THE DEFENSE subpoenaed three more witnesses. They are Sam Ferderson, 2144 Deslonde; Arthur Q. Davis, 2475 Canal, and Preston Smith of the Post Office.

Marina has consistently supported the Warren Commission's view that her late husband was the lone assassin. She testified at length before the commission.

After Judge Haggerty turned down the motion for a directed verdict, the jury was brought back into the court-

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room and Dymond lodged a formal objection to the judge's action.

THEN THE DEFENSE called Mrs. Porter, who identified herself as Oswald's widow. She said she now lives in Richardson, Tex., with her new husband, her two daughters by Oswald and a child born after her remarriage.

She said she and Oswald moved to New Orleans from Dallas in May, 1963. She said Oswald came first and found them a place to live on Magazine st. She could not recall the landlord's name.

Oswald, Marina said, was employed by the Reily Coffee Co. and went back and forth to work on the bus. She said she never saw Oswald drive an automobile.

"DID YOU ever know him to wear a beard?" Dymond asked.

"No, sir," said Marina.

Oswald never wore long hair, Marina said. Asked if he kept it combed, she said "There wasn't much to comb."

DYMOND THEN asked Marina if Oswald ever went to Clinton, La. "Not that I know of," she replied.

The state introduced a series of witnesses placing Oswald with Shaw and Ferrie in Clinton in the late summer of 1963.

The witness said Oswald left New Orleans about a week or 10 days after she did and she next saw him at the home of Mrs. Ruth Paine in Irving, Texas. (She did not date this event today, but the Warren Commission said Oswald left New Orleans on Sept. 25, 1963.)

After Oswald lost his coffee company job, Marina said, he "stayed around the house most of the time. Sometimes he would go to the library or to look for a job."

He spent his nights at home, she said.

Asked if Oswald had many friends, she said "just his relatives." She said the only trip the family took while



—States-Item photo by Ralph Uribe.

MRS. MARINA OSWALD PORTER is accompanied by her husband, **KENNETH JESS PORTER**, as she arrives to testify at the Clay L. Shaw conspiracy trial.

here was to Alabama.

DYMOND THEN REELED off a list of names of persons who have been connected to the Garrison case in one way or another. Marina said she did not know any of them. The names are:

Clay Shaw, Clay Bertrand, Clem Bertrand, David Ferrie, Sandra Moffett, Miles Peterson, Layton Martens, Alvin Beauboeuf, Melvin Coffey, Al Landry, James Lewallen and Perry Raymond Russo.

She said to her knowledge, her husband never knew any of these people. In the case of Ferrie, she was shown three photos. She said none of them looked familiar.

ASKED IF OSWALD USED any aliases, she said he once signed some papers in the name of Hidell. (The Warren Commission said Oswald used this name in ordering the rifle used to kill Kennedy.)

Marina said her husband owned a rifle while here and Dymond called for one which has been introduced into evidence. While waiting for it, he asked Marina about Oswald's political views. She said:

"He did not talk about politics in the presence of me."

Asked if he made any speeches, she said:

"**HE MADE SOME** kind of a speech when he visited some kind of a Catholic seminary here. I didn't attend. And then he had some kind of an interview on a radio here in New Orleans. I didn't know if it was political be-

cause at that time I didn't speak English.

When her husband got to Dallas, Marina said he told her he had been to Mexico. At this point, the rifle arrived and Dymond asked her if she were familiar with it.

"NO, I'M NOT AN expert on rifles," she said.

She said she has seen Oswald cleaning the gun or sitting with it on the porch. She said she later saw the rifle at Ruth Paine's house.

Dymond asked Marina if she ever knew Oswald to have any large sums of money. She said no. Asked what is the most money he ever gave her, she said:

"A dollar."

SHE TESTIFIED THEY left New Orleans owing two weeks' rent.

At the time of the assassination, Marina said she was living with Mrs. Paine in Irving when the president was killed. She said Mrs. Paine's station wagon was parked at the house at the time of the assassination.

Marina testified her husband lived in Dallas and visited the family in Irving on weekends. She said she never saw his apartment in Dallas.

After a brief recess, Dymond walked directly behind Shaw and asked Marina:

"Mrs. Porter, have you ever seen this man, Mr. Shaw, before?"

"No, today was the first time I ever saw that man," she said.

SHE SAID THE OSWALDS never received any mail at Magazine st. addressed to Shaw or with Shaw's return address on it. She said they received no letters or phone calls from Shaw.

Alcock then began cross-examining the witness. She said Oswald came to see her the night before the assassination, a Thursday night. This was unusual, she said, because he normally only came on weekends. She said he did not go out that night.

Marina said Oswald never mentioned any curtain rods to her. A state witness, Buell W. Frazier, testified Oswald told him the purpose of that particular trip to Irving was to pick up curtain rods his wife had bought for his apartment.

SHE SAID OSWALD KEPT his rifle in the Paine garage. She said she saw him go into the garage that night, but did not see him bring anything out.

She said that after the assassination, police came to the house and looked for the rifle, but didn't find it.

Marina said she spoke to Oswald in the Dallas police station once after the slaying. Oswald's mother was also present, she said.

Alcock asked her what Oswald told her. She said:

"HE TOLD ME NOT TO worry. He told me everything would be all right."

"Did he admit to you that he had shot President Kennedy?" Alcock asked.

"No, sir, I didn't ask him about that," she said.

Marina said Oswald did not ask her to get him an attorney. She never saw him again.

Marina testified she was questioned by the FBI and Secret Service. Alcock asked her if she ever was told by the FBI she would have to cooperate in order to stay in the country. Dymond objected and was sustained.

SHE SAID SHE TRIED to contact Oswald once in Dallas and could not because he had taken the apartment under an assumed name. "That made me angry with him,"

she said.

This took place shortly before the assassination, she said.

In New Orleans, Marina said, she once went to the coffee company where Oswald worked and did not find him there. She said she may have gone to the wrong company.

Marina said Oswald did not tell her he had lost his job until three days after he lost it.

SHE SAID OSWALD HAD few friends, never talked much, liked to be alone and read a lot. She said he was out of work for about a month in the summer of 1963.

"I found out he had pretended he was still working,

Then he told me he had lost his job and he started looking for another," she said.

Alcock asked her if during that time Oswald continued to leave the house during the same hours as if he were working. She said he did. She said he rarely told her anything he did.

MARINA SAID SHE KNEW her husband was handing out leaflets. She said he was "quite excited" about them. "I take it he wasn't home during the day when he was pretending to work," Alcock said. Marina agreed.

"Do you know what he was doing when he pretended to work," he asked. "No," said Marina.

"But he wasn't home was he?" Marina agreed he wasn't.

ASKED IF SHE CONSIDERS Oswald a Communist, Marina replied, "No sir."

She said she doesn't remember if any FBI agents went to the apartment to see Oswald in New Orleans.

Marina testified Oswald told her he shot at Gen. Edwin A. Walker. She said she didn't know when this was and didn't report it to anyone before the Kennedy assassination.

One day, she said, a man came to the door of the apartment on Magazine and talked to Oswald. She said she did not see the man, but "Lee came back inside and said it was probably some FBI agent or maybe a reporter. The man didn't stay long."

"DID THE FBI USUALLY CHECK on him?" Alcock asked.

"Yes," said Marina.

Alcock asked if Oswald ever saw an attorney in New Orleans about his discharge from the service and she said she didn't remember. (New Orleans attorney Dean A. Andrews Jr. told the Warren Commission Oswald consulted him about his Marine Corps discharge. Marina said today she never heard of Andrews.)

"Did you tell the Warren Commission you lied to the FBI about Oswald's trip to Mexico?" Alcock asked.

"I DIDN'T LIE. I just didn't tell them he went," said Marina.

She said she appeared before the Warren Commission three or four times. "Do you recall admitting you lied to the Warren Commission?" Alcock asked.

"No, sir, I don't remember that at all. I just told them everything I know," she said.

Alcock then read a statement, apparently from Marina's testimony in the Warren Report, in which she said she did not like the FBI agents and lied to them about Oswald's trip to Mexico.

DYMOND OBJECTED AND SAID her entire testimony

before the commission should be admitted "because Mr. Alcock has opened the door." Judge Haggerty overruled him, saying he did not know what inadmissible material was allowed by the commission.

Marina said: "Most of these questions were put to me by the FBI and I did not like them very well. When I give testimony I don't lie. I didn't lie to the Warren Commission."

On redirect, Marina said she does not know what Oswald planned to do about her if he had been successful in his plan to reach Cuba.

Marina was then excused as a witness and court recessed for lunch.

Judge Haggerty studied transcripts of the testimony of Russo overnight in order to make his decision on the directed verdict motion.

Garrison said of the decision:

"I have no reaction. I have no nervous system any more."

IN THE courtroom, there was a short burst of applause from spectators as the judge announced his decision.

Court convened at 9:05 a. m., and Judge Haggerty said, "I'm going to make my ruling out of the presence of the jury." He then said he had been asked to call a five-minute recess after his decision so there would not be a rush to get out of the courtroom.

The judge then said: "The motion for a directed verdict is denied."

SHAW WAS in the process of either taking papers out or putting them into a briefcase. He stood up and looked toward the back of the courtroom. He walked to the rail separating the spectators from the court area, paused briefly looking to the back of the room, his face somber.

He then walked back to the defense table. His attorneys sat at the table.

Garrison strolled into the courtroom a few minutes before the judge took the bench. He walked back to the area of the judge's chamber, then came out and left the courtroom.

THE COURTROOM was packed for Judge Haggerty's decision.

As the recess began, Shaw managed a smile and told reporters:

"I am still confident I will be vindicated."

Arguing for the directed

verdict, Dymond said:

"Perry Russo admitted from that witness stand that this was, in his own terminology, a bull session.

"He was asked, 'Did you hear Clay Shaw agree to do anything?' He said, 'no.' Without such agreement, the requirements of law cannot be met."

Alcock argued that some of Judge Haggerty's rulings in the course of the trial already held the state had established the basis of a conspiracy case.

Alcock said Dymond's view of the alleged conspiracy meeting "seems to overlook the fact that one of the participants in this conversation was Lee Harvey Oswald."

In his testimony, Russo said he knew Oswald as Leon

Oswald, Ferrie's roommate. He said Shaw was introduced as Clem Bertrand. Shaw has denied knowing either man and denied he ever used such an alias.

FERRIE DIED in the apartment Feb. 22, 1967, shortly after Garrison's investigation was made public. The coroner said the death was due to natural causes.

Oswald was slain by Jack Ruby in the Dallas police headquarters two days after the assassination. Ruby died of cancer in prison.

Testimony, Statement By Witness Differ

(Special to the States-Item)

WASHINGTON—A Federal Bureau of Investigation report on Richard Raymond Carr is somewhat different from the testimony he gave in New Orleans in the trial of Clay L. Shaw.

Carr, of Dallas, testified at New Orleans he was on the seventh floor of an office building overlooking Dealey Plaza and directly across from the Texas School Book Depository when President Kennedy was assassinated.

CARR SAID he saw a man in a fifth floor window of the depository just before the shot were fired and saw the same man flee on foot afterwards.

The witness also said he saw three other men flee the depository and drive away in a station wagon. He said he could tell the shots came from the grassy knoll area because he saw a bullet cause a movement in the plaza's grass seven floors below.

Carr said he was told by the FBI to "keep his mouth shut" about what he saw.

FBI agents interviewed Carr early in 1964, but the reports on the conversation make no mention of an order of silence.

THE FBI report quotes Carr as describing a man he saw in the "top" floor of the depository, and he believed that was the same man he saw drive away in a car.

Carr told the FBI he heard noises in the street below but did not know what caused them until later when he heard about the assassination on television.

In the first FBI interview, Carr mentioned seeing only the one man in the book warehouse. His signed statement later said the getaway car was driven "by a young Negro."