

Courtroom Tension Builds as Decision Is Awaited

Interest High as Haggerty Announcement Nears

By PAUL ATKINSON

The suspense was building inside the courtroom of Criminal District Court Judge Edward A. Haggerty Friday just before 9 a.m.

He was soon to make a decision on whether to continue the Clay L. Shaw trial or grant a directed verdict of not guilty.

One newsman told another, "I've got \$10 to \$100 that the judge will grant the directed verdict."

Shaw shuffled nervously in the small confines of the court's working area. His ever-present cigarette had a swirl of smoke around it. The decision would be a big one for Shaw. All of the months' of worry could be over, or the wheels of justice would have to make another few hundred turns until a decision is reached in the trial.

TAKEN UPSTAIRS

The jury, supposedly unaware of the suspense that enveloped the opening of the court this particular morning, came through the gates. They were smiling and joking with Criminal Deputy Sal Brocato, but they were taken upstairs out of the courtroom proper.

Chief defense counsel F. Irvin Dymond, who had made the plea for a directed verdict in a dramatic bid to end the trial Thursday morning, plopped down in a seat in the jury box and talked quietly with other Shaw attorneys, William Wegmann and Salvatore Panzeca. Minutes later, Dymond talked with reporters and confirmed to

them that if the directed verdict was not granted he would call Mrs. Marina Oswald Porter as the first defense witness.

District Attorney Jim Garrison came into the courtroom about 8:45 a.m. and, after staying for a few minutes, left before Judge Haggerty made his appearance.

SEVEN MINUTES LATER

At 9:07 a. m., seven minutes later than the appointed hour of 9 a. m., Judge Haggerty came out of his chambers and took the judge's bench. He first turned on the lights on his desk, and began talking.

"I am going to make this announcement outside the presence of the jury," he said. "There will be a five-minute recess for the press' benefit after I make the announcement so there won't be a rush for the doors."

Suddenly, Judge Haggerty intoned, "The motion for a directed verdict is denied."

OFFERS NO REASON

Many had not expected the judge to say it so quickly. But others reacted with a smattering of applause and bailiffs asked for quiet. Just as quickly as Judge Haggerty had said it, he was gone. He offered no reason for the denial. By law, he is not required to give any explanation.

Shaw got up from his chair and looked around the courtroom and spied a friend. He managed a wan smile. His lawyers simply shook their heads as if they expected the judge's ruling.

Newsman gathered around the railing and talked with Shaw.

"I am still confident I will be vindicated," he said.

Someone asked him if he had his hopes up Thursday night. "I was completely neutral," said Shaw. "I was just waiting to see what happened."

Beads of sweat rolled down Shaw's neck and it was not that warm in the courtroom.

Judge Haggerty told the defense to call its first witness and again high drama electrified the courtroom spectators and press. Dymond said, "Call Mrs. Marina Oswald Porter."

EYES TURN TO DOOR

All eyes turned toward the courtroom door as the small widow of accused presidential killer Lee Harvey Oswald came forward.

Mrs. Porter, noticeably nervous, shifted her hands frequently during the nearly two hours of testimony. Actually, she was on the witness stand or in the courtroom throughout the morning, from 9:30 a. m. until noon.

Wearing a gray wool, loose-fitting dress with a white collar, Mrs. Porter talked softly and with an accent, a holdover from her Russian heritage. At one point, Judge Haggerty asked the jury members if they could hear her. Dymond moved to the witness stand to adjust her microphone.

She smiled infrequently during the defense's questioning of her and the state's cross-examination.

SMILES ON REPLY

Once Dymond was questioning her about how much money she and Oswald had while living in New Orleans. He asked her, "What was the most Oswald

ever gave you at one time?"

"A dollar," she replied and smiled.

On cross-examination, assistant district attorney James L. Alcock was talking with Judge Haggerty during an argument with Dymond and told the judge, "Your honor, I am testing this witness' credibility."

Mrs. Porter said softly, "You are testing what?" The audience laughed.

Another occasion, Dymond asked her if she drove a car during her stay in New Orleans in 1963. "No," she answered, and added with her first smile, "And I still don't."

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