

# Judge at Shaw Trial Bars Testimony of Key Witness

NEW ORLEANS (AP)—A policeman's testimony has been barred from Clay Shaw's trial on a charge of conspiring to assassinate President John F. Kennedy.

Criminal Dist. Court Judge Edward A. Haggerty's ruling yesterday brought Asst. Dist. Atty. James L. Alcock to his feet to demand, in a voice trembling with anger, that a mistrial be declared.

After being overruled, Alcock filed notice of appeal and the Louisiana Supreme Court this morning rejected the appeal and refused to intervene in the case.

The prosecution promptly rested its case.

The defense then asked for a directed verdict. The judge took the motion under advisement and recessed court until 9 a.m. tomorrow.

Yesterday's ruling by Haggerty came at the end of a four-hour hearing—with the jury out of the courtroom—on prosecution evidence involving Patrolman Aloysius Habighorst. Shaw was among those who testified.

Habighorst testified that when he fingerprinted Shaw on March 1, 1967, he asked Shaw if he used any alias and Shaw replied: "Clay Bertrand."

Bertrand is the name Dist. Atty. Jim Garrison contends Shaw used in plotting with Lee Harvey Oswald and others to murder Kennedy.

**His Testimony Doubled**  
The judge's ruling was based on the ground that police Capt. Louis Curole refused to let Shaw's lawyer accompany him to the Bureau of Identification room where he was fingerprinted.

Curole's action violated Shaw's constitutional rights, Haggerty added, because "no policeman has the right to tell an attorney he cannot be with his client at any time."

"Officer Habighorst did not forewarn Shaw of his right to remain silent," Haggerty continued. "Even if officer Habighorst did question him—and from what I've heard I seriously doubt it—

"You must shut your mouth."

ed. "Are you ruling on the credibility of Habighorst?"

The judge peered at Alcock over his spectacles. "No jurors are present," he said.

"But you are passing on the credibility of a witness before the press and the world," cried Alcock.

"I don't care," said Haggerty. "The whole world can hear that I do not believe officer Habighorst. I do not believe officer Habighorst."

"I demand a mistrial," Alcock sputtered. "A judge's unsolicited comment on evidence. . . ."

"Denied," said Haggerty.

" . . . I rule this evidence is inadmissible before the jury." Habighorst was the second witness of the day on the "Bertrand" issue. Mrs. Jesse Parker testified earlier that Shaw signed the guest book at the New

International Airport's VIP room as Clay Bertrand on Dec. 14, 1966.

Testimony by Habighorst was contradicted at several points by other policemen called as witnesses by the defense.

Shaw, 55, a big white-haired retired businessman, was the last man called to the stand.

He testified he signed a blank fingerprint card because he was told that unless he did so and was fingerprinted he would not be allowed bail.

Chief defense counsel F. Irvin Dymond asked: "Were you asked at any time by anyone at Central Lockup if you had an alias or name other than Clay Shaw?"

"I certainly was not," he said. "Did you ever tell anyone you had an alias?"

"No, I did not," Shaw said.

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