

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 25 1969

TELETYPE

Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI WASH DC

FBI NEW ORLS

10-45 AM 2-20-69 URGENT DAO

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89:69 5P

REC 13

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.

MISC. - INFO CONCERNING. OO:DALLAS.

THERE APPEARED IN THE NEW ORLEANS TIMES-PICAYUNE
NEWSPAPER ON FEBRUARY TWENTY INSTANT, AN ARTICLE REPORTING
THE AFTERNOON SESSION AT THE CLAY L. SHAW TRIAL WHICH WAS
HELD ON FEBRUARY NINETEEN, NINETEEN SIXTYNINE.

THIS ARTICLE RELATES THAT DURING THE AFTERNOON SESSION
THE ACTIVITIES CENTERED AROUND THE FINGERPRINTING OF SHAW
BY THE NEW ORLEANS PD AFTER HE WAS ARRESTED ON MARCH ONE,
NINETEEN SIXTYSEVEN.

Aloysius J. Habighorst TESTIFIED THAT HE FINGERPRINTED
SHAW ON MARCH ONE, NINETEEN SIXTYSEVEN. HE TESTIFIED THAT
AT THAT TIME, HE WAS ASSIGNED TO FINGERPRINTING INDIVIDUALS
ARRESTED IN CONNECTION WITH HIS EMPLOYMENT BY THE NEW ORLEANS
PD. HE TESTIFIED HE ASKED SHAW FOR BACKGROUND DATA, INCLUDING
OTHER NAMES SHAW MAY BE KNOWN BY.

END PAGE ONE

REC 13 62-109060-6764

25 FEB 25 1969

FEB 27 1969

REP

~~Be...~~
TAYLOR
R...

K

5- J...

PAGE TWO

HE TESTIFIED THAT OTHER THAN THE INFORMATION ON SHAW'S FINGERPRINT CARD, HE ASKED SHAW NO OTHER QUESTIONS. HE TESTIFIED THAT SHAW SIGNED THE FINGERPRINT CARD AND THAT SHAW DID NOT MAKE ANY CORRECTIONS OR DELETIONS. HE TESTIFIED THAT SHAW REQUESTED TO READ THE CARD.

UPON CROSS-EXAMINATION BY THE DEFENSE, HE TESTIFIED THAT SHAW'S ATTORNEY WAS PRESENT DURING THE FINGERPRINTING, ABOUT THIRTY FEET AWAY AT THE TIME HE WAS FINGERPRINTING SHAW. HE TESTIFIED HE DID NOT ADVISE SHAW OF HIS CONSTITUTIONAL RIGHTS BUT MERELY EXPLAINED THE BOOKING PROCEDURE. HE TESTIFIED HE TOLD SHAW THAT HE WOULD HAVE TO BE FINGERPRINTED BEFORE SHAW COULD BE RELEASED.

PREVIOUS TO THE TESTIMONY OF HABIGHORST, CAPT. X CUROLE La
OF THE NEW ORLEANS PD TESTIFIED THAT HE WAS IN COMMAND OF THE CENTRAL LOCKUP WHEN SHAW WAS BOOKED ON MARCH ONE, NINETEEN SIXTYSEVEN. HE TESTIFIED THAT SHAW'S ATTORNEY WAS NOT ADMITTED TO THE BUREAU OF IDENTIFICATION ROOM WHERE SHAW WAS FINGERPRINTED UPON HIS INSTRUCTIONS, AND THAT HE TOLD

2

END PAGE 2

PAGE 3

SHAW'S ATTORNEY HE COULD SEE SHAW AS SOON AS THE FINGERPRINTING WAS COMPLETED.

THE DEFENSE THEN IN AN ATTEMPT TO ATTACK THE CREDIBILITY OF THE TESTIMONY OF HABIGHORST PLACED CLAY L. SHAW ON THE STAND.

SHAW TESTIFIED THAT ON MARCH ONE, NINETEEN SIXTYSEVEN HE WAS ARRESTED AND THAT HE WENT TO THE CENTRAL LOCKUP AFTER HIS ARREST WITH HIS ATTORNEY EDWARD WEGMANN. HE TESTIFIED THAT WHILE AT THE CENTRAL LOCKUP HE WANTED HIS ATTORNEY WITH HIM AT ALL TIMES BUT WAS TOLD THAT HE HAD TO GO INTO THE BUREAU OF IDENTIFICATION ALONE.

SHAW WAS SHOWN A COPY OF A FINGERPRINT CARD BEARING HIS SIGNATURE AND HE SAID HE RECOGNIZED THE SIGNATURE AS HIS OWN. HE TESTIFIED THAT THERE WAS NO INFORMATION ON THIS FINGERPRINT CARD WHEN HE SIGNED IT, AND THE REASON HE DID SIGN A BLANK FINGERPRINT CARD WAS THAT HE WAS TOLD THAT THIS WAS NECESSARY TO GET BAIL.

END PAGE 3

PAGE 4

ACCORDING TO THIS ARTICLE THE STATE ATTEMPTED TO ENTER THE FINGERPRINT CARD WHICH SHAW ALLEGEDLY SIGNED EVEN THOUGH THIS CARD ALLEGEDLY CONTAINED THE NAME OF CLAY BERTRAND.

THE DEFENSE OBJECTED AND JUDGE HAGGERTY RULED THAT THE TESTIMONY OF OFFICER HABIGHORST ALONG WITH THE FINGERPRINT CARD SIGNED BY SHAW WAS INADMISSIBLE BECAUSE IN JUDGE HAGGERTY'S OPINION, SHAW'S CONSTITUTIONAL RIGHTS ON MARCH ONE, SIXTYSEVEN WHEN HE WAS ARRESTED HAD BEEN VIOLATED.

JUDGE HAGGERTY STATED THAT HE "DOUBTED SERIOUSLY" THE TESTIMONY OF HABIGHORST. AT THIS POINT, THE PROSECUTION ASKED JUDGE HAGGERTY IF HE WAS PASSING ON THE CREDIBILITY OF A STATE WITNESS. JUDGE HAGGERTY REPLIED "I DO NOT CARE. I DO NOT BELIEVE OFFICER HABIGHORST." THE PROSECUTION THEN MOVED FOR A MISTRIAL AND JUDGE HAGGERTY DENIED IT.

ACCORDING TO THE ARTICLE, PROSECUTION INDICATED IT WOULD APPEAL TO THE LOUISIANA SUPREME COURT TO REVERSE JUDGE HAGGERTY'S RULING.

~~CORR LINE 8 LAST WRD SHOULD BE VIOLATED.~~

END PAGE 4

4

PAGE 5

JUDGE HAGGERTY STATED IF NO WORD IS RECEIVED FROM THE STATE SUPREME COURT BY EIGHT FORTYFIVE A.M., FEBRUARY TWENTY INSTANT, HE WOULD THEN TELEPHONE THE STATE SUPREME COURT HIMSELF AND THE TRIAL WOULD RESUME IF HIS RULING IS NOT REVERSED.

ACCORDING TO THIS ARTICLE, JUDGE HAGGERTY IN HIS REMARKS LEADING UP TO HIS RULING SAID THAT SHAW'S CONSTITUTIONAL RIGHTS WERE VIOLATED IN HIS NOT BEING ALLOWED TO HAVE HIS ATTORNEY WITH HIM DURING THE FINGERPRINTING AND ALLEGED QUESTIONING BY HABIGHORST.

HAGGERTY STATED THAT IN HIS OPINION CAPT. CUROLE VIOLATED THE SUPREME COURT DECISION IN THE ESCOBEDO CASE "BECAUSE NO POLICE OFFICER HAS THE RIGHT TO TELL AN ATTORNEY HE CANNOT BE WITH HIS CLIENT." JUDGE HAGGERTY STATED THAT IN HIS OPINION, HE ~~FELT~~ HABIGHORST VIOLATED IN SPIRIT "THE EFFECT OF THE MIRANDA DECISION" IN THAT HE DID NOT FOREWARN SHAW OF HIS RIGHT TO REMAIN SILENT.

NO LHM BEING SUBMITTED.

END

END

WA

ERT

FBI WASH DC

P

5