

Judge Says He Doesn't Believe Shaw Witness

Spectators Stunned at New Orleans Trial as Jurist Rules Out Officer's Testimony

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NEW ORLEANS — Judge Edward Haggerty Jr. declared Wednesday, "I do not believe" the story of a key witness against Clay L. Shaw, who is on trial here on charges of conspiring to assassinate President John F. Kennedy.

The judge's statement came just minutes after the burly, white-haired defendant had completed testifying for the first time in his own behalf. The outburst electrified the courtroom and came by way of explaining a Haggerty ruling which constituted a major victory for Shaw's attorney's.

Shaw's testimony centered on a fingerprint card he said he was required to sign before he could obtain his release on bail after his arrest March 1, 1967. Shaw said the card was blank when he affixed his signature.

New Orleans police officer Aloysius J. Habighorst, who took Shaw's prints, testified earlier that the blanks on the card had been filled in and that Shaw had verified the information by signing the form.

Alias Mentioned

Among the data which Shaw had verified, according to Habighorst, was that he had used the alias "Clay Bertrand." It was disclosed a short time later, in fact, that Habighorst was prepared to testify that Shaw had supplied that name when the policeman asked him if he had an alias.

The jury was absent from the courtroom during the testimony of both Shaw and Habighorst,

while the judge considered a prosecution request that the policeman's story be admitted into evidence.

Shaw's testimony came at the end of an acrimonious, afternoon-long argument during which Dist. Atty. Jim Garrison's top assistant, James Alcock, sought to establish a foundation for the admissibility of the Habighorst testimony.

Garrison contends Shaw used the alias "Bertrand" in conspiring to assassinate Mr. Kennedy. Shaw claims he never heard the name before his arrest.

Remained Silent

Shaw, calmly but emphatically, contradicted Habighorst's story. In clear, husky accents, he said Habighorst not only never had mentioned an alias but had asked him no questions at all. He himself, he added, had volunteered no information, upon the advice of his attorney.

Shaw also testified that booking officers had not permitted his lawyer in the central lockup's Bureau of Identification where Habighorst had fingerprinted and photographed him, and he claimed that the policeman told him signing the blank card "is essential for you to make bond."

Almost immediately after Shaw stepped from the witness stand, Judge Haggerty ruled Habighorst's testimony inadmissible. He gave two reasons:

— "No police officer has a right to tell a lawyer he cannot be with his client at any time."

— Habighorst, by his own admission, did not

"forewarn Mr. Shaw of his right" to remain silent.

The judge paused, looked over the courtroom then added:

"Even if officer Habighorst was telling the truth about asking (Shaw about using an alias)—and I doubt it—I don't think it would be admissible."

Alcock leaped to his feet, pointed a finger at Haggerty, and thundered angrily:

"You say this before the press? Before the press—and the whole world?"

Judge Haggerty bridled, fixed his gaze on Alcock and shouted back:

"The whole world can know that I do not believe officer Habighorst."

Spectators, accustomed to the judge's ruling most frequently in favor of the state, sat stunned as Alcock advanced toward the bench, objecting to what he called the judge's "unsolicited, gratuitous remarks about a state witness."

Alcock moved for a mistrial.

Judge Haggerty denied the motion.

Alcock said he would apply overnight to the Louisiana Supreme Court for writs, ordering Habighorst's testimony admitted.

Knowledgeable attorneys here say the likelihood of Alcock succeeding is highly improbable, since appeal courts seldom overrule a judge with a trial in progress.

Shaw said from the moment the first of his attorneys appeared in Garrison's office after his arrest, he repeatedly was cautioned to remain silent, his constitutional privilege.

Notes Written

The first attorney, Salvatore Panzeca, testified earlier in the afternoon that he thought the room in which Garrison's aides announced to Shaw he was under arrest was "bugged." Panzeca said he communicated with Shaw there, writing notes on a pad which they passed back and forth, and he

"I told him not even to say hello. Or goodbye. Even if you have to go to the restroom, ask me—not anybody else." I told him."

Shaw's personal lawyer for 20 years, Edward Wegmann, testified that while traveling from Garrison's office in the Criminal Courts Building to the central lockup, he had underlined Panzeca's advice to Shaw to remain silent, and Shaw testified that he had followed it to the letter during the fingerprinting session.

"I did not answer any questions," he told Judge Haggerty. "This is my testimony."

Wegmann also said he

had been turned away from the Bureau of Identification where Shaw was fingerprinted by the officer in charge, Capt. Louis J. Curiole.

Capt. Curiole, when called to the witness stand, supported Wegmann's testimony. He said that exclusion of attorneys was part of the fingerprinting procedure.

Habighorst, wearing dark glasses and scarred from a recent auto accident, testified Wegmann "was right inside the door" during much of the fingerprinting process, "more inside than outside of the B of I."

Capt. Curiole said that, while Wegmann had been excluded from the room, he had ordered a sergeant to remain with Shaw.

Sergeant Agrees

The sergeant testified that his captain, indeed, had assigned him to "guard . . . to watch" Shaw and that he remained "close enough to hear normal conversations."

Asked by F. Irvin Dymond, Shaw's chief defense counsel, if he ever had heard "anything said between Habighorst and the defendant" the sergeant replied:

"I can't say that I heard anything."

During Wednesday morning's session of the

Shaw conspiracy trial:

—Mrs. Jesse Parker, hostess in a VIP room at New Orleans International Airport, testified she saw Shaw sign a guest register there as "Clay Bertrand" in December, 1966.

—A Dallas resident, Richard R. Carr, said he saw four men flee the Texas Book Depository, minutes after the President was assassinated on Nov. 22, 1963. But he admitted he did not know the President was slain until an hour and 15 minutes after the murder.

—Dr. John Nichols of Kansas University, who claims his study of a movie film has convinced him that the fatal shot bit Mr. Kennedy from the front, conceded he has had little formal training in pathology and forensic medicine, the fields in which he had been qualified as an expert to testify at the trial.