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Officer Clear On Shaw File --Giarrusso

Police Supt. Joseph I. Giarrusso has concluded there was no misconduct on the part of Ptn. Aloysius Habighorst regarding his possession and display of a fingerprint identification card for Clay L. Shaw.

Giarrusso said an investigation of Habighorst's conduct revealed that the public knowledge of the incident was precipitated by a television reporter and was not initiated by the patrolman, the police department or the district attorney's office.

IN A STATEMENT released yesterday, Giarrusso said:

"The report revealed that Habighorst had cleared his appearance on television through James Alcock of the district attorney's office as well as through the police department."

Habighorst said in a statement made to the DA's office that Shaw told him he used the Alias of Clay Bertrand. That alias appeared on a fingerprint card made the night Shaw was arrested on charges of conspiring to murder President John F. Kennedy. The card was signed by Shaw.

The card and a Central Lock-up booking sheet for Shaw, which also listed his alias as Bertrand, were released to the press last week by Giarrusso after Habighorst made an appearance on television.

Giarrusso said, "My initial inquiry into this matter was my concern for one of the three official cards (police department, state police and FBI) that are taken routinely when a set of fingerprints are taken from anyone arrested.

"THE INVESTIGATION fur-

ther revealed that five copies of the department's fingerprint form were made of Mr. Clay Shaw, following his arrest March 1, 1967, instead of the regular three copies.

"In this particular instance, two sets of the prints that were taken were not ideal for classification and identification and a copy was retained by ex-officer James Millet and Officer Aloysius Habighorst as reference material.

"The retention of a copy of a report in a pending criminal matter by one of the officers involved in a case is not an unusual circumstance. This is done many times in order that an officer familiarize himself with the facts prior to the time he must testify in court," Giarrusso said.

The name Clay Bertrand was first mentioned in testimony to the Warren Commission by New Orleans attorney Dean Andrews, who said a man who used that name called him after the assassination of President Kennedy and asked him to go to Dallas and defend Lee Harvey Oswald, accused killer of Kennedy.

Andrews later said Bertrand was New Orleans bar operator Eugene Davis. Davis denied the allegation and Andrews has subsequently been indicted and convicted of perjury in connection with testimony he gave to the Orleans Parish Grand Jury about the identity of Bertrand.