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IVAN, LOUIS W.  
CUROLE, LOUIS  
HABIGHORST, ALOYSIUS  
BUTZMAN, JONAS J.

*and 4 other witnesses*

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DATE 8/15/77Document I.D. Shaw trial proceedings Vol. 25INDEXLOUIS W. IVANCaptain Louis CuroleAloysius HaightSONAS J. ButzmanJohn N. Perkins, Jr.EDWARD F. WEGMANNSALVATORE PANZERACLAY L. SHAWCOPY TO

Robert Blakey

Gary Cornwell

Kenneth Klein

Charlie Mathews

Jim Wolf

Donovan Gay

Jackie Hess

Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
vs. . 1426 (30)  
CLAY L. SHAW . SECTION "C"  
.....

PROCEEDINGS IN OPEN COURT,

AFTERNOON SESSION

Wednesday, February 19, 1969

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

Reference copy, JFK Collection: HSCA (RG 233)

Various witnesses February 19, 1969

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .  
 STATE OF LOUISIANA . 198-059  
 vs. . 1426 (30)  
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I N D E X

WITNESSES ON TRAVERSE	DIRECT	CROSS	REDIRECT	RECROSS
LOUIS W. IVON	D4	D23	--	--
CAPTAIN LOUIS CUROLE making a return on a subpoena duces tecum	D27			
ALOYSIUS HABIGHORST	D48 --	D59 --	D68, D74	D69, D75
LOUIS J. CUROLE	D77	D106	D107	--
JONAS J. BUTZMAN	D108	D117	D120	--
JOHN N. PERKINS, JR.	D121	D130	--	--
EDWARD F. WEGMANN	D131	D135	--	--
SALVATORE PANZECA	D145	D148	--	--
CLAY L. SHAW	D153	D158	--	--

E X H I B I T S

EXHIBIT NO.	IDENTIFIED	OFFERED	RECEIVED
S-55		D3	D3
S-56	D16	D173	D173
S-57	D19	D173	D173
S-58	D19, D52	D173	D173
S-59	D20, D52	D173	D173
S-60	D58	--	--

INDEX - CONTINUED:

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
D-14	D26	D172	D172
D-15	D30, D84	D172	D172
D-16	D30, D85	D172	D172
D-17	D32, D98	D172	D172
D-18	D44	--	--
D-19	D133	D172	D172

...oOo...

WEDNESDAY AFTERNOON - 2/19/69 - HRD

2

. . . . Pursuant to the recess, the pro-  
ceedings herein were resumed at 1:30  
o'clock p.m. on Wednesday, February 19,  
1969, appearances being the same as  
heretofore noted in the record . . . .

THE COURT:

Let it be noted that the Jury is back,  
all counsel are present for the  
State and the Defense.

Are you ready to proceed?

MR. ALCOCK:

We are ready, Your Honor.

MR. DYMOND:

The Defense is ready.

MR. ALCOCK:

Your Honor, in connection with the testi-  
mony of Mrs. Parker, the State  
offers, files and introduces into  
evidence the document previously  
marked for identification as "S-55."

THE COURT:

Is there any objection?

MR. DYMOND:

No objection.

THE COURT:

1 Let it be received as offered and filed  
2 in evidence in this case.

3 MR. ALCOCK:

4 Can I open it at the page?

5 THE COURT:

6 Yes.

7 (Exhibit S-55 exhibited to the Jury.)

8 MR. ALCOCK:

9 May I approach the bench with Counsel?

10 THE COURT:

11 You may.

12 (Bench conference off the record.)

13 MR. ALCOCK:

14 Your Honor, before calling the State's  
15 next witness, I might announce to  
16 the Court that the matter we are now  
17 going into, by law is required to be  
18 gone into outside the presence of  
19 the Jury, so at this time I would ask  
20 the Court to excuse the Jury so that  
21 we might enter this area in accor-  
22 dance with the law.

23 THE COURT:

24 Sheriff, take the Jury upstairs, please.

25 (Jury excused.)

D4

MR. ALCOCK:

The State calls Louis Ivon.

THE COURT:

I might state for the record, Mr. Alcock, that prior to taking the bench at 1:30 I was requested by Mr. Panzeca, Associate Defense Counsel, to issue an instantter subpoena for Louis Ivon.

MR. DYMOND:

We will cancel it as long as the State is calling him.

MR. WILLIAM WEGMANN:

He is here now, no use to subpoena him.

LOUIS WILLIAM IVON,

a witness called by and on behalf of the State, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q For the record, would you state your full name, please.

A Louis William Ivon.

Q Mr. Ivon, by whom are you employed?

A New Orleans Police Department.

Q And how long have you been employed by the

D5

5

New Orleans Police Department?

A Since 1955.

Q And at this time, Mr. Ivon, are you assigned to the District Attorney's Office?

A Yes, I am.

Q In what capacity?

A As Chief Investigator.

Q And how long have you been Chief Investigator for the District Attorney's Office?

A Since 1966.

Q Am I correct then, Mr. Ivon, that though you are assigned to the District Attorney's Office, you are still a member of the New Orleans Police Department?

A Yes.

Q Mr. Ivon, directing your attention to the date of March 1, 1967, did you have occasion on that date to see the Defendant Clay Shaw?

A Yes.

Q Do you see Clay Shaw in the courtroom?

A Yes, I do.

Q Point to him, please.

A (Indicating) The man with the glasses right there in the blue suit.

6  
1 MR. ALCOCK:

2 Let the record reflect that the witness  
3 has identified the Defendant Clay  
4 Shaw.

5 THE COURT:

6 All right. Let it be so noted in the  
7 record.

8 BY MR. ALCOCK:

9 Q Now, Mr. Ivon, approximately, if you can  
10 recall, what time of the day on March 1,  
11 did you first see the Defendant?

12 A I would believe between 12:00 and 1:00 p.m.  
13 on the 1st.

14 Q And at the time you first saw the Defendant,  
15 in whose presence was he, if you can  
16 recall?

17 A Andrew Sciambra.

18 Q Did you have occasion to see him at any time  
19 after that first view of him on that  
20 date, the 1st?

21 A Yes.

22 Q Where did you see the Defendant on that date?

23 A In the office, the Investigator's office.

24 Q And is that in the District Attorney's Office  
25 proper?

D7

Reference copy, JFK Collection: HSCA (RG 233)

1 A Yes, it is.

2 Q Did you have occasion to have a conversation  
3 with him at that time?

4 A I did.

5 Q And in whose presence was the conversation  
6 had with the Defendant?

7 A Andrew Sciambra.

8 Q Can you recall, Mr. Ivon, approximately how  
9 long this conversation lasted?

10 A Probably half an hour, 45 minutes.

11 Q Did you have occasion, Mr. Ivon, after this  
12 conversation to see the Defendant again?

13 A Yes.

14 Q Where did you see him?

15 A In the District Attorney's Office.

16 Q Now, specifically in what room or office did  
17 you see him after this conversation, if  
18 you can recall?

19 A In a smaller office directly across from the  
20 Investigator's office.

21 Q Did you have a conversation with him in that  
22 office?

23 A Yes.

24 Q And approximately, Mr. Ivon, what time did  
25 that conversation take place?



1 A This was approximately 5:00 p.m.

2 Q Mr. Ivon, to your knowledge, do you know  
3 where the Defendant was between, say,  
4 1:00 o'clock and 5:00 o'clock p.m.?

5 A In the District Attorney's Office.

6 Q Do you recall what physical location he was  
7 in the office?

8 A In the Investigator's office, out in the  
9 front office, the main office.

10 Q Did you personally, or, to your knowledge,  
11 did any other member of the District  
12 Attorney's Staff question the Defendant  
13 during that entire five-hour period?

14 A I don't know.

15 Q Did you personally question the Defendant?

16 A Yes, I did.

17 Q During the entire five-hour period?

18 A No, no.

19 Q Other than the first questioning that you  
20 have related to the Court that took  
21 approximately a half hour to 45 minutes,  
22 did you have occasion again to question  
23 the Defendant?

24 A No.

25 Q Now, Mr. Ivon, do you know Salvatore Panzeca

1 when you see him?

2 A Yes, I do.

3 Q Do you see him in the courtroom?

4 A (Indicating) The gentleman that just sat  
5 down.

6 MR. ALCOCK:

7 Let the record reflect that the witness  
8 has indicated Defense Counsel Mr.  
9 Salvatore Panzeca.

10 THE COURT:

11 Let it be noted in the record.

12 BY MR. ALCOCK:

13 Q Did you see Mr. Panzeca at all in the District  
14 Attorney's Office on the date of March 1,  
15 1967?

16 A Yes, I did.

17 Q Do you recall approximately what time you saw  
18 him?

19 A Between 3:00 and 4:00 p.m.

20 Q And at the time you saw Mr. Panzeca, was anyone  
21 with him? That is, the first time you  
22 saw him.

23 A No.

24 Q Do you know whether or not, of your own know-  
25 ledge, Mr. Ivon, that Mr. Panzeca con-

- 1                   ferred with the Defendant at that time?
- 2       A       Yes, he did.
- 3       Q       Did he confer with the Defendant in your
- 4                   presence?
- 5       A       No, he didn't.
- 6       Q       Do you know what physical location within the
- 7                   District Attorney's Office that they con-
- 8                   ferred in, if you can recall?
- 9       A       No, I can't recall.
- 10      Q       Can you approximate for us, Mr. Ivon, about
- 11               how long they conferred?
- 12      A       No.
- 13      Q       To your knowledge, and only to your knowledge,
- 14               Mr. Ivon, do you know why Mr. Panzeca
- 15               was present in the office?
- 16      A       He was called by Mr. Shaw.
- 17      Q       Was this call made in your presence?
- 18      A       Yes, it was.
- 19      Q       Do you recall approximately what time that
- 20               call was made?
- 21      A       The call was made right after I finished speak-
- 22               ing with Mr. Shaw, I would say roughly
- 23               -- I am approximating -- probably two.
- 24      Q       2:00 o'clock in the afternoon?
- 25      A       Yes.

Q Do you recall whether or not after this call was made and prior to the arrival of Mr. Sciambra (sic), whether or not you or any other member of the staff questioned Clay Shaw?

A To my knowledge, no.

Q In your presence, had he requested assistance of counsel?

A Yes, and I advised him to have counsel.

Q Do you recall, Mr. Ivon -- and again I realize this would be an approximation on your part -- do you recall approximately how long it was between the call made by the Defendant Shaw to Panzeca, before Mr. Panzeca arrived?

A It was some time -- I just don't know how long -- because he attempted to locate Mr. Wegmann at first; as a last resort he called Mr. Panzeca.

Q Now, Mr. Ivon, did you see Mr. Edward Wegmann in the District Attorney's Office on the evening of March 1, 1967?

A I seen one of the Wegmanns, (indicating) the gentleman sitting next to Mr. Shaw.

MR. ALCOCK:

1 Let the record reflect that the witness  
2 has indicated the counsel Mr. Edward  
3 Wegmann.

4 THE COURT:

5 Let it be noted in the record.

6 BY MR. ALCOCK:

7 Q Do you recall approximately what time Mr.  
8 Wegmann arrived at the office?

9 A No, I don't.

10 Q Do you recall whether or not it was prior to  
11 Mr. Panzeca's entrance into the office  
12 or subsequent to that?

13 A I believe he came after Mr. Panzeca.

14 Q Mr. Ivon, do you know as a matter of your own  
15 personal knowledge whether Mr. Wegmann  
16 was permitted to confer with Mr. Shaw?

17 A Yes, sir, he was.

18 Q Do you recall where in the office this con-  
19 versation took place?

20 A No, I do not.

21 Q Do you recall, Mr. Ivon, approximately how  
22 long this conference was?

23 A No.

24 Q Was Mr. Panzeca still in the District  
25 Attorney's Office, to the best of your

1 recollection, at the time that Mr.  
2 Wegmann appeared?

3 A Yes.

4 Q Do you know whether or not, of your own  
5 knowledge, both attorneys conferred with  
6 their client?

7 A Yes.

8 Q Do you know whether, of your own knowledge,  
9 both attorneys conferred with their  
10 client together?

11 A No, I don't.

12 Q Now, Mr. Ivon, directing your attention again  
13 to the date of March 1, 1967, and more  
14 specifically to the evening hours, did  
15 you have occasion to place the Defendant  
16 Clay Shaw under arrest?

17 A Yes.

18 Q And where were you physically, and where was  
19 he physically, at the time the arrest was  
20 effected?

21 A He was in the small office directly across  
22 from the Investigator's office.

23 Q Would this have been the same office that you  
24 referred to prior in your testimony?

25 A Yes.

1 Q At the time that you placed the Defendant  
2 under arrest, were either Mr. Panzeca  
3 or Mr. Wegmann present?

4 A I believe both were present.

5 Q At the time you placed the Defendant under  
6 arrest, did you advise him of his  
7 Constitutional rights?

8 A Yes.

9 Q Subsequent to placing the Defendant under  
10 arrest, Mr. Ivon, did you have occasion  
11 to take him anywhere?

12 A No.

13 Q At the time you advised the Defendant of his  
14 Constitutional rights, can you recall  
15 now, or at least essentially recall now,  
16 what rights you advised him of at that  
17 time?

18 A I advised him of his right to remain silent,  
19 that anything he might say could possibly  
20 be used against him. Of course, his  
21 attorneys were present at that time, and  
22 interjected into this, and advised me  
23 that the client did not wish to speak.

24 Q Do you recall which of the attorneys inter-  
25 jected this?

1 A I think it was Mr. Wegmann, I am not sure.

2 Q Now I take it then, Mr. Ivon, that Mr.

3 Wegmann was close at hand at the time  
4 that you advised him of his rights?

5 A Yes.

6 Q Did you have occasion, Mr. Ivon, subsequent  
7 to the placing of the Defendant under  
8 arrest, to take him to the Central  
9 Lockup?

10 A Yes.

11 Q And who was with you when you took him to the  
12 Central Lockup?

13 A Officer Loisel, Al Oser, Assistant District  
14 Attorney, Mr. Wegmann, and Mr. Shaw.

15 Q Mr. Ivon, did you walk over to the Central  
16 Lockup or ride over in an automobile?

17 A In an automobile.

18 Q Do you recall whose automobile it was?

19 A The District Attorney's.

20 Q Do you recall who was in the automobile?

21 A Yes. Myself -- I was driving it -- Mr. Oser  
22 was sitting in the front with me, Lynn  
23 Loisel in the back seat, Mr. Wegmann and  
24 Mr. Shaw.

25 Q (Exhibiting photograph to witness) Mr. Ivon,



D16

Reference copy, JFK Collection: HSCA (RG 233)

1 I am going to show you what I have  
2 marked for purposes of identification  
3 as "State 56," and I ask you if you  
4 recognize the scene depicted in this  
5 picture?

6 A Yes, I do.

7 Q Where have you seen that scene before?

8 A This is when we were taking Mr. Shaw to  
9 Central Lockup.

10 (Whereupon, the document referred  
11 to by Counsel was duly marked for  
12 identification as "Exhibit S-56.")

13 BY MR. ALCOCK:

14 Q Do you recognize any of the persons depicted  
15 in that picture?

16 A All of them.

17 Q Do you see any of the persons depicted in the  
18 picture in the courtroom today?

19 A Mr. Shaw and Mr. Wegmann.

20 Q Who is the other person in the picture?

21 A Officer Loisel.

22 Q Do you know where this picture was taken?

23 A No, I don't.

24 Q Mr. Ivon, do you recall whether or not, to  
25 the best of your knowledge, this was the

1 seating arrangement in the back seat of  
2 the automobile on the way to the Central  
3 Lockup?

4 A Yes, it was.

5 Q Did you go directly to the Central Lockup?

6 A Yes.

7 Q During the course of your ride from the  
8 Criminal District Court Building to the  
9 Central Lockup, were there any questions  
10 asked of the Defendant?

11 A No.

12 Q Now, what, if anything, did you do, Mr. Ivon,  
13 when you arrived at the Central Lockup?

14 A Well, we drove around the rear of the Central  
15 Lockup, drove in the Central Lockup it-  
16 self and took him into the Central Lock-  
17 up.

18 Q Mr. Ivon, did you personally have anything  
19 to do with the booking of the Defendant  
20 on that occasion?

21 A No, I did not.

22 Q While at the Central Lockup, did you have  
23 occasion to question the Defendant any  
24 further?

25 A No, I did not.

1 seating arrangement in the back seat of  
2 the automobile on the way to the Central  
3 Lockup?

4 A Yes, it was.

5 Q Did you go directly to the Central Lockup?

6 A Yes.

7 Q During the course of your ride from the  
8 Criminal District Court Building to the  
9 Central Lockup, were there any questions  
10 asked of the Defendant?

11 A No.

12 Q Now, what, if anything, did you do, Mr. Ivon,  
13 when you arrived at the Central Lockup?

14 A Well, we drove around the rear of the Central  
15 Lockup, drove in the Central Lockup it-  
16 self and took him into the Central Lock-  
17 up.

18 Q Mr. Ivon, did you personally have anything  
19 to do with the booking of the Defendant  
20 on that occasion?

21 A No, I did not.

22 Q While at the Central Lockup, did you have  
23 occasion to question the Defendant any  
24 further?

25 A No, I did not.

Q Can you tell me, Mr. Ivon, what rooms, if any, you entered into personally while over at the Lockup on that occasion?

A Well, the area where you take prisoners at there, also the area where they fingerprint the prisoners, and behind the booking cage of the Central Lockup.

Q Were you in a position, Mr. Ivon, to see the actual booking of the Defendant in this case?

A Yes.

Q Were you in a position to see the fingerprinting of the Defendant in this case?

A Yes.

Q Did you see the entire fingerprinting procedure?

A No, I did not.

Q Did you recognize the officer who fingerprinted the Defendant in this case?

A Yes.

Q What is his name?

A Aloysius Habighorst.

Q (Exhibiting photograph to witness) Mr. Ivon, I am going to show you what I have marked for purposes of identification as "S-57,"

1 and ask you if you recognize the area  
2 and the scene depicted in this picture?

3 A Yes. This is the doorway to the B of I where  
4 they fingerprint the prisoners.

5 Q Is that in the Central Lockup?

6 A Yes, it is.

7 (Whereupon, the document referred  
8 to by Counsel was duly marked for  
9 identification as "Exhibit S-57.")

10 BY MR. ALCOCK:

11 Q Now relating to your activities on that night,  
12 that is, the night of March 1, 1967, did  
13 you ever have occasion to go through  
14 that doorway and on into the room that it  
15 leads to?

16 A Yes.

17 Q (Exhibiting photograph to witness) I now show  
18 you what I have marked for purposes of  
19 identification as "State-58," and I ask  
20 you if you recognize this scene.

21 A Yes, this is the booking area in Central Lock-  
22 up.

23 (Whereupon, the document referred  
24 to by Counsel was duly marked for  
25 identification as "Exhibit S-58.")

p20

Reference copy, JFK Collection: HSCA (RG 233)

1 BY MR. ALCOCK:

2 Q Did you have occasion on the night of March 1  
3 to be in this area at all?

4 A Yes.

5 Q Is this the area that the Defendant was booked  
6 in?

7 A Yes.

8 Q (Exhibiting photograph to witness) I now show  
9 you what I have marked for purposes of  
10 identification as "State-59," and I  
11 ask you if you recognize the area de-  
12 picted in that photograph.

13 A Yes. This is the B of I where they finger-  
14 print prisoners in Central Lockup.

15 (Whereupon, the document referred  
16 to by Counsel was duly marked for  
17 identification as "Exhibit S-59.")

18 BY MR. ALCOCK:

19 Q Now relating your testimony back to the night  
20 of March 1, 1967, did you have occasion  
21 at any time during the fingerprinting of  
22 the Defendant to be in that room?

23 A I was in and out.

24 Q Could you estimate for us the longest period  
25 of time that you were in during the

1 fingerprinting of the Defendant?

2 A Five, ten minutes.

3 Q Do you recall whether or not the physical  
4 objects in this picture, that is, the  
5 desk and the other objects, were posi-  
6 tioned in this position on the night of  
7 March 1, 1967, to the best of your recol-  
8 lection?

9 A I would think so, because this desk is in the  
10 same place. I sat down there to fill  
11 out some forms.

12 Q Now, Mr. Ivon, directing your attention again  
13 to State-58, which purports to be, by  
14 your testimony, a picture of the booking  
15 area of the Central Lockup, do you recall  
16 at any time on the night of March 1,  
17 1967, the presence of either Mr. Panzeca  
18 or Mr. Wegmann within the area shown in  
19 S-58?

20 A Yes, Mr. Wegmann came into the booking area  
21 with us when we drove in.

22 Q Now with reference to State-59, which, accord-  
23 ing to your testimony, is the area in  
24 which the Defendant was fingerprinted, do  
25 you recall at any time on the night of

D22

Reference copy, JFK Collection: HSCA (RG 233)

1 March 1 the presence of either Mr.

2 Panzeca or Mr. Wegmann within this room?

3 A No, I don't.

4 Q Again referring you to S-59, which you have  
5 testified is the area of the fingerprint-  
6 ing, or the fingerprinting room, do you  
7 recall at any time on that night seeing  
8 any Assistant District Attorney in that  
9 room?

10 A No.

11 Q Do you recall seeing any member of the New  
12 Orleans Police Department assigned to the  
13 District Attorney's Office at that time,  
14 in this room?

15 A No. I believe I was the only one.

16 Q Do you recall, of your own knowledge, Mr. Ivon,  
17 where Mr. Loisel went when you were over  
18 there at the Central Lockup?

19 A No, I don't.

20 MR. ALCOCK:

21 I tender the witness.

22 THE COURT:

23 Take this for the record -- I should have  
24 placed it there before: The evidence  
25 being elicited out of the presence



1 of the Jury is for the purpose of  
2 laying a predicate for an inculpatory  
3 oral statement.

4 I wanted that to go in the record. You  
5 may proceed, Mr. Dymond.

6 CROSS-EXAMINATION

7 BY MR. DYMOND:

8 Q Mr. Ivon, is it not a fact that Mr. Shaw's  
9 attorneys on March 1 in the District  
10 Attorney's Office instructed him to make  
11 no statement at all, and advised you and  
12 the other law enforcement officers  
13 present that he was to make no statement?

14 A He advised me.

15 Q I see. Was anyone else within earshot when he  
16 advised you?

17 A I believe Andrew Sciambra.

18 Q I see. And of course Mr. Sciambra was  
19 participating in the investigation at  
20 that time, was he not?

21 A Yes.

22 Q Now, Mr. Ivon, you say that during the finger-  
23 printing procedure you were in and out  
24 of the Bureau of Identification room in  
25 the Central Lockup?

224

Reference copy, JFK Collection: HSCA (RG 233)

1 A Yes.

2 Q Approximately how long did the fingerprinting  
3 and mugging procedure take?

4 A I have no idea.

5 Q Well, were you there during the entire pro-  
6 cedure, I mean in the building?

7 A I was back in Central -- no, I wasn't there  
8 the whole time, I believe I left before  
9 he was actually put on the books.

10 Q Where were you when he first went into the  
11 B of I room, that is, to be printed and  
12 mugged?

13 A I believe I was right alongside of him.

14 Q Did you go in with him or not?

15 A I am not sure; I think I did.

16 Q Then how long did you stay in there on that  
17 occasion?

18 A A couple of minutes, in and out.

19 Q A couple of minutes in and out. I mean how  
20 long did you stay in there upon your  
21 first trip in?

22 A A couple of minutes.

23 Q Then where did you go?

24 A Out into the outer room where they book the  
25 prisoners.

Q For any particular reason?

A No. Actually the prisoner was in custody of the Police Department Central Lockup at that time.

Q So you were actually finished with the arrest procedure, is that right?

A Yes.

Q Now, did you have any particular reason for staying around there after he had been turned over to the Central Lockup?

A To fill out some forms.

Q What forms did you have to fill out?

A Arrest Sheet, Rights of Arrestee form.

Q How about the Field Arrest Report? Did you fill that out?

A Not in -- I believe the officers in Central Lockup fill those out.

Q You are familiar with the Field Arrest Report form, are you not, sir?

A No, not really.

Q (Exhibiting document to witness) I show you an exhibit which has been marked for identification "D-14," purporting to be the New Orleans Police Department Field Arrest Report, and I ask you whether you

are familiar with that.

A I have seen these forms before.

(Whereupon, the document referred  
to by Counsel was duly marked for  
identification as "Exhibit D-14.")

BY MR. ALCOCK:

Q Have you made arrests before, Mr. Ivon?

A Many times; not since these forms have been  
in operation.

Q In other words, would I be correct in saying  
that you have never filled out one of  
these forms?

A I may have. There is no way I would know.

Q You don't remember ever having filled one out?  
Is that right?

A No.

MR. DYMOND:

Your Honor, we have sent outside for the  
original Field Report form on this  
case, which a witness has outside.

MR. PANZECA:

Can I bring that return in, Your Honor?

THE COURT:

What are you sending for?

MR. DYMOND:

D27

1 The original Field Arrest Report on  
2 Mr. Shaw.

3 THE COURT:

4 Do you have it in your presence?

5 MR. DYMOND:

6 Right out in the hall. Captain Curole  
7 has it. We subpoenaed it.

8 THE COURT:

9 Is it under subpoena duces tecum?

10 MR. DYMOND:

11 Yes, it is, Your Honor.

12 THE COURT:

13 Can't we ask Captain Curole to come in  
14 and let him make his return on the  
15 subpoena?

16 MR. DYMOND:

17 Yes, we can. We would like to do that.

18 THE COURT:

19 Ask Captain Curole to step in.

20 (Whereupon, Captain Louis Curole  
21 entered the courtroom and was  
22 duly sworn by the Clerk.)

23 THE COURT:

24 Captain, did you bring with you anything  
25 subpoenaed under a subpoena duces

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tecum by the Defense?

CAPTAIN CUROLE:

Yes, sir, I did.

THE COURT:

What have you brought with you?

CAPTAIN CUROLE:

I have brought all the records that were  
in my possession.

THE COURT:

Relating to whom?

CAPTAIN CUROLE:

The booking and release of Clay Shaw.

THE COURT:

May I see them?

(Documents exhibited to the Court.)

THE COURT:

Who subpoenaed these, the State or the  
Defense?

MR. DYMOND:

We did, the Defense.

THE COURT:

Show it to the Defense, and let me know

if you are satisfied that is what you  
asked for, and, if it is, I will take  
possession of it until such time as

1 it is needed.

2 (Documents exhibited to Mr. Dymond.)

3 THE COURT:

4 Has the Captain brought in what you re-  
5 quested?

6 MR. DYMOND:

7 Right. We will ask that the record re-  
8 flect that in response to our sub-  
9 poena duces tecum Captain Curole  
10 has delivered to us the original of  
11 the Field Arrest Report and the  
12 original of the Arrest Register  
13 Sheet pertaining to the arrest of  
14 Mr. Shaw.

15 THE COURT:

16 May I suggest that you give these an  
17 identifying number, for identifica-  
18 tion purposes only as of this time.  
19 That would be "D-15."

20 MR. DYMOND:

21 Very well. We will mark the original of  
22 the Field Arrest Report as "Exhibit  
23 D-15," and then we will mark the  
24 original of the Arrest Register  
25 Sheet as "Exhibit D-16" for identifi-

1 cation.

2 (Whereupon, the documents referred  
3 to by Counsel were duly marked for  
4 identification as "Exhibit D-15"  
5 and "Exhibit D-16.")

6 THE COURT:

7 Now, on the return by Captain Louis  
8 Curole, he is turning those over to  
9 the Court, and I in turn am turning  
10 them over to Defense Counsel to use  
11 as they see fit. As far as the  
12 case is concerned, they have not  
13 been accepted into evidence as yet.

14 MR. DYMOND:

15 Right.

16 THE COURT:

17 -- until the State gets a chance to ob-  
18 serve them. If you wish to use  
19 either of these exhibits in question-  
20 ing the witness, I would suggest  
21 you show them to the District Attor-  
22 ney first.

23 MR. DYMOND:

24 We will do that, certainly.

25 (Documents exhibited to Counsel



for the State.)

THE COURT:

Do you have any further need of Captain  
Curole?

MR. WILLIAM WEGMANN:

He is under subpoena. He is going to  
wait in the hall.

THE COURT:

You are still under subpoena, Captain.

You may leave the courtroom.

(Captain Curole excused.)

BY MR. DYMOND:

Q Mr. Ivon, did Mr. Clay Shaw make any state-  
ments to you before you took him over to  
the Central Lockup and delivered him  
there?

A Answers to questions I may have asked him?

Q That is correct.

A No.

Q Did you ever examine the original Arrest  
Register in connection with his arrest?

A Have I examined it?

Q That is correct.

A What do you mean by that?

Q Did you ever look at it and read it over?

D32

1 A I may have.

2 Q Do you know what an Arrest Register Sheet  
3 looks like?

4 A Is that what you just showed me?

5 Q No, it is not.

6 A Probably I have seen them, I may have even  
7 filled some out.

8 Q (Exhibiting document to witness) I show you  
9 an exhibit which we have marked for  
10 identification "D-17," purporting to be  
11 an original Arrest Register Sheet, and I  
12 ask you if you are familiar with that  
13 form?

14 A I have seen them before.

15 (Whereupon, the document referred  
16 to by Counsel was duly marked for  
17 identification as "Exhibit D-17.")

18 BY MR. DYMOND:

19 Q Did you examine the original Arrest Register  
20 Sheet on Clay Shaw at any time?

21 A I don't know if I did.

22 Q (Exhibiting document to witness) I now show  
23 you an exhibit marked for identification  
24 "D-15," being the Field Arrest Report on  
25 Clay Shaw, which purports to bear your

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1 signature, and I ask you whether or  
2 not that is your signature on the docu-  
3 ment.

4 A It is.

5 Q Now, in view of your previous testimony that  
6 you did not know whether you had ever  
7 filled out one of these forms and were  
8 not familiar with the form, do you now  
9 recall having filled out this form?

10 A Yes, I filled it out, it is in my handwriting.

11 Q When did you fill that out?

12 A The night of the arrest.

13 Q Before or after you delivered him to Central  
14 Lockup?

15 A This was after I delivered him to Central  
16 Lockup. I believe I got the form from  
17 Central Lockup.

18 MR. ALCOCK:

19 Your Honor, if this was after Central  
20 Lockup delivery, this is on a predi-  
21 cate, this isn't relevant.

22 BY MR. DYMOND:

23 Q Do you remember where you went --

24 MR. ALCOCK:

25 I made an objection, Mr. Dymond.

034  
1 THE COURT:

2 Let me see if I understand your objec-  
3 tion. Would you repeat it, please?

4 MR. ALCOCK:

5 The objection is, No. 1, whether he  
6 filled these out or not is really  
7 irrelevant to the predicate on  
8 freeness and voluntariness of any  
9 inculpatory statement, especially  
10 as he has just testified he probably  
11 filled it out after the booking pro-  
12 cedure.

13 MR. DYMOND:

14 Your Honor, he said he didn't know when  
15 he filled it out, whether before or  
16 after. The only way to find out is  
17 to pursue it.

18 THE COURT:

19 I remember Officer Ivon stated -- this is  
20 out of the presence of the Jury --  
21 the only reason he hung around, to  
22 use the vernacular, in Central Lock-  
23 up was to fill out reports after --  
24 this report after he had been turned  
25 over to the Police.

1 MR. DYMOND:

2 He didn't even know what this document --

3 MR. ALCOCK:

4 That is irrelevant to the predicate,

5 Your Honor.

6 THE COURT:

7 Are you alleging certain information made

8 and information filled out prior to

9 him being turned over to the New

10 Orleans Police Department?

11 MR. DYMOND:

12 I am not alleging anything, Your Honor,

13 I am just examining the witness.

14 THE COURT:

15 The kind of predicate they are laying,

16 or attempting to lay, as I understand

17 at this moment occurred prior to the

18 time Mr. Shaw was physically turned

19 over to the New Orleans Police De-

20 partment.

21 MR. DYMOND:

22 That is correct.

23 THE COURT:

24 If you are questioning the witness about

25 some events which occurred after Mr.

D36

1 Shaw being turned over to the  
2 New Orleans Police Department, it  
3 is immaterial and irrelevant and  
4 has nothing to do with the predi-  
5 cate.

6 Is that your objection?

7 MR. ALCOCK:

8 No, Your Honor. I would like to clari-  
9 fy for the Court, if I may.

10 As the Court knows, the law has been  
11 changed and of course you cannot  
12 mention any confession or inculpa-  
13 tory statement in the opening state-  
14 ment. If the State could put that  
15 in, the Court would be more oriented  
16 as to the time the State is alleging  
17 the statement was made. This  
18 alleged statement was made during  
19 the fingerprinting procedure of the  
20 Defendant, so he had been turned  
21 over, as I appreciate Officer Ivon's  
22 testimony, to the New Orleans Police  
23 Department, the alleged statement  
24 being made to Habighorst, not to  
25 Ivon. My objection is to the

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D37

1 relevancy of how he filled out  
2 forms when that forms no basis or  
3 gives this Court no indication of  
4 whether or not the Defendant made  
5 the alleged statement freely and  
6 voluntarily and after having been  
7 advised of his Constitutional  
8 rights, which is the sole purpose  
9 for the laying of a predicate.

10 MR. DYMOND:

11 If the Court please, we have no way of  
12 knowing as of right now when the  
13 form was filled out. That is what  
14 we are trying to find out. The  
15 Officer has stated in his testimony  
16 that probably it was after Mr. Shaw  
17 was turned over to Central Lockup.  
18 He has not been positive in it, and  
19 I think we are entitled to inquire  
20 into it.

21 THE COURT:

22 Let me ask the witness one or two ques-  
23 tions that may clarify the situation.

24 BY THE COURT:

25 Q Officer Ivon, since you have been attached to

1 the District Attorney's Office, you do  
2 not act -- normally or ordinarily the  
3 scope of your business affairs is not  
4 the same as ordinary police officers,  
5 is that correct?

6 A That is correct.

7 Q So that you would not have the opportunity,  
8 as other officers do, to fill out these  
9 forms?

10 A That is correct.

11 Q Now, this particular night in question of  
12 March 1, 1967, were you present when  
13 Officer Habighorst was fingerprinting  
14 Mr. Shaw?

15 A No, I was not.

16 THE COURT:

17 Well, Mr. Alcock, why, except out of an  
18 abundance of precaution, why are you  
19 using this witness on a predicate if  
20 he wasn't there when the statement  
21 was made?

22 MR. ALCOCK:

23 Your Honor, I am simply using this wit-  
24 ness to show the presence of counsel  
25 throughout any questioning that



1 might have taken place, to destroy  
2 any possible taint that might creep  
3 into the alleged statement because  
4 of prior abuse or coercion. I am  
5 merely attempting to give this Court  
6 a complete picture of what trans-  
7 pired on that night, to show the  
8 Court that any statement that might  
9 have been made was made freely and  
10 voluntarily and after the man had  
11 been duly advised of his Constitu-  
12 tional rights.

13 MR. DYMOND:

14 If the Court please, if the State is  
15 going to give the Court a complete  
16 picture, we are certainly entitled  
17 to cross-examine on that complete  
18 picture.

19 MR. ALCOCK:

20 Not unless it deals with relevancy to  
21 the predicate, and not unless it  
22 deals with whether or not he gave  
23 the statement freely and voluntarily  
24 after being duly advised of his  
25 rights. That is the only issue be-

1 fore the Court at this time.

2 THE COURT:

3 There is no question about that, I think  
4 we all agree.

5 MR. DYMOND:

6 There is no argument about that, we all  
7 know that.

8 THE COURT:

9 Are you seeking, Mr. Dymond, to find out  
10 when the Officer filled out the re-  
11 port?

12 MR. DYMOND:

13 Correct.

14 BY THE COURT:

15 Q Can you come up with an answer? I am not  
16 trying to force you, but can you tell us  
17 when you made this report out?

18 A I made it out on March 1.

19 Q That is a whole day; we want to know the hour  
20 and minute if possible.

21 A No, I can't remember.

22 Q Well, how would you have gotten the information  
23 that was on that report unless you had to  
24 speak to somebody to get it? Right?

25 A No, not necessarily. I had enough information

1 about Mr. Shaw I believe to fill out a  
2 form, get it from the Booking Sergeant  
3 at the Central Lockup.

4 Q Wouldn't you have filled out this report prior  
5 to you turning Mr. Shaw over physically  
6 to the New Orleans Police Department?

7 A No, it was after I turned him over to Central  
8 Lockup.

9 Q That is what I have been trying to get you to  
10 say, was it before or after.

11 BY MR. DYMOND:

12 Q Mr. Ivon, isn't it a fact that a prisoner  
13 isn't booked until you fill out this  
14 Field Arrest form?

15 A I don't know the procedure back there -- they  
16 gave me that form that night to fill out.  
17 -- I don't know what procedure they have  
18 back in Central Lockup.

19 Q Did you also sign the affidavit for a search  
20 warrant in this case?

21 MR. ALCOCK:

22 Objection, Your Honor.

23 THE COURT:

24 I will permit it at this time, out of the  
25 presence of the Jury.

MR. ALCOCK:

It is outside of the scope of the predicate also.

THE COURT:

I know it is. What does the search warrant have to do with a free and voluntary --

MR. DYMOND:

Are you going to permit it? You said you would permit it.

THE COURT:

I will permit it.

BY MR. DYMOND:

Q Did you also make the affidavit for the search warrant in connection with this case?

A For Mr. Shaw's house?

Q Yes.

A I don't remember if I did or not.

MR. ALCOCK:

Your Honor, I am going to object to any questions relative to this document. An application for a search warrant has no relevancy in the matter before the Court at this time.

MR. DYMOND:

If the Court please, Your Honor --

MR. ALCOCK:

-- unless they can establish that it was made out at approximately the same time that Officer Habighorst was fingerprinting the Defendant.

MR. DYMOND:

If the Court please --

THE COURT:

What is the purpose of going into the search warrant at this time?

MR. DYMOND:

If the Court please, Your Honor said he would permit the question as to whether he made the search warrant out. He answered that, said he didn't know whether he had or not. I want to now submit the warrant to him and ask him whether his signature is on it.

THE COURT:

I will permit that, but I am not going to permit you to go into details of the application.

D44

1 BY MR. DYMOND:

2 Q (Exhibiting document to witness) I show you  
3 an exhibit which has been marked for  
4 identification "D-18," purporting to  
5 be an application for a search warrant  
6 to search the home of the Defendant,  
7 being under date of March 1, 1967, and  
8 I refer you to the last page of this  
9 document and ask you whether you executed  
10 that.

11 A Yes, that is my signature.

12 (Whereupon, the document referred  
13 to by Counsel was duly marked for  
14 identification as "Exhibit D-18.")

15 BY MR. DYMOND:

16 Q Now, was this search warrant executed -- at  
17 what time on March 1?

18 MR. ALCOCK:

19 Objection, unless this man was present  
20 when it was executed. You mean exe-  
21 cution of the search or --

22 MR. DYMOND:

23 No, the affidavit.

24 THE COURT:

25 What time of day was the application

signed?

MR. DYMOND:

By this witness?

THE COURT:

When did you sign that?

THE WITNESS:

I don't remember what time it was.

BY MR. DYMOND:

Q Was it before or after Mr. Shaw was delivered  
to Central Lockup?

A I can't remember.

Q Was it in the daytime or nighttime?

A I believe it would have to be in the afternoon.

I am not sure.

Q Mr. Ivon, you say you were in and out of the  
B of I room while the fingerprinting and  
the mugging was taking place, is that  
right, sir?

A Yes.

Q Was Mr. Edward Wegmann present in the Bureau  
of Identification room during this pro-  
cedure?

A I seen him by the door; I don't know if he was  
in the room himself.

Q Was Mr. Panzeca in the Bureau of Identification

1 room at this time?

2 A I don't remember.

3 Q Do you know of any of Mr. Clay Shaw's attor-  
4 neys who were present in the B of I  
5 room when he was being printed and  
6 mugged?

7 A No.

8 MR. DYMOND:

9 That is all, sir.

10 MR. ALCOCK:

11 No further questions.

12 THE COURT:

13 You may step down. Call your next wit-  
14 ness.

15 (Witness excused.)

16 MR. ALCOCK:

17 Call Officer Habighorst.

18 MR. DYMOND:

19 Your Honor, we would ask that Mr. Ivon  
20 remain under the subpoena.

21 THE COURT:

22 You are still under the subpoena.

23 MR. ALCOCK:

24 We have to put him back on before the  
25 Jury anyway.



D47

1 MR. DYMOND:

2 As long as that is going to be done, it  
3 is all right.

4 MR. WILLIAM WEGMANN:

5 Judge, at this time we would move for an  
6 instanter subpoena for Officer  
7 George Vogt, III, V-o-g-t.

8 THE COURT:

9 Draw up an instanter subpoena for Officer  
10 George Vogt, III. Let the Sheriff  
11 call the Personnel Office of the  
12 New Orleans Police Department. I  
13 think they can do it by telephone  
14 quicker than running him down.

15 MR. WILLIAM WEGMANN:

16 I agree with you. He may be over in  
17 Central Lockup.

18 THE COURT:

19 Put down on the instanter subpoena the  
20 address of the person as possibly or  
21 probably the Central Lockup.

22 Are you ready to proceed with this witness?

23 MR. ALCOCK:

24 Yes, Your Honor.

25 THE COURT:

D48

48

Proceed.

ALOYSIUS J. HABIGHORST,  
having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q State your full name, please.

A Aloysius J. Habighorst.

Q What is your occupation?

A Police Patrolman.

Q How long have you been a member of the Police  
Department?

A Fifteen and a half years.

Q Officer Habighorst, do you generally wear  
dark glasses?

A I don't generally wear dark glasses. I was  
involved in a hit-and-run accident  
yesterday, and this is the only glasses  
I have until they are able to be re-  
paired.

Q To what division or area of the Police De-  
partment, Officer, are you presently  
assigned?

A I am assigned to Section B of the Municipal  
Court, Judge Andrew Bucaro.

D49

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1 Q And directing your attention to the month --  
2 or rather the first day of March, 1967,  
3 what area or division of the Police  
4 Department were you assigned to on that  
5 occasion?

6 A I was assigned to the Central Lockup, Bureau  
7 of Identification.

8 Q And at that date -- that would be March 1 --  
9 how long had you been so assigned?

10 A Since the opening of the Lockup, which I be-  
11 lieve was in December, 1966.

12 Q I say subsequent to the date of March 1, 1967  
13 how long were you assigned to the Lockup.

14 A The entire time.

15 THE COURT:

16 When did you leave there?

17 THE WITNESS:

18 I left there April of 1968.

19 BY MR. ALCOCK:

20 Q Officer Habighorst, what were your duties at  
21 the Central Lockup?

22 A Fingerprinting and photographing of all  
23 arrested subjects.

24 Q On the night of March 1, 1967, did you have  
25 occasion to fingerprint and photograph

1 the Defendant Clay Shaw?

2 A Yes, sir.

3 Q Do you see him in the courtroom?

4 A Yes, sir.

5 Q Would you point to him, please.

6 A (Indicating) Sitting next to Mr. Panzeca,  
7 to his left.

8 MR. ALCOCK:

9 Let the record reflect that the witness  
10 has indicated the Defendant Clay  
11 Shaw.

12 THE COURT:

13 Let it be noted in the record.

14 BY MR. ALCOCK:

15 Q Do you recall approximately what time you  
16 first saw the Defendant at the Central  
17 Lockup on that date, that is, March 1?

18 A Approximately around 8:00 o'clock, 8:00 p.m.

19 Q Do you recall where you first saw him  
20 physically in the lockup area?

21 A In the -- inside the Bureau of Identification.

22 Q (Exhibiting photograph to witness) I am going  
23 to show you what I have marked for pur-  
24 poses of identification as "State 59"  
25 and ask you if you recognize the room

and area depicted in that photograph.

A This is the Bureau of Identification of the  
Central Lockup.

THE COURT:

Take your time. Speak out loud.

A This is the Bureau of Identification inside  
the Central Lockup.

(Whereupon, the photograph referred  
to by Counsel was duly marked for  
identification as "Exhibit S-59.")

BY MR. ALCOCK:

Q Is this the area in which you first saw the  
Defendant on that night?

A Yes, sir.

Q (Exhibiting photograph to witness) I am going  
to show you a photograph which I have  
marked for purposes of identification as  
"S" or "State-58," and I ask you if you  
recognize this area.

A This is the booking area immediately outside  
the Bureau of Identification.

Q Would that also be in the Central Lockup?

A Yes, sir.

(Whereupon, the photograph referred  
to by Counsel was duly marked for

D52

1 identification as "Exhibit S-58.")

2 BY MR. ALCOCK:

3 Q Now, Officer, when you first saw the Defendant  
4 in the area of the Bureau of Identifica-  
5 tion which you have identified in "S-59,"  
6 who, if anyone, was in his presence or  
7 company?

8 A Officer Ivon, Officer Loisel, Mr. Wegmann --  
9 one of the attorneys was in and out --  
10 I think Mr. Oser from the District  
11 Attorney's Office, other personnel in the  
12 Lockup.

13 Q Now, you have mentioned the name of Mr.  
14 Wegmann. Do you see the Mr. Wegmann that  
15 you say was in and out of the B of I area  
16 do you see him in the courtroom?

17 A (Indicating) The gentleman sitting immediately  
18 to the left of Mr. Shaw.

19 MR. ALCOCK:

20 Let the record reflect that the witness  
21 has indicated Counsel Mr. Edward  
22 Wegmann.

23 THE COURT:

24 Let it be noted in the record.

25 BY MR. ALCOCK:

1 Q Now after Defendant Shaw entered the Bureau  
2 of Identification room, what, if anyth:  
3 did you do in relation to him?

4 A We were waiting for the Arrest Register to b  
5 completed, and it was some time. In  
6 order to expedite matters I began to  
7 process the fingerprinting of Mr. Shaw,  
8 because I was told that he would arrange  
9 immediate bail, so to facilitate matters  
10 I filled out the fingerprint card with  
11 the information that I got from him. It  
12 was given to him, he signed his name on  
13 it, then his fingerprints was affixed to  
14 it. After this was done he was brought  
15 outside and he was officially booked and  
16 brought the copy of the Arrest Register  
17 back, and it was necessary for me to  
18 again take a set of flats on the face of  
19 the Arrest Register. After this was com-  
20 pleted he left the Bureau of Identifica-  
21 tion and I seen him no more.

22 Q Now, prior to your actually fingerprinting  
23 the Defendant, did you have a copy of  
24 the Arrest Register?

25 A No, sir.

D54

1 Q What is your procedure, Officer Habighorst,  
2 in fingerprinting someone? What questions  
3 do you ask, if any?

4 A Get from them their age, the full name --  
5 first, middle and last -- place of birth,  
6 date of birth, height, weight, color of  
7 eyes and hair, and any other names that  
8 they may use or may be known by.

9 Q Is this routinely done with all prisoners?

10 A All prisoners that is charged with a crime  
11 that would necessitate fingerprinting  
12 them -- not like drunks or minor infrac-  
13 tions of municipal ordinances, we  
14 wouldn't fingerprint.

15 Q Are the questions that you propounded to the  
16 various defendants or prisoners the same  
17 at all times, or generally at all times?

18 A Yes, sir, because the information -- it is a  
19 standard card.

20 Q Now, at the time that you were receiving what  
21 information you did from the Defendant,  
22 do you recall whether or not there was  
23 anyone present in the room?

24 A Yes, sir, there was Officer James Millet, who  
25 did the actual fingerprinting of Mr.



D55

1 Shaw. Sergeant Butzman was in and out  
2 the area. There were people coming in  
3 and out all the time.

4 Q Referring your attention to State Exhibit 59,  
5 which you stated was the area in which  
6 you fingerprinted the Defendant, could  
7 you show me and mark on this photograph  
8 the area where you were at the time you  
9 received this routine information from  
10 him?

11 A (Indicating) Seated here behind the desk, I  
12 was seated behind the desk and the type-  
13 writer right here (indicating).

14 Q And where was the Defendant Shaw?

15 A During the time that I was getting the infor-  
16 mation from him, he was over in this area  
17 here (indicating) where he was washing  
18 his hands in preparation to taking the  
19 fingerprints.

20 THE COURT:

21 Speak in the mike.

22 THE WITNESS:

23 He was washing his hands in this area to  
24 the left where the wash basin is.

25 BY MR. ALCOCK:

D56

56

1 Q Do you recall whether or not you elicited all  
2 the necessary information from him while  
3 he was over by the wash basin, or did  
4 you elicit some of it when he was closer  
5 to you?

6 A Some of it was by the wash basin and others  
7 when he was standing directly in front  
8 of the fingerprinting table.

9 Q Now, at the time that you elicited this rou-  
10 tine booking and fingerprinting informa-  
11 tion, did you in any way abuse the  
12 Defendant physically?

13 A No, sir.

14 Q Did you make him any promises of any nature?

15 A No, sir.

16 Q Other than the fact that you fingerprinted him  
17 without the Arrest Register, was there  
18 anything unusual about the fingerprinting  
19 procedure used for the Defendant?

20 A No, sir. Some people have one way of doing it  
21 and I have another way which is easier  
22 for me, which I consider easier for me,  
23 and to, like I said, facilitate matters  
24 to get him out -- we did have other  
25 prisoners to be processed in through

D57

1 there and couldn't bring no one else  
2 into this area while they were back in  
3 there.

4 Q Approximately, Officer Habighorst, how long  
5 was the Defendant in this room, the B of I  
6 room?

7 A Approximately about a half hour.

8 Q Did it take you that long, Officer, to elicit  
9 this routine information?

10 A No, sir, but he wasn't taken directly out  
11 after we had finished with him because  
12 they was still making up the rough draft  
13 of the Arrest Register, and that was the  
14 most, I guess, convenient place for him  
15 to be seated back there.

16 Q Did you have occasion to question him at all  
17 after you performed your duties in finger-  
18 printing him?

19 A Other than getting the information for the  
20 fingerprint card, no, sir, no other  
21 conversation whatsoever.

22 Q (Exhibiting document to witness) Officer, I am  
23 going to show you what I have marked for  
24 purposes of identification as "S-60,"  
25 and ask you if you recognize this docu-

ment.

A This is one of the first cards, fingerprint cards, taken of Mr. Shaw by Officer Millet, and because of the lightness of the ink, the impressions on there, he deemed it necessary to take another card.

(Whereupon, the document referred to by Counsel, was duly marked for identification as "Exhibit S-60.")

BY MR. ALCOCK:

Q Does your signature appear anywhere on that card?

A Yes, sir.

Q Does the Defendant's signature appear anywhere on that card?

A Yes, sir.

Q Was the card signed in your presence by the Defendant?

A Yes, sir.

Q Prior to his signing the card, was he permitted to read the card?

A Yes, but he requested that he be allowed to read it before he signed it.

Q Did he make any corrections or deletions?

A No, sir.

D59

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Now, after the Defendant left the B of I  
2 area, did you have occasion to handle  
3 him at all any further in connection with  
4 your duties at the Central Lockup?

5 A No, sir. After he had left the B of I, I had  
6 other work to be done and I stayed in my  
7 immediate area of my office.

8 MR. ALCOCK:

9 I will tender the witness on the predi-  
10 cate.

11 CROSS-EXAMINATION

12 BY MR. WILLIAM WEGMANN:

13 Q Now, Officer Habighorst, do I understand your  
14 testimony correctly that in the B of I  
15 room while this interrogation went on,  
16 was Ivon, Loisel, Oser, and Ed Wegmann?

17 A They were in there on and off. Some of them  
18 stay there for a while, go out and get  
19 some other information, come back, and  
20 as I was beginning to process Mr. Shaw,  
21 who else came in there or how many times  
22 I couldn't say because my attention was  
23 diverted.

24 Q Let's take them one by one, Officer. Was  
25 Ivon ever in the B of I room that night?

1 A Yes, sir.

2 Q Was Loisel in the B of I room that night?

3 A Yes, sir.

4 Q Was Oser in the B of I room that night?

5 A Yes.

6 Q Was Ed Wegmann in the B of I room that night?

7 A He was right inside the doorway.

8 Q Was he inside the room or not?

9 A Yes, sir. Well, I would consider that inside

10 the room.

11 Q Now, was Butzman there during the whole time?

12 A No, sir.

13 Q That is Sergeant Butzman. You know who I

14 am talking about?

15 A Yes, sir.

16 Q Was Sergeant Butzman there?

17 A He was there but not during the entire pro-

18 cedure while I processed Mr. Shaw.

19 Q Was Captain Curole there?

20 A I didn't notice Captain Curole in the B of I

21 at all.

22 Q Was he in the Central Lockup?

23 A Yes, sir.

24 Q Isn't it a fact that the attorney was excluded

25 from the B of I room and not around to

61  
participate in that portion of the examination?

A He was there for a time, now. Why he was excluded or taken from there I don't know, I never did leave the confines of the Bureau of Identification.

Q Was the attorney with him at the time he answered your questions?

MR. ALCOCK:

Objection, objection, Your Honor. He has already answered the question.

THE COURT:

I didn't catch the answer.

MR. WILLIAM WEGMANN:

His answer is I don't know.

BY THE COURT:

Q Officer, do you understand the question Mr. Wegmann asked you?

A Yes.

Q While you were taking the fingerprints of Mr. Shaw, was any attorney present with him?  
Is that the question?

A That is the question.

Q Was anyone with him or not?

A The attorney was at the door.

D62

Reference copy, JFK Collection: HSCA (RG 233)

1 Q I didn't ask you that. Was he with him?

2 MR. ALCOCK:

3 This is what he testified.

4 THE COURT:

5 I am trying to clarify. Would you re-  
6 phrase the question, Mr. Wegmann.

7 BY MR. WEGMANN:

8 Q At the time that you got the information that  
9 is contained on the back of the exhibit,  
10 the fingerprint exhibit that Mr. Alcock  
11 just showed you, was the attorney present  
12 during that period of time?

13 A No, sir.

14 Q And was he present when Mr. Shaw signed that  
15 card?

16 A Yes, sir.

17 Q Now you are positive about that?

18 A I recall him being at the doorway and Mr. Shaw  
19 was standing directly in front of me by  
20 the fingerprinting --

21 Q Was he inside the door or outside the door?

22 A He was just right inside the door proper.

23 Q Physically in the room, physically inside of  
24 the B of I?

25 A There is a little hallway that is there. I



1 would say that he was more in the con-  
2 fines of the B of I than he was outside  
3 in the booking area.

4 Q Was the door open or closed during this pro-  
5 cedure?

6 A The door is always open.

7 Q Never closed?

8 A No, sir.

9 Q Now, you know what a Field Arrest Report is,  
10 don't you?

11 A Yes.

12 Q Did you see a Field Arrest Report on Shaw?

13 A After I had fingerprinted him, yes, sir.

14 Q (Exhibiting document to witness) I show you  
15 a document which has been marked "D-15"  
16 for identification, and I ask you if you  
17 have ever seen this document before?

18 MR. ALCOCK:

19 Your Honor, to which question the State  
20 objects on the ground that it is not  
21 relevant to the predicate. It may  
22 be relevant later on but at this  
23 juncture it is not relevant.

24 THE COURT:

25 Is that based on the time element, Mr.

Alcock?

MR. ALCOCK:

Yes, Your Honor.

THE COURT:

Mr. Wegmann and Mr. Dymond elicited from the previous witness, Mr. Ivon, that this Field Report was made up by him after he turned Mr. Shaw over to the custody of the Central Lockup. When he did turn him over to the custody of the Central Lockup, he was then processed from one department over to Mr. Habighorst, and this report was not made until after he was in the custody of Mr. Habighorst.

MR. WEGMANN:

I think that what the Court has done now, in effect you have prompted this witness as to what the testimony of Ivon was.

THE COURT:

I never said what Ivon said.

MR. WEGMANN:

In effect you have gone over Ivon's testi-

D65

65

1 mony. I think I have a right to  
2 ask this witness when he saw it from  
3 a time purpose, time angle. He may  
4 never have seen it.

5 THE COURT:

6 Ask him the time.

7 MR. WEGMANN:

8 I have to show him the document before  
9 I can ask if he remembers seeing it.

10 MR. ALCOCK:

11 The Defense contention that this docu-  
12 ment in and of itself frightened  
13 Defendant into making a statement  
14 or in any way coerced the Defendant  
15 to make any statement, that is the  
16 sole issue before the Court.

17 THE COURT:

18 I know of no connection of this statement  
19 with the predicate you are laying, I  
20 can see no connection as of this  
21 moment.

22 BY MR. WEGMANN:

23 Q Officer Habighorst, when did you see that  
24 document for the first time on March 1?

25 A It was after the fingerprinting procedure.

1 Q It was after the fingerprinting procedure?

2 A Yes, sir.

3 Q And who gave it to you?

4 A I don't recall if anyone gave it to me.

5 Some of these papers I think are filed  
6 in the Magistrate's Court next morning,  
7 and being short-handed over there, you  
8 do a lot of work other than your assigned  
9 duties.

10 Q Officer, why on direct examination did you  
11 state that Ed Wegmann was in and out  
12 when you now tell us he was standing by  
13 the door all the time?

14 A When I would notice him he would be there, no  
15 further than by the door itself, he never  
16 did come any closer into the office  
17 other than right there by the door.

18 Q Isn't it a fact, Officer, that attorneys are  
19 excluded by your regulations from going  
20 into that room?

21 A Yes, sir.

22 Q Attorneys are not allowed in the room where  
23 you photograph and fingerprint people?

24 A That is correct.

25 Q Isn't that correct?

D67

Reference copy, JFK Collection: HSCA (RG 233)

1 A That is correct, yes, sir.

2 Q Yet you are saying on this night the attorney

3 was in that room --

4 A Yes, sir.

5 Q -- in violation of the regulations?

6 A How he got in I do not know. As I said before,

7 I did not leave the confines of the

8 Bureau of Identification, so if someone

9 let him in there, I wasn't lax, that was

10 not my responsibility to screen the people

11 coming in and out of that Lockup.

12 Q All right. (Exhibiting document to witness)

13 I show you a document which has been

14 marked "D-16" for identification, Officer,

15 and ask you if you are familiar with this

16 document?

17 A This is the Arrest Register.

18 Q So you are familiar with it?

19 A Yes, sir.

20 Q That is the Arrest Register on Clay Shaw?

21 A Yes, sir.

22 Q Now, isn't it a fact that you observed and saw

23 this Register before you took his finger-

24 prints?

25 MR. ALCOCK:

D68

Reference copy, JFK Collection: HSCA (RG 233)

68

1                   Objection, Your Honor. Go ahead and  
2                   answer the question.

3           THE COURT:

4                   You can answer. Did you see it or did  
5                   you not see it?

6           THE WITNESS:

7                   I saw it in its entirety after I had  
8                   fingerprinted him.

9           THE COURT:

10                   What do you mean by "in its entirety"?

11          THE WITNESS:

12                   Well, the whole thing was filled out,  
13                   the entire Register was filled out.

14                   I hadn't seen it before.

15          BY MR. WEGMANN:

16          Q        Didn't you see it before when it was partially  
17                   filled out?

18          A        No, sir.

19          Q        Do you know who filled it out?

20          A        No, sir.

21          MR. WEGMANN:

22                   That is all.

23          MR. ALCOCK:

24                   One further question.

25                   REDIRECT EXAMINATION

1 BY MR. ALCOCK:

2 Q Officer, referring you to the fingerprint  
3 card which you have identified -- that  
4 would be "S-60" -- I am referring you  
5 to the personal information contained  
6 at the back portion of it (exhibiting  
7 document to witness). From whom, if  
8 anyone, did you get that information?

9 A This is the back of the Register here.

10 Q Well, the front then.

11 A The front of the Register is here. (Indi-  
12 cating) This information here I obtained  
13 from Mr. Shaw himself.

14 Q All right.

15 MR. ALCOCK:

16 No further questions.

17 RECROSS-EXAMINATION

18 BY MR. WEGMANN:

19 Q Was his attorney present when you obtained  
20 that information from him?

21 A As I stated before, some of the information,  
22 Mr. Wegmann, was in and out; now, I  
23 couldn't possibly state that he was there  
24 during the entire time that I got all the  
25 information, but some of the information

1 that I got from Mr. Shaw Mr. Wegmann  
2 was at that door.

3 Q What about the information that was just  
4 shown to you by Mr. Alcock?

5 A When I got that information from Mr. Shaw,  
6 as I stated, it is quite possible that  
7 he wasn't there for -- in its entirety.

8 Q Well, my question to you again, Officer, is:  
9 When you got that information that you  
10 have just pointed out to Mr. Alcock, was  
11 the attorney present or was he not  
12 present? Specifically, Officer, when you  
13 got information concerning an alias,  
14 was the attorney present?

15 A He could have been; I really couldn't say.

16 Q You don't know.

17 THE COURT:

18 Mr. Wegmann, will you permit an interrup-  
19 tion?

20 How far is the doorway from the table  
21 where you take the prints, how far  
22 away from it?

23 THE WITNESS:

24 Approximately about 15, 15 or 20 feet.

25 THE COURT:



D71

71

1 Say 20 feet?

2 THE WITNESS:

3 I would say from about here to where  
4 Mr. Alcock is sitting.

5 THE COURT:

6 That is about 30 feet?

7 THE WITNESS:

8 Fifteen feet.

9 THE COURT:

10 Let me ask you this: Were you speaking  
11 in a loud clear voice, or were you  
12 just speaking to Mr. Shaw when you --

13 THE WITNESS:

14 I was speaking directly to Mr. Shaw.

15 THE COURT:

16 Is there any way of knowing, Mr.

17 Habighorst, whether or not Mr. Eddie  
18 Wegmann, who was 15, 20, 30 feet  
19 away, could hear what you were say-  
20 ing to Mr. Shaw?

21 THE WITNESS:

22 No, I couldn't honestly say that he did  
23 hear it or he didn't hear it.

24 BY MR. WEGMANN:

25 Q How many times was he in and out of that room

D72

Reference copy, JFK Collection: HSCA (RG 233)

1 that night?

2 A I would say about twice or maybe three times.

3 My attention wasn't diverted by him.

4 I had no -- if they allowed maybe for  
5 some special reason to let him in there,  
6 I don't know, it wasn't for me to ques-  
7 tion it.

8 Q Did Ivon tell you that his attorneys had told  
9 Ivon that he was not to be questioned?

10 MR. ALCOCK:

11 Objection, Your Honor, unless it is in  
12 the presence of the Defendant, it  
13 is hearsay.

14 THE COURT:

15 The only thing I will permit is was he  
16 instructed. That I think is germane  
17 to the issue.

18 THE WITNESS:

19 The only thing I questioned Shaw --

20 THE COURT:

21 He didn't ask you that. Read the ques-  
22 tion.

23 (Whereupon, the pending question  
24 was read back by the Reporter.)

25 A I don't recall anyone telling me not to ques-

D73

tion Mr. Shaw.

BY MR. WEGMANN:

Q Did you advise Mr. Shaw of his Constitutional rights?

A I didn't advise him of his Constitutional rights because I didn't arrest him.

Q Your answer is no then?

A That is right.

Q You just started asking him questions?

A Yes, sir.

Q You didn't tell him what he had to answer and what he did not have to answer?

A I explained to him that this was part of the booking procedure. If he didn't give me the information I couldn't force it from him.

Q And you also told him that he had to be booked and this had to be done before he could make bond? Isn't that correct?

A The fingerprinting procedure is mandatory, that he be fingerprinted for such an offense before he could be bonded out.

Q And you told that to Shaw, that this had to be done before he could be released?

A Yes, sir.

MR. WEGMANN:

That is all the questions I have.

FURTHER REDIRECT EXAMINATION

BY MR. ALCOCK:

Q Officer, prior to seeing Shaw that night in the Central Lockup, did you know any of the facts or evidence the State may or may not have had in connection with his arrest?

A No, sir. Your office doesn't confide in me.

Q Did you interrogate this man at any time in that room relative to the innocence or guilt of the Defendant?

A No, sir.

Q Was the Defendant at any time reluctant to give you any information?

A No, sir, he was most cooperative.

Q Did the Defendant at any time request that his attorney be immediately at his side when you were conversing with him?

A Not of me, he didn't make none of those requests.

Q Had you participated in -- at all, Officer, in the investigation into the alleged assassination of President Kennedy at

D75

Reference copy, JFK Collection: HSCA (RG 233)

1                   that time?

2       A     No, sir.

3       Q     Did you have any knowledge at all about what

4                   the State might have had?

5       A     No, sir.

6           MR. ALCOCK:

7                   No further questions.

8                   FURTHER RECROSS-EXAMINATION

9       BY MR. WEGMANN:

10      Q     You do watch TV and read the newspapers, don't

11                   you, Officer?

12      A     Yes, sir.

13           MR. WEGMANN:

14                   That is all the questions I have.

15      MR. ALCOCK:

16                   No further questions.

17      THE COURT:

18                   Who is your next witness?

19      MR. ALCOCK:

20                   That is all the State has on the predicate.

21      THE COURT:

22                   You may step down.

23   (Witness excused.)

24      MR. DYMOND:

25                   We have evidence on the predicate, Your

D76

Reference copy, JFK Collection: HSCA (RG 233)

1

Honor.

2

THE COURT:

3

All right. What is your next move, Mr.

4

Alcock?

5

MR. ALCOCK:

6

That is the State's evidence on the

7

predicate.

8

THE COURT:

9

Do you wish to traverse?

10

MR. DYMOND:

11

Yes, we do, Judge. Do you want us to go

12

into that now or do you want to re-

13

cess?

14

THE COURT:

15

It is about five minutes of 3:00. We

16

will take a recess. Have your wit-

17

nesses available after the recess.

18

(Whereupon, a brief recess was taken.)

19

AFTER THE RECESS:

20

THE COURT:

21

I believe the status of the trial is that

22

the Defense wishes to traverse the

23

predicate.

24

You may proceed, Mr. Dymond. Call your

25

first witness.

1 MR. DYMOND:

2 Call Captain Curole.

3 LOUIS J. CUROLE,

4 having been sworn and having testified previously,  
5 resumed the stand, and was examined and testified  
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. DYMOND:

9 Q Captain, for the record, what is your full  
10 name?

11 A Louis James Curole.

12 Q Would you spell that for the Reporter, please.

13 A C-u-r-o-l-e.

14 BY THE COURT:

15 Q Captain, the previous oath you took is still  
16 binding.

17 A Yes, sir.

18 BY MR. DYMOND:

19 Q Now, Captain, as of March 1, 1967, were you  
20 attached to the New Orleans Police Depart-  
21 ment?

22 A Yes, sir, I was.

23 Q What was your rank at that time?

24 A I was a Lieutenant.

25 Q And what was your assignment?

- 1 A I was Platoon Commander at the Central  
2 Lockup.
- 3 Q And what were your hours of duty on March 1,  
4 1967?
- 5 A 3:00 p.m. to 11:00 p.m.
- 6 Q Were you on duty when this Defendant Clay  
7 Shaw was delivered to the Central Lockup --
- 8 A Yes.
- 9 Q -- by Mr. Louis Ivon?
- 10 A Yes, sir, I was.
- 11 Q You were. Was there a Sergeant Butzman who  
12 was on duty at that time as well?
- 13 A Yes, sir. He was the Assistant Platoon  
14 Commander.
- 15 Q Now, did you take any unusual precaution when  
16 Mr. Shaw was brought in, in connection  
17 with Sergeant Butzman?
- 18 A Yes, sir. I assigned Sergeant Butzman to  
19 remain with Mr. Shaw until the finger-  
20 printing was completed.
- 21 Q You say you assigned Sergeant Butzman to re-  
22 main with Mr. Shaw until the finger-  
23 printing was completed, is that right?
- 24 A Yes, that is correct, sir.
- 25 Q Now, Captain Curole, are you familiar with the



1 B of I room which is located in the  
2 Central Lockup building?

3 A Yes, sir, I am.

4 Q Is that the room in which the fingerprinting  
5 and mugging is done?

6 A That is correct, sir.

7 Q Are attorneys allowed in that room, Captain?

8 A As a rule attorneys are not allowed in the  
9 Central Lockup.

10 Q Now, are you acquainted with Mr. Edward  
11 Wegmann, one of the attorneys for Mr.  
12 Shaw?

13 A Yes, sir, I am.

14 Q Did you see Mr. Wegmann at the Central Lockup  
15 on March 1, 1967 when Mr. Shaw was de-  
16 livered to the Lockup?

17 A Yes, sir, I did.

18 Q Was or wasn't Mr. Wegmann permitted to enter  
19 the B of I room, Captain?

20 A No, sir, he was not.

21 Q Upon whose instructions was he excluded from  
22 that room?

23 A My instructions.

24 Q Did he ever go into the room, Captain?

25 A In the B of I room, sir?

1 Q Right.

2 A No, sir, he did not.

3 Q He did not. Now, Captain, do you know whether

4 Sergeant Butzman remained with Mr. Shaw

5 during the entire booking, printing and

6 mugging process?

7 A I did not see it, I didn't remain there. He

8 was assigned to him.

9 Q Did you order him to do so?

10 A Yes, sir.

11 Q Now, Captain, did Mr. Edward Wegmann express

12 any desire to go into the B of I room

13 on that night?

14 A No, sir, he did not.

15 THE COURT:

16 I didn't hear you.

17 THE WITNESS:

18 No, sir, he didn't.

19 THE COURT:

20 Speak a little louder.

21 THE WITNESS:

22 All right, sir.

23 BY MR. DYMOND:

24 Q Did you give any specific instructions as to.

25 staying out or going in, on that occasion

D81

81

1 to Mr. Wegmann?

2 A I don't understand the question.

3 Q Did you tell him that he could or could not  
4 go into the B of I room?

5 A No, sir, I did not.

6 Q Did you tell him whether attorneys were per-  
7 mitted in there?

8 A No, sir, I did not.

9 THE COURT:

10 Can you speak a little louder? You are  
11 merely whispering. Talk a little  
12 louder.

13 BY MR. DYMOND:

14 Q Now, my question is, Captain, did you tell  
15 Mr. Wegmann whether he as an attorney  
16 would be permitted to go in the B of I  
17 room while the fingerprinting and mugging  
18 was going on?

19 A No, sir, I did not.

20 Q You didn't give him any instructions along  
21 that line, is that right?

22 A No, sir. I told Mr. Wegmann that he could see  
23 his client as soon as the fingerprinting  
24 was completed.

25 Q I see. You told him that he could see the

1 client as soon as the fingerprinting was  
2 completed, is that right?

3 A That is correct, sir.

4 Q By that, did you or did you not mean that he  
5 could not see his client during the  
6 fingerprinting process?

7 MR. ALCOCK:

8 Object as leading, Your Honor.

9 THE COURT:

10 I will permit the question under these  
11 circumstances. The Jury is out of  
12 the presence. I can understand  
13 what is going on.

14 A When I asked Mr. Wegmann to leave, I asked  
15 him if he wanted to speak to his client.  
16 He said he did. I told him we would  
17 make his client available as soon as the  
18 fingerprinting was completed.

19 BY MR. DYMOND:

20 Q I see. Did you or did you not ask Mr. Wegmann  
21 to leave the booking area, Captain?

22 A Yes, sir, I did.

23 Q Did he comply with your request?

24 A Yes, he did, sir.

25 Q And where did he go, sir?

1 A Into the lobby.

2 Q Into the lobby?

3 A Yes, sir.

4 Q Did he remain there during the fingerprinting  
5 process, sir?

6 A I don't know, sir; I didn't see him after he  
7 left the booking office.

8 Q I see. Now, Captain, could you tell me what  
9 is a Field Arrest Report?

10 A It is a five-part form which is filed by the  
11 arresting officer, which gives the  
12 Central Lockup the necessary information  
13 to book the prisoner.

14 Q (Exhibiting document to witness) I show you  
15 what has been marked for identification  
16 "D-15," and I ask you whether you can  
17 identify that as the Field Arrest Report  
18 in connection with this Defendant.

19 MR. ALCOCK:

20 Your Honor, to be consistent I am going  
21 to have to object at this time on  
22 the ground of relevancy. This has  
23 nothing to do with the predicate,  
24 and that is all we are concerned  
25 with at this time.

D84

1 THE COURT:

2 Mr. Dymond, would you try to pinpoint  
3 the time element to find out if it  
4 is germane and relevant to this?

5 MR. DYMOND:

6 Yes, sir, I am going to do that.

7 THE COURT:

8 I will permit it.

9 BY MR. DYMOND:

10 Q Is that the Field Arrest Report in connection  
11 with Mr. Shaw, Captain?

12 A Yes, it is.

13 (Whereupon, the document referred  
14 to by Counsel was duly marked for  
15 identification as "Exhibit D-15.")

16 BY MR. DYMOND:

17 Q Now, Captain, according to Police procedures,  
18 when is this Field Arrest Report made  
19 out?

20 A Usually at the time of arrest.

21 Q At the time of arrest?

22 A Usually before the person is brought in. How-  
23 ever, some officers have filled them in  
24 at the Central Lockup.

25 Q (Exhibiting document to witness) I now show

D85

Reference copy, JFK Collection: HSCA (RG 233)

1                   you, Captain, a document which has  
2                   been marked for identification "D-16,"  
3                   and I ask you what that document is.  
4       A       This is the original copy of the Arrest  
5                   Register.  
6                   (Whereupon, the document referred  
7                   to by Counsel was duly marked for  
8                   identification as "Exhibit D-16.")  
9       BY MR. DYMOND:  
10      Q       Now, from where does the information for this  
11                   Arrest Register come, where is it ob-  
12                   tained?  
13      MR. ALCOCK:  
14                   Your Honor, again what does this have to  
15                   do with the predicate? If this were  
16                   the case-in-chief it might be rele-  
17                   vant, but on the predicate it is  
18                   irrelevant.  
19      MR. DYMOND:  
20                   If the Court please, I am still talking  
21                   about prior to the fingerprinting.  
22      THE COURT:  
23                   You are talking about prior to the finger-  
24                   printing?  
25      MR. DYMOND:

1 I am talking about prior to the finger-  
2 printing, correct.

3 A From the Field Arrest Report.

4 Q Now, Captain, after this Arrest Register  
5 Sheet is made out, what is done with  
6 whatever copies there are of this docu-  
7 ment?

8 MR. ALCOCK:

9 Objection. What has that got to do with  
10 whether or not this man gave a  
11 statement freely or voluntarily?

12 MR. DYMOND:

13 If the Court please, I am still talking  
14 about prior.

15 MR. ALCOCK:

16 I don't care when he is talking about,  
17 that is irrelevant to the issue.

18 MR. DYMOND:

19 If the Court please --

20 THE COURT:

21 Don't interrupt Mr. Dymond when he is  
22 speaking.

23 MR. ALCOCK:

24 I was making the objection, I was the one  
25 interrupted, not Mr. Dymond.



D87

1 THE COURT:

2 State your objection.

3 MR. ALCOCK:

4 My objection is that it is totally  
5 irrelevant to the issue of whether  
6 or not this man gave a statement,  
7 if he gave one, freely and voluntari-  
8 ly.

9 THE COURT:

10 As I understand, Mr. Dymond's question of  
11 Captain Curole was what happened to  
12 the copies of this original.

13 MR. DYMOND:

14 That is correct, and we are still talking  
15 about prior to the time of finger-  
16 printing, in an effort to follow  
17 your Honor's ruling.

18 THE COURT:

19 I don't know what is in these reports. If  
20 I look at them maybe I can understand  
21 what you are driving at. May I see  
22 them?

23 MR. DYMOND:

24 I would be glad to show them to the Court,  
25 surely.

88  
1 MR. ALCOCK:

2 The State, Your Honor, would have no  
3 objection to their introduction in  
4 the case-in-chief. We just feel  
5 this is premature, that is all.

6 MR. DYMOND:

7 If the Court please, there is a relevancy  
8 which I will state after the Court  
9 peruses the documents.

10 THE COURT:

11 All right.

12 Now, this appears to me, Mr. Dymond, to  
13 be written, typing, in typing, and  
14 it states on the bottom, "The  
15 arrested person must retain this  
16 slip to claim property," it doesn't  
17 say what copy he is to retain.

18 Would you know, Captain, what copy of the  
19 report --

20 THE WITNESS:

21 Yes, sir. He retains the ninth copy.

22 THE COURT:

23 The ninth, n-i-n-t-h?

24 THE WITNESS:

25 Yes, sir.

1 THE COURT:

2 Why not put it in there that the  
3 arrested person retains the ninth  
4 copy instead of "this slip," which  
5 means the original. I suggest that  
6 that be amended, this is misleading.  
7 (Whereupon, Mr. Dymond handed a paper  
8 to the Court.)

9 THE COURT:

10 This is a blank form.

11 On the ninth copy, Captain, it has an  
12 additional piece of information,  
13 it has listed your rights as an  
14 arrested person following arraign-  
15 ment decision, and your rights as a  
16 defendant, --

17 THE WITNESS:

18 Correct.

19 THE COURT:

20 -- and this copy is given to the arrested  
21 person?

22 THE WITNESS:

23 That is correct.

24 THE COURT:

25 I see here, Captain, "Time of arrest

D90

1 5:20 p.m., time of booking 8:40  
2 p.m." To the best of your knowledge,  
3 was that the time that Mr. Shaw was  
4 being booked in the Central Lockup?

5 THE WITNESS:

6 Yes, sir -- I was there, sir -- yes, sir.

7 THE COURT:

8 Who filled this information in?

9 THE WITNESS:

10 The booking desk sergeant.

11 THE COURT:

12 Who would he be?

13 THE WITNESS:

14 Sergeant Vogt.

15 THE COURT:

16 Vogt. And where was Mr. Shaw at the  
17 time that Sergeant Vogt was typing  
18 this report up?

19 THE WITNESS:

20 Standing right by the booking room.

21 THE COURT:

22 And then he was fingerprinted afterwards?

23 THE WITNESS:

24 Yes, sir, after this is completed.

25 THE COURT:

After?

THE WITNESS:

Yes, sir.

THE COURT:

You are referring to something which  
occurred, either verbatim or other-  
wise, before he was fingerprinted?  
Is that correct, Mr. Dymond?

MR. DYMOND:

That is correct.

THE COURT:

You think it is relative to the predicate  
being laid, in view of the fact that  
the attorneys were present and had  
advised their client exactly what  
to do?

MR. DYMOND:

That is correct.

THE COURT:

Now, Captain Curole, this Field Arrest  
Report written in longhand, not  
typed, is this given over to the  
Fingerprint Department when the man  
is about to be fingerprinted, or  
who makes this up and what is its

D92

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purpose?

THE WITNESS:

It is made up by the arresting officer so that we will have the information available to book the man. It does not go into the Fingerprinting Department.

THE COURT:

This does not go into the Fingerprint Department?

THE WITNESS:

No, sir, it certainly does not.

THE COURT:

Would a copy of this be given over to Officer Vogt by Officer Ivon? Would he make this up and give a copy of this to Officer Vogt?

THE WITNESS:

Three copies would go to the booking desk sergeant, sir.

THE COURT:

It is written all in longhand?

THE WITNESS:

It is a form, sir, it comes in five parts, it is a five-part form.

1 THE COURT:

2 And this is --

3 THE WITNESS:

4 -- the original of that form.

5 THE COURT:

6 Would one of those forms go to those two  
7 persons fingerprinting?

8 THE WITNESS:

9 No, sir.

10 THE COURT:

11 Do you know -- there is no time element  
12 on this -- do you know what time  
13 Officer Ivon wrote up this Field  
14 Arrest Report?

15 THE WITNESS:

16 On the back we usually put the time.

17 However, in this instance the time  
18 clock was not working properly. If  
19 you will note, it has "February 30,  
20 8:45 a.m.," it should have been  
21 March 1, 8:45 p.m.

22 THE COURT:

23 It should have been March 1?

24 THE WITNESS:

25 The time clock was not working.

D94

1 THE COURT:

2 Now, this time of booking is 8:40 by  
3 Officer Vogt. He should have had  
4 this statement when he was drawing  
5 up this Arrest Register?

6 THE WITNESS:

7 The time placed on the Arrest Register  
8 is taken from a different clock.

9 THE COURT:

10 And this was prepared by Officer Ivon  
11 after this was prepared by Officer  
12 Vogt (indicating documents)?

13 THE WITNESS:

14 Before, sir.

15 THE COURT:

16 (Holding up document) This was prepared  
17 before?

18 THE WITNESS:

19 Yes, sir.

20 THE COURT:

21 You tell me 8:45?

22 THE WITNESS:

23 That is what the clock says, I am not  
24 saying it is correct, Your Honor.

25 THE COURT:



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Oh.

THE WITNESS:

I am saying this is the normal procedure  
to clock in these things. In this  
particular case the clock had to  
be wrong.

THE COURT:

(Indicating documents) This is 8:40,  
this is 8:45?

THE WITNESS:

Different clocks.

THE COURT:

And this is February 30 and this is  
March 1, 8:45?

THE WITNESS:

It can't --

THE COURT:

It was prepared prior to the preparation  
of this form?

THE WITNESS:

Yes, sir, it was.

THE COURT:

I think I understand what you are saying.  
What was the question you asked?  
I understand your objection, Mr. Alcock.

1 Let me ask you to repeat your question  
2 so I will understand.

3 Off the record.

4 (Discussion off the record.)

5 MR. DYMOND:

6 I would like to bring out another ques-  
7 tion to explain the relevancy, and  
8 if the Court is in doubt after  
9 that, I will be glad to point it  
10 out specifically.

11 THE COURT:

12 You can ask your question. Let's see  
13 what happens.

14 BY MR. DYMOND:

15 Q Captain, when a man is sent in to be finger-  
16 printed, is anything sent into the B of I  
17 room with that man?

18 A Two copies of the Arrest Register.

19 Q When you say two copies of the Arrest Register,  
20 would that be two copies of this docu-  
21 ment marked for identification "D-16"?

22 A Parts 2 and 3 of that form.

23 MR. ALCOCK:

24 This is what my objection is to. Unless  
25 these were used as a weapon to force

1 this man to make some statement,  
2 they are irrelevant at this time.

3 THE COURT:

4 I see the relevancy of it, Mr. Dymond.

5 Two copies of that long sheet are  
6 sent into the Fingerprint Department  
7 to assist and aid him in drawing  
8 up, putting this information on this  
9 card.

10 MR. DYMOND:

11 That is correct.

12 MR. ALCOCK:

13 I agree it may be relevant to the case-  
14 in-chief, Your Honor. I see exactly  
15 what Counsel is attempting to do --  
16 at least I think I do -- and it is  
17 at least premature at this time.

18 THE COURT:

19 I understand, too.

20 MR. DYMOND:

21 If the Court please, I can very easily  
22 point out the relevancy, if you want  
23 me to.

24 MR. ALCOCK:

25 My objection still stands: Unless it was

1                   used as a weapon to force this man  
2                   to make a statement, at this time  
3                   it is irrelevant.

4           MR. DYMOND:

5                   Does Your Honor want to rule on the  
6                   relevancy first or want me to --

7           THE COURT:

8                   I see the relevancy.

9           MR. DYMOND:

10                   Would you rule on the objection then,  
11                   Your Honor?

12           THE COURT:

13                   I am going to overrule the State. I see  
14                   the relevancy at this time. You  
15                   may proceed.

16           BY MR. DYMOND:

17           Q       (Exhibiting document to witness) I now show  
18                   you a document marked for identification  
19                   "D-17," and I ask you, will you point  
20                   out to the Court the copies which are  
21                   sent with a prisoner to the B of I room  
22                   when he is sent in there for finger-  
23                   printing.

24           A       This copy, Part 2, and this copy, Part 3.

25           Q       Would Part 2 and Part 3 contain any informa-

D99

99

1                   tion as to aliases?

2       A       Yes, it would.

3       Q       It would.

4       THE COURT:

5                   Let me see the original prepared by  
6                   Officer Vogt.

7                   (Document handed to the Court.)

8       THE COURT:

9                   The original copy has a section which  
10                  pertains to aliases, too, does it  
11                  not?

12       THE WITNESS:

13                  This is just a carbon copy.

14       THE COURT:

15                  Whatever is on 2 and 3 would have to be  
16                  on the original?

17       THE WITNESS:

18                  Yes, sir.

19       THE COURT:

20                  The original has reference to aliases?

21       THE WITNESS:

22                  Right.

23       THE COURT:

24                  Prepared by Officer Vogt.

25                  The Jury is out, this is out of the

1 presence, so I am not what you call  
2 going outside the record. In  
3 other words -- Mr. Dymond, let's  
4 bring this thing to a head -- in  
5 other words, at the time Officer  
6 Habighorst was getting information  
7 to print and mug, as we use the  
8 term, Mr. Shaw, there was before  
9 him a copy of the Arrest Register,  
10 which indicated on said Arrest  
11 Register that Mr. Shaw was also  
12 going under the alias of Clay  
13 Bertrand.

14 MR. DYMOND:

15 That is correct.

16 THE COURT:

17 Now the question comes up: Whether or  
18 not Officer Habighorst asked Mr.  
19 Shaw any questions or not, he had  
20 this information in front of him  
21 from the official police document.  
22 Is that correct?

23 MR. DYMOND:

24 That is correct.

25 THE COURT:

1 And the next question comes: Did  
2 Officer Habighorst violate the  
3 rules that were laid down that no-  
4 body question your client, and by  
5 not questioning Mr. Shaw he took  
6 it for granted and put "Clay  
7 Bertrand" on the fingerprint card  
8 as an alias without questioning  
9 Mr. Shaw.

10 MR. DYMOND:

11 Your Honor is precisely correct in that.

12 THE COURT:

13 That is the whole point?

14 MR. DYMOND:

15 No, sir, if the Court please, there is  
16 another point. Officer Habighorst  
17 testified that he did not have this  
18 information available to him.

19 THE COURT:

20 Yes, sir.

21 MR. DYMOND:

22 Therefore, this goes to the credibility of  
23 Officer Habighorst.

24 MR. ALCOCK:

25 On a predicate, Your Honor, as to whether

D102

Reference copy, JFK Collection: HSCA (RG 233)

1 or not he freely and voluntarily  
2 gave it? Are we now abandoning the  
3 attack that he did not give this  
4 information, that Habighorst copied  
5 it from something else, therefore  
6 there was no statement given and  
7 therefore no need of a predicate?  
8 We are solely on the predicate. My  
9 only objection -- I follow the  
10 Court's reasoning, I follow Mr.  
11 Dymond's reasoning -- happens to be  
12 that it is contrary to the testi-  
13 mony, however.

14 THE COURT:

15 I think I understand Mr. Alcock's posi-  
16 tion. Whether Mr. Habighorst had a  
17 printed, typewritten Register or  
18 not, your contention is that there  
19 was an oral inculpatory statement  
20 made by the Defendant irrespective  
21 of the --

22 MR. ALCOCK:

23 That is correct, and it was made freely  
24 and voluntarily without any promises  
25 or inducements. That is what this



D103

1 hearing is about.

2 THE COURT:

3 That is what I thought it was.

4 MR. DYMOND:

5 And in determining that, Officer

6 Habighorst's testimony, his credi-  
7 bility is certainly an important  
8 issue.

9 THE COURT:

10 Certainly it is, certainly his credi-  
11 bility is at issue, Mr. Dymond.

12 I believe, Captain Curole, you stated  
13 you did not know whether Sergeant  
14 Butzman remained with Mr. Shaw  
15 during the entire time he was being  
16 fingerprinted, because you did not  
17 stay there and couldn't therefore  
18 testify whether he carried out your  
19 orders or not?

20 THE WITNESS:

21 That is correct, sir.

22 THE COURT:

23 Let's hear your question one more time.

24 (Whereupon, the Court Reporter

25 searched the notes but was unable

1 to locate the last question di-  
2 rected to the witness by Mr. Dymond.)

3 THE COURT:

4 I see the relevancy, it is to the credi-  
5 bility of Officer Habighorst, and  
6 I will permit the question to be  
7 asked and answered, too.

8 BY MR. DYMOND:

9 Q (Exhibiting document to witness) Now, Captain,  
10 I again show you "D-15," and I ask you  
11 where the information concerning aliases,  
12 which is contained in "D-16," would be  
13 obtained by the author of "D-16."

14 MR. ALCOCK:

15 Your Honor, are we on speculation or is  
16 this what actually was obtained?  
17 I thought we were interested in the  
18 predicate of March 1, not speculative  
19 on what would be obtained.

20 THE COURT:

21 I understand the legal problem. In other  
22 words, he is asking you, Captain, if  
23 the information here was typed up by  
24 Mr. -- whoever -- after he got this --

25 THE WITNESS:

1 Yes, sir, it was.

2 THE COURT:

3 For the record, Mr. Dymond, the report  
4 made by Officer Louis Ivon was the  
5 first report which indicated that  
6 Mr. Shaw had an alias.

7 MR. DYMOND:

8 Right.

9 THE COURT:

10 It was given over to Mr. Vogt, who copied  
11 it and allegedly was supposed to  
12 send Copies 2 and 3 to Officer  
13 Habighorst.

14 MR. DYMOND:

15 That is correct.

16 THE COURT:

17 Whether he did or not I don't know. That  
18 is the legal status of it?

19 MR. DYMOND:

20 That is correct.

21 That is all.

22 MR. ALCOCK:

23 I have some questions.

24 THE COURT:

25 All right.

## CROSS-EXAMINATION

BY MR. ALCOCK:

Q Captain Curole, can you recall how many times you saw the Defendant Shaw on that night?

A The only time I recall seeing him was at the booking window.

Q At the booking window?

A Yes, sir.

Q I take it then by that response you did not see him in the B of I room when he was being fingerprinted?

A I can't be sure, sir. I may have walked in there and walked right out, I don't remember that.

Q I take it then you do not know whether Officer Habighorst had the Arrest Register or the Field Arrest Report when he questioned him in connection with the taking of his fingerprints? Is that correct?

A I would not know that.

Q Now, did you see anyone on that night beat, strike or in any way physically abuse the Defendant?

A No, sir.

D107

187

1 Q Did you hear anyone make him any promises  
2 of a reward or immunity should he make  
3 any statement on that night?

4 A No, sir, I did not.

5 Q Is it the procedure, Captain, to ask the  
6 arrestee whether or not he has any  
7 aliases?

8 A It all depends on the desk sergeant. Some of  
9 the desk sergeants will verify all of  
10 the information as a rule. If it is on  
11 the Field Arrest Report he will type  
12 that information.

13 Q I see. Then I take it by your response that  
14 this varies from person to person? Is  
15 that correct?

16 A That is correct, sir.

17 MR. ALCOCK:

18 No further questions..

19 MR. DYMOND:

20 One more question.

21 REDIRECT EXAMINATION

22 BY MR. DYMOND:

23 Q Captain, you said you heard nobody threaten  
24 or promise this Defendant anything. Did  
25 you or did you not tell his attorney that

1 he could see him after he was finished  
2 in the B of I room?

3 A I certainly did, yes, sir.

4 MR. DYMOND:

5 That is all.

6 MR. ALCOCK:

7 No further questions.

8 THE COURT:

9 You are still under subpoena.

10 (Witness excused.)

11 THE COURT:

12 Do you have any other witnesses?

13 MR. DYMOND:

14 Yes, we do. Call Sergeant Butzman,  
15 please.

16 JONAS J. BUTZMAN,

17 having been first duly sworn, was examined and  
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DYMOND:

21 Q Sergeant Butzman, for the record would you  
22 please state your full name.

23 A My name is Jonas J. Butzman.

24 Q Sergeant Butzman, were you a member of the  
25 New Orleans Police Department on March 1,

D109

Reference copy, JFK Collection: HSCA (RG 233)

1 1967?

2 A Yes, sir, I was.

3 Q Where were you assigned at that time?

4 A I was assigned over here by the Central

5 Lockup, sir.

6 Q And who was your immediate superior in the

7 Central Lockup on that day?

8 A That would be Captain Curole.

9 Q Were you working the same shift that he was

10 at that time?

11 A Yes, sir, I was.

12 Q Were you present in the Central Lockup when

13 this Defendant Clay Shaw was delivered

14 to the Central Lockup by Mr. Louis Ivon?

15 A Yes, sir, I was.

16 Q Did you receive any orders in connection with

17 your conduct while Mr. Shaw was in the

18 Central Lockup?

19 A Yes, sir, I did.

20 Q What were your orders?

21 A I was assigned to guard, to watch him.

22 Q By whom were you ordered to do that?

23 A By Captain Curole, sir.

24 Q Now, Sergeant Butzman, did you comply with

25 these orders?

1 A Yes, sir, I did.

2 Q Approximately how close did you stay to Mr.  
3 Shaw during the time that he was in  
4 Central Lockup?

5 A I stayed about five or ten feet, you know,  
6 close around that.

7 Q Now, when he went into the B of I room at  
8 Central Lockup, did you continue com-  
9 plying with these orders?

10 A Yes, sir, I did.

11 Q Now, while Mr. Shaw was in Central Lockup  
12 and in the B of I room more particularly,  
13 did you ever leave the B of I room while  
14 he was in the B of I room?

15 A Not to my knowledge, sir, but this has been  
16 a long time. That is close to two years.

17 Q Do you recall having left the B of I room  
18 while he was still in there?

19 A No, sir, I don't recall it, no.

20 Q Now, do you remember who else was in the B of  
21 I room when he was brought into the  
22 B of I room?

23 A There were two other officers in there, sir.

24 Q Do you recall their names?

25 A Officer Habighorst and Officer Millet.



D111

Q Now, during the time that Mr. Shaw was in the B of I room, did you at any time hear him questioned by Officer Habighorst?

A Yes, sir, I did.

Q What was the nature of this questioning?

A I think Officer Habighorst asked him, "Is this the correct spelling of your name?"

Q Now, what name was referred to and what name was spelled at that time?

A I don't know, sir.

Q Did you ever hear the name Clay Bertrand mentioned?

A No, sir, I did not.

Q Did you ever hear this Defendant questioned concerning any aliases?

A (The witness shook his head negatively.)

MR. ALCOCK:

Object at this time as being irrelevant to the predicate.

MR. DYMOND:

If the Court please, once again this would go to the credibility of Officer Habighorst.

MR. ALCOCK:

Now that no statement was made, why lay

D112

Reference copy, JFK Collection: HSCA (RG 233)

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the predicate?

THE COURT:

I understand the legal situation, Mr.

Dymond. The State is trying to

show that there was no force,

coercion, threats, promises, in

order to induce Mr. Shaw to make an

oral statement. Your position is

that he did not make it, not that

he was forced to make it, he didn't

make it.

MR. DYMOND:

Not only that, if the Court please, we

go a little beyond force and

threats in view of the Miranda de-

cision. Officer Habighorst has

testified that the Defendant's

lawyer was in and out during this

questioning, which is a very rele-

vant point.

THE COURT:

I heard him testify, he said he was by

the door, a little bit in, a little

bit out. That is what he said.

MR. DYMOND:

1 That is correct. He said he was inside  
2 the door as a matter of fact, and  
3 certainly his credibility on that  
4 statement alone is vitally important  
5 to Your Honor on the admissibility.

6 THE COURT:

7 He further stated he did not have Copies  
8 2 and 3 with him.

9 MR. DYMOND:

10 That is correct, he sure did.

11 THE COURT:

12 And this Officer Butzman just answered  
13 your question by saying he heard  
14 no mention of aliases whatsoever.

15 MR. DYMOND:

16 That is correct.

17 THE COURT:

18 You may proceed.

19 BY MR. DYMOND:

20 Q Now, Sergeant Butzman, I show you a document  
21 which has been marked for identification  
22 "D-16," and I ask you whether you are  
23 able to identify this document as to  
24 Police procedure. What do you call this  
25 document here?

1 A This would be the Arrest Register.

2 Q The Arrest Register?

3 A Correct.

4 Q Is that the Arrest Register Sheet on Clay  
5 Shaw?

6 A It appears to be the one, yes, sir.

7 Q All right. Now, do you know whether Officer  
8 Habighorst had any copies of this Arrest  
9 Register Sheet in the B of I room at the  
10 time that Clay Shaw was in there?

11 A No, sir, I do not know.

12 Q You do not know that?

13 A No, sir.

14 Q Now, Sergeant Butzman, you know Mr. Edward  
15 Wegmann, do you not, one of Mr. Shaw's  
16 attorneys sitting on the left of Mr.  
17 Shaw here?

18 A I believe I have talked to him, yes, sir.

19 Q I would like to ask you whether he was present  
20 in the B of I room at the Central Lockup  
21 when Mr. Shaw was being printed and mugged.

22 A I don't know about the B of I room, sir; I  
23 believe he was by the front door there,  
24 up there in the booking room.

25 Q By the front door of what?

1 A That would be the booking room or the --  
2 where the desk is they call it.

3 Q (Exhibiting photographs to witness) I show  
4 you three photographs which have been  
5 marked for identification "State 57, 58"  
6 and "59," and I ask you whether any of  
7 these photographs shows the spot where  
8 you say that Mr. Wegmann was at that  
9 time.

10 A (Indicating) This would be the place I am  
11 talking about.

12 Q Would you kindly put your initial at the  
13 approximate spot where you say you saw  
14 him at that time, approximately.

15 A This is a long time ago.

16 Q I understand.

17 THE COURT:

18 Do the best you can.

19 A But I would say he was right here at the time  
20 after I saw him. (Marking photograph)

21 THE COURT:

22 The Court Reporter has to get your  
23 answer, Mr. Butzman. Otherwise  
24 there is no use testifying, there is  
25 nothing in the record.

1 BY MR. DYMOND:

2 Q Now, Mr. Butzman, from the spot where you  
3 have put a dot on Exhibit S-58, can  
4 you see into the B of I room?

5 A It is possible, yes, sir.

6 Q Approximately how far is that spot from the  
7 typewriter in the B of I room? You may  
8 give us an example here in this room.

9 MR. ALCOCK:

10 Are you talking about on March 1 or now?

11 MR. DYMOND:

12 Now and on March 1, if there is any  
13 change.

14 A I would say from here to that red chair there  
15 (indicating), the first red chair that  
16 is unoccupied.

17 (Whereupon, the space indicated  
18 by the witness was paced by  
19 Mr. Dymond.)

20 THE COURT:

21 Twenty-seven?

22 MR. DYMOND:

23 Twenty-seven is what I would say.

24 THE COURT:

25 Let the record show approximately 27 feet.

1 BY MR. DYMOND:

2 Q Now, is that a separate room from the B of I  
3 room, Sergeant, the spot where you have  
4 indicated on S-58?

5 A Yes.

6 Q -- that you saw Mr. Wegmann?

7 A Right.

8 Q Did you ever see Mr. Wegmann inside the B of I  
9 room on that occasion?

10 A I don't know if I did or not, sir. This is  
11 approaching two years ago, I don't know  
12 if I did or not.

13 Q I see.

14 MR. DYMOND:

15 We tender the witness.

16 CROSS-EXAMINATION

17 BY MR. ALCOCK:

18 Q Now, Sergeant Butzman, you have testified  
19 that to your recollection Officer  
20 Habighorst, Officer Millet, the Defendant  
21 and yourself were in the B of I room? Is  
22 that correct?

23 A Right, sir.

24 Q Now, would they have been the only persons  
25 present in the room the entire time that

1 the Defendant was in there?

2 A No, sir. I mean they had -- they had, say,  
3 maybe two or three other people came in  
4 there, but I don't know who they are,  
5 sir.

6 Q Do you see Mr. Alvin Oser?

7 MR. ALCOCK:

8 I am sorry. He left the court.

9 BY MR. ALCOCK:

10 Q Do you know Mr. Alvin Oser of the District  
11 Attorney's Staff?

12 A I don't think so, sir.

13 Q Do you know Mr. Louis Ivon with the District  
14 Attorney's Staff?

15 A Yes, sir.

16 Q Was he in there at any time?

17 A I believe that he was in there once or twice,  
18 yes.

19 Q Do you know Mr. Lynn Loisel from the District  
20 Attorney's Staff?

21 A Yes, sir.

22 Q Was he in there at any time?

23 A I don't know.

24 Q Approximately how long was Shaw in the B of I  
25 room as best you can remember?



D119

119

- 1 A I would say about a half hour.
- 2 Q Now, were you standing in one location this
- 3 entire time period?
- 4 A Just about. I was in the front part of the
- 5 room there and I was within a radius of
- 6 maybe five or ten feet around there.
- 7 Q Do you recall having a conversation with any-
- 8 body when you were?
- 9 A No, sir.
- 10 Q Do you recall seeing the Defendant ever wash
- 11 his hands prior to being fingerprinted?
- 12 A Right, sir, I think he did wash his hands
- 13 prior to being fingerprinted.
- 14 Q Sergeant Butzman, is it your testimony that
- 15 you heard everything that was said be-
- 16 tween Officer Habighorst and the Defendant
- 17 in this case?
- 18 A I can't say that I heard everything, no, sir.
- 19 Q While you were in the B of I room did anyone
- 20 physically abuse the Defendant?
- 21 A No, sir.
- 22 Q And to the best of your recollection, did
- 23 anyone make him any promises of reward
- 24 or immunity should he make any statements?
- 25 A No, sir.

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Reference copy, JFK Collection: HSCA (RG 233)

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Q And I think you have testified that you cannot state whether or not at the time Officer Habighorst was questioning or talking to the Defendant, whether or not he had the Arrest Register? Is that correct?

A Right, sir, that is correct.

Q Or the Field Arrest Report? Is that correct also?

A Right, sir.

MR. ALCOCK:

No further questions.

REDIRECT EXAMINATION

BY MR. DYMOND:

Q I have just one other question, Officer. At the time that Mr. Shaw was in the B of I room, were you close enough to him to have heard any normal conversation that he was conducting with anyone else?

A I believe so, yes, sir.

MR. DYMOND:

That is all.

MR. ALCOCK:

No further questions.

(Witness excused.)

D121

121

1 MR. DYMOND:

2 Call Officer Perkins, please.

3 JOHN N. PERKINS, JR.,

4 having been first duly sworn, was examined and  
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DYMOND:

8 Q Officer Perkins, would you please state your  
9 full name for the record.

10 A John N. Perkins, Jr.

11 Q Are you presently attached to the New Orleans  
12 Police Department?

13 A Yes, sir, I am.

14 Q What is your present assignment, sir?

15 A I am assigned to Central Lockup, B of I Di-  
16 vision.

17 Q Are you familiar with the procedures used in  
18 the B of I Division of the Central Lockup?

19 A Yes, sir.

20 Q Now, precisely what are your duties in the  
21 B of I Division, Officer Perkins?

22 A The fingerprinting and type up the FBI orders  
23 and the local cards, New Orleans cards.

24 Q (Exhibiting document to witness) I show you a  
25 document which has been marked for identi-

D122

1            fication "D-16," purporting to be a  
2            sheet from the original Arrest Register,  
3            and I ask you if you are familiar with  
4            that document.

5            A        With this type of document?

6            Q        That is correct.

7            A        Yes, sir, I am.

8            MR. ALCOCK:

9            Your Honor, I am going to object to any  
10           further questioning of this officer  
11           unless it be demonstrated he was  
12           present on March 1. I get the im-  
13           pression he wasn't.

14           MR. DYMOND:

15           Your Honor, Mr. Alcock's impression is  
16           correct, this officer was not  
17           present on March 1. The purpose of  
18           his testimony is to show the normal  
19           Police procedure.

20           THE COURT:

21           I understand your purpose. You may pro-  
22           ceed.

23           BY MR. DYMOND:

24           Q        Now, Officer Perkins, this sheet from the  
25           original Arrest Register, do you ever

- 1 see this when you are fingerprinting  
2 and mugging a prisoner?
- 3 A No, sir, not as long as I am in B of I, I  
4 don't see this particular sheet, that is,  
5 the original.
- 6 Q I mean do you see the original of such a  
7 sheet?
- 8 A I see the fingerprint copy, the white sheet  
9 and the fingerprint copy and Records  
10 Division sheet.
- 11 Q I show you the exhibit marked for identifica-  
12 tion "D-17," and I ask you whether you  
13 can pick out the documents, if they  
14 are in here, which you do see when you  
15 are fingerprinting a prisoner. Would  
16 you place your initials on them if you  
17 find them.
- 18 A (Witness marks copies.)
- 19 Q Now, do you make any use of these documents  
20 which you have marked?
- 21 A What?
- 22 Q Do you make any use of the documents which  
23 you have initialled, in connection with  
24 your fingerprinting procedure?
- 25 A Yes, I do.

1 Q What do you do with them?

2 A I look at them and verify that the informa-

3 tion is correct, and type the information

4 onto the FBI and local cards.

5 Q I see. Do you know where the information

6 on this Arrest Register comes from?

7 A On the Arrest Register?

8 Q Yes.

9 A Comes from the Field Arrest.

10 Q That is correct. (Exhibiting document to

11 witness) I show you what has been marked

12 for identification "D-15," and I ask

13 you whether that is the type document

14 that you have referred to as the Field

15 Arrest?

16 A Yes, sir, it is.

17 THE COURT:

18 Mr. Dymond, would you permit an interrup-

19 tion?

20 MR. DYMOND:

21 Surely.

22 BY THE COURT:

23 Q Officer Perkins, in the normal routine of

24 fingerprinting people, do you have to

25 ask them any questions at all, or is all

D125

1 the information you need on the report?

2 A Have to verify it.

3 Q Not to verify. Do you have any information  
4 that you need to put on the fingerprint  
5 card? Do you get that information from  
6 these copies?

7 A Yes, sir.

8 Q What is the necessity of speaking to the  
9 person?

10 A Well, you have to verify, because sometimes  
11 the desk sergeant may make a typographical  
12 error.

13 Q You mean the spelling of a word?

14 A The spelling of a word.

15 Q The spelling of a name?

16 A Yes, sir, or just a typographical error, and  
17 I have to have this information when I --  
18 I have to call the FBI in Headquarters  
19 to relate this information and it has to  
20 be correct, has to also have the correct  
21 date of birth and white race, et cetera.

22 Q In other words, you repeat the question on the  
23 fingerprint card that you make up.

24 THE COURT:

25 May I see that, Mr. Dymond?

(Document handed to the Court.)

BY THE COURT:

Q In other words, Officer Perkins, you start off after you have fingerprinted, and then you put this in the typewriter, or do you put it in the typewriter before you fingerprint?

A No, sir, I fingerprint them. I get them to sign the card first.

Q Sign it?

A Right, sir.

Q When do you type up this information?

A After he has been fingerprinted.

Q Then what do you do? You ask him his name?

Is that what you do, or do you get that information from --

A No, I get this information first.

Q From where?

A I get it from him when I check on it -- before I call the FBI -- I have to ask his correct name.

Q Don't you have that information on two, three, seven or eight copies, that someone has gotten from him already?

A It might be a typographical error.



- 1 Q But you do orally question him?
- 2 A Yes, sir, right.
- 3 Q Do you ask them if they have any aliases?
- 4 A Also ask them if they have any previous
- 5 records. Don't ask them at this particu-
- 6 lar time if they have an alias. I want
- 7 to know the correct name, date of birth,
- 8 white, male, et cetera -- I can see
- 9 this with my own eyes -- then I then
- 10 call the FBI and relate this information
- 11 to them. Then if the man is new, never
- 12 been fingerprinted before, he informs me
- 13 of such. Then I give the subject a new
- 14 number. Then after this then we pro-
- 15 ceed to fingerprint.
- 16 Q Now when. I want to know what you do.
- 17 A If I am fingerprinting I will proceed to finger-
- 18 print them.
- 19 Q With respect to this area of aliases, did you
- 20 put in there an alias without speaking
- 21 to the man, by taking it from other
- 22 pieces of record or record sheets that
- 23 you have in your possession?
- 24 A It all depends -- there is no procedure -- I
- 25 mean it all depends on the situation,

D128

- 1           some people you will ask them for their  
2           aliases and some you don't. There is no  
3           specific procedure that you have to ask  
4           them.
- 5       Q     How could a man like Habighorst be able to  
6           take fingerprints? If they weren't  
7           giving him copies that he was supposed  
8           to get, would that be a mistake not to  
9           give him copies of this -- is it No. 2,  
10          3 -- what else?
- 11       A     He could do it.
- 12       Q     By asking questions?
- 13       A     He would have to get the information from the  
14           Field Arrest or from the desk sergeant.
- 15       Q     Suppose he didn't get it, suppose he didn't  
16           have it at the time, somebody forgot to  
17           give it to him.
- 18       A     I wouldn't know how he could do it.
- 19       Q     Except by asking questions?
- 20       A     Asking questions, yes, sir.
- 21       Q     The ordinary routine is to send No. 2, No. 3,  
22           whatever other copy you marked, to the  
23           man who is going to do the fingerprinting?
- 24       A     Yes, sir.
- 25       Q     Have you ever had occasion where they didn't

D129

- 1 send it to you?
- 2 A In other words, to start the procedure without
- 3 the papers?
- 4 Q Yes.
- 5 A No, sir, I haven't.
- 6 Q How long have you been in that Department?
- 7 A Four months.
- 8 Q Have you done it one time?
- 9 A Not me, no.
- 10 BY MR. DYMOND:
- 11 Q (Exhibiting document to witness) Now, Officer
- 12 Perkins, I show you an exhibit which
- 13 has been marked for identification
- 14 "State 60," and I ask you to tell me
- 15 what this card represents.
- 16 A This card is the FBI card.
- 17 Q Now, is it your testimony in response to the
- 18 Judge's questions, that it is customary
- 19 to have the prisoner sign this card in
- 20 blank?
- 21 A Yes, sir.
- 22 Q And that after he signs it the information is
- 23 typed on and the fingerprints are put on?
- 24 Is that correct?
- 25 A After he signs it the fingerprints are put on,

then it is typed.

Q Officer Perkins, suppose a prisoner refuses to sign that fingerprint card, what happens? Can he make bond or not?

A I really don't know, sir.

Q You don't know?

A That is something that hasn't really been established.

Q I see.

MR. DYMOND:

That is all. We tender the witness.

CROSS-EXAMINATION

BY MR. ALCOCK:

Q Officer Perkins, I take it then you were not in the Bureau of Identification or in the Central Lockup on the night of March 1, is that correct?

A That is correct, sir.

Q Then you would have no way of knowing what happened. Would that also be correct?

A That is also correct.

Q Now, if the man taking the prints did not have access to the Arrest Register or the Field Arrest form, would it not be possible for him to fill out these few blanks

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by merely asking the arrestee for the  
information?

A Yes, sir.

Q In other words, Officer, the man taking the  
fingerprints was trying to expedite  
matters, and before he got this informa-  
tion, that is, the booking, the Arrest  
Register and the Field Arrest Report, he  
could go ahead and finish his work by  
merely asking the man the few questions  
contained on here, couldn't he?

A I would say he could.

Q You see nothing impossible about that, do you?

A No, sir.

MR. ALCOCK:

No further questions.

MR. DYMOND:

That is all.

(Witness excused.)

MR. DYMOND:

Call Mr. Edward Wegmann.

EDWARD F. WEGMANN,

being called by the Defense on traverse of the  
predicate, being first duly sworn, was examined  
and testified as follows:

## DIRECT EXAMINATION

BY MR. DYMOND:

Q You are Mr. Edward Wegmann?

A That is correct.

Q Mr. Wegmann, are you a practicing attorney in New Orleans?

A Yes, I am.

Q How long have you been so engaged?

A I was admitted to the Bar in 1941.

Q You are one of the attorneys for this Defendant Clay Shaw, Mr. Wegmann?

A Yes, I am, and I have been Mr. Shaw's attorney since approximately 1949.

Q Mr. Wegmann, did you have occasion to be in the Central Lockup with Mr. Shaw on March 1, 1967, which was the date of his arrest on this case?

A Yes, I was.

Q Will you kindly set forth for the Court the happenings from the time that you got to the Central Lockup until you left.

A Apparently they were waiting for us when we arrived at the Central Lockup. We were escorted to the booking window, the Arrest Register was completed by the

1 booking officer, Mr. Shaw was asked to  
2 surrender possession of whatever valua-  
3 bles and other possessions he had with  
4 him, including his belt. When the book-  
5 ing procedure at the window was completed,  
6 Mr. Shaw was handed the blue copy of the  
7 Arrest Register Report.

8 Q (Exhibiting document to witness) I show you a  
9 document which has been marked for  
10 identification "D-19," and I ask you  
11 whether that is the copy to which you  
12 have made reference.

13 A Yes, it is.

14 (Whereupon, the document referred  
15 to by Counsel was duly marked for  
16 identification as "Exhibit D-19.")

17 BY MR. DYMOND:

18 Q I now ask you to examine that copy of D-19  
19 and tell me whether there is any alias  
20 set forth on that copy.

21 A I have examined it many times. There is no  
22 such reference on this copy, which is the  
23 arrested person's copy of the Arrest  
24 Register.

25 Q All right. After Mr. Shaw was given D-19,

D134

1 what then happened, Mr. Wegmann?

2 A At that time I was advised by Captain Curole  
3 that Mr. Shaw would now be taken to the  
4 Bureau of Identification room, the B of I  
5 room, to be fingerprinted, that I would  
6 have to leave the booking area. I was  
7 escorted through the working area of the  
8 Central Lockup to the opposite side of  
9 the room outside the booking area work-  
10 room completely and behind the gate at  
11 one end of which are the interview rooms  
12 and at the other end of which is the  
13 lobby to the Central Lockup.

14 Q Did you or did you not comply with Captain  
15 Curole's request that you stay out of  
16 the B of I room while the fingerprinting  
17 was being done?

18 A Yes, I did.

19 Q Did you ever go into the B of I room while  
20 Mr. Shaw was being fingerprinted or  
21 questioned?

22 A At no time on that evening did I ever enter  
23 or go close to the B of I room, and, as  
24 a matter of fact, never at any time in  
25 my life have I ever been in the B of I



room of the Central Lockup.

Q At that time was it your desire that you remain with your client?

A It certainly was.

MR. DYMOND:

We tender the witness.

CROSS-EXAMINATION

BY MR. ALCOCK:

Q Now, Mr. Wegmann, do you recall what time you first arrived at the District Attorney's Office on the date of March 1?

A Somewhere in the neighborhood of 6:30 or 7:00 o'clock, I don't recall the time to any exact hour. I know that I had that day made an appearance in the United States District Court for the Middle District of Georgia, Albany, Georgia, and had returned to New Orleans on a flight out of Atlanta sometime that afternoon.

Q And for what reason did you go there? Did anyone call you, or what was your reason for going?

A Mrs. Wegmann met me at the airport, we drove home, and just as soon as we reached home I was informed by my son that friends of

D136

Reference copy, JFK Collection: HSCA (RG 233)

- 1 Mr. Shaw were trying to reach me.
- 2 Q Now, when you first arrived at the District
- 3 Attorney's Office, was Mr. Panzeca pres-
- 4 ent?
- 5 A Yes, he was.
- 6 Q Did you have occasion to speak to Mr.
- 7 Panzeca?
- 8 A Yes, I did.
- 9 Q Did you have occasion, or were you given the
- 10 opportunity, to speak to Mr. Panzeca in
- 11 private?
- 12 A Well, we went into two different rooms in the
- 13 District Attorney's Office. I don't --
- 14 yes, and at one time we were alone with
- 15 Mr. Shaw in the room to the right of the
- 16 office as you enter it.
- 17 Q And approximately how long did you confer with
- 18 Mr. Panzeca and the Defendant Shaw?
- 19 A For a brief period of time, something in the
- 20 neighborhood of perhaps ten or 15 minutes.
- 21 Mr. Shaw had already been placed under
- 22 arrest when I arrived at the District
- 23 Attorney's Office.
- 24 Q Did you advise him of his Constitutional
- 25 rights at that time?

D137

1 A There wasn't any need for me to do that, Mr.

2 Panzeca had been there with him I was  
3 told since early that afternoon.

4 Q You felt on that occasion Mr. Panzeca had  
5 adequately advised him of his Consti-  
6 tutional rights? Is that correct?

7 A Yes, I did.

8 Q And this conversation that you had with the  
9 Defendant and Mr. Panzeca, I think you  
10 testified that was in private?

11 A Well, either Ivon or Loisel were in the room  
12 when we first arrived. Whoever it was,  
13 whichever one it was, did leave and we  
14 were by ourselves. There wasn't too much  
15 conversation because Mr. Panzeca had  
16 warned me that he thought that the room  
17 was bugged.

18 Q I see. Was there anybody in the District  
19 Attorney's Office physically in the room?

20 A Not at that time.

21 Q Did anybody deny you your right to speak to  
22 your client?

23 A No.

24 Q As a matter of fact, you had no trouble at  
25 all speaking to him, did you?

1 A Under the circumstances and the tremendous  
2 confusion and the tremendous number of  
3 people who were present in and about and  
4 around the District Attorney's Office  
5 that evening, I would say that what  
6 conversation we had, yes, was under  
7 considerable strain.

8 Q I see. But you were alone, is that correct?

9 A In the event the room was not bugged, we were  
10 alone.

11 Q Did you ever ascertain whether or not the  
12 room was bugged?

13 A No, sir, I haven't had any reason to do so.

14 Q Did you have any reason to believe that it was?

15 A Yes, I did. I was advised by Mr. Panzeca that  
16 he thought it was bugged.

17 Q Oh, just that Mr. Panzeca thought it was  
18 bugged? Is that correct?

19 A That is correct.

20 Q You saw nothing, no wires or anything that  
21 you might associate with bugging?

22 A There was a great deal of rushing being done,  
23 there wasn't time to investigate the  
24 room to ascertain whether or not --

25 Q I take it then you didn't see it?

D139

1 A Would you mind letting me finish? There  
2 wasn't time to ascertain whether or not  
3 the room was bugged, and, if there had  
4 been time, I wouldn't have been capable  
5 of doing so.

6 Q I see. Now, after you had this conversation  
7 with your client in private, where did  
8 you go?

9 A Mr. Panzeca and I went into another office  
10 in the -- no, subsequent to that I had  
11 some conversation with Mr. Oser and  
12 perhaps some other people in the room  
13 whose names -- and perhaps even you, be-  
14 cause I didn't know you at that time and  
15 didn't know who you were. I then went  
16 into another office where I telephoned  
17 Judge Brahney and arranged to have the  
18 bond reduced from \$25,000.00 to \$10,000.00.

19 Q I see. And after this did you have occasion  
20 to accompany your client to the Central  
21 Lockup?

22 A Yes, I did. Just after that telephone conver-  
23 sation with Judge Brahney I returned to  
24 the center room of the District Attorney's  
25 Office. Mr. Shaw was already there and

1 in handcuffs and was about to be taken  
2 to the Central Lockup. That was at the  
3 time when he was served with the --  
4 when we were served or he was served  
5 with the search warrant, which Mr.  
6 Panzeca and I discussed. I asked Mr.  
7 Panzeca to go to Mr. Shaw's home, telling  
8 him that I would accompany Mr. Shaw to  
9 the Central Lockup..

10 Q I take it then that you did finally go to the  
11 Central Lockup with your client?

12 A Yes, I certainly did.

13 Q Now, on the automobile ride between the  
14 District Attorney's Office, or rather  
15 the Criminal District Court and the  
16 Central Lockup, was there any question-  
17 ing of your client?

18 A No, sir.

19 Q And at the Central Lockup for the period of  
20 time that you were in his presence, was  
21 there any questioning of your client?

22 A None that I recall.

23 Q Now, Mr. Wegmann, referring you to "D-19,"  
24 I ask you if you will note the rights  
25 of arrestee, or this writing on the front

D141

1 of D-19 (indicating).

2 A I have noted it.

3 Q Did you have occasion to read it on that  
4 night?

5 A I am quite sure that I did not.

6 Q Did not?

7 A That is correct.

8 Q Do you know whether or not your client read  
9 it on that night?

10 A I can tell you that as between the time we  
11 arrived at the Central Lockup and from  
12 the time that I took him in my car to  
13 the home of a friend of his where I had  
14 been advised he would spend the night,  
15 that he did not read it.

16 Q I see. In other words, you never saw him read  
17 it?

18 A No, I did not.

19 Q And you never thought it your duty to advise  
20 him to read it?

21 A I didn't see any need for it at that time.

22 Q In other words, you didn't think it necessary  
23 to advise him of his rights at this time?  
24 Is that what you are saying?

25 A I just said I saw no reason for it.

D142

Reference copy, JFK Collection: HSCA (RG 233)

1 Q How long were you in the general booking area?

2 A For whatever period of time it took the

3 booking officer to complete the Arrest

4 Register.

5 Q Can you approximate that for us?

6 A It was a matter of minutes.

7 Q Ten, less than ten, over ten?

8 A Oh, I would say that it was probably somewhere

9 between ten and 20 minutes in the book-

10 ing area itself at the booking window.

11 Q Do you recall, Mr. Wegmann, what cubicle the

12 Defendant was actually in when they

13 booked him?

14 A If you will let me see the picture, I believe

15 that I can.

16 Q (Exhibiting photograph to witness) Here it is.

17 A It is my recollection that we were at the

18 second cubicle from the far wall.

19 Q Will you mark an "X" there, please.

20 A Yes (marking photograph).

21 Q In this picture can you see the door to the

22 Bureau of Identification from that second

23 cubicle?

24 A I have no idea where the Bureau of Identifica-

25 tion room is located.



1 Q Now, Mr. Wegmann, again referring you to  
2 "State 58," calling your attention to  
3 this doorway here which has written  
4 above it "Bureau of Identification" --  
5 can you read that (exhibiting photograph  
6 to witness)?

7 A Which one?

8 Q Right here.

9 A No, frankly, I can't read it from the picture.

10 Q You can't read that from the picture?

11 A No, I can't.

12 Q Well, can you recall whether or not on that  
13 night that door was open?

14 A No, I do not.

15 Q Do you recall whether or not on that night  
16 the other door here was open?

17 A No, I do not. I wasn't interested in either  
18 door, I was only interested in having  
19 the booking completed and taking Mr. Shaw  
20 to my office where I could speak with  
21 him.

22 Q Now, you mentioned that when the Defendant was  
23 booked they filled out an Arrest Register,  
24 is that your testimony?

25 A Yes, it is.

1 Q Did you know it was an Arrest Register at  
2 that time?

3 A Did I know that it was termed the Arrest  
4 Register? No, I did not.

5 Q Well, what did they fill in? Can you tell  
6 us what they put on it, from your recol-  
7 lection?

8 A Certainly, because I have looked at the  
9 arrested person's copy of the Arrest  
10 Register quite a few times.

11 Q I see. Well, can you recall what was said  
12 that night without having to refresh  
13 your memory from this?

14 A What was said at the booking window?

15 Q (Counsel nodded affirmatively.)

16 A Very little.

17 Q How about aliases?

18 A There was no discussion whatsoever about  
19 aliases.

20 Q Oh, I see.

21 MR. ALCOCK:

22 No further questions.

23 MR. DYMOND:

24 That is all, Mr. Wegmann.

25 THE COURT:

D145

145

1                   You are excused.

2                                   (Witness excused.)

3           MR. DYMOND:

4                   Your Honor, may we have a few minutes  
5                           recess to check on Officer Vogt?

6           THE COURT:

7                   Very well, we will take a five-minute  
8                           recess.

9                           (Whereupon, a brief recess was taken.)

10          AFTER THE RECESS:

11          MR. DYMOND:

12                   Call Mr. Salvatore Panzeca.

13                           SALVATORE PANZECA,  
14          being called by the Defense on traverse of the  
15          predicate, being first duly sworn, was examined  
16          and testified as follows:

17                           DIRECT EXAMINATION

18          BY MR. DYMOND:

19          Q        You are Mr. Salvatore Panzeca?

20          A        Yes, sir.

21          Q        Mr. Panzeca, are you presently a practicing  
22                   attorney here in New Orleans?

23          A        Yes.

24          Q        How long have you been engaged in practice?

25          A        Since 1959, June.

DL46

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Q Are you associated with the firm of  
Racivitch & Wegmann of which Mr.  
William Wegmann is a partner?

A Yes, I am.

Q Going back to March 1, 1967, Mr. Panzeca,  
were you called upon to represent Mr.  
Clay Shaw in any capacity?

A Yes, I was.

Q How were you called upon, sir? Who called  
you?

A Mr. Shaw himself called, sometime before  
3:00 p.m. on that afternoon.

Q Now, upon receiving this call, what did you  
do, Mr. Panzeca?

A Well, I jumped in a taxi and I came down here  
to the Criminal Courts Building.

Q Did you see Mr. Shaw when you got here?

A Yes, I did. I guess I didn't arrive here  
until sometime around 3:15, 3:30, and --  
it must have been around 3:30 when I  
arrived.

Q And where was Mr. Shaw when you first saw him?

A As I recall, Mr. Shaw was in an office off  
from the main lobby of the District  
Attorney's office, and I think that office

p147

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1 at that time was being used by Mr.  
2 Sciambra as his office.  
3 Q Now, at the time that you saw Mr. Shaw, did  
4 you give him any legal advice?  
5 A Yes, sir, I did. I told him specifically not  
6 to speak to anyone at all about anything,  
7 I told him that he shouldn't even tell  
8 people hello or good-bye. In fact, I  
9 even specifically told him that if he  
10 had any questions about anything to di-  
11 rect them only to me.  
12 Q Did you tell him anything about answering  
13 questions?  
14 A Absolutely, I told him not to answer any  
15 questions from anybody.  
16 Q Did you tell him anything about making state-  
17 ments?  
18 A I certainly did, I told him, in fact, that  
19 even if he had to go to the dressing  
20 room that he should ask me and not any-  
21 one else.  
22 Q Did you make known to any member of the Dis-  
23 trict Attorney's Office the fact that  
24 you did not want Mr. Shaw to make any  
25 statements or be questioned?

1           A       That is correct. I told Mr. Sciambra, who  
2                    was the Assistant District Attorney  
3                    there at that time, I told Mr. Ivon  
4                    and Mr. Loisel, who were placed at the  
5                    doorway. One was -- I think one was  
6                    in the office where Mr. Shaw was located,  
7                    and the other gentleman was perhaps right  
8                    outside or right in the doorway -- they  
9                    were guarding Mr. Shaw -- and I speci-  
10                  fically told both of these gentlemen that  
11                  Mr. Shaw was not to be questioned and  
12                  that he was not going to answer any  
13                  questions about anything.

14               MR. DYMOND:

15                   We tender the witness.

16                   CROSS-EXAMINATION

17               BY MR. ALCOCK:

18               Q       Mr. Panzeca, is it correct that you talked  
19                       on the telephone to Mr. Sciambra before  
20                       you came down to the District Attorney's  
21                       Office?

22               A       That is correct.

23               Q       Isn't it a fact that Mr. Sciambra advised you  
24                       to come down and consult with your client?

25               A       Mr. Shaw was talking to me on the telephone,

1 and evidently Mr. Sciambra heard Mr.  
2 Shaw mention my name. Mr. Shaw at first  
3 was trying to reach Mr. Wegmann and  
4 ended up with me. Then all of a sudden  
5 Mr. Sciambra was on the phone and I did  
6 speak to Mr. Sciambra, and I asked him  
7 what was this about, and he said, "Sal,  
8 I think you had better get down here.  
9 We have Mr. Shaw and we would like to  
10 have him represented, if you are going  
11 to represent him." Of course I said I  
12 was coming right down.

13 Q Now, when you arrived, Mr. Panzeca, did you  
14 have any difficulty in speaking with  
15 your client?

16 A Only that I was very suspicious that the room  
17 was bugged, just as Mr. Wegmann has told  
18 you.

19 Q Other than that, did any member of the Dis-  
20 trict Attorney's Staff deny you the right  
21 to talk with your client?

22 A No, I was not denied the right to speak to  
23 him, but it was not in a circumstance  
24 in which I thought I could question him  
25 freely and without anyone overhearing.

D150

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There were people all over.

Q Then I take it you did advise him of his  
Constitutional rights? Is that correct?

A Well, if by "Constitutional rights" you mean  
he has a right not to make a statement --

Q Right.

A -- I did advise him of that. Now, if you  
go up and down the Constitution, no,  
I didn't go up and down it.

Q Now, when Mr. Wegmann arrived did you and he  
have a conversation between yourself,  
Mr. Wegmann and the Defendant?

A Yes, I did.

Q And did you again advise him of his rights?

A Well, once again we had a difficult time in  
communicating. I advised Mr. Wegmann  
as I had advised Mr. Shaw, that I was  
afraid that the room and the area that  
we were in was bugged, and I told them  
that I don't think we should talk about  
anything except arrangements to make  
bail. That was all we really discussed.  
In fact, my original communications with  
Mr. Shaw were conducted on a pad that I  
had, I would write a question and he



D151

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1                   would write an answer. I didn't even  
2                   want to talk, and I kept the papers and  
3                   put them in my pocket.  
4       Q       I see. Do you still have those papers?  
5       A       No, I don't.  
6       Q       Where are they?  
7       A       I probably destroyed them.  
8       Q       Now, did you see any physical evidence of  
9                   any sound recording device?  
10      A       No. I didn't really make a search, I was  
11               just suspect that this was going on.  
12               I don't know when a room is bugged if I  
13               would find it if I looked at it.  
14      Q       In other words, you have no evidence of that,  
15               it is just something that you surmised  
16               or feared? Would that be correct?  
17      A       I thought it was taking the proper precautions.  
18      Q       Did you ride over to the Central Lockup with  
19               Mr. Shaw?  
20      A       No, I did not, I left with you, Mr. Alcock, to  
21               go to Mr. Shaw's residence.  
22      Q       I see. When was the last time that you saw  
23               the Defendant?  
24      A       Pardon?  
25      Q       When was the last time that night that you saw

D152

152

1 the Defendant?

2 A If I recall correctly -- and I think I do --  
3 we left the District Attorney's Office  
4 sort of in a wedge formation to get  
5 through the crowd and the Press. I got  
6 off the elevator at that time I think  
7 with you and Mr. Burnes, and I think the  
8 last time I saw Mr. Shaw that night was  
9 when he got into an automobile in the  
10 basement of this building.

11 Q Now, Mr. Panzeca, after you had instructed  
12 or requested Mr. Sciambra, Mr. Ivon and  
13 Mr. Loisel not to question the Defendant  
14 any further, did they, to your knowledge,  
15 disregard your instructions?

16 A No. I know that Mr. Ivon and Mr. Loisel did  
17 not speak to Mr. Shaw. Now, I was moving  
18 about, but I didn't request that they not  
19 do this, I instructed them not to do this.

20 Q Well, do you know of any violation of your  
21 instructions?

22 A No.

23 MR. ALCOCK:

24 No further questions.

25 MR. DYMOND:

D153

153

1 That is all.

2 (Witness excused.)

3 MR. DYMOND:

4 If the Court please, at this time we  
5 would like to put Mr. Shaw on the  
6 stand for the limited purpose of  
7 traversing the admissibility of this  
8 alleged statement.

9 CLAY L. SHAW,  
10 having been first duly sworn, was examined and  
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DYMOND:

14 Q You are Mr. Clay L. Shaw, the Defendant in  
15 these proceedings?

16 A That is correct.

17 Q Mr. Shaw, is it a fact that you were arrested  
18 on March 1, 1967?

19 A Yes, I was.

20 Q And where did this arrest take place?

21 A In the offices of the District Attorney in  
22 this building.

23 Q At that time, Mr. Shaw, who was your attorney?

24 A Mr. Panzeca and Mr. Wegmann.

25 Q Now, by "Mr. Wegmann," which Mr. Wegmann do

1                   you mean?

2           A       Mr. Edward Wegmann.

3           Q       Which of these two attorneys were you  
4                   successful in contacting, if either  
5                   one of them?

6           A       First Mr. Panzeca.

7           Q       Did Mr. Panzeca then come to the District  
8                   Attorney's Office?

9           A       Yes, he did.

10          Q       Upon arriving at the District Attorney's  
11                  Office and seeing you, did he give you  
12                  any legal advice?

13          A       Yes, he did.

14          Q       To what effect?

15          A       That I was to speak to no one except himself.

16          Q       Did you follow this advice?

17          A       I did, completely.

18          Q       Now, Mr. Shaw, referring to after you were  
19                  taken by Mr. Ivon from the District  
20                  Attorney's Office to the Central Lockup  
21                  of the New Orleans Police Department, did  
22                  you have an attorney with you at that  
23                  time?

24          A       Yes, I did, Mr. Wegmann, Mr. Edward Wegmann.

25          Q       Edward Wegmann?

- 1 A That is right.
- 2 Q Had Mr. Edward Wegmann given you any legal
- 3 advice?
- 4 A Yes, he told me the same thing Mr. Panzeca
- 5 had told me, not to answer questions,
- 6 not to talk to anyone except to him or
- 7 to Mr. Panzeca.
- 8 Q Now, Mr. Shaw, at that time did you -- and
- 9 throughout the time that you were at
- 10 the Central Lockup -- did you have any
- 11 desire to remain within the presence of
- 12 your lawyer?
- 13 A Yes, I wanted my lawyer with me at every
- 14 stage.
- 15 Q Were you able to have your lawyer with you at
- 16 every stage?
- 17 A No, I was not.
- 18 Q Why not?
- 19 A Upon being taken into the Bureau of Identifica-
- 20 tion I was told that Mr. Wegmann, he was
- 21 not to be permitted to accompany me and
- 22 I would have to go in alone.
- 23 Q (Exhibiting document to witness) Mr. Shaw, I
- 24 show you an exhibit which has been marked
- 25 for identification "State 60," and which

D156

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1                   purports to bear your signature, and I  
2                   ask you whether you remember signing this  
3                   card.

4           A       Yes, I do, I do.

5           Q       Would you tell me when you signed that card,  
6                   what, if any, material other than the  
7                   printed material was on it?

8           A       Nothing, neither fingerprints nor typewriting.

9           Q       Would it be correct then to say that you  
10                  signed this fingerprint card in blank?

11          A       That is correct, yes.

12          Q       How did you come to sign this fingerprint  
13                  card, Mr. Shaw?

14          A       I was told it was a necessary procedure for  
15                  getting bail.

16          Q       Now, who told you to sign the card?

17          A       The patrolman who was taking the fingerprints.

18          Q       What did he say?

19          A       He said, "This is a fingerprint card and you  
20                  must sign it. This is essential for  
21                  you to get bond."

22          Q       Now, Mr. Shaw, do you recall having been  
23                  booked in the Central Lockup?

24          A       Yes, I do.

25          Q       (Exhibiting document to witness) I show you

D157

157

1 a document which has been marked for  
2 identification "D-16," and I ask you  
3 whether you recognize this and can tell  
4 us when that was filled out.

5 A It was filled out by the booking clerk who was  
6 asking me -- the booking clerk I suppose  
7 is the title -- who asked me questions  
8 and entered my answers in typewriting  
9 on this slip, on the machine.

10 Q Were you at any time ever asked by anyone at  
11 the Central Lockup whether you had an  
12 alias or a name other than Clay Shaw by  
13 which you were known?

14 A I was certainly not.

15 Q Did you ever tell anybody in the Central Lock-  
16 up that you had an alias or another name?

17 A I did not.

18 Q (Exhibiting document to witness) Mr. Shaw,  
19 I show you a document which has been  
20 marked for identification "D-19," and  
21 I ask you whether you recognize that  
22 document.

23 A Yes. This was a copy given to me by the  
24 booking clerk.

25 Q I now ask you to examine that document and

1 tell me whether there is anything con-  
2 cerning an alias on it.

3 A No, nothing.

4 MR. DYMOND:

5 We tender the witness.

6 CROSS-EXAMINATION

7 BY MR. ALCOCK:

8 Q Now, isn't it a fact that when you made this  
9 call to Mr. Panzeca, it was made at the  
10 suggestion of Mr. Sciambra to my right  
11 here?

12 A Not exactly. I said I decided I wanted an  
13 attorney and Mr. Sciambra concurred. He  
14 did not suggest it.

15 Q I see. In other words, you were the one  
16 suggested you wanted an attorney?

17 A That is correct.

18 Q Did he have a conversation with Mr. Panzeca  
19 on the telephone in your presence at that  
20 time?

21 A Yes, he did.

22 Q Would that have occurred during the same call  
23 that you made to Mr. Panzeca?

24 A That is correct.

25 Q Now, up until that time had you been in any



D159

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1 way physically abused by any member of  
2 the District Attorney's Staff?  
3 A No, no, certainly not.  
4 Q Had you been promised any reward or immunity  
5 for making any statement to the District  
6 Attorney's Staff?  
7 A No, no.  
8 Q Who, if anyone, if you can recall, spoke to  
9 you prior to the arrival of Mr. Panzeca?  
10 A Mr. Sciambra and Mr. Ivon interviewed me for  
11 some considerable period of time.  
12 Q Now, during the course of this interview did  
13 either one of these gentlemen abuse you?  
14 A No, they did not.  
15 Q Did either one of these gentlemen offer you  
16 any reward or make you any promises  
17 should you make any statement?  
18 A They did not.  
19 Q Now, I take it then that any statement you  
20 may have given them at that time was given  
21 freely and voluntarily?  
22 A Correct.  
23 Q When was it that you felt you needed the  
24 presence of an attorney?  
25 A At the time Mr. Sciambra said that he was

D160

160

1 going to charge me with conspiracy to  
2 murder the late President of the United  
3 States.

4 Q Did you have any conversation with either  
5 one of these men before Mr. Panzeca  
6 arrived, after the telephone call?

7 A No. They left the room after the telephone  
8 conversation and I was left alone until  
9 Mr. Panzeca arrived.

10 Q Then I take it no one attempted to question  
11 you after the telephone call?

12 A No, no, no.

13 Q Now, subsequent to the arrival of Mr. Panzeca,  
14 did you have occasion to speak with him?

15 A Yes.

16 Q And for approximately how long would you say?

17 A We communicated largely by writing, as he  
18 has specified, but I -- for, I would  
19 think, about 20, 25 minutes.

20 Q And, to your knowledge, was anyone else in  
21 the room?

22 A No.

23 Q Now, after this conversation with Mr. Panzeca,  
24 were you questioned any further by either  
25 Mr. Ivon or Mr. Sciambra?

D16L

161

1 A No, I was not.

2 Q Were you in any way abused by either one of  
3 these men?

4 A No, I was not.

5 Q -- or any member of the District Attorney's  
6 Office?

7 A No.

8 Q Now, on the way over to the Central Lockup  
9 do you recall whether or not you were  
10 sitting in the back seat as described by  
11 Officer Ivon?

12 A Yes.

13 Q Was that an accurate description of the seat-  
14 ing position as you recall it?

15 A Yes. I recall it.

16 Q Did anyone attempt to question you during that  
17 ride?

18 A Did not.

19 Q Did anyone abuse you during that ride?

20 A Did not.

21 Q Did anyone offer you any promises or offer you  
22 any reward for making any statement during  
23 that ride?

24 A No.

25 Q Now, is it your testimony that at the time the

D162

162

1 Arrest Register was made, no mention of  
2 an alias was mentioned?

3 A It was not.

4 Q They didn't ask you an alias?

5 A No.

6 Q Were you answering questions in the office?

7 A Beg your pardon?

8 Q Were you answering questions as the officer  
9 typed on the Arrest Register?

10 A Yes.

11 Q Did you see the officer refer to any other  
12 documents while he was making the Arrest  
13 Register?

14 A He may well have been, I don't know.

15 Q Of your own knowledge you don't know? Is  
16 that correct?

17 A No.

18 Q Would it be a fair statement that most of  
19 the information that he typed, if not  
20 all, came from you?

21 A I don't know whether that is a fair statement  
22 or not. He asked me several questions;  
23 I gave him the answers. Where the other  
24 came from I don't know.

25 Q Were you observing what he was doing?

1 A I thought he was typing of course.

2 Q Did he type at the time you responded to  
3 questions?

4 A Correct.

5 Q Did he ever type when you weren't responding  
6 to questions?

7 A I think not.

8 Q You think not. Do you think it is a fair  
9 assumption to say that the only time  
10 he typed was when you were responding  
11 to questions? Is that correct?

12 THE COURT:

13 I don't think he can answer the question  
14 unless he was looking over his  
15 shoulder.

16 MR. ALCOCK:

17 Your Honor, he just testified he was  
18 watching the man.

19 THE COURT:

20 I know what he testified to, but I can't  
21 see how I can look at a person  
22 typing and know that he is putting  
23 down everything I said.

24 MR. ALCOCK:

25 I didn't say that. The question was

D164

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1                   whether or not -- the Defendant has  
2                   answered that he typed only when he  
3                   was responding to questions. It  
4                   seems to me quite obvious then that,  
5                   as far as the Defendant knows, the  
6                   only thing he put down was what he  
7                   told him. I am not saying he can  
8                   say what was being put down, I am  
9                   saying wouldn't it be a fair state-  
10                  ment that anything he told him was  
11                  what went into the Arrest Register,  
12                  because he was typing --

13                THE COURT:

14                  You are speculating. It is impossible  
15                  for him to answer the question un-  
16                  less he was looking over his shoulder  
17                  after giving an answer and seeing  
18                  what he types.

19                MR. ALCOCK:

20                  All right.

21                BY MR. ALCOCK:

22                Q     How far were you away from the man doing the  
23                       typing?

24                A     Oh, three or four feet I suppose.

25                Q     Was there anything between you and him, any

D165

165

1 object or obstruction?

2 A There was a large counter there with papers  
3 on the counter.

4 Q Papers?

5 A Yes, papers on the counter. I could not  
6 actually see what was being typed, I  
7 couldn't see in his typewriter.

8 Q I see. But you could see his fingers moving  
9 and hear the clicking of the typewriter?  
10 Is that correct?

11 A Surely.

12 Q (Exhibiting photograph to witness) Now re-  
13 ferring you to "State 58," do you see on  
14 here where you were standing approximate-  
15 ly on that night?

16 A I would say in the second or third cubicle  
17 here (indicating).

18 Q Now, did you have any trouble seeing over the  
19 top of the counter?

20 A No. That is not a problem for me.

21 Q Was there anyone else standing nearby or close  
22 to the officer doing the typing at that  
23 time?

24 A Mr. Wegmann was standing beside me, Mr.  
25 Edward Wegmann.

1 Q I see. But was there anyone standing next  
2 to or close to the man doing the typing?

3 A There was another man there; I don't know who  
4 he was or what his function was.

5 Q Has he testified today, to your knowledge?

6 A I don't know.

7 Q Was he providing the man doing the typing with  
8 any information, to your knowledge?

9 A I don't honestly know.

10 Q Now, was the man who was standing next to the  
11 man doing the typing, would that have  
12 been either Mr. Sciambra, Mr. Oser, Mr.  
13 Ivon or Mr. Loisel or any member of the  
14 District Attorney's Staff that you are  
15 familiar with?

16 A No, it was no one that I knew.

17 Q Was it a uniformed policeman?

18 A My recollection is it was.

19 Q Now, when you were taken into the B of I room,  
20 I take it your testimony is that Mr.  
21 Wegmann was not allowed to accompany you?  
22 Is that correct?

23 A That is correct.

24 Q While in the B of I room were you abused in  
25 any way physically?



DL67

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1 A No.

2 Q Were you offered any reward or made any

3 promises for any statement you might

4 make?

5 A I was not.

6 Q Did you provide the officer who did the

7 fingerprinting with any information at

8 all?

9 A He asked me no questions.

10 Q No questions?

11 A No, none.

12 Q No questions at all?

13 A No.

14 Q He didn't ask your name?

15 A No.

16 Q He didn't ask your height?

17 A No.

18 Q He didn't ask your weight?

19 A No.

20 Q He didn't ask your place of birth?

21 A No.

22 Q -- or date of birth?

23 A No.

24 Q Is it your testimony that Officer Habighorst

25 didn't ask you one question? Is that

1 your testimony?

2 A That is correct.

3 Q (Exhibiting document to witness) This is  
4 your signature, is it not?

5 A That is correct.

6 Q Did you see Officer Habighorst sign this card?

7 A I did not see him do it.

8 Q You did not?

9 A No.

10 Q Is it your testimony now that you did not utter  
11 one word the entire time that you were  
12 in the B of I?

13 A That is not my testimony. I said I did not  
14 answer any questions. I was told by  
15 Officer Habighorst I was going to be  
16 fingerprinted, it was essential, had to  
17 be done for me to make bond.

18 Q What word did you utter?

19 A I said in that case of course I would do it.

20 Q And that is all you said the entire time?

21 A Yes.

22 Q Did you hear Officer Butzman testify earlier?

23 A Yes, I did.

24 Q Is it your testimony that Officer Habighorst  
25 did not ask you any questions at all?

D169

169

1 A That is my testimony.

2 Q Then Officer Butzman was incorrect when he  
3 said at least that he heard Officer  
4 Habighorst ask you the correct spelling  
5 of your name?

6 MR. DYMOND:

7 If the Court please, I object on the  
8 ground that it is asking one witness  
9 to pass upon the testimony of  
10 another witness.

11 THE COURT:

12 The objection is well taken.

13 MR. ALCOCK:

14 All right.

15 BY MR. ALCOCK:

16 Q Did Officer Habighorst at any time ask you how  
17 to spell your name?

18 A To my recollection, no.

19 Q Your middle name?

20 A No.

21 Q Well, now you are fairly certain he didn't  
22 ask you any questions? Is that correct?

23 A Correct.

24 Q That is your testimony?

25 A That is my testimony.

D170

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1 Q Approximately how long were you in the room?

2 A Fifteen minutes perhaps.

3 Q Do you recall seeing Mr. Ivon in the room at  
4 any time?

5 A I don't recall seeing him.

6 Q Do you recall seeing Mr. Butzman in the room  
7 at any time?

8 A I did not recognize him today as having been --  
9 there, but undoubtedly he was. I don't  
10 say he wasn't.

11 Q Do you recall seeing or speaking to -- or  
12 not speaking to, because you said you  
13 didn't speak to anybody -- do you recall  
14 seeing Officer Habighorst?

15 A Yes.

16 Q Do you recall seeing Mr. Oser?

17 A I don't recall his being there.

18 Q Do you recall seeing Mr. Loisel?

19 A I don't know Mr. Loisel when I see him.

20 Q What did you do these 15 minutes that you were  
21 in there?

22 A There was some waiting when nothing went on,  
23 and then I was asked to wash my hands,  
24 which I did. I was then given a card  
25 and then I was told that this was a finger-

printing procedure which had to be done in order that I could make bond. Also in this same room I believe I was photographed, but the other end of the room. I was then given the card to sign and the fingerprints were taken.

Q Were you given the card before you washed your hands or after you washed your hands?

A After I washed my hands is my recollection.

Q And you signed it?

A I signed the card, yes.

Q And it was blank when you signed it?

A It was blank.

Q When did Officer Habighorst sign, as you recall?

A I do not know.

Q Did you see any other officer in there at all?

A There was another uniformed officer as I recall.

Q Did you see him sign the card?

A I did not.

Q Do you know how many cards you signed?

A To the best of my recollection, only one.

Q And you made no statements the entire time?

1 A I made no statement at all.

2 MR. ALCOCK:

3 I have no further questions.

4 MR. DYMOND:

5 That is all.

6 (Witness excused.)

7 MR. DYMOND:

8 If the Court please, in connection with  
9 the testimony of these witnesses  
10 I would like to offer, file and  
11 produce in evidence the documents  
12 previously marked for identification  
13 "D-14, 15, 16, 17, 18" and "19."

14 THE COURT:

15 Is there any objection on the part of  
16 the State?

17 MR. ALCOCK:

18 No objection.

19 THE COURT:

20 Let them be received in evidence.

21 MR. ALCOCK:

22 In connection with the testimony of the  
23 State's witnesses on this predicate,  
24 the State would offer, file and  
25 introduce into evidence, having

1 marked same for purposes of  
2 identification, "S-56" --

3 MR. DYMOND:

4 No objection.

5 MR. ALCOCK:

6 -- "S-57" --

7 MR. DYMOND:

8 No objection.

9 MR. ALCOCK:

10 -- "S-58" --

11 MR. DYMOND:

12 No objection.

13 MR. ALCOCK:

14 -- "S-59" --

15 MR. DYMOND:

16 No objection.

17 MR. ALCOCK:

18 -- and "S-60."

19 MR. DYMOND:

20 No objection.

21 THE COURT:

22 Very well.

23 MR. DYMOND:

24 Wait, wait. What was that 60? Your

25 Honor, we do object to the admissi-

bility of the Exhibit S-60, on the  
ground --

THE COURT:

May I take a look at it?

(Document exhibited to the Court)

State your reasons.

MR. DYMOND:

On the ground that it is actually a  
self-serving declaration on the  
part of the State. The Defendant  
has testified that he signed this  
card in blank and that all informa-  
tion contained thereon was placed  
thereon after the signature was  
affixed.

THE COURT:

I will be glad to hear from the State.

MR. ALCOCK:

Your Honor, that I submit is a matter of  
weight for the Jury. Officer  
Habighorst categorically testified  
that the information was placed on  
there prior to the Defendant signing  
it because the Defendant signed it  
only after he read what was on the



1 card, and it then becomes a matter  
2 of weight for the Jury to decide  
3 whether or not they will give it  
4 any weight, or, if they will give  
5 it, what weight they will give it.

6 THE COURT:

7 That is the only way I can see it.

8 MR. DYMOND:

9 I would like to add to our objection.

10 THE COURT:

11 Did you state, Mr. Alcock, that Mr.

12 Shaw did not sign this in advance  
13 of this information being put on  
14 there?

15 MR. ALCOCK:

16 I didn't state anything, I said Officer  
17 Habighorst's testimony is to the  
18 effect the Defendant read it with  
19 the information on it and then signed  
20 it. Now the Defendant does contra-  
21 dict that, but that is a matter of  
22 weight for the Jury.

23 MR. DYMOND:

24 If Your Honor please, I would like to  
25 add to the reasons for our objection,

1 the fact that this S-60 is, in  
2 effect, an inculpatory statement,  
3 and that, if it is such, it was  
4 made outside the presence of the  
5 Defendant's attorney when he wanted  
6 the presence of his attorney, his  
7 attorney was available, and I think  
8 it runs right into the teeth of the  
9 Miranda and Escobedo decisions.

10 THE COURT:

11 Do you wish to be heard, Mr. Alcock?

12 MR. ALCOCK:

13 Yes, I do. On that particular point,  
14 Your Honor, I think if one thing is  
15 clear in this record, it is that  
16 this Defendant at his own request  
17 had the presence of counsel with  
18 him and advice as to his Constitu-  
19 tional rights. The record clearly  
20 reflects that Mr. Panzeca arrived  
21 and conferred with him, Mr. Wegmann  
22 arrived and conferred with him, they  
23 went together to the Central Lockup.  
24 There was no interrogation of this  
25 Defendant as to his innocence or

D177

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1 guilt or implication or non-  
 2 implication into the alleged  
 3 crime in the B of I room, this is  
 4 merely a booking procedure, and I  
 5 think it is clearly analogous to  
 6 a situation where in the booking  
 7 process a person's clothes are  
 8 searched or a person is searched  
 9 to take possible weapons of self-  
 10 destruction from the prisoner, and  
 11 the courts have consistently held  
 12 that these are not violative of the  
 13 Constitutional right relative to  
 14 search and seizure, and I think that  
 15 is clearly analogous here. This is  
 16 strictly a procedural proposition,  
 17 something that is done with every  
 18 prisoner that is brought in, and  
 19 there was no interrogation, as  
 20 Miranda considers interrogation,  
 21 about the elements of the crime that  
 22 the person is charged with. I think  
 23 this is a clear exception.

24 THE COURT:

25 I am going to sustain the objection of

1 the Defense for the following rea-  
2 sons:

3 The District Attorney's Office and its  
4 associates, including assistants  
5 and investigators, are not herewith  
6 conforming to their charge of vio-  
7 lating any law or any instructions,  
8 in other words, their skirts are  
9 very, very clean. However, when we  
10 get to Captain Curole, who probably  
11 does not know about the Escobedo  
12 case, it appears to me that Captain  
13 Curole's instructions to the Defen-  
14 dant Mr. Shaw certainly are viola-  
15 tive of the Supreme Court decision  
16 in the Escobedo (case) where he was  
17 taken in a cubbyhole or private  
18 place to be questioned, even though  
19 his attorney was banging at the  
20 door to be let in. Now, it may not  
21 be as drastic as the Escobedo case,  
22 but no police officer has a right to  
23 tell an attorney he cannot be with  
24 his client at any time no matter  
25 what he is supposed to do.

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MR. ALCOCK:

Your Honor --

THE COURT:

Now let me finish. Don't get excited.

MR. ALCOCK:

I hope I am going to be given --

THE COURT:

Let me finish what I am going to say.

Officer Habighorst violated in spirit

and in effect the Miranda decision,

because if he asked questions -- and

we don't have to go into whether

he did or did not, because even if

he did it is inadmissible because

he did not forewarn Mr. Shaw of his

right to remain silent on an in-

culpatory statement such as do you

have an alias, so even if Officer

Habighorst is telling the truth

about what he did testify to -- and

I doubt it very seriously from all

the circumstances --

MR. ALCOCK:

Your Honor!

THE COURT:

1 Wait a minute. Let me finish my reasons  
2 for ruling.

3 MR. ALCOCK:

4 Are you passing on the credibility of--  
5 the State's witnesses in front of  
6 the Press and the world?

7 THE COURT:

8 The Jury is not hearing it, that is the  
9 main thing; the whole world can  
10 hear it. I do not believe Officer  
11 Habighorst, I do not believe him --

12 MR. ALCOCK:

13 If Your Honor please, --

14 THE COURT:

15 Let me finish my reasons for ruling.

16 MR. ALCOCK:

17 -- I move for a mistrial.

18 THE COURT:

19 Mistrial is denied.

20 MR. ALCOCK:

21 To which ruling I respectfully reserve a  
22 bill of exception, making a part  
23 thereof the Court's unsolicited  
24 gratuitous remarks about the testi-  
25 mony of the State's witnesses, my

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objection and this Court's ruling --

THE COURT:

You may take your bill of exception.

The question of whether Officer Habighorst did or did not ask the Defendant whether or not he had an alias of Clay Bertrand would not be admissible before me because of the violation by Captain Curole of the Escobedo case, and by Officer Habighorst of the Miranda case, and for that reason I sustain the objection and I will not permit State's Exhibit No. 60 to be received in evidence because it does contain an inculpatory statement to the effect that Mr. Shaw admitted that he had an alias under the name of Clay Bertrand, so if you wish --

MR. ALCOCK:

I am going to take writs. I would like to take my bill of exception.

THE COURT:

Take writs.

MR. ALCOCK:

1 That is exactly what I am going to do.

2 THE COURT:

3 All right.

4 MR. DYMOND:

5 If the Court please --

6 THE COURT:

7 First thing, I am ruling on your objec-  
8 tion.

9 MR. DYMOND:

10 Yes, sir, I know that.

11 THE COURT:

12 Outside of the presence of the Jury.

13 MR. DYMOND:

14 Your Honor, at this time the Defense --

15 THE COURT:

16 I have to pass on the admissibility or  
17 nonadmissibility outside of the  
18 presence of the Jury. If I admit  
19 it in, they have to do it all over  
20 again in front of the Jury.

21 Is the predicate submitted to me by the  
22 State and the Defense?

23 MR. ALCOCK:

24 Yes.

25 MR. DYMOND:



1 Yes.

2 THE COURT:

3 I will rule that it is inadmissible be-  
4 fore the Jury because of the rea-  
5 sons stated when I just sustained  
6 the Defense's objection to State  
7 Exhibit 60. I will not permit this  
8 to be received in evidence. And I  
9 further rule that the alleged in-  
10 culpatory statement cannot be re-  
11 ceived by the Jury.

12 You may take your bill of exception.

13 MR. ALCOCK:

14 To which ruling the State respectfully  
15 reserves a bill of exception, making  
16 a part thereof the entire testimony  
17 of this predicate, all physical  
18 exhibits introduced during the course  
19 of the laying of this predicate, the  
20 Defendant's objection to the ad-  
21 missibility of Exhibit State 60, the  
22 Court's ruling thereon and the  
23 State's objection all parts of this  
24 bill.

25 I would request of the Court permission

1 for time to apply to the Louisiana  
2 Supreme Court for writs of  
3 certiorari.

4 THE COURT:

5 You have time between now and 9:00  
6 o'clock tomorrow morning as this  
7 case will start at 9:00 a.m. unless  
8 I am directed by the Supreme Court  
9 not to proceed with this case.

10 The Jury is still upstairs and I do not  
11 see any need of bringing them down  
12 at this moment. It is about 27  
13 minutes to 6:00 and I am going to  
14 adjourn Court until tomorrow morn-  
15 ing.

16 Mr. Alcock, you can communicate with  
17 some Justice of the Supreme Court --

18 MR. ALCOCK:

19 I will, Your Honor.

20 THE COURT:

21 -- and if they communicate with me that  
22 I should hold up all proceedings in  
23 this case until you can effect an  
24 application for a writ of certiorari,  
25 which is what you are looking for.

185

1 I will proceed with this case unless  
2 I am instructed either orally or  
3 in writing not to proceed with the  
4 case, and before I proceed, tomorrow  
5 morning at 9:00 o'clock, if an  
6 attempt has been made to communicate  
7 with me without success, at quarter  
8 to 9:00 tomorrow morning I will make  
9 it my business to be here with you  
10 and we will call the Supreme Court  
11 and find out if they have been try-  
12 ing to reach me, so if for some rea-  
13 son they do not communicate with me  
14 tonight I will not start the case  
15 at 9:00 a.m. tomorrow until I call  
16 the Supreme Court in your presence  
17 at quarter to 9:00.

18 Sheriff, we are going to adjourn the  
19 case at this moment. Let everybody  
20 have a seat. Well, the Jurors are  
21 upstairs. Tell them to come down  
22 and let them leave first, and then  
23 we will adjourn court.

24 MR. ALCOCK:

25 Your Honor, if the Court deems it neces-

1 sary, I could reserve my bill in  
2 the presence of the Jury.

3 THE COURT:

4 I wish you would. My ruling is that the  
5 predicate for the admission of a  
6 statement inculpatory in nature,  
7 being traversed by the Defenant, I  
8 will rule that the oral statement  
9 cannot be introduced as admissible  
10 evidence in this particular case.

11 MR. ALCOCK:

12 To which ruling the State respectfully,  
13 reserves a bill of exception, making  
14 a part thereof the entire testimony  
15 adduced during the predicate laid  
16 by the State, as well as the tra-  
17 versing evidence introduced by  
18 Defense Counsel during the laying of  
19 the predicate, the ruling of the  
20 Court, the State's objection there-  
21 to, as well as State Exhibit No. 60.

22 THE COURT:

23 You wish to make that part of your bill  
24 of exception?

25 MR. ALCOCK:

D187

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We do.

THE COURT:

Very well. Let it be so noted in the record.

Gentlemen of the Jury, I must again admonish you and instruct you not to discuss the case with anyone. That includes any person and among yourselves.

MR. ALCOCK:

I omitted that the State announces in the presence of the Jury that the State intends to take writs to the Louisiana Supreme Court.

THE COURT:

I will let it be noted in the record that the statement was made in the record before the Jury.

Mr. Shaw, you are released on your same bond.

... Thereupon, at 5:36 o'clock p.m., the proceedings herein were adjourned to Thursday, February 20 at 9:00 o'clock a.m. ....