

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.				
2.	<i>Mr. Sessions</i>			
3.				
4.				

6/8/67

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Cliff

Re - trip & press conference.

I hope the A.G. says

"no comment" to any

questions about Garrison,

Clay Shaw - or Bertrand et al!

Note attachments.

Returned by Dorothy King Walt.

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
ASSISTANT ATTORNEY GENERAL	Internal Security Division		
		<i>file 129-11</i>	
		<i>to</i>	

Justice Admits Error In Shaw-Bertrand Tie

By George Lardner Jr.
Washington Post Staff Writer

The Department of Justice acknowledged yesterday that it goofed in ever suggesting that Clay Shaw was the mysterious "Clay Bertrand" sought after the assassination of President Kennedy.

Attorney General Ramsey Clark took responsibility for the snafu in a statement issued by a Department spokesman. Clark, the spokesman said, felt that justice would best be served by the embarrassing admission.

Shaw, a 54-year-old New Orleans businessman, has been accused by New Orleans District Attorney Jim Garrison of plotting to kill the late President under the alias of "Clay Bertrand."

Shaw has vehemently denied any role in the convoluted conspiracy that Garrison has alleged. He has also denied ever using "Clay Bertrand" as an alias.

The day after Shaw's March 1 arrest, however, Attorney General Clark told reporters in an impromptu news conference on Capitol Hill that Shaw had been "checked out and cleared" by the FBI in the weeks following the assassination in Dallas Nov. 22, 1963.

For Shaw, the statement caused only trouble. The FBI never investigated anyone named Clay Shaw in 1963. It did check into allegations surrounding a "Clay Bertrand"—who was said to have sought legal help for Lee Harvey Oswald, accused slayer, after the assassination — but decided, without ever finding "Bertrand," that they were without substance.

For Clark to say that Shaw had been "checked out," consequently, amounted to saying that Shaw was Bertrand. "We think it's the same guy," one Department official said on March 2.

In recent weeks, Garrison has seized on this as proof of his claims.

The Justice Department's initial impression, however, apparently based on first-blush reports of informants in New Orleans after Shaw's arrest, was repudiated by yesterday's statement. It was issued after a May 24 request by Shaw's attorney, Edward F. Wegmann, for "a public clarification."

"No evidence was found (in 1963) that Clay Shaw was ever called 'Clay Bertrand,' the Justice spokesman said. He added that the Department

still has no evidence to indicate that he used such an alias.

"The Attorney General's comment on March 2 that Mr. Shaw was involved in the investigation," the Department added, "was based on a briefing that morning."

"The Attorney General has since determined that this was erroneous. Nothing arose (in 1963) indicating a need to investigate Mr. Shaw."

True, but reliable hearing that he and Ethel New Orleans... We should be careful in view of the possibility that Garrison may be able to prove that he used the alias. See attached.

- () Crandall
- () Cubbsge
- () ~~Flanagan~~ *OC 8*
- () Kaplan
- () Moore
- () Oliver
- () White
- () Williams
- () Worth, *ston*
- () - *J*

File 71-11

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UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Files

DATE: March 21, 1967

FROM : Martin F. Richman
First Assistant
Office of Legal Counsel

SUBJECT: Department of State inquiry concerning
British game kit on Kennedy assassination

129-11	
DEPARTMENT OF JUSTICE	RECORD
16 MAR 28 1967	C O R D
R.A.O.	
OFFICE OF LEGAL COUNSEL	

On Friday March 17, Mr. Homet of the Department of State raised a question concerning importation of the British game kit, in the series called "Jackdaws," dealing with the Kennedy assassination. He sent over one of these game kits, which is described in the annexed cable from the London Embassy, and told us that 500 of them, imported by Dial Press for distribution in the United States, are temporarily being held up by Customs in New York because of lack of a country of origin marking on the outer wrapper (which presumably will be supplied by rubber stamp shortly).

Mr. Homet's question was whether there is any legal basis for excluding the game from entering into the United States. He cited us to 15 U.S.C. 1125, a provision of the Trademark Act relating to misdescription of imported goods. He was particularly concerned with the use of a simulation of the Presidential Seal on the wrapper and an acknowledgment to "the United States Government departments which have assisted in the compilation" of the game kit (see paragraph 4 of the annexed cable).

After examining the game kit and the statutory provision cited, Mr. Wozencraft and I concluded that it was uncertain whether the Government could successfully assert this provision of the Trademark Act. More fundamentally, we felt any attempt to bar importation of this game kit would be undesirable as a policy matter because: (1) even

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if the attempt were temporarily successful (which is doubtful), both the simulated seal and the acknowledgment could be easily changed in the next printing; (2) it would unduly dignify the game kit and probably aid it commercially by the publicity; (3) it might stir up further public concern about "suppression of evidence" in connection with the assassination; and (4) it would make the Government appear to be a censor, and might raise First Amendment questions.

It is to be noted that the simulation of the Presidential Seal (actually it is more a stylized representation of the central part of the Great Seal of the United States) has frequently been used on books and similar objects. (Statutory protection against some commercial uses of the Great Seal was enacted in the 89th Congress, but a similar bill for the Presidential Seal was not.) The acknowledgment is somewhat misleading, but perhaps literally true in that many of the materials reproduced in the game kit are Warren Commission exhibits.

Our conclusion that the Government should take no action was concurred in by Mr. Clark and Mr. Sanders after brief discussion with each of them. Mr. Sanders confirmed that neither the Customs Section of the Civil Division nor the Assistant Commissioner of Customs, with whom he had checked, knows of any basis for excluding the game.

The game kit Mr. Homet had sent us was returned to Mr. Paul McCarthy of the Office of the Assistant Commissioner of Customs at his request, on Tuesday, March 21.

(PMW reviewed a draft of this memo)

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