

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: 5/31/67

FROM : C. D. DeLoach *CD*

cc Mr. DeLoach
Mr. Sullivan
Mr. Rosen
Mr. Wick

SUBJECT: ASSASSINATION OF
PRESIDENT KENNEDY

John F.

DeLoach	
Wick	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

The Attorney General asked that I come around to his office shortly before 2 p.m. today.

Upon seeing the AG, he told me that Wegman, the defense counsel for Clay Shaw in New Orleans, had written him a strong letter insisting that the AG either retract or support a statement which the AG allegedly made on 3/2/67 which, in effect, indicated "that the FBI had investigated and cleared Clay Shaw." The AG stated he had given this matter considerable thought and he felt some statement should be made, for the record. He said that he believes he made a mistake and that this mistake should be rectified. The AG then showed me a one-page statement, consisting of some five or six paragraphs.

After I had read the statement, the AG asked for my opinion. I told him that the Director had previously indicated, and I personally had voiced the Director's opinion to both Sessions, the Departmental Press Officer, and to Former Assistant AG Sanders, that it would be a serious mistake for the AG to make any public utterance relative to the Garrison investigation. I stated the AG had no business making public statements concerning a matter of local litigation. I stated also that such statements could only give rise to a name calling contest between the AG and District Attorney Garrison.

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The AG told me that it, of course, hurt him very much to even consider making such a statement and, very frankly, he might not release the statement in question. He stated he was only giving the matter consideration.

He then asked me what I thought of the contents of the statement. I made reference to the third or fourth paragraph, which contained the statement that "the AG received a briefing prior to making the statement about the investigation and clearance of Shaw, and later found that the facts given him during this briefing had been erroneous." I told the AG I had no idea who

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had given him this briefing, but that it appeared he was trying to palm off trouble on someone. The AG stated the so-called "briefing" represented a telephone conversation I had had with him the morning he had gone up on the hill to testify before the Senate Judiciary Committee. He stated he distinctly recalled he had called me prior to going up on the hill and it was his impression that I had told him that the FBI had investigated Clay Shaw and had "cleared him."

I told the AG I could not possibly have made this statement inasmuch as the FBI never "clears" anyone. I stated furthermore that when he had called me that morning I had simply told him that the Director had already sent to him that morning a memorandum (cc att.) concerning newspaper publicity which had appeared the evening before and which concerned the names of Clay Shaw and Clay Bertrand. I stated at the time of the AG's call to me he was specifically told that the Director's memorandum was on the way to him and he might want to read this memorandum prior to going up on the hill.

The AG interrupted me to state that the memorandum had arrived prior to his departure for the hill; however, he did not recall that he had had a chance to read it. He stated it was his definite impression, however, that I had told him that the FBI had investigated Clay Shaw and had "cleared" him.

I told the AG that this was impossible, inasmuch as my entire conversation with him that morning was based upon reading excerpts from the Director's memorandum which had already been sent to him and was in his office at the time. I stated this memorandum did not reflect any phraseology indicating that the FBI had investigated or cleared Shaw.

I told the AG that obviously, in his haste, he had confused the names of Clay Shaw and Clay Bertrand. I stated that the Director's memorandum had mentioned both Clay Shaw and Clay Bertrand and specifically contained the phraseology that the FBI had conducted extensive investigation concerning the data furnished by one Dean Andrews, a New Orleans attorney, but that our investigation had failed in efforts to locate an individual by the name of Clay Bertrand. I furthermore stated that our inquiries had failed to reflect any connection with the assassination on the part of Bertrand. I stated the AG had possibly become confused in that he had interpreted the statements I had read to him, based on a copy of the memorandum sent to him by the Director, to mean that Clay Shaw and Bertrand were one and the same and had, therefore, been checked out.

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The AG replied that this possibly was correct; however, he thought in his own mind that I had told him that Clay Shaw had been investigated and had been "cleared." He stated that, regardless of this fact, he was merely considering the issuance of a statement and no definite decision had been made. He further stated that no names were mentioned insofar as the organization or individual who had "briefed" him was concerned. I replied that, regardless of this fact, anyone reading his statement would immediately assume he had received such a briefing from the FBI.

The AG stated he wanted to study the matter further. I told the AG that apparently there were contradictory facts in connection with our conversation; inasmuch as he had specifically called me the following day, 3/3/67, and had told me that he had been misquoted. I stated the proposed statement would now seem to indicate that the AG was not misquoted but was, in fact, admitting error. The AG replied that CBS had made a tape recording of his statement and apparently he had not been misquoted.

I also told the AG that it seemed to me that the compounding of the error occurred when his Press Information Officer, Cliff Sessions, specifically told a number of newspaper reporters, on the night of 3/2/67, that Clay Bertrand and Clay Shaw were one and the same. The AG replied that he had not known, up until a day or so ago, that Sessions had pulled this stunt. The AG quickly added that great pressure had been put on Sessions, inasmuch as Bob Wick of the FBI had apparently told newsmen, on 3/2/67, (following the AG's erroneous statement), that the AG had made an error and that the FBI had definitely not investigated Clay Shaw.

I told the AG the Director had caused me to make a check with Wick and his assistants and, very frankly, none of these men had made such a statement. I stated that Sessions had brought this up several days ago and I had straightened Sessions out regarding the matter.

The AG repeated once again that he was merely giving consideration to issuing a public statement and it may be that he will decide not to do this.

The AG stated he wanted to bring up something else. He then stated that SA Regis Kennedy, in testifying before the Garrison

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grand jury, had violated the AG's instructions, which had been clearly set forth in the telegram sent to Agent Kennedy. The AG said he did not understand why our agent would listen to two minor US Attorneys, rather than observing the instructions contained in his telegram.

I stated the AG should consider the fact that the two US Attorneys were agents of a principal, and were the last ones on the scene to give our agent specific instructions. I told the AG our agent had no alternative but to closely follow those instructions.

The AG admitted this might be true; however, if it had been him he would have followed the instructions of the highest ranking man. He was advised that, despite the language involved, the two US Attorneys had countermanded all previous instructions and had given specific advice and instructions to our agent just shortly before his appearance before the grand jury. The AG's reply was that the bad thing here was that Agent Kennedy had told Garrison's grand jury that the FBI had never investigated Clay Shaw and this statement therefore put the AG in a bad light. I told the AG it put him in a bad light only because the AG made a mistake in the beginning. He made no reply.

We are not going to cover up for the AG's mistake

The AG, obviously realizing that he was not getting anywhere with me, changed the subject to small talk about Stokely Carmichael and the possibility of riots here in the D.C. He stated he had met several days ago with Chief of Police Layton, Deputy Chief Covell, and Deputy Chief John Trotter. The AG stated he was appalled by the lack of planning on the part of the Police Department. He stated the police obviously did not have sufficient men to handle a bad situation. I made no comment to these remarks.

ACTION:

For record purposes. The AG obviously became confused with the identification of facts surrounding the names of Clay Bertrand and Clay Shaw. As the record will show, the AG has made erroneous public statements concerning crime, FBI statistics, and other specific matters. He has claimed that he ^{was} misquoted with

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respect to the remarks referred to in this memorandum, with respect to the fact that the next Director of the FBI should not come from among current employees of the Bureau, with respect to crime, and in other matters. Here again it appears that, although he at first said he was misquoted, he now has been caught with his remarks on the record, by virtue of a tape recording; consequently he must admit error. Obviously, the best thing for him to do would be to say nothing concerning this and all other matters.

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If he would talk like he
would be better off.

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