Bermudez Memo

JFK assassination records appeals Harold Weisberg 8/16/79
Searches, field offices and FBIHQ
Improper withholdings - inconsistency, arbitrariness and capriciousness
Clay Shaw/Clay Bertrand; Prentiss Davis; Andre Shaw; Mario Bermudez

In another appeal dated today I address Davis and Andrews in connection with Clay Shaw and records not provided and searches not made.

Attached are two copies of the same record from different files reflecting improper and unjustified withholdings from one version that are not withheld in the other version. I regard this as more than mere inconsistency, as arbitrariness and capriciousness with the intent of obfuscating and confusing in an area of some sensitivity if not potential acute embarrassment to the FBI.

Here also I want to repeat that Clay Shaw and his ITR and associates there were regualr FBI sources (I believe properly and necessarily so although I also believe that because of this the FBI feared embarrassment once Shaw was charged) and that the CIA had admitted a seemingly innocent relationship with Clay Shaw prior to the processing and providing of the attached records.

I will also provide a separate but related appeal having to do with Jesse Core, in addition to similar prior appeals.

For your information, the FBI-ITR relationship involved retired SA Warren C. De Brueys who is involved in a case filed in New York. As I have told you, Mr. Lesar has a copy of that complaint if you do not.

Attached are 62-109060-4608 and the first page of the Not Recorded copy from 105-82555 62-109060-4612. (I have already provided a San Antonio record that is relevant and perhaps a copy of one of the attached in connection with an earlier related appeal.)

If you require more of an explanation relating to Clay Bertrand than I have provided I can offer more information.

I have provided the first page only of the duplicate record because there are no withholdings from the subsequent pages. Also, they disclose what is withheld from 4608.

The second and a later withholding from 4608 are the name of Aaron Kohn. He is so

exceptionally well known as the managing director of the Crime Commission, including extensively outside of New Orleans, and was so much an activist against Garrison I am surprised that the FBI even thought of withholding his name, as it did. In addition, by any standard, he is a public personality.

Consistent with this withholding is the omitting on the routing to Sullivan news of the fact that Cohn is a former FBI SA, which is well known and is in other records. Cohn's name is not withheld from the duplicate copy.

Part of the first withholding, not withheld on the duplicate, is the date, March 19.

Do you know of any exemption for the date? Particular if as I recall the record was disclosed if it is the San Antonio record referred to?

While the file identification of the duplicate copy indicated on 4001 is too unclear for certainty some of the numbers do not appear to be those of that file.

The so-called "facts" that follow the first page are neither accurate nor complete. One is proven to be false, that Andrews was not able to use the phone. He did, several times, as the FBI knew but omits from this record. Among the incompletenesses is the fact that Oswald's consultation with Andrews also included how to get into Mexico - and Oswald appears to have used this advice. Others are that Oswald was accompanied by another person and that some of Andrews' homosexual clients also were present. From what Andrews told me and is not in my FBI records I've seen there was still more.

Serial 4012 appears to be exceptional. No copies are indicated for New Orleans or the Office of Origin, Dallas. The brevity and emptiness in the LHM causes the omission of what could be of interest that Mario Hernandez knew. And I recall no Mario Hernandez records being provided by either office. But the fact of the Hernandez-Shaw relationship and associations were well and publicly known in New Orleans. Hernandez certainly was one the FBI should have questioned about Clay Bertrand.

Reportedly both also served on/the board of the Bertell Hull Foundation, on of the CIA's foundation activities. The lawyer who told me he investigated the allocations of the foundation's funds also told me that many went to Latin Americans

who could not be located.

If either of the phone numbers Andre Shaw provided is Shaw's personal phone, so listing for him appears in the 1967 directory. This would seem to indicate a close personal relationship, close enough for him to have the unlisted number.

Yet the [illegible] lacks even an identification of Andre Shaw, what he does, how he knew Shaw, etc.

Neither is listed as a 1967 number of the [illegible], also interesting.

The first contact with the El Paso FBI was the day of Shaw's arrest. It does not seem probable that Andre would have made a contact the next day merely to say he was not related to Clay Shaw.

Then there is the 66 file in El Paso, separate from its assassination file. I have found some odd "administrative matters" in other 66 files.

In short, I believe a more diligent search is required, including in the field offices.