

Clay Shaw appeals

JFK assassination records appeals
FBI refusal to search proper HQ and field office files - bad faith
Arbitrariness and capriciousness, in searches and exemptions claimed

Harold Weisberg 8/7/79

In prior appeals that have not been acted upon I have specified files the FBI refused to search at HQ and the field offices. By providing illustrations from records that were released I have identified a number of these files. I have illustrated the arbitrariness and capriciousness of the claims to exemption, including privacy, and have appealed spurious claims to exemption by showing that more defamatory information relating to others (including me) was released. In this I add to these former appeals and to my prior appeals relating to the withholding of information on or about Clay Shaw.

Attached is 62-109060-4589, from Section 113. The same record is unrecorded in Section 231 of 105-82555, from which I also attach 5545.

For you to fully appreciate the deliberateness of the FBI's refusal to search to known files that are relevant I provide a bit of background. More is available if you desire it. I regard this as having additional historical importance because by untruth the FBI sought to make liars of the then new Attorney General, Clark, and George Lardner, whose reporting of what was embarrassing to the FBI was accurate. As a result the existing public record is that both Clark and Lardner were not accurate whereas they were.

About March 1, 1967, as he left his confirmation hearing, Clark was asked about Clay Shaw and Clay Bertrand. On the basis of FBI information he then said they were one and the same. This was a few weeks after knowledge of the Garrison investigation was public. The FBI had known of it for months.

The FBI resented any investigation because any investigation reflected on the FBI's earlier investigation. Apparently it did not anticipate that the AG would disclose what it had told him - and the White House. So about three months later the FBI issued a statement in which it denied what its own records, as illustrated by the attached, in fact do state and what it had told the AG and the White House. That statement was made to Clay Shaw's lawyers, who made it public, if the FBI did not disclose it first.

While as I have informed you Garrison needed no help in going wrong by this and by

other means it Cointelproed him. The degree to which this was done openly with those the FBI trusted is reflected in what I previously informed you about, virtual parties at the New Orleans field office participated in by persons ranging from David Ferris to reporters trusted by the field office. As I told you I have the notes of one such reporter.

In 4589 the Director informed the White House of the FBI's "data alleging that Clay Shaw is identical with Clay Bertrand..." On the same day there is the radio message from the San Antonio office, there is this language: "Aerep March 25, 1964 (emphasis added) page 15 reflects mt sadistic, masochistic, and homosexual character of Clay Shaw, reported arrested yesterday." And while I do not regard homosexuality as having any connection with the assassination itself, there is this language from the memo attached to the letter to the White House: "One source informed this Bureau on March 10, 1964 (emphasis added) that he has had relations of a homosexual nature with Clay Shaw."

This and similar information is withheld from the New Orleans and Dallas records provided in C.A. # 78-0522 and 0420. The basis for these statements, which exist in underlying records at FBIHQ, also remain ~~withheld~~ ^{withheld} from me, to the best of my knowledge. I have ready many but not all the FBIHQ records. That Dallas files hold such records does not rest alone on the assumption of the following of usual practice in providing records to the Office of Origin. San Antonio's radio message was sent to Dallas and New Orleans, not only FBIHQ.

The FBI's manipulation of the media, public officials and what the country could know and would believe in many instances was more important to it and occupied more of its time and effort than its proper function, law enforcement. I believe this is a significant factor in FOIA requests and appeals, ^{point} my ~~point~~ ^{point} ~~in~~ adding this emphasis in the hope that you will expedite this and related appeals because they relate to ongoing litigation and because false FBI representations to the courts is its norm.

Shaw is both acquitted and dead so there is no privacy question relating to him. He never married. (Reportedly he once almost married a lesbian to give each a cover

3

each came to a dire but they could not agree on which house they'd use.) However, I agree in advance to the withholding of names of Shaw's lover who are still alive, despite the AG's policy statement of 5/5/77, under which these names cannot be withheld. My knowledge is of a ~~month~~ decade ago so I cannot inform you except of what I then knew.

How I came upon this knowledge when Shaw was never the subject of any of my personal investigations in New Orleans addresses the relevance of this withheld information in ways that may not be apparent to you. Aside from Garrison and his irresponsibilities and conjectures he represented as facts Shaw is inextricably involved in the events that were the subject of investigation at the time of the investigation. The memo sent to the White House misrepresents parts of this where it provides a less than honest representation of what the lawyer Dean Andrews actually said. Contrary to the thrust and language of this memo Andrews was confirmed, including to the FBI, by not fewer than three ~~men~~ people directly and indirectly by others. Andrews testified to the Warren Commission that the FBI applied such pressures on him that he decided the only way to get it off his back was to tell it anything it wanted to hear. He reaffirmed his earlier statements relating to Oswald, homosexuals and Clay Bertrand (as having asked him to defend Oswald) to the Warren Commission. On Clay Bertrand Andrews was confirmed by his lawyer friend Sam (Honk) Zelden, to the FBI and in greater detail that the FBI reports in records thus far made available to me personally on a number of occasions, in his office, his home and at a prominent New Orleans restaurant. And once in the presence of a judge not involved in the Garrison prosecution in still another restaurant.

Why Oswald selected the building Shaw managed for his demonstration designed to get him the TV attention he did get I don't know but of all the available places in New Orleans Oswald did select that building. The building and Shaw had CIA connections that were not public knowledge and relating to which the FBI still withholds information.

(In this connection I will be providing you with further information having to do with the Oswald associate in his propaganda activities I carry in what I have identified to you as my "Third Man" file and with the content of the WDSU-TV Oswald footage that no longer exists but is described as broadcast by the FBI's records in the Sections

from which the attached records came.)

The FBI did not provide the Warren Commission with the information ~~it~~ gave the AG and the White House although the relevance of this "Clay Bertrand" information is obvious, as is the FBI's motive in attempting to destroy Dean Andrews' credibility over what he said about Clay Bertrand and testified to.

I underscored the date above to emphasize that this was long before Garrison and was prior to Andrews' testimony before the Commission.

Whether or not Shaw was an FBI source, as I believe he was and would have been right and proper, to my knowledge the FBI had other sources in Shaw's offices. With the kinds of people the Shaw office brought to New Orleans, like Somoza, informing the FBI was necessary. None of this is in the records yet still withheld. Covering that was virtually a boat for since retired SA Warren DeBruyck. As I have also informed you this is relevant in a New York FOIA case the complaint in which Mr. Lescar has and can provide, although your office has knowledge from the appeal.

I also call your attention to the fact that while the FBI was very much less than honest and did withhold from the Presidential Commission and has withheld since, once Shaw was charged it immediately boasted to the White House that "we know all about this all along." Its knee-jerk reaction to claim omniscience and completeness in its investigation constitutes absolute proof of its withholdings, the deliberateness of its withholdings, and that it accomplishes this by tricky filing and searching the wrong files and refusing to search the right files.

1 - Mr. DeLoach 1 - Mr. Sullivan
 1 - Mr. Wick 1 - Mr. Branigan
 1 - Mr. Felt 1 - Mr. Lenihan
 1 - Mr. Rosen March 3, 1967

The Attorney General

Director, FBI

**ASSASSINATION OF PRESIDENT
 JOHN FITZGERALD KENNEDY
 NOVEMBER 22, 1963
 DALLAS, TEXAS**

We have previously furnished to you information we have received concerning the investigation being conducted by New Orleans District Attorney James C. Garrison concerning the assassination of the late John F. Kennedy.

The news media on the evening of March 1, 1967, reported that Mr. Clay Shaw had been arrested in New Orleans and charged with "conspiracy to commit murder." There is attached a memorandum which sets forth information in our files identifiable with Mr. Shaw. Also included in our memorandum is Cita alleging that Clay Shaw is identical with Clay Bertrand, whose name previously came up during our investigation of Lee Harvey Oswald immediately following the assassination of President Kennedy.

This data is also being furnished to the Honorable Marvin Watson, Special Assistant to the President.

Enclosure

82-109060

REG 22

1 - The Deputy Attorney General (Enclosure)

82-109060-4569

REL:lag
 (11)

12 MAR 2 1967

NOTE: See memorandum Branigan to Sullivan dated 3-2-67, captioned same, prepared by WAB/REL:as.

Handwritten signatures and initials: P. J. ... W. C. ...

MAR 2 1967
 COMM-FBI

Vertical lines (barcode-like)

MAR 7 1967 TELETYPE UNIT

Section 113

- 1 - Mr. DeLoach
- 1 - Mr. Wick
- 1 - Mr. Felt
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Branigan
- 1 - Mr. Lonihan

March 2, 1967

BY LIAISON

Honorable Marvin Watson
 Special Assistant to the President
 The White House
 Washington, D. C.

Dear Mr. Watson:

We have previously furnished to you information we have received concerning the investigation being conducted by New Orleans District Attorney James C. Garrison concerning the assassination of the late John F. Kennedy.

The news media on the evening of March 1, 1967, reported that Mr. Clay Shaw had been arrested in New Orleans and charged with "conspiracy to commit murder." There is attached a memorandum which sets forth information in our files identifiable with Mr. Shaw. Also included in our memorandum is data alleging that Clay Shaw is identical with Clay Bertrand, whose name previously came up during our investigation of Lee Harvey Oswald immediately following the assassination of President Kennedy.

I thought this information would be of interest to the President. This data is also being furnished to the Attorney General.

Sincerely yours,

REC-34

62-1041060-4589

WCS

11 MAR 3 1967

Enclosure 2

62-109060

REL:lag
(9)

NOTE: See memorandum Branigan to Sullivan dated 3-2-67, captioned "Assassination of President John Fitzgerald Kennedy; November 22, 1963; Dallas, Texas," prepared by REL:lag.

UNRECORDED COPY FILED IN 100-42555

Mar 3 1967

ENCLOSURE

Indicated to [unclear] with 955 3-2-67

[Handwritten initials]

Section 113

1 - Mr. DeLoach 1 - Mr. Sullivan
 1 - Mr. Wick 1 - Mr. Branigan
 1 - Mr. Felt 1 - Mr. Lenihan
 1 - Mr. Rosen

March 3, 1967

**ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY
 NOVEMBER 22, 1963, DALLAS, TEXAS**

This Bureau received allegations as early as 1954 that Clay Shaw, former managing director of the International Trade Mart in New Orleans, Louisiana, was a homosexual. One source informed this Bureau on March 19, 1964, that he has had relations of a homosexual nature with Clay Shaw. The source described Shaw as a brilliant and powerful man, given to sadism and masochism in his homosexual activities. On February 24, 1967, we received information from two other sources that information available to them led them to believe Clay Shaw has homosexual tendencies.

On February 24, 1967, we received information from two sources that Clay Shaw reportedly is identical with an individual by the name of Clay Bertrand, who allegedly was in contact with Dean Andrews, a New Orleans attorney, in connection with Lee Harvey Oswald, the facts of which are as follows:

On November 25, 1963, Andrews informed Agents of this Bureau that he had met Lee Harvey Oswald in late June, 1963, at which time Oswald appeared at his office with several individuals who impressed him as being homosexuals. Andrews claimed that Oswald requested assistance in making inquiries concerning Oswald's bad conduct discharge from the United States Marine Corps. Andrews further stated that Oswald asked him questions concerning the citizenship status of Oswald and his wife.

Andrews further stated that on the evening of November 23, 1963, at which time he was in a hospital in New Orleans under heavy sedation, he received a telephone call from an individual who said his name was Clay Bertrand. He added that Bertrand asked him if he would be interested in handling the defense of Lee Harvey Oswald in Dallas, Texas, for the murder of President Kennedy.

62-109060

REL:lag
 (11)

SEE NOTE, PAGE 2

MAIL ROOM TELETYPE UNIT

ENCLOSURE

Tolson _____
 DeLoach _____
 Mohr _____
 Bishop _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

62-109060-4589

W.C.H.

was
 file

section 113

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY

Dear Mr. [unclear] Lee
We conducted extensive investigation concerning the data furnished by Andrews and could find no supporting evidence that Lee Harvey Oswald ever visited Andrews' office. There was no record of Oswald in Andrews' files and his secretary could not recall Oswald ever having been to the office. In addition, we determined from Andrews' doctor that during the period Andrews was in the hospital he was seriously ill and was under heavy sedation. The doctor informed us that he did not believe Andrews was capable of using a telephone on November 23, 1963. *advised*

We questioned Andrews again on December 3, 1963, concerning his alleged association with Lee Harvey Oswald. On that date, Andrews stated that, after considering all the facts and discussing the matter with other members of his office staff, he believed the entire incident concerning the telephone call he received from Clay Bertrand could have been dreamed by him in view of his physical condition at that time.

We conducted extensive investigation in an effort to locate an individual by the name of Clay Bertrand but were unable to do so. Results of our investigation were furnished to the Warren Commission and Andrews was called as a witness before the Commission.

NOTE:

See memorandum Branigan to Sullivan dated 3-2-67, captioned same, prepared by WAB/RKL:as.

DECODED COPY

REC-25

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

AIRGRAM CABLEGRAM RADIO TELETYPE

B-101

DEFERRED 3-2-67 3:54 PM

TO DIRECTOR, DALLAS AND NEW ORLEANS
FROM SAN ANTONIO 021926

BRAND

LEE HARVEY OSWALD, AKA IS - R - CUBA. OO: DALLAS.

REBUAIRTEL TO ALL SACS FEBRUARY 24, LAST, ENTITLED,
"ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
NOVEMBER 22, 1963."

REREP SA THOMAS W. CRAWFORD, SAN ANTONIO, MARCH 25, 1964
AND REREP JOHN B. LEE, NEW ORLEANS, MARCH 18, 1964, ENTITLED
"ALBERT E. GARR, ITSP."

FOR BUREAU AND INTERESTED OFFICES INFO, REREP MARCH 25, 1964,
PAGE FIFTEEN, REFLECTS [SADISTIC, MASOCHISTIC, AND HOMOSEXUAL]
CHARACTER OF CLAY SHAW, REPORTED ARRESTED YESTERDAY, NEW
ORLEANS, DA'S OFFICE, IN CONNECTION KENNEDY ASSASSINATION.

REREP MARCH 18, 1964, REFLECTS SHAW'S OTHER ASSOCIATES IN
NEW ORLEANS.

FX-113 REC-25

10-92555-5545

RECEIVED: 4:14 PM REY

12 MAR 3 1967

61 MAR 10 1967

REC'D 30

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

Section 231

- 1 - Mr. DeLoach
- 1 - Mr. Wick
- 1 - Mr. Felt
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Cranigan
- 1 - Mr. Lenihan

March 2, 1967

BY LIAISON

Honorable Marvin Watson
 Special Assistant to the President
 The White House
 Washington, D. C.

Dear Mr. Watson:

We have previously furnished to you information we have received concerning the investigation being conducted by New Orleans District Attorney James C. Garrison concerning the assassination of the late John F. Kennedy.

The news media on the evening of March 1, 1967, reported that Mr. Clay Shaw had been arrested in New Orleans and charged with "conspiracy to commit murder." There is attached a memorandum which sets forth information in our files identifiable with Mr. Shaw. Also included in our memorandum is data alleging that Clay Shaw is identical with Clay Bertrand, whose name previously came up during our investigation of Lee Harvey Oswald immediately following the assassination of President Kennedy.

I thought this information would be of interest to the President. This data is also being furnished to the Attorney General.

Sincerely yours,

W.C. Sullivan

NOT RECORDED
 199 MAR 3 1967

*Delivered to President
 W.H. 9:55
 3-2-67
 6:20*

ENCLOSURE

SECRET

Enclosure

02-100360

REL:lag

(9)

NOTE: See memorandum Franigan to Sullivan dated 3-2-67, captioned "Assassination of President John Fitzgerald Kennedy; November 22, 1963; Dallas, Texas,"

VAR

ORIGINAL FILED IN 62-109060-458-9

Section 231