

Davis, Prentiss

JFK assassination records appeals

Harold Weisberg 8/16/79

Searches, field offices and FBIHQ  
Improper withholdings - inconsistency, arbitrariness and capriciousness  
Clay Shaw/Clay Bertrand; Frankie Davis; Andrew Shays; Marie Brennan

In another appeal dated today I address Davis and Andrew 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 ITH and associates there were regular 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 James Case, in addition to similar prior appeals.

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

Attached are 62-109360-460B and the first page of the Not Recorded copy from 105-22975 62-109360-461B. (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 460B.

The second and a later withholding from 460B <sup>at</sup> the name of James Kahn. <sup>is</sup> is as

exceptionally well known as the managing director of the Crime Commission, including extensively outside of New Orleans, and was as much an activist against "Communism" as 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 cutting on the "Memorandum to Sullivan" must of the fact that Kahn is a former FBI SA, which is well known and is in other records. Kahn'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 4600 is too unclear for certainty none 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 Anderson was not able to use the phone. He did, several times, as the FBI knew but omits from this record. Among the incompleteness is the fact that Oswald's consultation with Anderson 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 Anderson's homosexual clients also were present. From what Anderson told me and is not in any FBI records I've seen there was still more.

Serial 4612 appears to be exceptional. No copies are indicated for New Orleans or the Office of Origin, Dallas. The brevity and evasiveness in the LHM cause the suspicion of what could be of interest that Marie Berninger knew. And I recall no "basic" "covering" records being provided by either office. But the fact of the "Berninger-Oswald" relationship and associations were well and publicly known in New Orleans. Berninger certainly was one the FBI should have questioned about Clay Bartman.

Reportedly both also served on the board of the Carroll Hall Foundation, as of the time 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

she could not be located.

If either of the phone numbers Andre Shaw provided in Shaw's personal phone, no 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 LHM lacks even an identification of Andre Shaw, what he does, how he knew Shaw, etc.

Neither is listed as a 1967 member of the ITH, also interesting.

The first contact with the RI Pass VII 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.

Thus there is the 66 file in RI Pass, 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.

Memorandum

TO : Mr. W. C. Sullivan

FROM : W. A. Bradford

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY  
NOVEMBER 22, 1963, DALLAS, TEXAS

- 1 - Mr. DeLoach
- 1 - Mr. Wick
- 1 - Mr. Felt
- 1 - Mr. Rosen

DATE: March 2, 1967

- 1 - Mr. Sullivan
- 1 - Mr. Branigan
- 1 - Mr. Lenihan

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

News media during the evening of March 1, 1967, reported the arrest of Clay Shaw, 54 years old, the former managing director of the International Trade Mart in New Orleans, Louisiana, that date. According to United Press International, District Attorney Garrison arrested Shaw in his investigation of the assassination of President Kennedy and booked him on a charge of "conspiracy to commit murder."

According to the news media, Shaw spent some time in New York City where he was engaged in advertising and public relations work. During World War II he reportedly served in the United States Army in Europe attaining the rank of major. He received the Croix de Guerre of France and the Legion of Merit and the Bronze Star from the United States. Following the war, he returned to New Orleans in 1946 at which time he became managing director of the International Trade Mart. He resigned this position in August, 1965. He is currently engaged in the remodeling and sale of real property in the French quarter of New Orleans.

A check of our files disclosed that we received allegations as early as 1954 that Shaw was a homosexual. [redacted] advised on [redacted] 1964, that he has had relations of a homosexual nature with Clay Shaw. The informant 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 [redacted] Managing Director, Metropolitan Crime Commission, New Orleans, and from [redacted] that information available to them led them to believe [redacted] has homosexual tendencies.

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

62-109060  
WAB:RPL

MAR 15 1967

CONTINUED OVER

COPY SENT TO MR. TOLSON

UNRECORDED COPY FILED IN

4608

5/16

*Handwritten initials/signature*

*Handwritten initials/signature*

REC 13

REC 13

MAR 5 1967

Memorandum to Mr. W. C. Sullivan  
RE: ASSASSINATION OF PRESIDENT KENNEDY  
62-109060

On November 25, 1963, Mr. Andrews informed Agents of our New Orleans Office 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 his bad conduct discharge from the United States Marine Corps. Andrews also indicated that Oswald asked him questions concerning the citizenship status of he and his wife.

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

We conducted extensive investigation concerning the data furnished by Andrews and could find no supporting evidence that Lee Harvey Oswald had 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 under extreme sedation and he did not believe Andrews was capable of using a telephone on November 23, 1963. Andrews was questioned again on December 3, 1963, concerning his alleged association with Lee Harvey Oswald and Andrews stated after considering the facts in discussions with his office staff he believed the entire incident could have been dreamed by him in view of the physical condition he was in at the 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. In the Warren Commission report his testimony was noted with emphasis upon the facts tending to show the unlikelihood of his having contact with Lee Harvey Oswald. A review of the records of the Identification Division disclose no criminal record for Clay Shaw.

over  
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Memorandum to Mr. W. C. Sullivan  
RE: ASSASSINATION OF PRESIDENT KENNEDY  
62-109000

*- sent 3-2-67*

ACTION:

There is attached a letter to the Honorable Marvin Watson of the White House and to the Attorney General summarizing the facts available in our files concerning Clay Shaw.

*Del*

*J. Edgar Hoover*

*R*

*L. P. [unclear]*

*ds*