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UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: 5/15/67

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

FROM : C. D. DeLoach

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY

The Attorney General's secretary, Mrs. Jane McHale, contacted me on Saturday afternoon, 5/13, at approximately 4:30 p.m. She stated the AG desired to have a meeting at 10:30 Monday morning, 5/15, with Assistant AG Barefoot Sanders, Departmental Information Officer Cliff Sessions, and me. I asked her if she had any knowledge as to the nature of the meeting so that I could prepare myself. She stated she did not have such information, but that Sessions was trying to get in touch with me and had information as to what it was all about.

I called Sessions and he indicated that George Lardner, reporter for the Washington Post, intended writing an article stating that the AG had made a mistake when, on 3/2/67, he told reporters outside the Senate Judiciary hearing room "that the FBI had investigated Clay Shaw and had cleared him." Sessions stated that the AG wanted to consider the fact that perhaps he should make a statement admitting he was in error. Sessions stated that the meeting also would consider whether or not the AG should write to Attorney Wegman, Defense Counsel for Clay Shaw. Wegman is pressuring the Department to back up the AG's previous statement that Clay Shaw had been cleared.

I told Sessions that it would be a very serious mistake for the AG to issue a statement of any kind. Sessions said he had given considerable thought to the matter and that he felt there might be embarrassment if a statement was not issued. I told him I could see no logic in this belief; however, that I would be at the meeting on Monday morning.

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The Attorney General called me at home at approximately 5 p.m., Sunday afternoon, 5/14/67. He made reference to the scheduled meeting in his office, but stated that, far more important was Garrison's claim that his office had broken a telephone code number which appeared in the notebooks of Lee Harvey Oswald and Clay L. Shaw. The AG stated that Senator

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Russell Long (Democrat - Louisiana), who is backing Garrison, had appeared on TV that afternoon and, in response to questions, had indicated that Garrison had apparently made another discovery. Senator Long was also quoted as stating that there is no need for Garrison to turn over his information to the Department of Justice or the U.S. Government, inasmuch as nothing will be done about the matter if Garrison does this.

The AG asked that I be prepared to discuss this matter at the meeting in his office scheduled for Monday morning. You and the Director were advised telephonically of this matter. The Director instructed that we strongly recommend that the AG make no comment.

The 10:30 meeting in the AG's office was cancelled; however his secretary called and indicated that the meeting would be held at 11:30 a.m. I went to the AG's office at 11:30 a.m. and he was at the White House. He was scheduled to leave for Andrews Air Force Base with the President at approximately 12 noon. The AG was to accompany the President to Connecticut.

At approximately five minutes of 12 the AG called for Messrs. Sanders, Sessions and myself. Upon meeting him in his office he indicated he would be forced to leave in a matter of minutes; however he desired to know if I could advise him as to the matter involving the breaking of a telephone number code by Garrison.

I told the AG that the Director had instructed that a memorandum be sent to him concerning this matter and that this memorandum was in the process of preparation at this time. I then gave him verbally and in a very brief manner the facts involved in the memorandum dated 5/14/67 from Mr. Branigan to Mr. Sullivan in connection with this matter.

After advising him of these facts, I told the AG that the Director strongly recommended that no comment be made concerning this matter for several reasons. I stated that obviously any comment by the AG would further put him in hot water, and that, secondly, there was still work to be done in connection with this matter.

The AG agreed and stated he thought this was the best policy at this time. He then stated he would have to leave and that Sanders, Sessions and I should discuss the matter involving the Washington Post.

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Sessions, in initiating the conversation, asked me specifically if the FBI had investigated Clay Shaw in 1963 or 1964. I replied in the negative, stating that the Department was fully aware of memoranda sent on numerous occasions in connection with this matter. Sessions asked if we had the name of Clay Bertrand prior to the AG's unfortunate statement. I told him that we had also sent several memoranda to the Department in connection with the fact that the name Clay Bertrand had come up during the Presidential assassination investigation, and that this name had been furnished by one Dean Andrews, a New Orleans attorney. I stated the FBI had conducted extensive investigation concerning the data furnished by Andrews, and we had found no supporting evidence that Oswald had ever visited Andrews' office or that Andrews had received a call in the hospital from one Clay Bertrand. I stated that Andrews' doctor was of the opinion that Andrews was not capable of using a telephone on 11/23/63.

I told Sessions that an extensive investigation was conducted in order to locate an individual by the name of Clay Bertrand, but that we had been unable to do so. I stated also that the results of our investigation had been furnished to the Warren Commission and that Andrews had been called as a witness before this commission. I stated his testimony noted with emphasis the unlikelihood of his having had contact with Lee Harvey Oswald.

Sessions stated that there had been several mistakes in connection with this entire matter. He mentioned that the AG had, of course, made an unfortunate statement when he simply answered in the affirmative the question by a reporter, "Did the FBI clear Clay Shaw?" Sessions stated that the second mistake was when the FBI told reporters on the same date that the FBI had never investigated Clay Shaw and that the AG was in error.

I stopped Sessions at this point and challenged him on this statement. I stated our records reflected he had told the AG this same thing, i.e., that the FBI had told reporters this fact. I stated I had clearly told the AG on 3/3/67 that the FBI had made no such statements. I stated that the Director had instructed me to question all the men in Assistant Director Wick's front office and these men, including Wick, had emphatically denied making such a statement to reporters.

Sessions replied that at least four reporters had told him, first on the record and then later off the record, that the FBI

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had made these statements. I told Sessions that we should clarify this matter and if he would give me the names of the four reporters I would have them questioned immediately so that they could put up or shut up. Sessions stated he did not think this would prove anything. I told him it would clarify the matter, once and for all. I mentioned that a favorite trick of Washington reporters was to make a claim that an official agency had made a statement contrary to a previous statement by another source. I mentioned that the ensuing result was a controversial news article. I stated that apparently Sessions and the Department had fallen for this ruse. Sessions made no comment.

Sessions went on to say that he, himself, had made the third error, after having been questioned by approximately twenty newsmen, when he said that there was a possibility that Clay Shaw and Clay Bertrand were the same individual. I replied that this was indeed an error. He stated he had made this mistake in a simple attempt to get the AG off the hook, inasmuch as he felt that, by stating that Shaw and Bertrand were the same, it would indicate that the FBI, by investigating Bertrand, had also investigated Shaw. I told him this was an erroneous assumption, on the face of the matter.

I told Sanders and Sessions that I had discussed this matter with the AG on Sunday afternoon, 5/14/67, and had told him that it would be a most grievous mistake for him to make any statement whatsoever, despite pressure brought by the Washington Post or Defense Counsel Wegman. I stated any statement made by the AG would be built up out of all proportions and would be most helpful to Garrison in one way or another. I stated also that the obvious fact that litigation was pending in local court in New Orleans would certainly seem to bar any statement by the AG.

Sanders spoke up and agreed with me. He stated he had already advised the AG of this fact. He also stated that there was a possibility that Lardner of the Washington Post should be "filled in" as to the true facts, i.e., that the FBI had conducted an extensive investigation without identifying Bertrand and no additional facts of any value had been discovered which would have tied Bertrand into the assassination. Sanders stated this might get the AG off the hook, but he doubted it. He stated that, regardless of what action was taken, there would still be considerable heat on this matter.

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Sessions turned to me and stated that he hoped I would not shriek in protest until he had finished reading a proposed letter prepared for the AG's signature to Defense Counsel Wegman. I told him to go ahead and read the letter. The letter consisted of three or four short paragraphs and simply stated that the AG was in error when he indicated that Shaw had been cleared. The letter went on to state that the extensive FBI investigation had turned up the name of Clay Bertrand; however, this investigation had not identified Bertrand as an alias used by Shaw.

Both Sanders and I emphatically protested the preparation and sending of such a letter, for the same reasons above mentioned. Sessions stated we were probably correct; however, it would be one way to handle the matter. I told him the letter would only involve the AG in deeper trouble, and that no comment whatsoever should be made concerning this entire matter. I stated it was not the AG's business to comment on this matter. I stated as long as the AG made no statement, the press would find difficulty in hanging anything on him. Sanders agreed and stated that Sessions might want to present to the AG our opinion concerning this matter.

ACTION:

For record purposes. The AG should definitely make no further comment in connection with this case. He realizes that he made a most unfortunate answer to a reporter's question on 3/2/67. Sessions has the "reporter's point of view" and does not realize the implications involved. Sanders, on the other hand, is sound in his opinion. I will follow this matter closely.

✓ DL

Sessions is no bargain & never was!

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