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FBI-SHAW

By Stephen M. Aug

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WASHINGTON (AP)- The Justice Department conceded Friday that the FBI never had investigated retired New Orleans businessman Clay Shaw in connection with the assassination of President John F. Kennedy.

The disclosure was made in a statement by a department spokesman who said it was issued at the request of Edward P. Wegmann, a lawyer for Shaw who is under indictment in New Orleans on a charge of conspiring to assassinate Kennedy.

The statement is an attempt to clear up apparent misunderstandings -- and a misstatement by the attorney general -- that occurred last March 2 when Atty. Gen. Ramsey Clark held an impromptu news conference.

Clark was quoted at the time as saying that Shaw was cleared of any involvement in the assassination by an FBI investigation in the New Orleans area in November and December 1963.

The statement said Clark's comment was based on a briefing on the morning of March 2. It said "the Attorney General has since determined that this was erroneous. Nothing arose indicating a need to investigate Mr. Shaw."

Shaw, 54, a decorated World War II Army major, currently is free on \$10,000 bond awaiting trial for which a date has not been set.

Shaw was arrested last March 1 by New Orleans Dist. Atty. Jim Garrison, who said Shaw, the late David W. Ferrie and Lee Harvey Oswald conspired to assassinate the President.

The Warren Commission said Oswald acted alone and it had found no evidence of a conspiracy. The Justice Department statement said the department "is convinced that Lee Harvey Oswald alone assassinated President Kennedy."

The department said also that the FBI investigation in New Orleans following the Kennedy assassination covered allegations by Dean A. Andrews Jr., which included a reference to Clay Bertrand. Andrews is a New Orleans attorney who once handled minor legal matters for Oswald. Andrews has been indicted for perjury.

The department said "Clay Bertrand was not identified as a real person. No evidence was found that Clay Shaw was ever called Clay Bertrand."

Garrison has said Bertrand and Shaw are ne and the same. The FBI never was able to locate a Clay Bertrand.

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