

A U.S. Judge Denies Kennedy Photos to Garrison

By FRED P. GRAHAM

Special to The New York Times

WASHINGTON, Jan. 17—A Federal judge rejected today the attempt by District Attorney Jim Garrison of New Orleans to subpoena the X-rays and photographs of President Kennedy's autopsy.

However, Judge Charles W. Halleck of the District of Columbia Court of General Sessions said he would reconsider if Mr. Garrison could produce evidence that his subpoena was not "a fishing expedition, a frivolous attempt to obtain what must certainly be sensational X-rays and pictures."

Earlier today in New Orleans, Mr. Garrison's office anticipated the ruling by asking for a continuance in the trial of Clay L. Shaw, a New Orleans businessman who is accused of conspiring to kill the President.

One of Mr. Garrison's assistants, James L. Alcock, said that the trial scheduled for next Tuesday could not be held as long as the Government blocked efforts to obtain evidence.

At issue are 69 X-rays, black-and-white photographs and color transparencies taken during the autopsy of President Kennedy on Nov. 22, 1963.

The items were turned over to the Kennedy family immediately after the autopsy and were subsequently lodged by them with the National Archives, with the understanding that they would be kept secret until at least Oct. 29, 1971.

Request for a Subpoena

Today's hearing was on Mr. Garrison's request for a subpoena to force the archives to produce the pictures at the Shaw trial. In his petition he said he had substantial proof that the items would show that President Kennedy "was struck by bullets fired from at least two directions."

However, Judge Halleck, the son of Charles A. Halleck of Indiana, former House Republican leader, held that an 11th-hour move by the Justice Department had seriously questioned the Garrison contentions.

Last night, the Justice Department produced a report by four private medical experts who had examined the X-rays and photographs a year ago. They concluded that President Kennedy had been struck by two bullets, both of which came from the rear and slightly above the President.

Numa V. Bertel Jr., the assistant district attorney who



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In New Orleans, James L. Alcock, an assistant to District Attorney Jim Garrison, told reporters postponement of trial was imperative pending acquisition of photos, X-rays.

represented Mr. Garrison's office here today, protested repeatedly that Judge Halleck was asking the Louisiana officials "to try our case in this court."

He offered to bring medical experts to Washington to view the pictures in Judge Halleck's chambers. Mr. Bertel argued that this could not result in a sensational use of the material and would give Mr. Garrison's office a fair chance to prove its contention that President Kennedy was hit by a bullet fired from the front.

Conclusion Is Challenged

He charged that the four experts selected by the Justice Department had reached an erroneous conclusion because "the most important photo they did not have—the photo of the entrance wound in the front." This picture and others were not shown to the experts, he said, and "we would like to know where those photos went."

Judge Halleck then declared that he would give Mr. Garri-

son two weeks to produce some evidence that the pictures would support his view of the conspiracy. Otherwise, Judge Halleck said, he would find that the items were not relevant and necessary to the New Orleans trial.

He said that he would hear Mr. Garrison's witnesses in closed hearings, to protect Mr. Garrison from disclosing his case in advance to the defense. He added that if the Louisiana trial got under way and produced testimony supporting the contention that President Kennedy had been shot from the front, transcripts of that testimony might persuade him to grant the subpoena.

Mr. Bertel left open the possibility of closed hearings until he returns to New Orleans.

Earlier in the day, Judge Halleck rejected the Government's contention that under the reciprocal interstate witness law Mr. Garrison could compel a witness to testify in New Orleans, but could not obtain physical evidence.

When the hearing convened

after the luncheon break Harold Weisberg, a former Senate investigator who has written and personally published books on the assassination, strode toward the bench and asked to be heard as a "friend of the court."

"Serious misrepresentations have been made to this court. I've written four books on the subject," he said. Mr. Weisberg said the public should know the truth about "serious questions left unanswered this morning."

Judge Halleck denied the request and a bailiff ushered Mr. Weisberg to his seat.

Trial Delay Asked

By MARTIN WALDRON

Special to The New York Times

NEW ORLEANS, Jan. 17—The office of Jim Garrison, District Attorney of New Orleans, asked today that the trial of Clay L. Shaw be delayed until the National Archives releases the X-rays and photographs made during an autopsy of the body of President John F. Kennedy in 1963.

Unless the documents are released, Mr. Shaw will not be tried, the district attorney's office said.

Mr. Garrison and a New Orleans grand jury have accused Mr. Shaw of conspiring with Lee Harvey Oswald and others to assassinate President Kennedy.

Mr. Shaw is a retired New Orleans businessman.

Assistant District Attorney James L. Alcock asked this afternoon for the delay in the trial.

"In the event the Federal Government does not honor our subpoenas and blocks our attempt to present all of the evidence, this case cannot be brought to trial," Mr. Alcock said.

Criminal District Judge Edward A. Hagerty Jr. set a hearing for 10 A.M. Monday on the motion to delay the trial.

Mr. Garrison was not available for comment. His assistants, who said he was out of town, also declined to comment after Judge Halleck, this afternoon in Washington, gave Mr. that he needed the X-rays and Garrison two weeks to show photographs.

The statement from the District attorney's office said that "proof is in our possession indicating that Kennedy was definitely struck by a bullet from both the front and the rear."

E. Irvin Dymond, one of Mr. Shaw's lawyers, said that the reason for a delay in Mr. Shaw's trial would be opposed.