

# Judge Won't Release Photos of Kennedy for Shaw's Trial

1-18-69 BY THOMAS W. LIPPMAN

Exclusive to The Times from the Washington Post

L.A. Times

WASHINGTON—A judge of the District of Columbia Court of General Sessions refused Friday to order the National Archives to release photographs taken at John F. Kennedy's autopsy to New Orleans Dist. Atty. Jim Garrison, but gave Garrison two weeks to convince him the photos are needed.

The ruling by Judge Charles W. Halleck may mean the end of Garrison's case against retired businessman Clay Shaw, indicted for conspiracy to murder President Kennedy.

James L. Alcock, the assistant to Garrison who has been handling the prosecution, said in New Orleans Friday that "this case cannot be brought to trial" without the evidence sought from the archives.

## Scheduled for Tuesday

Alcock asked the Orleans Parish Criminal Court to postpone the trial while the petition to Judge Halleck is pending. Shaw's trial had been scheduled to begin Tuesday.

Judge Halleck told Numa V. Bertel Jr., another assistant to Garrison, that he would not order the release of the photos unless he was convinced the request was

"something more than a fishing expedition to support a frivolous claim through some sensational pictures."

He said he would hear any testimony or read any affidavits Bertel could produce that would give "some showing" that the photos would contradict the findings of the Warren Commission, as Bertel contended they would.

Bertel complained that would be tantamount to moving the trial out of New Orleans and into the District of Columbia Court of General Sessions.

## 'Prejudicial' to State

"We cannot bring our witnesses to this court," he said. "It would be prejudicial to the State of Louisiana."

"If you really had a case," Judge Halleck replied, "you wouldn't have any trouble putting something on, would you? Absent a showing that this is necessary and material evidence, the court will have no alternative but to deny your motion."

The situation, the judge said, was a "Mexican standoff." Bertel did not contradict him.

Please Turn to Page 2, Col. 2

Continued from First Page

Garrison has been claiming for years that the findings of the Warren Commission were wrong and that the federal government has suppressed the truth.

The commission found that Lee Harvey Oswald, acting alone, fired the shots that killed President Kennedy as he rode in a motorcade in Dallas on Nov. 22, 1963. Photographs and X rays taken at his autopsy were given to the National Archives by members of the family in 1966, with the condition that no one but federal investigators be allowed to see them for five years.

In the petition that resulted in Friday's hearing, Alcock claimed there was "substantial evidence" that the autopsy photos show that Mr. Kennedy was struck by bullets fired

from at least two directions, and from the front, contrary to the commission findings.

On Thursday, the Justice Department released an evaluation by four private physicians and an attorney of the autopsy findings. Their report substantiated the Warren report.

The credentials of the evaluators were so impressive, Judge Halleck said, that they outweighed the "assertion" in Alcock's petition.

"If you already have substantial evidence" about what the photos will show, he told Bertel, "let me hear some of it" to support the claim.

Bertel said he did not doubt the evaluators' honesty, but "the most important photo they didn't have. Many photos were not produced in the archives. We want to know where they went."