

Court May Seek C.I.A. Kennedy File

WASHINGTON, Nov. 7 (AP)—Federal District Judge John J. Sirica indicated today that he might appoint a court official to read Central Intelligence Agency documents on the assassination of John F. Kennedy that the agency is trying to keep secret.

The judge made the suggestion after a lawyer, Bernard F. Fensterwald, said that he had been denied access to much of the material on the assassination. He said that he had requested the material under the Freedom of Information Act.

Mr. Fensterwald had sued the intelligence agency for all its information on five persons, including Lee Harvey Oswald, the man the Warren Commission said shot President Kennedy. Jack Ruby, who killed Mr. Oswald, was another one of the five on whom the lawyer requested information.

Mr. Fensterwald had asked for papers on the agency's investigation of David Ferrie, an airplane pilot who had also been investigated by James Garrison, a former New Orleans District Attorney, as an alleged figure in a Kennedy assassination plot. Mr. Ferrie is dead.

Another person on whom Mr. Fensterwald had requested the agency's files was Sylvia Duran, a Mexican Communist and the only person to testify that Mr. Oswald had been in Mexico just before Mr. Kennedy's assassination on Nov. 22, 1963.

Sylvia Odio, a Cuban woman who said that Mr. Oswald met with two other Cubans and with her in Dallas just before the murder, is the fifth figure involved in Mr. Fensterwald's request.

Mr. Fensterwald charged that since he had made his request for the files on April 3, 1975, he had received about 25 percent of the records intact and another 50 percent that were "so badly distorted by deletions as to be worthless." He told Judge Sirica that the remaining 25 percent he had requested had not been supplied to him.

He asked the judge to look at the papers himself in private to determine the validity of the agency's assertion that national security prevented disclosure of the material.

Judge Sirica at that point indicated he might name a "special master" to review the documents. A special master is usually a private lawyer appointed by the court to carry out a specific assignment.

Michael D. Ryan, an Assistant United States Attorney arguing for the Central Intelligence Agency, said the agency had released 936 documents and had withheld 396 regarding Mr. Fensterwald's request. "Ninety-three percent were denied on the basis of national security and to protect intelligence sources and methods," he told the judge.