

CHRONOLOGY AND SUMMARY OF ATTEMPTS TO OBTAIN PHOTOS AND

X-RAYS OF AUTOPSY OF PRESIDENT KENNEDY.

- 5/23/68 Request by James Alcock that U.S. Marshal Luke C. Moore serve a subpoena on Dr. James B. Rhoads under the Out of State Witness Act to produce photos and X-rays in New Orleans.
- 5/27/68 Marshal Moore refuses to serve the subpoena.
- 1/8/69 At the request of Jim Garrison, and pursuant to 23 D.C. Code 802, Bud Fensterwald presented to Judge Charles Halleck of the D.C. Court of General Sessions a new subpoena duces tecum, dated 12/31/68 and certified by Judge Alan B. Haggerty. Judge Halleck issued an order dated 1/8/69, ordering Archivist Rhoads to appear in court on 1/17/69 to show cause why he should not be ordered to New Orleans with the requested photos and X-rays.
- 1/16/69 The Government (in the person of Asst. Attorney General Edwin Weisl, Jr. and others) entered pleadings in the case as follows:
(Copy enclosed)
- (a) A statement by Burke Marshall, on behalf of the Kennedy family, stating that neither he, Senator Edward Kennedy, nor Mrs. Onassis had any objection to the release by the Government of a detailed Report on the Autopsy made in 1968 by a new Review Panel.
- (b) An affidavit by Dr. Rhoads to the effect that he had no first hand knowledge of the contents of the material to be subpoenaed, and stating that it would be inconvenient for him to go to New Orleans because of his duties connected with the impending change of Administrations.
- (c) A Letter-Agreement of October 29, 1966, between Lawson B. Knott, Jr., Administrator of General Services (parent to the Archives) and Burke Marshall (as representative of the Kennedy family) whereby the latter gave "all right, title and interest" in the photos and X-rays (as part of the estate of JFK) to the Archives, on the understanding that Burke Marshall or his successor would decide who would be permitted to examine same.
- (d) A five-page Memorandum, dated 1/26/67, signed by the original three autopsy doctors, confirming their original findings of 11/24/63.
- (e) A letter, dated 1/26/68, from Dr. J. Thornton Boswell to Attorney General Clark, suggesting the establishment by the Government of a new Review Panel.
- (f) A sixteen-page Report, dated variously from 3/28/68 to 4/9/68, signed by the four 1968 Review Panelists (Drs. Wm. H. Carnes, Russell S. Fisher, Russell H. Morgan, and Alan R. Moritz).
- (g) A fourteen-page pleading, setting forth the following arguments why Dr. Rhoads should not be ordered to New Orleans:
- (i) The letter agreement of October 29, 1966, bars production of the material without permission of the Kennedy family which is specifically denied in this case. Citation made to 44 U.S.C. 397.
- (ii) The doctrine of Federal sovereignty prevents an order to Dr. Rhoads.
- (iii) The Out of State Witness Act does not apply to subpoenas duces tecum.
- (iv) Judge Halleck lacks jurisdiction.
- (v) Hardship on the Archivist.
- 1/17/69 Hearing was held before Judge Halleck. Although the government asked him to rule on their legal objections and to summarily dismiss the case brought by the New Orleans D.A., the Judge refused to do so. He reserved judgment on these matters and proceeded to the question of materiality, relevance, and necessity of the requested items in the case of Louisiana vs. Clay Shaw. After preliminary argument, the Judge ruled that the Government's written pleadings of 1/16/69 had overcome the prima facie case of relevance and materiality contained in Judge Haggerty's certificate. However, he gave the New Orleans D.A. a continuance in which to produce evidence and/or witnesses to show that the photos and X-rays were relevant and material.

- 1/31/69 Pleadings of sixteen pages was submitted on behalf of Jim Garrison to
(Copy Judge Halleck. Part I contained a summary of evidence by Drs.
enclosed) Robert N. McClelland, Robert Forman, and Cyril Wecht to show that
missiles striking President Kennedy came from more than one direc-
tion. Part II rebutted certain pertinent points made in the 1968
Panel Review. Request was renewed for Dr. Rhoads to proceed to New
Orleans with the requested documents. The New Orleans D.A. offered
to produce Drs. Forman and Wecht for examination and cross examina-
tion if so requested by the Judge. He also asked that if and when
further hearings were held, that the Government produce Dr. James J.
Humes, one of the 1968 Panel Reviewists, and Burke Marshall.
- 1/31/69 Judge Halleck ordered further hearings for 2/7/69. Before that date,
he ordered the New Orleans D.A. to produce his opening statement at
the Clay Shaw trial for his inspection and that of the Government.
- 2/3/69 The New Orleans D.A. sent the opening statement to Judge Halleck and
to the Government.
- 2/7/69 The New Orleans D.A. obtained an additional order from Judge Halleck
(under a second subpoena) for Archivist Rhoads to appear and show
cause why he should not be ordered to New Orleans to produce Oswald's
rifle, CE 399, certain bullet fragments, President Kennedy's coat,
shirt and tie, and other items. A hearing on this subpoena, as well
as the original subpoena, was scheduled for 2/14/69.
- 2/13/69 The Government filed additional pleadings on the second subpoena,
similar in nature to the pleadings of 1/16/69.
- 2/14/69 A lengthy hearing was held before Judge Halleck on both subpoenas. The
(Copy of moving party put Drs. Wecht and Forman on the stand for lengthy ex-
Part of amination and cross examination. After hearing legal arguments on
trans- behalf of both parties, Judge Halleck ruled as follows:
cript (a) If the Government did not permit Dr. Wecht to examine the
enclosed) photos and X-rays in the Archives prior to 4:00 P.M. on 2/17/69,
he would order Dr. Rhoads to take them to New Orleans.
(b) As to the rifle, CE 399 and certain other objects, Dr. Rhoads
was ordered to produce them in New Orleans on 48 hours notice from
the D.A. of Orleans Parish.
(c) As to the President's coat, shirt and tie, the Judge ruled
that they should not be taken to New Orleans.
- 2/17/69 The Government informed Judge Halleck that Dr. Wecht could not see the
documents in the Archives. Consequently, Judge Halleck signed the
(Copy en- order outlined above. The Government then took an appeal to the
closed) D.C. Court of Appeals.
- 2/20/69 New Orleans DA sent telegram to Clerk of D.C. Court of Appeals as follows:

"Re State of Louisiana versus Clay L. Shaw.
The State of Louisiana rested its case Thursday morning February 20
1969. Consequently the appeal by the Justice Department of the United
States of Judge Halleck's order of February 17th 1969 ordering Doctor
Rhodes to produce Xrays and photographs of the autopsy of John F.
Kennedy and other items covered by the State of Louisiana's subpoena
duces tecum is necessarily now moot. The State of Louisiana has at-
tempted to secure the requested material for some time but the Justice
Departments refusal to recotnize the subpoenas of the State of
Louisiana delayed their availability to a point where the need for
them no longer exists. Having rested our case against Shaw it is too
late for us to introduce any of these items as evidence. This will
therefore serve as notification that the subpoenaed material is no
longer needed by the State of Louisiana in the captioned case. We
respectfully request that you communicate this information to the
judges of the Court."
- 2/27/69 Court of Appeals remands order to Judge Halleck with instructions to
dismiss as moot.
- 3/3/69 Order dismissed as moot.