

# Kennedy Death Photos Ordered to New Orleans

By FRED BARNES

Star Staff Writer 2/1/69

Judge Charles W. Halleck formally ordered the U.S. archivist yesterday to take photographs of the autopsy of John F. Kennedy and other assassination exhibits to the Clay L. Shaw trial.

However, the legal victory for New Orleans Dist. Atty. Jim Garrison could be short-lived. Government attorneys said they would appeal the Halleck ruling today in the D.C. Court of Appeals.

They contend Halleck, as a judge in the Court of General Sessions, is not empowered under out-of-state witness regulations to issue orders to government employes. Beyond that, the government will argue that an agreement with the Kennedy family gives the archivist, Dr. James B. Rhoads, the "privilege" of refusing to produce the 45 photos and 22 X rays taken during the autopsy.

Despite repeated pleas from the government lawyers, Halleck steadfastly declined to rule on the privilege question, saying that decision should be left to the judge trying the Shaw case.

Halleck's order came after weeks of legal arguing between Garrison aides and lawyers from the Justice Department and the U.S. attorney's office.

In his order, the judge said the archivist is "a necessary and material witness in the trial" of Shaw, a wealthy New Orleans businessman who is charged with conspiring with Lee Harvey Oswald and David A. Ferrie to kill President Kennedy.

In addition to the autopsy

films, Halleck instructed Rhoads to be ready on 48 hours' notice from Garrison to take to the trial the rifle allegedly used by Oswald, one of the bullets that hit Kennedy, two bullet fragments and photos of the wounds suffered by former Texas Governor John Connally.

Garrison subpoenaed the autopsy films early in January and later issued a separate summons for the other exhibits.

On Friday, Halleck told the government he would order the films to New Orleans, along with the other material, if a potential expert witness at the Shaw trial was not allowed to view the films at the National Archives by 4 p.m. yesterday.

His order yesterday was issued quickly after the deadline passed. Government lawyers would not say whether members of the Kennedy family had been contacted about the choice regarding the films.

The autopsy photos and X-rays were taken at Bethesda Naval Hospital on the day of the assassination and later given to the Archives by the Kennedy family on the condition that they be viewed only by government investigators until 1971 and only by scholars after that date.

## Used in Warren Probe

The rifle, bullet, bullet fragments and Connally photos were exhibits used by the Warren Commission, which investigated the assassination and decided that Oswald acted alone in the killing. These exhibits also were placed in the Archives.