

DA ASKS SHAW

CASE DELAY;

U.S. DATA

'MUST' FOR

TRIAL



JAMES L. ALCOCK
Assistant DA

Hearing Monday on Post

District Attorney Jim Garrison's office today asked for a delay in Tuesday's trial of Clay L. Shaw, charged with conspiring to assassinate President John F. Kennedy.

Assistant DA James L. Alcock said at a news conference there can be no trial if the federal government blocks attempts by his office to get evidence.

Criminal District Judge Edward A. Haggerty Jr. set a hearing at 10 a. m. Monday on the delay request. F. Irwin Dymond, Shaw's chief counsel, said he will oppose any delay.

THE EVIDENCE GARRISON IS SEEKING is the photographs and X-rays of the autopsy on Kennedy's body made after his assassination in Dallas Nov. 22, 1963.

The autopsy records are sealed in the National Archives until 1971 at the request of the Kennedy family.

IN WASHINGTON, D.C., TODAY, a federal judge gave Garrison's office two weeks to decide whether to present evidence sufficient to warrant his ordering release of the records.

General Sessions Judge Charles Halleck Jr. was conducting a hearing on a subpoena from Garrison's office for the national archivist to appear at the Shaw trial with the records.

The judge told Assistant DA Numa Bertel Jr. he would have to produce evidence to support his claim the documents indicate there was a conspiracy in Kennedy's death.

Bertel responded that he couldn't produce evidence because "that would amount to parading our witnesses across your courtroom before the trial begins."

JUDGE HALLECK SAID HE WASN'T interested in hav-

ponement Request

ing the entire conspiracy case brought before him. He said he wants just enough evidence to warrant releasing the documents.

Bertel balked, and Judge Halleck delayed the proceed-

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ing for a maximum of two weeks. During that time, the judge said, Bertel must decide whether he will produce evidence or drop his motion.

Alcock's news conference in New Orleans was held

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STATES - ITEM

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before Judge Halleck made his ruling.

Alcock said the trial cannot proceed without the autopsy records. However, the district attorney's office itself set the trial for Jan. 21 before it made its latest effort to get the records.

In placing critical importance on the autopsy records, Garrison's office is in effect staking its entire case on its contention that the photos will show Kennedy was shot from the front.

HOWEVER, A PANEL OF FOUR medical experts which met in secret last year said the autopsy findings support the Warren Commission's contention that the president was shot from the rear.

It was the medical report, released last night by U.S. Attorney General Ramsey Clark, that produced today's reaction from the DA's office.

If Judge Haggerty turns down the state's request for a continuance, the DA's office can nol-pros the case and reinstate it later. Also, if either the state or the defense objects to the judge's ruling, it can be appealed to the Louisiana Supreme Court.

HERE IS THE STATEMENT ISSUED by Alcock at the press conference:

"The release by Attorney General Ramsey Clark of an opinion by a panel of so-called experts which purports to back the findings of the Warren Report on the eve of the trial of Clay Shaw makes it absolutely necessary for us to obtain the photographs and X-rays of the autopsy as well as the clothing worn by President Kennedy on the day he was assassinated.

"Prior to the release of this opinion, it was our intention to proceed to trial with or without this material.

"HOWEVER, SINCE RAMSEY CLARK has released only a small portion of the evidence and only that which favors the defense and the Warren Report, it is absolutely necessary that we obtain that evidence upon which the panel based their opinion of the autopsy before proceeding to trial.

"This was another effort by the federal government to aid the defense and to stop the prosecution by the State of Louisiana of Shaw.

"The obvious timing of this release indicates that Attorney General Ramsey Clark was never fit to serve in so high an office of this country.

"PROOF IN OUR POSSESSION INDICATES that Kennedy was definitely struck by a bullet from both the front and rear.

"So-called experts for the defense have examined their reports. Now, we would like to have experts who have the opposite opinion, that is, that there was a bullet entry from the front—have a like opportunity to have the autopsy material.

"Therefore, I am today filing a motion requesting a continuance of this case, to be reset only after receipt by this office of all of the evidence called for in our subpoenas of the evidence used in the autopsy report and all other evidence secretly held by the federal government.

"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.

"If the case cannot be tried, the people can only look to the efforts of the attorney gen-

eral and the government of the United States and examine the motives in refusing to release all of the evidence.

"No one man—not even the attorney general—and no government except in cases of national emergency — should seek to hide the truth or any evidence from the American people."

Alcock said of the panel review, "It seems that they just don't have any confidence in the state" and physicians here who might testify as expert witnesses on the autopsy material.

The pictures were left with the archives by the Kennedy family in 1966 on condition they be shown only to federal investigators until 1971.

Dr. James B. Rhoads, U.S. Archivist, yesterday filed an affidavit in court in which he declined to release the material. He said:

"TO VIOLATE THE confidential restrictions would completely destroy the public confidence in the federal government to honor its commitments to donors of papers, oral history transcripts and other historical material."

In releasing the panel's findings, Clark said U.S. Sen. Edward M. Kennedy, D-Mass., the late president's only surviving brother, and the president's widow, Mrs. Aristotle Onassis, were consulted before the autopsy material was made available to the panel of experts.

Burke Marshall, former assistant attorney general who represents the Kennedys in the matter, said Sen. Kennedy and Mrs. Onassis "both asked me to say that they will have no comment to make on the report or its release."

THE PANEL MET in secret last year to study the autopsy material and draw up its report. There had been no public announcement of the existence of either the panel or the report until Clark released it last night.

Clark did not say why the review was kept secret. The report of the panelists was signed last spring. It says they met to review the autopsy materials last Feb. 26 and 27 in Washington.

Members of the panel were Dr. William H. Carnes, pro-

fessor of forensic pathology at the University of Maryland; Dr. Russell H. Morgan, professor of radiology and radiological science at Johns Hopkins University, and Dr. Alan R. Moritz, professor of pathology at Case Western Reserve University in Cleveland.

THEIR REPORT SAID,

"Examination of the clothing and of the photographs and X-rays taken at the autopsy reveal that President Kennedy was struck by two bullets fired from above and behind him, one of which traversed the base of the neck on the right side without striking bone and the other of which entered the skull from behind and exploded its right side.

"The photographs and X-rays discussed herein support the above-quoted portion of the original autopsy and the above-quoted medical conclusions of the Warren Commission Report."

The original autopsy was performed by a three-man team of naval surgeons headed by Dr. James J. Humes, then commander of the Navy Medical Corps, the night Kennedy was killed.

ONE OF ITS members, Dr. J. Thornton Boswell, wrote Clark a year ago that he and Humes felt that because of the controversy over the Warren Report "an impartial board of experts including pathologists and radiologists should examine the material available." Clark appointed the board a short time later.

The report said:

"One bullet struck the back of the decedent's head well above the occipital protuberance (base of the skull). Based upon the observation that he was leaning forward with his head turned obliquely to the left when this bullet struck, the photographs and X-rays indicate that it came from a site above and slightly to his right. This bullet fragmented after entering the cranium, one major piece of it passing forward and laterally to produce an explosive fracture of the right side of the skull as it emerged from the head.