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## Garrison's Effort to Subpoena Kennedy Photos Faces Hurdles

Archives, Citing Proviso Set by Family, Opposes Use of Assassination Items

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WASHINGTON, Jan. 10—The first legal test of the Government's shield of secrecy surrounding the death photographs of President Kennedy has begun in the courts here.

Harry R. Van Cleve Jr., General Counsel of the General Services Administration, parent agency of the National Archives, said today that the Archives expected to resist efforts by District Attorney Jim Garrison of New Orleans to subpoena the items.

The 65 X-rays, black-and-white photographs and color transparencies that were taken during the autopsy at Bethesda Naval Hospital were not included among the evidence presented to the Warren Commission, which investigated the assassination.

Instead, the items were given by the Secret Service to the Kennedy family, which donated them to the Archives on the condition that no one but Federal investigators be permitted to see them until Oct. 29, 1971. The family cited reasons of fact for specifying that no one but medical experts and scholars be permitted to see them after that time.

### Ordered to Appear

Yesterday an order was served on James B. Rhoads, Archivist of the United States, to appear in General Sessions Court there to answer Mr. Garrison's demand that the articles be made available as trial evidence. Mr. Garrison asked that Mr. Rhoads be required to testify in the trial of Clay L. Shaw, a New Orleans businessman, who is scheduled to go on trial on Jan. 21 on charges of conspiring to assassinate President Kennedy.

In his petition, Mr. Garrison contended that the X-rays and photographs would show that the President had been struck by bullets from "at least two directions," and that the fatal head wounds had been caused by bullets fired from the front. The Warren Commission concluded that Lee Harvey Oswald



District Attorney Jim Garrison seeks use of photos.

alone shot at Mr. Kennedy, firing from the rear, when the assassination occurred in Dallas on Nov. 22, 1963.

Mr. Van Cleve said in an interview today that several writers and others interested in the assassination had demanded to be shown the items, despite the conditions in the agreement between the Archives and the Kennedy family.

According to Mr. Van Cleve, some of these individuals threatened court action, asserting that the Kennedy family had no legal right to restrict access to the X-rays and photographs since they were taken by Navy personnel, using Government equipment and film.

The hearing on Mr. Garrison's motion, which is set for Jan. 17, could produce the first court test of this question. However, one Government source hinted today that the Justice Department might assert that the reciprocal interstate witness law under which Mr. Garrison is seeking the items applied only to witnesses and not to physical evidence.

Mr. Van Cleve said that the United States Attorney's office here would determine trial strategy but that he expected the Government to resist the effort to undermine agreements between donors and the Archives.

David G. Bress, United States Attorney for the District of Columbia, said his office has not yet decided what its response would be to Mr. Garrison's demand.