

DALLAS POLICE DEPARTMENT
INTELLIGENCE DIVISION

(INTELLIGENCE REPORT)

SUBJECT: Lee HARVEY OSWALD

DATE: 11-17-72

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11-16-72

SUBMITTED BY: AJ Carrouge

Case Argued

Oswald's Effects Sought in Appeal

NEW ORLEANS (AP)—An attorney for the former wife of accused assassin Lee Harvey Oswald argued Wednesday that the government is trying to make her pay for Oswald's sins.

A federal appeals court here took under consideration how much Marina Oswald Porter should be paid for personal effects seized by the government.

A 3-judge panel of the 5th U.S. Circuit Court of Appeals heard oral arguments from the Justice Department and accepted written arguments from an attorney for Mrs. Porter.

The government has agreed to pay \$3,000 for the items, but Mrs. Porter—re-married since her former husband was identified by the Warren Commission as the assassin of President John F. Kennedy—is seeking \$17,729.37.

THE JUDGES must decide, they indicated in questions from the bench, whether Mrs. Porter should receive an amount based on the value of the items to collectors or merely their face value, plus an additional sum for the personal sentimental value they might have.

There is no challenge to the right of the government to confiscate and keep the items.

A federally appointed special master determined that \$17,729.37 was the fair market value of the items, which consist mainly of such personal things as letters, a diary, family photographs, a marriage license and the contents of Oswald's wallet.

The \$3,000 figure was arrived at through stipulation by both Mrs. Porter's attorney and the Justice Department as the fair amount for similar items not enhanced in value because of their worth to collectors.

"The circumstances of this case require that the elements of fair market value of the property involved here resulting from association of the property with the assassination of the President must be excluded from the measure of just compensation," a district judge in Texas said in a ruling appealed by Mrs. Porter.

A BRIEF by Erick F. Klein Jr. of Dallas said the public might be opposed to Mrs. Porter getting the larger award, but he "cannot appreciate or countenance the intrusion of such emotions, unconscious or otherwise" in court rulings in the matter.

Klein said this represents the second time Oswald has in effect been tried and convicted without evidence, but that, unlike the Warren Commission, government lawyers are going "even further and are attempting to visit the assumed and judicially unproven 'sins of the father' upon his widow and children."

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