

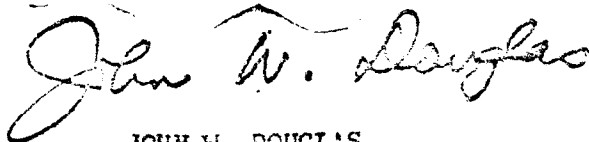
REC'D  
RECORD

Mr. Dennis R. Bodem  
Chief of Resources  
Buffalo and Erie County Historical Society  
25 Nottingham Court  
Buffalo, New York 14216

Dear Mr. Bodem:

The photograph of the Czolgosz pistol, your letter, and the other enclosures have been received. This material will be very helpful and I wish to assure you of my gratitude for your assistance in this matter.

Sincerely yours,



JOHN W. DOUGLAS  
Assistant Attorney General

JWD  
FOR

INSPTD AND MAILED  
COMMUNICATIONS SEC.  
SEP 27 1965 UH

Typed: 11/8/65  
FMV:MAJ:ehd  
129-11

~~11/20~~  
9/26  
November 3 1965

Dear [REDACTED]

Your letter dated September 26, 1965 to the President has been referred to us.

Since the crime for which Mr. Ruby was convicted was not a federal crime, but a violation of Texas law, this Department has no power to intervene or intercede in his case in any way. I understand that his conviction is being appealed and that certain sanity hearings have been ordered in connection with the judicial proceedings. I would suggest that you direct your inquiries in this matter to the city authorities of Dallas and the officials of the state of Texas.

I hope that this information will be of some assistance to you.

Sincerely,

FRED M. VINSON, Jr.  
Assistant Attorney General

Records ✓  
Chrno  
Johnson

INSPECTED AND MAILED  
COMMUNICATIONS SEC.  
NOV 9 1965 C

Alice  
~~Mr. Kach~~

Re: [unclear]  
[unclear] [unclear]  
be [unclear] to  
[unclear] [unclear]

Thanks,

Thanks,  
Alice

RECEIVED  
OCT 29 1965  
CORRES. MAJ

October 20, 1965

Dear [REDACTED]

The President has asked me to thank you for your letter, and to assure you that he appreciates your letting him know you are in accord with his position regarding Viet-Nam. Your expression of support pleased him a great deal.

With regard to your queries about the court case you mention, your communication is being forwarded to officials of the Department of Justice for response.

Your comments concerning Unidentified Flying Objects were of interest to the President, and he is glad that you took the time to share your thoughts with him. It is suggested, however, that you may wish to write to the Department of the Air Force, Washington, D. C. 20330, for the information you seek.

RECEIVED

OCT 27 1965

Civil Service

Sincerely,

Juanita D. Roberts  
Personal Secretary  
to the President

RECEIVED

OCT 29 1965

CORRES. MAJ

[REDACTED]

JUSTICE:

(Zip Code and Address - Govt. Manual)

*Chg 10/28/65*

129-11  
17-1-755-101  
OCT 25 1965

CRIMINAL-GEN. CRIME SEC

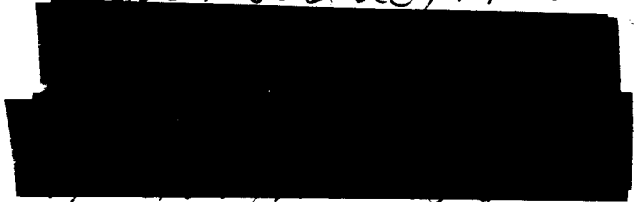
INDEXED

4

Justice

September 26, 1965

ack  
ews  
10/20



Dear Mr. President,

Respectfully referred  
for attention and  
appropriate handling.

Paul W. Topp

Assistant to the President

My letter concerns 2 topics <sup>concerned</sup> about. (1st) What has happened to Jack Ruby the  
murderer of Lee Harvey Oswald? I know that  
 he was convicted of murder, but his case  
 was then repealed for another hearing sometime  
 in the future. Has he already received his  
 other hearing, but I have not heard about  
 it? Where is he right at this moment? In  
 Dallas? Well, wherever he is I would like  
 to know. Have you yourself Mr. President  
 ever come face to face with him? If so  
 what did you have to say to him? I never  
 hear his name in the news or see his name in the  
 paper anymore. Has something happened to him  
 that the public should not know about? I  
 myself think he should be sentenced to death  
 and that the public should know what has  
 happened to him. Please answer my questions  
 I have asked.

The thing I am <sup>most</sup> ~~most~~ concerned about  
 is the U.F.O's. (2nd) What has happened to  
Edward Bell in this or other U.F.O. sightings  
since he left the prison as U.F.O. sighting


D. G.

127

Do you think they come from another planet or  
anywhere else, secret or not? Maybe they are ex-  
perimental flying aircraft that the government  
does not want anyone to know about? I myself  
think I have seen these "UFO's" a number of  
times. I think there are "UFO's" roaming around  
in the sky. I have seen many pictures in the  
paper and the motion picture, "UFO's" that have  
showed these flying objects. I have also read  
much material on the "UFO's". If they are  
experimental aircraft that our government is  
working on I wish you much luck with it.  
Tell me what you think about these "UFO's".

I think you  
P.S. I want you to know that I back  
up your policy in Vietnam / G. and  
feel sure we'll win. When I'm old  
enough to vote you can count on my  
vote for you, that is, if your still  
in office in the future.

Sincerely yours



9/21

Typed: 9/27/65  
FMV:ELS:skw  
129-11

September 29, 1965

Honorable Richard T. Hanna  
House of Representatives  
Washington, D. C.

Dear Congressman:

This refers to your letter of September 21, 1965, enclosing a letter to you from [redacted] concerning the rifle used in the assassination of President Kennedy and the pistol involved in the death of Officer Tippit of the Dallas Police.

These weapons were delivered to the Attorney General by the President's Commission on the assassination of President Kennedy, together with many other items used as evidence in the Commission's proceeding. On concluding its inquiry, the Commission recommended that the firearms in question and many other items be preserved for historical purposes. Accordingly, the Attorney General requested Congress to enact legislation which would authorize him to condemn any evidentiary objects which he believed should be preserved. A copy of the Departmental press release of June 17, 1965, in this regard, is enclosed.

The Attorney General's request resulted in a bill (H.R. 9545) which was introduced in the Congress and passed the House of Representatives on September 7, 1965. Action on the bill in the Senate is pending. H.R. 9545 would empower the Attorney General to designate the items of evidence to be condemned. Title to items so designated would immediately vest in the United States by eminent domain, and any persons claiming title or interest in the items could file suit in the Court of Claims for just compensation.

Pending action by the Congress on H.R. 9545, proceedings in the Northern District of Texas, at Dallas, have been instituted by the Government under the provisions of the Federal Firearms Act seeking forfeiture to the Government of the rifle used to assassinate President Kennedy and the revolver used to kill Officer

Records  
Chron  
Sledge  
Mr. Vinson

SENT BY MESSENGER  
COMMUNICATIONS SEC.  
SEP 29 1965 TU

Handwritten notes on the left margin:  
Rd  
9/27/65  
9/27/65  
CALL  
9/27

- 2 -

Tippit, by reason of alleged violations of that Act occurring in connection with the obtaining of those weapons by Oswald.

We hope the foregoing will be of assistance to you in respecting to your constituent. [REDACTED] letter is returned to you with this letter.

Sincerely,

FRED M. VINSON, Jr.  
Assistant Attorney General

Enclosures ✓



COMMITTEE ON  
BANKING AND CURRENCY

SUBCOMMITTEES:  
DOMESTIC FINANCE  
CONSUMER AFFAIRS  
INTERNATIONAL FINANCE

SELECT SUBCOMMITTEE ON  
TOURISM AND TRAVEL

RICHARD T. HANNA  
34TH DISTRICT OF CALIFORNIA

Congress of the United States

House of Representatives

Washington, D.C.

September 21, 1965

DISTRICT OFFICE:  
JOHN BEEKMAN  
FIELD REPRESENTATIVE  
1695 W. CRESCENT, SUITE 510  
ANAHEIM, CALIFORNIA  
PHONE: 776-6850

WASHINGTON OFFICE:  
WILLIAM A. BUTCHER  
ADMINISTRATIVE ASSISTANT  
HOUSE OFFICE BUILDING

RECEIVED

SEP 22 1965

CRIMINAL DIVISION

Fred M. Vinson, Jr.  
Assistant Attorney General  
Department of Justice  
Washington, D.C. 20530

Dear Mr. Vinson:

The clipping referred to in our communication, and in [REDACTED] letter, has apparently been misplaced. It was, however, a very short article which stated simply that the federal government was suing for possession of the weapon used by Lee Harvey Oswald to assassinate President Kennedy, and the revolver Oswald used to kill the Dallas policeman.

I believe a reply is possible, without the clipping mentioned in [REDACTED] letter, to satisfactorily answer the inquiry of [REDACTED]

Thank you for your courtesy and attention to this matter.

Sincerely yours,

*Richard T. Hanna*

RICHARD T. HANNA  
United States Congressman

RTH:rjh  
enc's. X

FILE - E.L.S.

129-11

DEPARTMENT OF JUSTICE		R E C O R D	
10	SEP 22 1965		D.O.G.
R.A.O.			
CRIMINAL DIVISION			SEC

September 17, 1965

Honorable Richard T. Hanna  
House of Representatives  
Washington, D. C.

Dear Congressman:

In accordance with our conversation with Mr. William Butcher of your staff, we are returning herewith the letter of September 9 from [REDACTED]

As Mr. Butcher was informed, the newspaper clipping was not received with your communication. However, if you forward the same, the matter will receive prompt attention.

Sincerely,

FRED M. VINSON, Jr.  
Assistant Attorney General

[REDACTED]

SEP 13 RECD

*ack / Justice Dept*

Sept. 9, 1965

Congressman R.F. Hanna  
c/o House of Rep.  
Wash. D.C

Dear Congressman Hanna:

Re; the enclosed clipping which I clipped from the [REDACTED]  
[REDACTED] Evening News.

How can such a bill like this even get before the House?  
Isn't this a ~~king of~~ kind of ex post facto law, or bill which  
according to the constitution is not supposed to be made.

I also would like to know just what the Government is going  
to do with those guns, Put them on public display? Charge admission  
to see them, or just what.

Sorry to bother you with a letter of this sort but I would  
like to know just what is going on.

Sincerely [REDACTED]

[REDACTED]

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA,

Libelant,

v.

ONE 6.5 mm. MANLICHER-CARCANO  
MILITARY RIFLE, MODEL 91-38, SERIAL  
NO. C2766, WITH APPURTENANCES, AND  
ONE .38 SPECIAL S&W VICTORY MODEL  
REVOLVER, SERIAL NO. V510210, WITH  
APPURTENANCES,

Respondents.

CIVIL NO. 3-1171

ORDER GRANTING LEAVE TO FILE LIBEL

Leave is granted for the filing of libel and, upon such filing, the clerk will issue writ of attachment and writ of monition citing all persons claiming any interest to appear before the United States District Court for the Northern District of Texas, at Dallas, Texas, at 10:00 A. M. on October 11, 1965, to make known their interests and any defense that they may have to offer, and said writ of monition shall be published as provided by the rules of the Court in the Dallas Morning News, Dallas, Texas, and the Dallas Times Herald, Dallas, Texas.

Done at Dallas, Texas, this 10 day of September,  
1965.

/s/ Joe E. Estes  
UNITED STATES DISTRICT JUDGE

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Libelant, )  
 )  
 v. )  
 )  
 ONE 6.5 mm. MANNLICHER-CARCANO )  
 MILITARY RIFLE, MODEL 91-38, SERIAL )  
 NO. C2766, WITH APPURTENANCES, AND )  
 ONE .38 SPECIAL S&W VICTORY MODEL )  
 REVOLVER, SERIAL NO. V510210, WITH )  
 APPURTENANCES, )  
 )  
 Respondents. )

CIVIL NO. 3-1171

REQUEST FOR LEAVE TO FILE LIBEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, by and through the United States Attorney for the Northern District of Texas, as proctor for Libelant, and prays for leave to file the attached Libel of Information for condemnation of One 6.5 mm. Mannlicher-Carcano Military Rifle, Serial No. C2766, with appurtenances, and One .38 Special S&W Victory Model Revolver, Serial No. V510210, with appurtenances.

MELVIN M. DICCS  
United States Attorney

By: 51  
B. H. Timmins, Jr.  
Assistant United States Attorney

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

UNITED STATES OF AMERICA,

Libelant,

v.

ONE 6.5 mm. MANNLICHER-CARCANO  
MILITARY RIFLE, MODEL 91-38, SERIAL  
NO. C2766, WITH APPURTENANCES, AND  
ONE .38 SPECIAL S&W VICTORY MODEL  
REVOLVER, SERIAL NO. V510210, WITH  
APPURTENANCES,

Respondents.

LIBEL OF INFORMATION

Civil No. 3-1171

To the Honorable, the District Judge for the Dallas Division of the Northern District of Texas:

The Libel of Information of the United States by its attorneys, Melvin M. Diggs, United States Attorney for the Northern District of Texas, and B. H. Timmins, Assistant United States Attorney, against One 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with appurtenances, and One .38 Special S&W Victory Model Revolver, Serial No. V510210, with appurtenances, Respondents herein, in a cause of forfeiture for breach of the provisions of Sections 903(d) and 905(b), Title 15, United States Code, and on information and belief, informs the Court as follows:

I.

That at all times hereinafter mentioned, Libelant was and is a sovereign power; that all and singular the allegations hereof are within the jurisdiction of the United States and of this Honorable Court; and that the commencement of this suit has been authorized, sanctioned, and directed in accordance with the provisions of 28 U.S.C. 7601.

II.

That on or about November 22, 1963, police officers of the city of Dallas, Texas, while in the performance of official duties, in Dallas County, Texas, within the Northern Judicial District of Texas, Dallas Division, seized and detained at separate locations certain firearms, to wit:

- (1) One 6.5 mm. Mannlicher-Carcano military rifle, Model 91/38, marked "MADE IN ITALY", "TERNI", and "ROCCA", the numerals "1940" and "40", the serial number C2766, the letters "R-E", "FC", and "TNI", and one four-power sight, stamped "4 x 18 coated", "ORDNANCE OPTICS INC.", "HOLLYWOOD CALIFORNIA" and "MADE IN JAPAN", and clip bearing letters "SMI" and the number "952"; and
- (2) One .38 Special Smith & Wesson Victory Model revolver, bearing serial number V510210, with leather holster.

That the Alcohol and Tobacco Tax, Internal Revenue Service, Treasury Department, pursuant to law, adopted the seizures of Respondent firearms as property forfeited to the United States under the facts alleged herein and the provisions of Section 905(b) of Title 15, United States Code; that the Respondent firearms are now in custody of the Supervisor in Charge, Alcohol and Tobacco Tax, Dallas, Texas, and are stored at Room 200, Mercantile Continental Building, 1800 Commerce Street, Dallas, Texas; that the Respondent firearms had a value less than \$2,500 and notice of their seizure was published as required by Section 7325(2), Title 26, United States Code; that thereafter and on September 3, 1965, John J. King, 27 Sunset Drive, Englewood, Colorado, filed a claim, alleging an interest in Respondent firearms, and a bond for costs as provided by Section 7325(3), Title 26, United States Code; that John J. King, represented by William C. Garrett, Kilgore and Kilgore, 1800 First National Bank Building, Dallas, Texas, and Mrs. Marina Oswald Porter, 1245 Donna, Richardson, Texas, may intervene and claim some interest in Respondent firearms; and that this Court has jurisdiction of this cause by reason of Section 905(b), Title 15, United States Code, and Sections 5862(a) and 7323, Title 26, United States Code.

### III.

That at sometime between March 12, 1963 and March 20, 1963, Lee Harvey Oswald procured and caused a false entry to be made in the records required by 26 CFR Part 177, section 177.51(c) to be maintained by Klein's Sporting Goods, Chicago, Illinois, a licensed dealer in firearms under Chapter 18 of Title 15, United States Code, with respect to the disposition of the





*Buffalo and Erie County Historical Society*



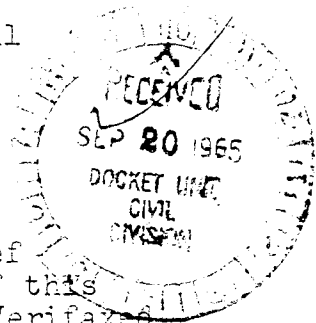
Founded 1862

25 Nottingham Court · BUFFALO · New York 14216 ☎ 716-TR3-9644.

*Rose*

September 13, 1965

Mr. John W. Douglas, Assistant Attorney General  
Civil Division  
Department of Justice  
Washington, D. C. 20530



Dear Mr. Douglas:

The revolver, cartridges, and handkerchief used by Leon Czolgosz are in the possession of this Society. As you will note from the enclosed Verifaxed copy, the items were formally presented to the Society in 1902 by Erie County District Attorney, Thomas Penney. The typed excerpt from the Minutes of the Board of Managers of the Society, April 3, 1902, is the Society's acceptance of the items.

None of these items is on public display and all are kept in the Society's vault. Photographs have been used in various scholarly articles, however, including:

Adler, Selig, "The Operation on President McKinley," Scientific America (Vol. 208, No. 3: 118-130) March, 1963.

Babcock, Louis L., "The Assassination of President William McKinley," Niagara Frontier Miscellany, Vol. XXXIV, Buffalo Historical Society, 1947.

For your files, I am enclosing an 8x10 photograph of the revolver, cartridges, and handkerchief.

Although I have not seen it, I have learned that there is an article in the 1955 edition of The Gun Digest which may be of some assistance to you. The article is, "Pistols and Presidents," by Maj. R. O. Ackerman.

*Dictated - H. H.*

129-11

CIVIL DIV.  
General Investigation Sec.

Mr. John W. Douglas

-2-

The Society also has a number of other artifacts and curios connected with President McKinley's assassination. For your information, I am enclosing copies of the catalog cards for a few of these items.

Sincerely yours,

*Dennis R. Bodem*

Dennis R. Bodem  
Chief of Resources

DRB:m  
Enc.



~~710-13~~

967-B

NEER JOHNSON CAL. 32 Revolver, bullets and handkerchief

which covered hand of LEON COZACOSKI - all used in

the assassination of Pres. McKinley Sept 6, 1901

BUFFALO AND ERIE COUNTY

HISTORICAL SOCIETY

PLEASE CREDIT

BUFFALO AND ERIE COUNTY  
HISTORICAL SOCIETY  
PLEASE CREDIT

BUFFALO AND ERIE COUNTY  
HISTORICAL SOCIETY  
PLEASE CREDIT

BUFFALO AND ERIE COUNTY  
HISTORICAL SOCIETY  
PLEASE CREDIT

THOMAS PENNEY,  
DISTRICT ATTORNEY.

OFFICE OF THE  
DISTRICT ATTORNEY,  
OF ERIE COUNTY,  
BUFFALO, NEW YORK.

March 25th, 1902.

Buffalo Historical Society,

Buffalo Public Library Building, City.

Gentlemen:-

I herewith present for preservation the revolver, cartridges and handkerchief used by the assassin Czolgosz, in killing our late President, William McKinley.

It has seemed to me that these ought to be preserved in some suitable manner as subjects of historical interest. I have been hesitating as to whether or not I should send them to Washington or commit them to your care. I have finally determined upon the latter course. I trust that they will be properly disposed of.

Respectfully yours,

*Thomas Penney*

From Minutes of Board Meeting of Buffalo Historical Society, April 3, 1902:

"A letter from District Attorney Thomas Penney was read, presenting to the Society the revolver, cartridges and handkerchief used by Czolgosz in the assassination of President McKinley. On motion of Mr. Severance, the articles were accepted with the understanding that they are not to be placed on public exhibition."

ARTICLE	silver spoon	NO	65-1127r	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CLASS	persons-McKinley	DONOR	Miss Marion Winslip	<input type="checkbox"/>	<input type="checkbox"/>
LOCATION	4-3-box 2			<input type="checkbox"/>	<input type="checkbox"/>

Silver spoon (manufactured by Rogers and Bros)  
 used by Pres. Wm. McKinley while taken from  
 Pan-Am. Exposition grounds to the Milburn  
 home-Sept. 6, 1901.

ON-OB-45  
 2-17-40, p. 12

BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY

BUFFALO & ERIE COUNTY HISTORICAL SOCIETY

9/13

I understand from Harold  
Reis that this was discussed  
by AG, Schlie & Barefoot  
& decision was made &  
make no further response  
to letter & that destruction  
of coffin was not advisable

I suggest it be kept  
with Oswald gun &  
other Gov's evidence  
in secret library

Files note  
JTB  
2/2/65

The attached is to  
be returned to  
Records File #129-11  
Section 8  
(6/18/65)

File #129-11, Section 8  
was sent to Mr Cella  
Crim Div  
Rm 2118  
on 10-11-65.  
JTB



DEPUTY ATTORNEY GENERAL



Exad

Cabell wrote Adm.

letter on 9/18<sup>65</sup> saying

he thought coffin

for Kennedy was

brought in but not

buried ~~be destroyed~~

GSA has coffin

Source letter + Received  
10/16/65

Howard O'Neil

129-11

D.A.K.

September 20, 1948

Honorable Earl C. Cabell  
House of Representatives  
Washington, D. C. 20515

Dear Congressman Cabell:

Thank you for your letter of September 13 regarding the disposition of the carport used to transport the body of the late President Kennedy to Washington. I think your suggestion merits consideration, and we will certainly look into the matter. I appreciate your interest.

Sincerely,

*Walter P. Reuther*  
Walter P. Reuther  
Attorney General

JFF:cjo

129-11

EARLE CABELL  
5TH DISTRICT, TEXAS

WASHINGTON OFFICE:  
145 CANNON HOUSE OFFICE BUILDING

DALLAS OFFICE:  
408 FEDERAL COURTS BUILDING  
PHONE: RI 9-3571

# Congress of the United States

House of Representatives

Washington, D.C. 20515

COMMITTEE:  
BANKING AND CURRENCY

SUBCOMMITTEES:  
INTERNATIONAL TRADE  
SMALL BUSINESS

HARRY CRUTCHER, III  
ADMINISTRATIVE ASSISTANT

MRS. JO RYALS GUMMELT  
EXECUTIVE SECRETARY

September 13, 1965

The Honorable Nicholas deB. Katzenbach  
The Attorney General of the United States  
Department of Justice  
Washington, D. C.

Dear Mr. Attorney General:

With the passage of H. R. 9515, and the anticipated subsequent passage of a similar measure by the Senate, a matter presents itself to which I would draw your attention.

Among the articles involved in the incident of November 22, 1963, and which has previously not received too much attention, is the casket in which the body of the late President was transported to Washington. Inasmuch as the family of the late President (President Kennedy) did not see fit to use this particular casket in the ultimate interment of the body, this casket has subsequently become surplus.

It is an extremely handsome, expensive, all bronze, silk-lined casket and, fortunately, and properly, was paid for by the General Services Administration, and presently is in the possession of GSA.

This item has absolutely no more historical significance than does the plastic mattress cover in which the body was encased for shipment from Dallas to Washington, but does have a value for the morbidly curious. And I believe that I am correct in stating that this morbid curiosity is that which we all seek to stop.

I, therefore, would like to recommend to you that this casket, now in the possession of the GSA, be declared the proper property of the GSA and, as such and in keeping with the best interest of the country, be destroyed.

I believe that the Administrator of GSA and others involved will concur in this recommendation.

Thanking you for your earnest consideration of this matter, I am

Respectfully yours,

EARLE CABELL, JR.

CC:AC

129-11  
DEPARTMENT OF JUSTICE  
27 SEP 14 1965  
F.W.W.  
ATTORNEY GENERAL  
DEPUTY ATTORNEY GENERAL

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

SEP 10 1965

Filed \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_ at 2:15 o'clock P M  
RAMELLE HAMILTON, Clerk  
By M. J. Crawford Deputy

UNITED STATES OF AMERICA,

Libelant,

v.

ONE 6.5 mm. MANNLICHER-CARCANO  
MILITARY RIFLE, MODEL 91-38, SERIAL  
NO. C2766, WITH APPURTENANCES, AND  
ONE .38 SPECIAL S&W VICTORY MODEL  
REVOLVER, SERIAL NO. V510210, WITH  
APPURTENANCES,

Respondents.

LIBEL OF INFORMATION

Civil No. CA-3-1171

To the Honorable, the District Judge for the Dallas Division of the  
Northern District of Texas:

The Libel of Information of the United States by its attorneys,  
Melvin M. Diggs, United States Attorney for the Northern District of Texas,  
and B. E. Timmins, Assistant United States Attorney, against One 6.5 mm.  
Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with  
appurtenances, and One .38 Special S&W Victory Model Revolver, Serial No.  
V510210, with appurtenances, Respondents herein, in a cause of forfeiture  
for breach of the provisions of Sections 903(d) and 905(b), Title 15,  
United States Code, and on information and belief, informs the Court as  
follows:

I.

That at all times hereinafter mentioned, Libelant was and is a sovereign  
power; that all and singular the allegations hereof are within the jurisdiction  
of the United States and of this Honorable Court; and that the commencement of  
this suit has been authorized, sanctioned, and directed in accordance with  
the provisions of 26 U.S.C. 7401.

II.

That on or about November 22, 1963, police officers of the city of  
Dallas, Texas, while in the performance of official duties, in Dallas County,  
Texas, within the Northern Judicial District of Texas, Dallas Division, seized  
and detained at separate locations certain firearms, to wit:

- (1) One 6.5 mm. Mannlicher-Carcano military rifle, Model 91/38, marked "MADE IN ITALY", "TERNI", and "ROCCA", the numerals "1940" and "40", the serial number C2766, the letters "R-Z", "FG", and "TNI", and one four-power sight, stamped "4 x 18 coated", "ORDNANCE OPTICS INC.", "HOLLYWOOD CALIFORNIA" and "MADE IN JAPAN", and clip bearing letters "SMI" and the number "952"; and
- (2) One .38 Special Smith & Wesson Victory Model revolver, bearing serial number V510210, with leather holster.

That the Alcohol and Tobacco Tax, Internal Revenue Service, Treasury Department, pursuant to law, adopted the seizures of Respondent firearms as property forfeited to the United States under the facts alleged herein and the provisions of Section 905(b) of Title 15, United States Code; that the Respondent firearms are now in custody of the Supervisor in Charge, Alcohol and Tobacco Tax, Dallas, Texas, and are stored at Room 200, Mercantile Continental Building, 1800 Commerce Street, Dallas, Texas; that the Respondent firearms had a value less than \$2,500 and notice of their seizure was published as required by Section 7325(2), Title 26, United States Code; that thereafter and on September 3, 1965, John J. King, 27 Sunset Drive, Eaglewood, Colorado, filed a claim, alleging an interest in Respondent firearms, and a bond for costs as provided by Section 7325(3), Title 26, United States Code; that John J. King, represented by William C. Garrett, Kilgore and Kilgore, 1800 First National Bank Building, Dallas, Texas, and Mrs. Marina Oswald Porter, 1245 Donna, Richardson, Texas, may intervene and claim some interest in Respondent firearms; and that this Court has jurisdiction of this cause by reason of Section 905(b), Title 15, United States Code, and Sections 5862(a) and 7323, Title 26, United States Code.

### III.

That at sometime between March 12, 1963 and March 20, 1963, Lee Harvey Oswald procured and caused a false entry to be made in the records required by 26 CFR Part 177, section 177.51(c) to be maintained by Klein's Sporting Goods, Chicago, Illinois, a licensed dealer in firearms under Chapter 18 of Title 15, United States Code, with respect to the disposition of the

Respondent rifle described herein to wit: the 6.5 mm. Mannlicher-Carcano military rifle, Model 91/38, marked "MADE IN ITALY", "TERNI", and "ROCCA", the numerals "1940" and "40", the serial number C2766, the letters "R-E", "EG", and "TNI" and the four-power sight, stamped "4 x 18 coated", "ORDNANCE OFFICES INC.", "HOLLYWOOD CALIFORNIA" and "MADE IN JAPAN", and the clip bearing letters "SMI" and the number "952", in that the said Lee Harvey Oswald used a fictitious name in purchasing said rifle from the said dealer.

That at sometime during the period January 27, 1963 to March 20, 1963, Lee Harvey Oswald procured and caused a false entry to be made in the records required by 26 CFR Part 177, section 177.51(c), to be maintained by Seaport Traders, Inc., Los Angeles, California, a licensed dealer in firearms under Chapter 18 of Title 15, United States Code, with respect to the disposition of the Respondent revolver described herein, to wit: the .38 Special Smith & Wesson Victory Model revolver, bearing serial number V510210, in that the said Lee Harvey Oswald used a fictitious name in purchasing said revolver from the said dealer.

That, because of these misrepresentations as to the name of the person actually purchasing these Respondent firearms, complete and accurate records were not maintained by these licensed firearms dealers as required by Section 903(d), Title 15, United States Code, and Section 177.51 of Title 26, Code of Federal Regulations, Part 177; and that the Respondent firearms became forfeited to the United States pursuant to Section 905(b), Chapter 18, Title 15, United States Code, as being firearms involved in a violation of the provisions of said Chapter 18.

WHEREFORE, Libellant prays that due process and motion issue from this Honorable Court to enforce the said forfeiture by libel; that the Respondent firearms be seized and attached; that all persons interested in the said firearms be admonished to answer the premises; and that all due proceedings being had thereon for the causes aforesaid, and others appearing, the 6.5 mm. Mannlicher-Carcano Rifle, Serial No. C2766, with appurtenances, and the .38 Special Smith & Wesson Revolver, Serial No. V510210, with appurtenances, be condemned by the sentence and decree of this Honorable Court as forfeited to the United States, according to law.

MELVIN H. DICGS  
United States Attorney

By: SL  
B. H. Timmins, Jr.  
Assistant United States Attorney

Form No. DJ-96a  
(Rev. 7-17-63)

DEPARTMENT OF JUSTICE

ROUTE SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	<i>[Redacted]</i>			2118
2.	<del><i>[Redacted]</i></del>			
3.	<i>[Redacted]</i>			
4.	<i>[Redacted]</i>			

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE \_\_\_\_\_
- PREPARE REPLY FOR THE SIGNATURE OF \_\_\_\_\_
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

*What you think of the idea in  
draft letter - circ. by  
Mr. Carson, if needed.*

*CVS  
9/11/66*

FROM:	NAME	BUILDING, ROOM, EXT.	DATE	R E C E I V E D
	<i>[Redacted]</i>	3	MAR 1 1966	
			R.A.D.	

9/9

T/9/23/65

FMV:JJC:ls  
129-11

*[Handwritten initials]*

September 23, 1965

Mr. Melvin M. Diggs  
United States Attorney  
Dallas, Texas

Attention: Mr. B. H. Timmins, Jr.  
Assistant U. S. Attorney

Re: One 6.5 mm. Mannlicher-  
Carcano Military Rifle,  
Model 91-38, Serial No.  
C2766, With Appurtenances,  
and One .38 Special S & W  
Victory Model Revolver,  
Serial No. V510210, With  
Appurtenances

Dear Mr. Diggs:

Thank you for your letters of September 13  
and September 10, 1965 with attachments in the above  
entitled case.

This letter will confirm the telephone con-  
versations on September 10 and September 9, 1965,  
between your staff and this Division. In those con-  
versations your office was directed to commence an  
action of forfeiture in the above entitled case pur-  
suant to the provisions of Section 7401, Title 26,  
U.S.C.

We note in the letter of September 9, 1965,  
addressed for your attention by Mr. J. Marvin Kelley,  
Regional Counsel, Alcohol and Tobacco Tax, it is  
mentioned that apparently there is some authority for

Records  
Chrono  
Mr. Cella

*Carl Cella*

*sent to Mr. Belcher's office*

NOT INSPECTED FOR  
HARMS BY L.A.C.

*file*  
*[Signature]*  
129-11

SENT DIRECT FROM  
CRIMINAL DIVISION MAIL ROOM  
DATE 9-23-65  
BY

*Wills*  
9/23



the proposition that a prospective claimant who purchased an interest in the property after seizure by the Government was denied leave to intervene in the forfeiture action.

-2-

While it is true, of course, that when the applicable statute is violated, forfeiture immediately takes place and title vests so instant in the United States (United States v. Stowell, 133 U.S. 1), we suggest that it would be inappropriate to question the right of Mr. King to intervene in the proceeding, particularly since the United States has moved to dismiss or in the alternative to stay his suit in the District of Colorado on the ground that your court is the proper forum to determine his claim to the property in question.

There are other reasons why we feel no objection should be interposed and will be happy to discuss the matter further with you in the event you desire.

We appreciate your keeping us informed of significant developments.

Sincerely,

FRED M. VIKSON, Jr.  
Assistant Attorney General  
Criminal Division

By: CARL W. BEICHER  
Chief, General Crimes Section

TO: NAME	SYNOPSIS	ROOM	ACTION	INITIALS & DATE
Mr. Carl Belcher Dept. of Justice		2115		
Re: <u>Assassination Weapons</u>				

- ACTION:**
- |                               |                    |                    |                                   |
|-------------------------------|--------------------|--------------------|-----------------------------------|
| 1 Approval                    | 5 As requested     | 10 Handle directly | 15 Per our conversation           |
| 2 Initials                    | 6 Immediate action | 11 Note and return | 16 Correction                     |
| 3 See me                      | 7 Necessary action | 12 Signature       | 17 Your comment or recommendation |
| 4 Call me                     | 8 Full report      | 13 Prepare reply   | 18 Your information               |
| 19 Prepare for signature of - | 9 Filing           | 14 See "Remarks"   | 20 Answer or acknowledge before   |

Remarks (Use reverse if more space is needed)

Per our telephone conversation there are attached our copies of letter dated 9/9/65 to U. S. Attorney, libel claim of Mr. King and related documents. Also attached is copy of Memorandum of Law concerning a question of U. S. Attorney's authority to file libel. His authority is clear and paragraph I of libel makes proper allegation. However, to avoid possibility of trouble, you might want to send letter as per attached draft.

184-3595

129-11

129-11

DEPARTMENT OF JUSTICE

3 MAR 1 1966

September 16, 1965

R.A.O.

RECORDED

From: JFM  
John F. McCarren

D R A F T

Mr. Melvin M. Diggs  
United States Attorney  
Northern District of Texas  
P. O. Box 153  
Dallas, Texas 75221

Re: One 6.5 mm. Mannlicher-Carcano  
Military Rifle, Model 91-38, Serial  
No. C2766, With Appurtenances, and  
One .38 Special S & W Victory Model  
Revolver, Serial No. V510210, With  
Appurtenances.

Dear Mr. Diggs:

Pursuant to the provisions of section 7401, Title 26,  
U.S.C., you are hereby directed to commence an action of  
forfeiture in the above-entitled case.

Very truly yours,

Attorney General

*not used*

DEPARTMENT OF JUSTICE	
3	MAR 1 1966
R.A.O.	

*file  
129-11  
AKC*

*file  
129-11*

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	<i>Mr Cella</i>			
2.				
3.				
4.				

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE \_\_\_\_\_
- PREPARE REPLY FOR THE SIGNATURE OF \_\_\_\_\_
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

*I agree - Also; telephone Truman - tell them our thinking & if they can ever ask that they inform my Counsel. Also, lets write these views to our USA (ADN AUGA TIMMONS)*

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
	<i>WMS</i>		
		<i>9/15</i>	

*129-11 J.M.B.*

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Carl W. Belcher, Chief  
General Crimes Section

DATE: September 15, 1965

FROM : Joseph J. Cella

JJC:skw  
*[Handwritten initials]*

SUBJECT: Assassination Weapon

The Libel of Information appears sufficient in every respect.

*[Handwritten: MRD, RET, 3/1/66]*

I note that Mr. Drogula of the Civil Division wants to be advised if anyone starts thinking seriously about opposing King's intervention. The Regional Counsel at Dallas seems to believe we should take that approach. Personally, I don't think too much of the Stowell theory's application to this case. After all, King filed the cost bond which gave the Court jurisdiction. Further, following Stowell's thinking we really beg the issue. Nor do we have much to gain by opposing the intervention. Also, how can the Civil Division go into Court in Denver and tell the Court that those proceedings should be dismissed because King can have his day in Court in Dallas when we try to keep him out of the latter case? I would think we're better off settling the issue in the Dallas proceeding because I don't know what defense we have in the Denver part of it.

129-11	
DEPARTMENT OF JUSTICE	
3	MAR 1 1966
R.A.O.	

PLEASE ADDRESS ALL MAIL TO  
UNITED STATES ATTORNEY  
P. O. BOX 153

United States Department of Justice

BHT:sd  
Cl-627-65

UNITED STATES ATTORNEY  
NORTHERN DISTRICT OF TEXAS  
DALLAS, TEXAS 75221

September 13, 1965

AIR MAIL

Mr. Carl W. Belcher, Chief  
General Crimes Section  
Criminal Division  
Department of Justice  
Washington, D. C. 20530

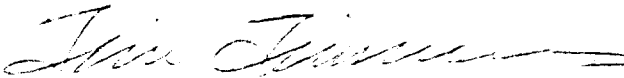
Re: United States v. One 6.5 mm. Mannlicher-Carcano  
Military Rifle, Model 91-38, Serial No. C2766,  
with appurtenances, and one .38 Special S&W  
Victory Model Revolver, Serial No. V510210,  
with appurtenances - Civil Action 3-1171  
Dallas Division

Dear Mr. Belcher:

On Friday when I mailed you copies of the Libel and the other documents in connection with the Oswald weapons, I neglected to enclose a copy of the transmittal letter from Regional Counsel. I believe that you will want this for your file, and I enclose a copy of that letter.

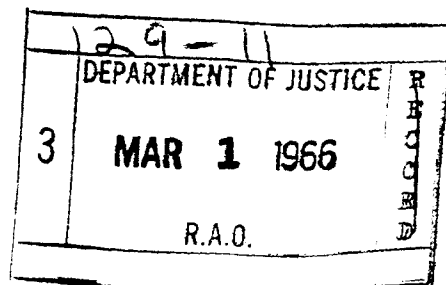
Sincerely yours,

Melvin M. Diggs  
United States Attorney



B. H. Timmins, Jr., Assistant  
United States Attorney

Enclosure



PLEASE ADDRESS ALL MAIL TO  
UNITED STATES ATTORNEY  
P. O. BOX 153

United States Department of Justice

BHT:sd  
Cl-627-65

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF TEXAS

DALLAS, TEXAS 75221

September 10, 1965

Mr. Carl W. Belcher, Chief  
General Crimes Section  
Criminal Division  
Department of Justice  
Washington, D. C. 20530

Re: United States v. One 6.5 mm. Mannlicher-Carcano  
Military Rifle, Model 91-38, Serial No. C2766,  
with appurtenances, and one .38 Special S&W  
Victory Model Revolver, Serial No. V510210,  
with appurtenances - Civil Action 3-1171  
Dallas Division

Dear Mr. Belcher:

I enclose two sets of the Libel and accompanying documents filed at 2:15 p.m. today in the United States District Clerk's Office in Dallas in connection with the Oswald weapons. As you requested, I am also enclosing a complete set of the instruments filed by John J. King in connection with his Claim and Cost Bond. Included among these documents are the Bill of Sale and Contract between King and Marina Oswald as well as the Alcohol and Tobacco Tax Unit Appraisal of the weapons.

Under local rules of the United States District Court for the Northern District of Texas, the monition now being issued by the Clerk will be advertised by the United States Marshal in both Dallas daily newspapers once each week for four consecutive weeks. In addition, actual notice of the issuance of the monition and accompanying set of the documents filed by me today will be served upon Marina Oswald Porter and William C. Garrett, a Dallas attorney representing John J. King. Thereby, these two parties will be given actual notice of the filing of the Libel and the issuance of the monition.

129-11	
DEPARTMENT OF JUSTICE	R E C O R D
3	MAR 1 1966
R.A.O.	

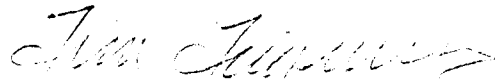
2 - Mr. Carl W. Belcher

September 10, 1965

I will be in touch with you when King files his Request for Leave to Intervene. As I told you, Jim Gaulding, Assistant Regional Counsel for Internal Revenue Service, who prepared the Libel, feels that we should oppose King's effort to intervene on the theory that King acquired his interest in the weapons subsequent to the date of seizure.

Sincerely yours,

Melvin M. Diggs  
United States Attorney



B. H. Timmins, Jr., Assistant  
United States Attorney

Enclosures



8/19

Director, Federal Bureau of Investigation

T/8/25/65  
FMV:CWB:pem  
129-11 August 26,

Fred M. Vinson, Jr., Assistant  
Attorney General, Criminal Division

CWB

Assassination Weapons

With reference to your request of August 19, 1965, to be advised what disposition is to be made of these weapons upon completion of the forfeiture proceedings, it can only be stated such disposition will be dependent upon successful completion of the forfeiture proceedings and the civil action of John J. King v. The Attorney General, U.S.D.C. D. Colo., Civil No. 9168. In addition, it is hoped this matter will ultimately result in enactment of legislation by Congress.

Ndr  
MB  
CWB  
8/25

24  
8/25

Records ✓  
Chrono  
Mr. Belcher (2)  
AAG

SENT BY MESSENGER  
COMMUNICATIONS DIV.  
AUG 26 1965

Form No. DJ-96a  
(Rev. 7-17-63)

DEPARTMENT OF JUSTICE  
ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	<i>Mr Koszick</i>			
2.	<i>Mr Vinson</i>			
3.	<i>MAIL ROOM</i>			
4.				

SIGNATURE       COMMENT       PER CONVERSATION  
 APPROVAL       NECESSARY ACTION       AS REQUESTED  
 SEE ME       NOTE AND RETURN       NOTE AND FILE  
 RECOMMENDATION       CALL ME       YOUR INFORMATION

ANSWER OR ACKNOWLEDGE ON OR BEFORE \_\_\_\_\_  
 PREPARE REPLY FOR THE SIGNATURE OF \_\_\_\_\_

REMARKS *Carl feels the time is premature to worry about ultimate disposition of these weapons.*  
*agw  
rlb*

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
<i>RLB</i>	Richard L. Braun	2113	

T/8/11/65  
FMV:CWB:pem

Change

CA 8-16-65

August 13, 1965

129-11

Mr. Mitchell Rogovin  
Chief Counsel  
Internal Revenue Service  
Washington, D. C.

Attention: Mr. Robert B. Ritter  
Director, Alcohol and  
Tobacco Tax Legal Division

Re: Assassination Weapons

Dear Mr. Rogovin:

This letter will confirm the telephone conversation between Mr. Ritter and Mr. Belcher of the Criminal Division on August 11, 1965, concerning this matter.

It is requested that the Alcohol and Tobacco Tax Division institute administrative forfeiture proceedings of the rifle involved in the assassination of President Kennedy and the pistol which was used by the assassin to kill the Dallas police officer.

Sincerely,

FRED M. VINSON, Jr.  
Assistant Attorney General

Records ✓  
Chrono  
Mr. Belcher (2)  
AAG

SENT BY MESSENGER  
COMMUNICATIONS SEC.  
AUG 13 1965 JEM

MMZ  
8-11  
CWB  
8/11

20  
shs

CC:AT-JFM

August 12, 1965

MEMORANDUM FOR THE FILE

In re: Forfeiture of Assassination Weapons

129-11	
DEPARTMENT OF JUSTICE	RECORDED
3	FEB 24 1966
	R.A.O.

Mr. Fred Drogula of the Civil Division, Department of Justice, who is handling the Denver proceeding instituted by John J. King against the Attorney General, called Mr. Ritter this morning to discuss certain aspects of the case. Among other things, he requested that we furnish him with one certified copy of each of the documents involved in the administrative forfeiture proceeding. He also requested to be advised as to the statutes, regulations and cases which he could bring to the attention of the court in Denver as showing that the proceeding should be stayed or dismissed and that proceedings properly belong in Dallas.

In the afternoon I called Mr. Drogula and advised him briefly as follows:

Statutes involved were: 15 U.S.C. 905(b), providing for forfeiture and for Internal Revenue provisions relating to the seizure, forfeiture and disposition to be applicable; section 7325 of the Internal Revenue Code which governs administrative forfeiture proceedings and specifies the remedies available to claimants;

Regulations involved: 26 CFR Part 172, "Disposition of Seized Personal Property";

Cases:

United States v. Amore, (C.A. 7, 1964), 335 F. 2d 329;  
Rice v. Walls, (C.A. 6, 1954), 213 F. 2d 693;  
United States v. Caccamo, (C.A. 7), 183 F. 2d 186;  
Colacicco v. U. S., (C.A. 2), 143 F. 2d 410, cert. den.  
323 U.S. 763;  
Milkint v. Morgenthau, (C.A. 4, 1937), 92 F. 2d 266;  
In re Behrens, (C.A. 2, 1930), 39 F. 2d 561;  
Thompson v. Schwaebe, (C.A. 9, 1927), 22 F. 2d 518;

*file  
JHC  
129-11*

United States v. One 1955 Olds, (DC, W.D. Pa., 1960), 181 F. Supp. 903;  
DeBonis v. United States, (DC, W.D. Pa., 1952), 103 F. Supp. 119;  
United States v. Farrington, (DC, M.D. Pa., 1937), 17 F. Supp. 702;  
United States v. One Hudson Sedan, (DC, M.D. Pa., 1936), 16 F. Supp. 895;  
United States v. Chicelli, (DC, W.D. N.Y., 1935), 10 F. Supp. 900

I also cited the case of Rush v. United States, 256 F. 2d 862, as showing that the proceedings belong in the district where the property was seized and that this was a requirement on the Government. I also cited New Hampshire Fire Insurance Company v. Scanlon, (1900), 362 U.S. 404, which, while not involving property seized for forfeiture, stands for the proposition that summary proceedings are not appropriate for determining the rights to property held by the Government (this was the case relied on by the court in United States v. Amora, supra).

I then called Jim Gaulding in Dallas and informed him of the requirement for certified copies and he stated that he would obtain them. They will probably have to be put under seal in the National Office since the Supervisor in Charge does not have a seal. Jim said he had been in contact with the Special Agent in Charge, F.B.I., and was advised that the weapons had not yet arrived in Dallas.

---

John F. McCarren

JFMcCarren/pdc  
August 12, 1965

124  
3495

Director, Federal Bureau of Investigation

T/8/11/65

August 11, 1965

FMV:CWB:pem  
129-11

C. G.

Fred M. Vinson, Jr., Assistant  
Attorney General, Criminal Division

RECORD  
B

Assassination Weapons

This memorandum will confirm a telephone conversation between Mr. Belcher of this Division and Mr. Malley of the Bureau in which it was requested that Bureau headquarters transfer to the SAC in Dallas, Texas, the rifle used to assassinate President Kennedy and the pistol used by the assassin to cause the death of a Dallas police officer.

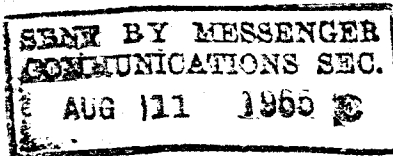
The purpose of this request is to have these weapons within the jurisdiction of the Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, so that that Service can institute the administrative forfeiture procedure described in 26 U.S.C. 7325. This administrative action may, at a later time, be converted into a libel action pursuant to 15 U.S.C. 905(b) and 26 U.S.C. 7401. This forfeiture action is being taken at this time in order to assist in defending the case of John J. King v. The Attorney General, U.S. D.C. D. Colo., Civil No. 9168. The Congressional committee considering legislation for disposition of these weapons has been advised the forfeiture procedure is contemplated.

It is not anticipated that it will be necessary that these weapons be relinquished from the custody of the SAC in Dallas. It is deemed necessary that these weapons be placed in the custody of the SAC in Dallas in order that in legal theory the SAC, Dallas, will be the constructive holder of these weapons for the ATTD.

Your cooperation in making an expeditious transfer of these weapons would be appreciated.

Records  
Chrono  
Mr. Belcher (2)  
AAG

*Brookley*



T/8/8/65  
BS:CWB:pem

129-11

G.A.R.

AUGUST 9 1965

RECORD

Staff Counsel  
House Judiciary Committee  
United States House of  
Representatives  
Washington, D. C.

Dear Sir:

As you know, one of the reasons the Attorney General requested enactment of H.R. 9545, presently pending before Subcommittee No. 4, was to provide a defense to the case of John J. King v. Nicholas deB. Katzenbach, Attorney General of the United States, U.S. D.C. D. Colo., Civil No. 9188, filed May 24, 1965. In this action the plaintiff claims to have purchased from Mrs. Marina N. Oswald, the widow of Lee Harvey Oswald, all right, title and interest to the rifle which was used in the assassination of President Kennedy and the pistol which was involved in the death of Dallas Police Officer Tippit. He seeks a declaration of his ownership of these firearms and an order requiring the Attorney General to surrender them to him. NR  
see 145-12-979

To this point we have not responded to plaintiff's complaint, hoping that prompt and favorable action upon H.R. 9545 would render the case moot. However, our time for filing a responsive pleading, which has already been once extended over plaintiff's objection, expires on August 23. It is unlikely that we will be able to obtain a further extension, and we anticipate that plaintiff will press for an early ruling on the merits of his complaint as soon as our responsive pleading is filed.

Records ✓  
Chrono  
Mr. Belcher (2)  
Mr. Sanders  
AAG, Crim. Div.

Brookley

CWB reviewed etc to Mr Sanders  
& that office sent out.

To forestall this action we propose to instruct the Internal Revenue Service to institute forfeiture proceedings against the firearms under the Federal Firearms Act, 15 U.S.C. Sec. 905(b). This Section provides that:

Any firearm . . . involved in any violation of the provisions of this Chapter (Ch. 18) or any rules or regulations promulgated thereunder shall be subject to seizure, forfeiture, and all provisions of Title 26 relating to the seizure, forfeiture, and disposition of firearms as defined in Section 2733 of Title 26 shall, <sup>1/</sup> so far as applicable, extend to seizures and forfeitures incurred under the provisions of this Chapter.

26 CFR 177.51 provides in pertinent part:

Each licensed . . . dealer (in firearms) shall maintain complete and adequate records reflecting . . . the disposition . . . of all firearms . . . disposed of in the course of his business. Entries in such records shall be posted at the time of each transaction. . . . The records . . . shall be in permanent form, and shall be retained on the business premises for a period of not less than 10 years from the date the transaction occurs. . . . The records will show and include:

- (a) . . .
- (b) . . .
- (c) The disposition made of each firearm including the name and address of the person to whom sold and the date of disposition.

<sup>1/</sup> Now 26 U.S.C. 5848. In the applicable provisions of Title 26, see Section 5686, 7302 and 7325. See also 26 CFR part 172.



Since the firearms were purchased by Oswald in the name of A. J. Hidell our contention would be that Oswald caused a fictitious entry or entries to be made on the records of the dealer required to be kept under 26 CFR 177.51. We would argue that the pistol and the rifle were therefore involved in a violation of the regulations promulgated under Ch. 18, Title 15, U.S.C. and are subject to seizure and forfeiture under the provisions of 15 U.S.C. 905(b).

The justification for retaining possession of the weapons pending resolution of the forfeiture proceeding rests upon the rule that the Government's interest and claim to forfeitable items vests at the time the offenses are committed, United States v. Stowell, 133 U.S. 1, 16.

Although the Internal Revenue Service is optimistic of success in such a proceeding, it recognizes, as we all do, that the case is one of first impression and that we may not prevail. The important point, however, is that the proceeding would provide time for consideration and passage of H.R. 9545 which, should we lose the forfeiture proceeding, would provide an avenue for retaining the weapons. Should we win the forfeiture proceeding, of course, H.R. 9545 would still serve the very important function of allowing the Government to acquire title to the many other items of historical value delivered to the Attorney General by the President's Commission on the Assassination of President Kennedy.

(1) The Internal Revenue would have to take at least constructive possession of the weapons.

(2) The weapons would be returned to Dallas, the district in which they were seized.

(3) The Internal Revenue would institute administrative forfeiture proceedings under the Federal Firearms Act giving notice by advertisement that such proceedings had commenced and any claimant could within 30 days file a claim.

(4) Any claimant could come in within 30 days and file a claim and cost bond whereupon the matter would be transferred to the United States District Court in Dallas.

(5) If the matter is transferred to the United States District Court a libel action would be filed by the United States Attorney.

(6) The only issue involved before the District Court would be that of feasibility.

Should the Court rule in favor of the Government the weapons would be awarded to the Administrator of the General Services Administration. Should the Government not prevail, the weapons would be awarded to the successful claimant.

Once the forfeiture proceeding is commenced, of course, (which will be before August 23) we will move to stay Mr. King's suit until our action is completed.

I hope this information will suffice to answer your questions on this matter.

Sincerely,

Barefoot Sanders  
Assistant Deputy Attorney General