

Barefoot Sanders, Assistant  
Deputy Attorney General

T/8/5/65

FMV:JB:pem  
129-11

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

Retention of Assassination Weapons

The question has been raised whether Texas law provides any procedure for the forfeiture to the state of the rifle and revolver involved in the assassination of President Kennedy, whereby the State of Texas could forfeit the weapons and subsequently turn them over to the Federal Government. Research of the applicable Texas statutes disclosed that no such forfeiture possibilities exist.

A Texas statute, Article 51, Penal Code, Vernon's Annotated Statutes, provides that there shall be no forfeiture in any criminal case of property belonging to one convicted of a crime. There are provisions made under Texas law for forfeiture of motor vehicles used in transporting whiskey on which the state tax has not been paid, however, firearms are not covered in a similar manner. Also, there has been provision made for the disposition of seized property where no claim has been made for its return. Article 332(a), C.C.P., Vernon's Annotated Statutes provides that such seized property which has not been claimed by the owner or returned to the rightful person by reason of a court order is to be turned over to the state purchasing agent or the sheriff for purposes of sale. In addition, two Texas decisions held the forfeiture provision of an old Act (6512 Paschal's Digest), providing for forfeiture of the weapons of a person convicted of unlawful carrying of deadly weapons, was unconstitutional and a nullity. See Jennings v. State, 5 Cr. R. 298 and Hudebanh v. Texas, 38 Tex. 535.

Records ✓  
Chrono  
Mr. - ~~Bumstead~~ (2)  
Mr. Bumstead (2)  
Mr. Vinson

*Brooklyn*

*JB  
8/5*

*Call  
7/5*

*FW  
8/6*

*FV  
8/10*

Unless notified to the contrary by you, the Criminal Division will act as requested by the Civil Division to obtain the forfeiture of these weapons by operation of the Federal statutes administered by the Department of the Treasury.

AUG 10 1965

JWD:JDG:FWD:ic  
129-11

Honorable Jacob K. Javits  
United States Senate  
Washington, D. C. 20510

Dear Senator Javits:

This refers to your request for information regarding the subject of a communication sent to you on June 15, 1965, by Mr. Frederick B. Schwebel of Schenectady.

Mr. Schwebel undoubtedly refers 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 suit, the plaintiff claims to have purchased from Mrs. Marina M. Oswald, widow of Lee Harvey Oswald, the title to, and all rights and interest in, both the rifle used in the assassination of President Kennedy and the pistol involved in the death of Officer Tippit of the Dallas Police. Plaintiff is seeking a declaration of his ownership and an order requiring the Attorney General to surrender these firearms to him.

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.

The Attorney General's request resulted in a bill (H.R. 9545) which has been introduced in the House and is presently pending before Subcommittee No. 4 of the House Judiciary Committee. The bill was submitted to the Senate Judiciary Committee on June 17, 1965.

RECEIVED AND MAILED  
COMMUNICATIONS SEC.  
AUG 11 1965 UH

This bill would empower the Attorney General to designate the items of evidence to be condemned. Title to the 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.

As you requested, your enclosure is returned with this letter. Please let me know if you wish any further information on this matter.

Sincerely yours,

*John W. Douglas*

JOHN W. DOUGLAS  
Assistant Attorney General

Enclosure

United States Senate

July 20, 1965

RECEIVED

JUL 30 1965

CRIMINAL DIVISION

Respectfully referred to

Congressional Liaison  
Department of Justice

for such consideration as the communication  
herewith submitted may warrant, and for a report  
thereon, in duplicate to accompany return of  
inclosure.

By direction of

870 10-7007-1

JKJ:gmz

Jacob K. Javits U. S. S.

10		JUL 30 1965		R C O R D
CIVIL DIV.		CRIMINAL DIV. SEC. 1		

CIVIL DIV.  
General Litigation Sec.

Frederick B. Schwebel, 5B-2 Sheridan Village  
Schenectady, N.Y. 12308 6/25/65

### 'Brazenness' Of Oswald's Widow

Editor Union-Star:

The brazenness of the widow of assassin Lee Harvey Oswald in demanding that the government turn over to her the mail order rifle that killed President

Kennedy is appalling. I only hope Congress gives Attorney General Katzenbach the legal power to prevent any further exploitation of this tragedy.

FREDERICK W. SCHWEBEL  
5-B2 Sheridan Village.

*Justice*

~~SECRET~~

*Sincerely  
F. Schwebel*

7/22

Typed: 9/17/65  
FMV:GAB:ehd  
129-11

September 20, 1965

Honorable Robert F. Kennedy  
United States Senate  
Washington, D. C.

Dear Senator:

This is in reply to your communication of  
September 14, 1965, transmitting a letter dated July 22,  
1965, from [redacted]

I suggest that [redacted] refer to the ex-  
tremely thorough Report of the President's Commission  
on the Assassination of President Kennedy. Chapter VI  
of the Report concerns the Commission's exhaustive in-  
vestigation of possible conspiracy. The Report and  
appendices thereto are available to the public from the  
Government Printing Office.

It is, as always, a pleasure to be of service  
to you. [redacted] letter is returned herewith.

Sincerely,

FRED M. VINSON, Jr.  
Assistant Attorney General

Enclosure ✓

Records ✓

Chrono

Brugger

Mr. Vinson

Deputy AG

SENT BY MESSENGER  
COMMUNICATIONS SEC.  
SEP 20 1965 R.R.R.

GAB  
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Mad  
9/17

MS/K

ZV  
9/20

DEPARTMENT OF JUSTICE  
ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Kossack			
2.	<i>[Handwritten signature]</i>			
3.	<i>[Redacted]</i>			
4.	MAIL ROOM			
<input type="checkbox"/> SIGNATURE <input type="checkbox"/> COMMENT <input type="checkbox"/> PER CONVERSATION <input type="checkbox"/> APPROVAL <input type="checkbox"/> NECESSARY ACTION <input type="checkbox"/> AS REQUESTED <input type="checkbox"/> SEE ME <input type="checkbox"/> NOTE AND RETURN <input type="checkbox"/> NOTE AND FILE <input type="checkbox"/> RECOMMENDATION <input type="checkbox"/> CALL ME <input type="checkbox"/> YOUR INFORMATION <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____				
REMARKS      While there is only one phase of the Senator's letter with which we are concerned (that pertaining to the assassination), thought we had better check the writer out more thoroughly than normal because of the tone of his letter.  Our Service Unit has nothing more on him but the FBI said that they had a report in May 1965 from their Buffalo, N. Y., office that the State University College at Brockport held a "teach in" covering a Viet Nam discussion on May 19, 1965. A number of the faculty members as well as the students took part. Among the speakers was a John R. Crowley, Assistant Professor in the English Department, who spoke against our policy in Viet Nam and was not in favor of these anti-communist crusades.  <i>Notes filed [Signature]</i> Received				
FROM:	NAME	BUILDING, ROOM, EXT.	DATE	
	WILLIAM A. JOHNSON	SEP 20 1965 AIG Criminal	9/17/65	



OFFICE OF  
SENATOR  
ROBERT F. KENNEDY  
WASH. D.C.

JUL 26 10 47 AM '65

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JUL 26 1965

July 22, 1965

INTERNAL DIVISION

Senator Robert F. Kennedy  
Senate Office Bldg.  
Washington, D.C.

Dear Senator Kennedy:

First, I'd like to thank you for your prompt and courteous reply to my rather long letter of April 26th recommending Senate airing of our foreign policy. Needless, to say, I still recommend it.

There is another matter I should like to bring to your attention. A magazine called Liberation, which I have seen recently for the first time, has been publishing a series of articles by a Philadelphia lawyer named Vincent J. Salandria. The one I have seen is called "The Warren Report -?" and appears in the March, 1965 issue.

This article makes a very circumstantial case that at least two of the shots fired in the Dallas assassination were fired from the front and to the right of the limousine. The case is extremely well documented, and adds up to the implication that the Warren report coerced the evidence to support the prejudgement that only Oswald was the assassin. If this article is to be believed, it is clear that at least one other person was involved.

Liberals jumped to the conclusion at the time of the assassination that the act was connected with the climate of fanatical rightism in Dallas. The capture and case against Oswald proved them wrong. The present articles revive these suspicions. Sober analysts of the situation will not rest convinced unless the charges made in these articles are candidly and thoroughly aired and refuted.

To take up another matter, I would like to thank you for your part in the investigation of the auto companies' neglect of safety features in their cars. This is a worthy case, but may I say that I question whether you should scatter your energies on a relatively minor matter when there is only one important issue facing this country, the issue of war or peace. American corporations, including GM, GE, DuPont, Standard of Jersey, and many others customarily plan their major economic moves as much as twenty years ahead. Isn't ironical that in the case of the much more important matter of war and peace and our foreign policy, this country is content to improvise? Our cold war, containment of Communism policy, was initiated by a foreigner, Winston Churchill, and sustained through a series of rapid and histrionic moves like Seato by Foster Dulles. In the hysteria of 1947-53, there was little favorable climate for sober planning and foresight.

nr  
9/14  
JG/c

[REDACTED]

Isn't the climate any more conducive to sober thought today? Hardly, yet some one must think. We are overdue for a thorough twenty-year-ahead blueprint of the world future in the context of which and only that context can an intelligent foreign policy be framed. Particularly, we must focus on what is to become of Red China in twenty years. The majority of people expert in this field today believe Red China will be by then the great power that it wished to be regarded as right now. It will be on a par with the U.S. and the U.S.S.R. If we focus our sights clearly on this reality, it will help us correct our present errors.

As one of the three great powers, China will justifiably claim a sphere of influence. In this light, South Vietnam will be a tremendous challenge and irritant if, as our policy hopes, it becomes a pro-western buffer state. It will be a casus belli. If China is destined to be a great power, we must take steps to live in the same world with her. We must plan not irritants, especially such ineffectual irritants as a buffer state in Vietnam, but acts of conciliation. We must open up relations, recognize her, get her into the U.N., and establish very active diplomatic, commercial, scientific, and cultural relations with her. We must domesticate the dragon.

The time for this move is right now. Why? In view of the fact that China and Russia are now estranged, our efforts at approach would be welcomed, albeit suspiciously. Secondly, our offer to recognize and admit Red China is a good exchange offer to get China to the peace table and bring North Vietnam and the Viet Cong with her.

The alternative to this bold new policy is what is now unfolding, a dreary ten-year stalemate which can lead only to a more fanatical more suspicious Red China, the kind of Red China that our worst nightmares project. It can lead only to war and the destruction of civilization. It has already in this country gone a long way toward destroying the mental climate in which a peaceful world attitude can grow.

Johnson meant, I suspect, just to make a bold gamble, that through the threat of escalation he could scare North Vietnam to the peace table. Instead, he has started a stampede. He has stampeded much of Congress, and most of the press. But I can assure you he has not stampeded the people. The people are still on the sidelines. They are just waiting for a leader to show them a better way to go.

Sincerely yours,

[REDACTED]

**Memorandum**

TO : John W. Douglas  
Assistant Attorney General  
Civil Division

DATE: JUL 21 1965  
FMV:CWB:pem  
129-11

FROM *FMV*: Fred M. Vinson, Jr.  
Assistant Attorney General  
Criminal Division

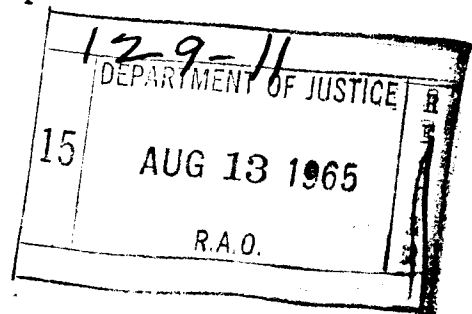
SUBJECT: Disposition of weapons included  
among Warren Commission Exhibits

This memorandum will confirm telephone conversations between Carl Eardley of your Division and Howard Willens of this Division.

The Alcohol and Tobacco Tax Division of the Treasury Department is of the view that the rifle used to assassinate President Kennedy and the pistol later used by the assassin to cause the death of a Dallas police officer can be made the subjects of forfeiture proceedings. Attached is a copy of Treasury's internal research of the theory involved and a copy of a draft letter to the Criminal Division on the same subject (which was never sent because it was superseded by an oral conference).

There are two ways of instituting forfeiture. The first is the administrative remedy stated in 26 U.S.C. 7325. It would be necessary that three independent appraisers value the weapons at less than \$2500 (the statute was recently amended) each for this remedy to be utilized. Also, it would be necessary that personal notice that the administrative remedy was being utilized be given to all known claimants and publication be instituted. (A sample of the notice is attached.)

The other method of forfeiture is to assume without stating that the value is more than \$2500 and file a libel action pursuant to 15 U.S.C. 905(b). The Treasury agent in charge at Dallas would give Treasury authority for the filing of the libel as required by 26 U.S.C. 7401. A draft of the proposed libel is attached.



In order for either the administrative or the libel remedy to be utilized, it is necessary that the weapons be physically in Dallas so that they could be attached. The weapons are now in the custody of the FBI, Washington, D. C. (Jim Malley, Code 175, Ext. 591) and can be expeditiously transferred to Dallas.

Because the Civil Division is defending the civil action in Denver for recovery of these weapons, it is believed that your Division should determine the necessity for instituting a forfeiture action and also determine whether the administrative or libel remedy should be utilized. The Criminal Division will render any assistance desired.

Attachments

Ret/7/20/65  
FMV:RJF:HDK:sp  
129-11

7/19

JULY 23 1965

Honorable Edward J. Derwinski  
House of Representatives  
Washington, D. C.

Dear Congressman:

Your correspondence dated July 16, 1965, forwarding a letter from [redacted] regarding the disposition of the weapon used in the assassination of President John F. Kennedy, has been referred to me for consideration.

All the items of evidence brought before the Warren Commission in its investigation of the assassination of President Kennedy would become subject to acquisition by the Federal Government under a bill proposed to Congress on June 17, 1965 by this Department. This legislative proposal appears as H. R. 9545, upon which hearings are scheduled for August 4 by Subcommittee No. 4, House Committee on the Judiciary.

I appreciate this opportunity to be of assistance to you. [redacted] letter is returned herewith.

Sincerely,

FRED M. VINSON, Jr.  
Assistant Attorney General

Enclosure

Records  
Chron  
Deputy AG  
Mr. Vinson  
Mr. Flynn  
Mr. Koffsky

SENT BY MESSENGER  
COMMUNICATIONS SEC.  
JUL 23 1965

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JUN 22 1965

My Dear Ed Derwinski:

I understand that the Kennedy Assassination rifle is in the hands of the government. And to retain it - could result in a law suit and settlement with the assassin's wife. Since when are accomplices to murder given immunity to retributions for committing a crime. Though I've not voted for Mr. Kennedy nonetheless he was - the Nation's and Mine - president.

You may argue that she was vindicated. Well Sir! You and I are married and have a family. I can stake my life on the premise that your wife does know your constructive thoughts and actions as well as your non-constructive thoughts and actions. You may argue with me that this is not so until you're blue in the face but fact is women have that quality - bordering on witchcraft - on men to whom they are married. This is to conclude that the assassin's wife knew what was going on.

The reason Sir working is because I'm indignant and also I'm part of the government. And I don't tolerate being made a jack-ass by compromising to an assassin's accomplice. You may claim that children may get hurt! Then release all the criminal prisoners in the U.S. because there are a lot of children 'hurt'. My staunch opinion is that the whole of the assassin's family is Red.



RICHARD B. MELL, GA., CHAIRMAN  
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CHARLES B. KIRBOW, CHIEF CLERK

# United States Senate

COMMITTEE ON ARMED SERVICES

June 21, 1965

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

Dear Mr. Vinson:

This will acknowledge receipt of your letter dated June 14 relative to my query regarding ultimate disposition of the weapon used in the assassination of President John F. Kennedy.

Thank you for your assistance.

Sincerely yours,

*Daniel K. Inouye*  
DANIEL K. INOUE  
United States Senator

DKI:co

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JUN 23 1965

CORRES. MAJ

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JUN 22 1965

CRIMINAL DIVISION

129-11

JUN 22 1965

E. B.

Corres Unit