

FEDERAL TRADE COMMISSION
WASHINGTON, D. C. 20580

PAUL RAND DIXON
CHAIRMAN

RECEIVED
NOV 2 1965
October 29, 1965
COMMUNICATIONS DIVISION

Honorable Nicholas deB. Katzenbach
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

The enclosed material was received by the
Federal Trade Commission on October 29, 1965.

I am referring it to you for such attention
as you may care to give it.

Sincerely yours,

Paul R. Dixon
Paul Rand Dixon
Chairman

enclosed

129-11

DEPARTMENT OF JUSTICE	R
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R.A.O.	C
CRIMINAL-GEN. CRIME SEC.	R

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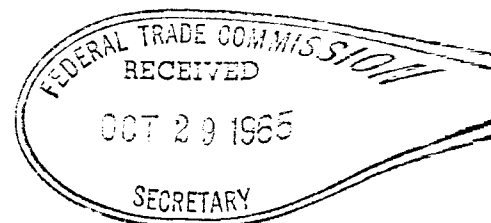
THE STATE OF WYOMING

SEVENTH JUDICIAL DISTRICT

T. C. DANIELS, JUDGE
LEONARD R. AESCHLIMAN, REPORTER
CASPER, WYOMING

F. B. SHELDON, JUDGE
E. F. TRUSEY, REPORTER
LAWER, WYOMING

August 4, 1965



Mrs. Charlotte Bartshe
Clerk of the District Court
City and County Building
Casper, Wyoming

Re: Bendix Corporation vs. Bray
Civil Action No. 27451

Dear Charlotte,

The document entitled Request To The Court wherein the defendant requests permission to show 8MM film to the jury should be returned by you to Mr. Bray without filing.

Yours very truly,

Franklin B. Sheldon
Franklin B. Sheldon,
Judge

FBS:eft
Enclosure, 1

*Officials are covering up for the
accusations of -
President Kennedy*

October 6, 1965
P. O. Box 391
North Bend, Oregon

Rep. Sidney Leiken
Committee on Education
Salem, Oregon

Hon. Sidney Leiken:

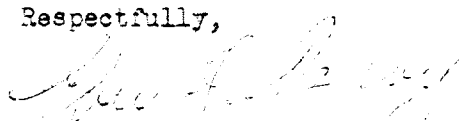
It is immaterial to me how you advertise the showing of the film at the Ted Sorensen Banquet in Portland on November 13. As I pointed out to Mr. Howard, Officials in Washington will do almost anything to see that this film is never shown in public. I enclose photostatic copies of Court documents showing how these Officials have put pressure on the Court to make certain that the film of the assassination of President Kennedy, which was made from the upper reaches of the Texas Building by one of the Five members of the Organization JFCOTT, who planned and carried out the assassination is kept from Public view. If this film was ever shown in Public, it would put the present Administration in a very perilous position.

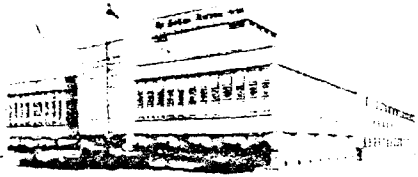
All of the documents, letters, etc. such as Mrs. Bray's statement to the Dallas Morning News telling how Mr. Sherk of the Portland FBI office came to our house there in Portland shortly after the assassination and stated: "When the Officials who are in charge of the case in Texas come across your letter to Gov. Connally, they will contact us at once. Bray, did you write the letter?" will be displayed at the banquet.

There will be no deviation from the agreed method in bringing the Evidence Excluded From the Warren Report to Portland for the banquet. Your Committee will furnish Mrs. Bray and I with plane tickets to Casper, Wyo., Ft. Smith and Little Rock, Ark. and San Francisco, Calif. so that we will be in these cities during banking hours. Our entire expenses will be borne by your Committee. The two Oregon State Troopers who Mr. Howard said would accompany us during the entire trip will see that we return here safely the day after the banquet.

I plan to send photostat copies of this letter to the Federal Officials there in Portland who questioned us the latter part of August of '63 regarding my letter to Gov. Connally in which I gave the exact details of the Dallas plot, over 3 months prior to the tragedy in Dallas. The copy of this letter which was witnessed and notarized on August 12, 1963 at Neir & Franks in Portland will be included in the display of Evidence Excluded From the Warren Report at the banquet.

Respectfully,


Edward F. Bray



The Dallas Morning News

TEXAS LEADING NEWSPAPER
Communications Center, Dallas, Texas 75222

RADIO-TELEVISION STATIONS WFAA • TEXAS ALMANAC

4 members of the organization JFCOTT were the assassins of the President. 2 were in the Texas Bldg. 2 were further up the Parkway. 2MM shots of the actual assassination were made from the Texas Bldg. by the Assassins. Still photos from 8 February 1964 this film were sent to the Warren Commission. Later Authorities duplicated these "Angle" shots from the Texas Bldg. The Rifle, with the Camera mounted underneath had been tested on a target towed by boat in the upper reaches of the Denison Dam. An actual "Dry Run" was made in a car past the Texas Building.

Mrs. E. F. Bray
Portland, Oregon

Dear Madam:

I am unable to find any such organization as you refer to in this city. I would be interested to talk with some of them if you could give me the name and address of one or two.

I am also interested in your letter to Gov. Connally under date of 12 August. Can you give me better verification that this letter was sent on the date specified and or that it was received by the governor?

208 feet of edited Film, showing rifle recoil, agent falling down, test run & actual shots of the car as seen by the assassin as he pulled the trigger were offered to LIFE MAGAZINE. This film was turned down by Editor Roger Keith of Life. Naval Intelligence questioned one of the assassins, and allowed him to go FREE. LEE HARVEY OSWALD WAS SET UP AS A "PATSY".

Sincerely,

Harry McCormick
Harry McCormick

The Dallas News
Dallas, Texas

A copy of the letter was witnessed before a NOTARY PUBLIC on Aug. 12, 1963. Photos were made as the letter was being dropped into the mail box. Prints were made, which were stamped, "AUG. 63". 10 days later the Authorities and Postal Inspectors questioned my wife and I about the letter. Right after the ASSASSINATION the FBI questioned me about the letter.

In the letter, which was mailed 3 months prior to THE DALLAS TRAGEDY, I gave the entire details of the ASSASSINATION, WHERE IT WOULD HAPPEN, THE ORGANIZATION, WHY IT WOULD HAPPEN.

Read the attached photostats....Then you render your VERDICT as to:

THE GUILTY ONES.

Edward F. Bray
An American

OLDEST BUSINESS INSTITUTION IN TEXAS

STATE OF WYOMING)
COUNTY OF NATRONA) SS

IN THE DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
Civil Action No. 27451

THE BENDIX CORPORATION, a)
Delaware Corporation,)
Plaintiff.)
vs.)
EDWARD F. BRAY,)
Defendant.)

REQUEST TO THE COURT

Comes now the defendant in the above named action and prays the Court as follows, TO WIT:

1. That the defendant be granted permission by the Court to show a 8MM film to the Jury. The defendant will provide all necessary equipment needed for this showing.
2. The defendant further states that this film was exposed in November of 1963. That the location was the Denison Dam and the assassination of the President as seen from the upper reaches of the Texas Depository Building.
3. The defendant further states that to properly present his case to the Jury the showing of this film is necessary to substantiate the Volume XXXIII, titled " EVIDENCE EXCLUDED FROM THE WARREN REPORT" which was filed with the Court on March 15, 1965.

Therefore, the defendant prays the Court that permission be granted.

EDWARD F. BRAY, ad litum
Defendant

CERTIFIED
No. 639787

Edward F. Bray
Edward F. Bray

TO CLERK OF COURT:

Will you please send my certified copy to ABC NEWS, HOLLYWOOD, CAL.
A stamped, self addressed envelope is enclosed.

VOLUME XXXVI OF THE EVIDENCE.

THIS REQUEST TO THE COURT WAS SENT CERTIFIED MAIL, RETURN RECEIPT TO THE COURT. BELOW IS THE CERTIFIED NUMBER BEFORE IT WAS ATTACHED TO THE ENVELOPE TO THE COURT.

Prints made from this film which was made by one of the assassins of the President were sent to the Warren Commission and the FBI the early part of 1964. The Federal Authorities are doing all in their power to keep this Film from the public.

The Court refused this request to allow a Jury of 12 Americans to view this film. The present Administration would be placed in a very perilous position.

THIS FILM WILL BE SHOWN AT THE TED SORENSEN BANQUET IN PORTLAND, OREGON ON NOVEMBER 13, 1965. TELE-PHOTO SHOTS IN THIS FILM SHOWS THE PRESIDENT'S HEAD BEING BLOWN AWAY.

For details of the Kennedy film - ABC News

HEH:rtr

October 28, 1965

129-11

R. S. M.
RECEIVEDMEMORANDUM

For: Honorable Jake Jacobsen
Special Assistant to the President

From: Herbert E. Hoffman
Chief, Legislative and Legal Section
Office of the Deputy Attorney General

Subject: Correspondence Concerning Presidential
Action on H.R. 9545 (Enrolled).

Lee White sent the attached telegram to the Attorney General for direct reply. However, since Mr. King's telegram is really directed at action taken by the Justice Department, it seems inappropriate for the Attorney General to make the response. Hence, the attached draft has been prepared as a suggested reply to be made by you or another of the President's assistants.

For your information, the text of the telegram is almost identical with a statement which Mr. King circulated among the Members of the Congress in an attempt to prevent enactment of the legislation.

Attachments

cc: Mr. Reid

Initialed by
T.H.E.H. and sent
by Spec. Mess.
10-28-65
to W. Marvin Hallock
office, White House.

DRAFT

D.A.K.

RECORDED
M.

129-11
Mr. John J. King
1616 Glenara
Denver, Colorado

Dear Mr. King:

The President has asked me to acknowledge your telegram requesting the veto of H.R. 9545, legislation pertaining to the acquisition of evidence related to the assassination of President Kennedy.

We appreciate having your views and assure you they will be considered along with the other recommendations and materials available to the President in arriving at his decision as to the executive action to be taken.

Sincerely,

RECORDS

YELLOW COPY

129-11

NOV 10 1965

Air Mail

Mrs. Harry J. Langley
Chairman, Committee for Kennedy
Assassination Site Memorial
General Delivery
Richardson, Texas

Dear Mrs. Langley:

Thank you very much for your recent letter to the Attorney General.

H. R. 9545 authorizes the Attorney General to designate, by publication in the Federal Register, which items considered by the President's Commission on the Assassination of President Kennedy are required by the national interest to be acquired and preserved by the United States. All rights, title, and interest to these items would vest in the United States upon the publication of the Attorney General's determination in the Federal Register. Authority to effect such acquisition would expire one year after the date of enactment of the legislation.

As you can see the only items to be acquired are those which the Warren Commission recommended to be acquired and preserved by the government. The Texas School Book Depository Building is not included in that category and thus would not fall under the provisions of H. R. 9545.

For your information and reference I am enclosing a copy of the legislation as well as a copy of the report of the House Judiciary Committee on the bill.


cc: Mr. Rosenthal

Wilson 11-10-65

- 2 -

Although I would think it inappropriate for this Department to suggest or comment upon the type of memorial to be erected to the Late President Kennedy in Dallas, I do want to thank you and congratulate you for your concern about this important matter.

Sincerely yours,


Ramsey Clark
Deputy Attorney General

Oswald Guns Measure Awaits LBJ's Okay

WASHINGTON BUREAU

Colorado oilman John J. King

WASHINGTON—Legislation designed to resolve arguments over ownership of accused assassin Lee Harvey Oswald's guns landed on President Johnson's desk Tuesday.

The measure, passed by voice vote in the Senate Monday after gaining earlier approval in the House, makes material gathered as evidence in the investigation of President John Kennedy's death federal property.

The law applies specifically to the rifle used in the assassination and the pistol used in the slaying of Dallas patrolman J. D. Tippitt as well as to other personal effects taken from Oswald after his arrest.

is now fighting lawsuits on two fronts to gain possession of the guns, which he says he purchased from Oswald's widow.

The legislation awaiting President Johnson's signature was re-

quested by the Justice Department, partially to avoid what is called "exploitation" of the guns. Under terms of the law, it is up to the government to determine how much and what of the material gathered in the months-long investigation should remain in government possession.

Justice Department officials said both the rifle and the pistol would be retained, along with other selected items.

NAS:CFS:gml
129-11

20530

cc: FILES
Mr. Schlei
Mr. Simms
Mrs. Copeland



1072 4-28

mt 10/28

Dear 

I have been asked to reply to your letter suggesting the establishment of a national holiday in honor of President John F. Kennedy.

Legal public holidays are prescribed by Act of Congress. The Congress has established eight annual public holidays--

January 1 (New Year's Day),
February 22 (Washington's Birthday),
May 30 (Memorial Day),
July 4 (Independence Day),
the first Monday in September (Labor Day),
November 11 (Veterans Day),
the fourth Thursday in November (Thanksgiving Day), and
December 25 (Christmas Day).

You will note that only one individual--President Washington--has been honored by having his birthday designated as a national public holiday. Although many people share your regard for the late President, many others have similar feelings with respect to such other Presidents as Jefferson, Jackson, Lincoln, the two Roosevelts, and Wilson. Furthermore, there are many who feel that there should be a national public holiday honoring Christopher Columbus.

Since it is obvious that we cannot declare a holiday to honor each individual who has made outstanding contri-

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COMMUNICATIONS SEC
OCT 28 1965 R.R.F.

AS
JA
MAJ

butions to this Nation, the Congress has exercised restraint in singling out specific individuals for this honor.

However, other suitable means of honoring President Kennedy have been, and are being devised. For example, the Space Center at Cape Canaveral, Florida, has been named in his honor. A Memorial Library bearing his name will be built in Massachusetts, and a Cultural Center bearing his name is being built in Washington, D.C. England has honored him by setting aside a part of the field at Runnymede and other foreign nations have established suitable memorials. And it is possible, of course, that the Congress may some day see fit to declare a national public holiday in his honor.

Sincerely,

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

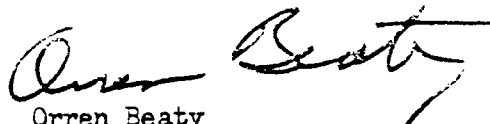
OCT 22 1965
OFFICE OF THE SECRETARY

OCT 22 1965

Dear Sir:

We are enclosing a letter addressed to the President
from [REDACTED]
as it relates to a matter under your jurisdiction.

Sincerely yours,


Orren Beaty
Assistant to the Secretary

Attorney General
Department of Justice
Washington, D. C. 20530

Enclosure

129-11

DEPARTMENT OF JUSTICE	R
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27 OCT 25 1965	2
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	D
R.A.D.	
OFFICE OF LEGAL COUNSEL	

Justice D
OCT 11 1965

[REDACTED]
OCT, 8, 1965

Dear Pres.

I am 41 years old, I am wondering why a Nation-wide Holiday For "Pres. John F. Kennedy, Many think " " " " was one if not the most terrific Pres.

Maybe I am only 11 years old but I have my own feelings, Thank You

Please send me a letter of why a holiday can't be declared or tell me if it can.

[REDACTED]

Sorry about the spelling

RECORDS

RG:HEH:DVP:mhc

October 21, 1963

D.A.K.

129-11
N
W
Honorable Charles L. Schultze
Director, Bureau of the Budget
Washington, D. C.

Dear Mr. Schultze:

In compliance with Mr. Hughes' request, I have examined a facsimile of the enrolled bill (H.R. 9545), "Providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy."

COB
HEH
The legislation declares that the national interest requires the United States to acquire all title and interest in certain items of evidence which were considered by the President's Commission on the Assassination of President Kennedy. Pursuant to this national interest requirement, the measure authorizes the Attorney General to determine which items in particular should be acquired and preserved by the United States. When the Attorney General makes such a determination relative to an item, all title and interest in it would vest in the United States on the publication of his determination in the Federal Register. Any person asserting a claim for just compensation for an item acquired by the United States could bring suit, without regard to the amount in controversy, in the United States Court of Claims or the United States district court for the judicial district wherein such person resides. In the case of an action filed in a United States district court, trial by jury is authorized. A limitation of one year from the date of

cc: Civil
Criminal
OLC

Signed & Sent
by Spec. Mess.

10-22-63

- 2 -

enactment of the measure is placed on the Attorney General's authorization. A one year limitation to run from the date of publication in the Federal Register of any determination of the Attorney General is provided with respect to the filing of claims for just compensation.

The subject legislation was submitted to the Congress by the Department of Justice on June 17, 1963. Its substantive provisions were recommended by the President's Commission on the Assassination of President Kennedy. The need for legislation to protect the most significant items of evidence from loss, destruction, or alteration, and to retain them for possible reassessment in the future, is manifest. The enrolled bill would provide the Government with sufficient authority to accomplish this need.

Accordingly, the Department of Justice recommends executive approval of the subject measure.

Sincerely,



Ramsey Clark
Deputy Attorney General

Calendar No. 836

89TH CONGRESS } SENATE { REPORT
1st Session } } No. 851

PRESERVING EVIDENCE PERTAINING TO THE ASSASSINATION OF PRESIDENT KENNEDY

OCTOBER 4 (legislative day, OCTOBER 1), 1965.—Ordered to be printed

Mr. DIRKSEN (for Mr. EASTLAND), from the Committee on the
Judiciary, submitted the following

R E P O R T

[To accompany H.R. 9545]

The Committee on the Judiciary, to which was referred the bill (H.R. 9545) providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to authorize the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy.

ANALYSIS OF THE BILL

H.R. 9545 would authorize the Attorney General to designate, by publication in the Federal Register, which items considered by the President's Commission on the Assassination of President Kennedy are required by the national interest to be acquired and preserved by the United States (secs. 1 and 2(a)). All right, title, and interest to these items would vest in the United States upon publication of the Attorney General's determination in the Federal Register (sec. 2(b)). Authority to effect such acquisition would expire 1 year after the date of enactment of this legislation (sec. 2(c)).

Under the bill, claims for just compensation must be filed within 1 year of the date of publication of the Attorney General's designation. The bill grants concurrent jurisdiction to the Court of Claims

2 PRESERVE EVIDENCE—ASSASSINATION OF PRESIDENT KENNEDY

and the U.S. district courts over claims for just compensation hereunder and provides that a claimant filing in the Federal district court may request a trial by jury (sec. 3).

All items acquired pursuant to the bill are to be placed under the jurisdiction of the Administrator of General Services and preserved in accordance with rules and regulations which he may prescribe (sec. 4).

The bill provides that all items acquired by the United States hereunder shall be deemed personal property within the meaning of provisions penalizing removal or mutilation and theft, sections 2071 and 2112, title 18, United States Code (sec. 5). The bill authorizes such appropriation as may be necessary to carry out the purposes of the act (sec. 6).

STATEMENT

In the course of its investigation of the assassination of President John F. Kennedy, the President's Commission on the Assassination acquired a large number of items of physical evidence pertaining to the assassination and related events. The most important of these belonged to Lee Harvey Oswald and his wife. The Commission recommended that a substantial number of these items of evidence, particularly those relating to the actual assassination of the President and the murder of Patrolman J. D. Tippit, should remain in the possession of the Government. In furtherance of this objective, the Attorney General requested the introduction of the present measure.

These items include the assassination weapon, the revolver involved in the murder of Officer Tippit, among many other exhibits. The working papers, investigation reports, and transcripts of the Commission have been transmitted to the National Archives. The items of physical evidence are being retained in the custody of the Federal Bureau of Investigation.

The committee is persuaded that the national interest requires that the Attorney General shall be in a position to determine that any of these critical exhibits, which were considered by the President's Commission, shall be permanently retained by the United States. The committee concurs in the view expressed by the Attorney General that in years ahead allegations and theories concerning President Kennedy's assassination may abound. To eliminate questions and doubts the physical evidence should be securely preserved. A failure to do so could lead to loss, destruction, or alteration of vital evidence and in time might serve to encourage irresponsible rumors undermining public confidence in the work of the President's Commission.

The authority conferred by this legislation authorizing the acquisition and preservation of certain items of evidence considered by the President's Commission is vital in the national interest. One private party has already filed suit against the Attorney General of the United States for possession of the assassination weapon and the .38 caliber revolver involved in the death of Police Officer Tippit, claiming to have purchased all right, title, and interest in these items from Mrs. Marina N. Oswald. The Government has not yet responded to the complaint. The effect of this legislation would be to deny the plaintiff possession of these items but would afford due process of law by providing a procedure for recovering just compensation by permitting the claimant his day in court to litigate his asserted rights.

PRESERVE EVIDENCE—ASSASSINATION OF PRESIDENT KENNEDY 3

The committee believes that the need for this legislation is manifest and in the public interest, and accordingly, recommends favorable consideration of H.R. 9545, without amendment.

Attached hereto and made a part hereof is the letter from the Attorney General of the United States.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 17, 1965.

THE VICE PRESIDENT,
U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy.

In its investigation of the assassination of President Kennedy, the Commission appointed by President Johnson examined numerous items of physical evidence which were used to form the basis for its report. These items included the assassination weapon, the revolver involved in the murder of Patrolman J. D. Tippit, and many other exhibits. This evidence and the investigative reports, transcripts, and other working papers of the Commission, have been officially transmitted to the National Archives by the Commission. Pending final decision as to the disposition to be made of these exhibits, the physical evidence has been retained in the custody of the Federal Bureau of Investigation.

Prior to the completion of its work, the Commission requested that this Department take the necessary steps to provide for the retention of the essential items of physical evidence in the possession of the U.S. Government for an indefinite period of time. After full consideration of the alternatives, I am persuaded that the national interest requires legislation which will provide a valid legal basis for the permanent retention of these critical exhibits.

In the first place, I think it is important to recognize that in the years ahead allegations and theories regarding the assassination of President Kennedy may continue to abound. This has certainly been the case abroad and, to some degree within the United States, since the publication of the Commission's report, despite the impressive documentation and presentation of the Commission's conclusions. To a considerable extent, such allegations and theories feed on secrecy and uncertainty, as is demonstrated. I believe, by the historical literature during the past 100 years relating to the assassination of President Lincoln. We should securely preserve the physical evidence to eliminate questions and doubts. In my judgment, a failure to retain the critical physical exhibits and the resultant possibility of their loss, destruction, or alteration will serve to encourage irresponsible rumors and allegations designed to destroy the widespread public confidence in the work and conclusions of the President's Commission.

Furthermore, retention of these items would permit an accurate and complete reassessment of the conclusions of the President's Commission if at any time in the future this was considered desirable. Many of the items, such as the weapons, cartridges, and various documents, were the subject of testimony before the Commission,

4 PRESERVE EVIDENCE—ASSASSINATION OF PRESIDENT KENNEDY

during the course of which expert and other witnesses testified about their vital characteristics, ownership, use, and relationship to the assassination.

For these reasons, I am submitting the enclosed measure which would establish a procedure under which selected items of evidence could be retained and protected from dispersal and exploitation. The proposed legislation would authorize the Attorney General to determine which of the items considered by the President's Commission are required by the national interest to be acquired and preserved by the United States. When the Attorney General makes a determination that an item should be acquired, all right and title to it would be vested in the United States upon the filing of his determination with the Office of the Federal Register for publication in the Federal Register. The Attorney General's acquisition authority would expire 1 year after the enactment of the proposed legislation, and title to only those items described in determinations filed with the Office of the Federal Register within such 1-year period would vest in the United States. The Court of Claims would be granted exclusive jurisdiction over claims for just compensation for any item acquired by the United States pursuant to the procedure proposed in the legislation.

In order to meet the requirements of the national interest as indicated, I urge the early and favorable consideration of the enclosed proposal.

The Bureau of the Budget has advised that there is no objection to the submission of this legislation from the standpoint of the administration's program.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

○

PRESERVING EVIDENCE PERTAINING TO THE ASSASSINATION OF PRESIDENT KENNEDY

AUGUST 19, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROGERS of Colorado, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 9545]

The Committee on the Judiciary, to whom was referred the bill (H.R. 9545) providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

1. On page 2, line 10, delete "filing" and insert in lieu thereof "publication" and on lines 11 through 12 delete "with the Office of the Federal Register for publication".
2. On page 2, line 18, delete "filed with the Office of" and insert in lieu thereof "published in".
3. On page 2, lines 20 through 25, and on page 3, lines 1 through 2, delete section 3 and insert in lieu thereof the following section 3:

SEC. 3. The United States Court of Claims or the United States District Court for the judicial district wherein the claimant resides shall have jurisdiction, without regard to the amount in controversy, to hear, determine, and render judgment upon any claim for just compensation for any item or interest therein acquired by the United States pursuant to section 2 of this Act; and where such claim is filed in the district court the claimant may request a trial by jury: *Provided*, That the claim is filed within one year from the date of publication in the Federal Register of the determination by the Attorney General with respect to such item.

2 PRESERVING EVIDENCE PERTAINING TO ASSASSINATION

EXPLANATION OF AMENDMENTS

Amendments Nos. 1 and 2. The purpose of these amendments is to substitute publication in the Federal Register for filing in the Office of the Federal Register as the appropriate criterion for vesting title in the United States.

Amendment No. 3. The purpose of amendment No. 3 is to provide jurisdiction of just compensation claims in Federal district courts as well as the Court of Claims, without regard to the amount in controversy. It also provides that a claimant filing in the district court may request a trial by jury. In addition, the amendment makes clear that the relevant time period within which to file a claim under the bill commences upon publication of the Attorney General's determination in the Federal Register.

PURPOSE

The purpose of the bill is to authorize the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy.

STATEMENT

In the course of its investigation of the assassination of President John F. Kennedy, the President's Commission on the Assassination acquired a large number of items of physical evidence pertaining to the assassination and related events. The most important of these belonged to Lee Harvey Oswald and his wife. The Commission recommended that a substantial number of these items of evidence, particularly those relating to the actual assassination of the President and the murder of Patrolman J. D. Tippit should remain in the possession of the Government. In furtherance of this objective, the Attorney General requested the introduction of the present measure.

These items include the assassination weapon, the revolver involved in the murder of Officer Tippit, among many other exhibits. The working papers, investigation reports, and transcripts of the Commission have been transmitted to the National Archives. The items of physical evidence are being retained in the custody of the Federal Bureau of Investigation.

The committee is persuaded that the national interest requires that the Attorney General shall be in a position to determine that any of these critical exhibits, which were considered by the President's Commission, shall be permanently retained by the United States. The committee concurs in the view expressed by the Attorney General that in years ahead allegations and theories concerning President Kennedy's assassination may abound. To eliminate questions and doubts the physical evidence should be securely preserved. A failure to do so could lead to loss, destruction, or alteration of vital evidence and in time might serve to encourage irresponsible rumors undermining public confidence in the work of the President's Commission.

The authority conferred by this legislation authorizing the acquisition and preservation of certain items of evidence considered by the President's Commission is vital in the national interest. One private party has already filed suit against the Attorney General of the United States for possession of the assassination weapon and the .38 caliber

revolver involved in the death of Police Officer Tippit, claiming to have purchased all right, title, and interest in these items from Mrs. Marina N. Oswald. The Government has not yet responded to the complaint. The effect of this legislation would be to deny the plaintiff possession of these items but would afford due process of law by providing a procedure for recovering just compensation.

The need for just compensation stems from the mandate in the fifth amendment to the Constitution: " * * * nor shall private property be taken for public use, without just compensation." The committee considered the question of the measure of damages but was advised that a legislative definition of "just compensation" would, in all events, be ineffective to bind or instruct the courts in the application of this constitutional standard (*Monongahela Navigation Company v. United States*, 148 U.S. 312, 327 (1893); *Shoemaker v. United States*, *supra* (147 U.S. at 302); *United States v. Cors*, 337 U.S. 325, 331, 333 (1949)). Accordingly, the bill leaves the question of just compensation to the courts.

The committee believes that the need for this legislation is manifest and recommends that it do pass.

ANALYSIS OF THE BILL

The bill, H.R. 9545, as amended, would authorize the Attorney General to designate, by publication in the Federal Register, which items considered by the President's Commission on the Assassination of President Kennedy are required by the national interest to be acquired and preserved by the United States (secs. 1 and 2(a)). All right, title, and interest to these items would vest in the United States upon publication of the Attorney General's determination in the Federal Register (sec. 2(b)). Authority to effect such acquisition would expire one year after the date of enactment of this legislation (sec. 2(c)).

Under the bill, as amended, claims for just compensation must be filed within 1 year of the date of publication of the Attorney General's designation. The bill grants concurrent jurisdiction to the Court of Claims and the U.S. district courts over claims for just compensation hereunder and provides that a claimant filing in the Federal district court may request a trial by jury (sec. 3).

All items acquired pursuant to the bill are to be placed under the jurisdiction of the Administrator of General Services and preserved in accordance with rules and regulations which he may prescribe (sec. 4).

The bill provides that all items acquired by the United States hereunder shall be deemed personal property within the meaning of provisions penalizing removal or mutilation and theft, sections 2071 and 2112, title 18, United States Code (sec. 5). The bill authorizes such appropriation as may be necessary to carry out the purposes of the act (sec. 6).

COMMUNICATIONS

Attached and made a part of this report is a letter from the General Counsel of the President's Commission on the Assassination of President Kennedy to the Acting Attorney General of the United States, dated November 7, 1964. Also attached and made a part of this report is a letter, dated June 17, 1965, from the Attorney General

4 PRESERVING EVIDENCE PERTAINING TO ASSASSINATION

of the United States to the Speaker of the House of Representatives requesting the introduction of this legislation.

PRESIDENT'S COMMISSION ON THE
ASSASSINATION OF PRESIDENT KENNEDY,
Washington, D.C., November 7, 1964.

HON. NICHOLAS DEB. KATZENBACH,
*Acting Attorney General,
Department of Justice,
Washington, D.C.*

DEAR MR. KATZENBACH: In the course of its investigation of the assassination of President Kennedy, the President's Commission acquired a large number of physical items pertaining to the assassination and related events. The most important of these items belonged to Lee Harvey Oswald and his wife, while some items were originally in the possession of other people or agencies. Marina Oswald and Robert Oswald have requested the return of the items belonging to Lee Harvey Oswald or to them that are in the possession of the Commission or the Federal Bureau of Investigation.

The Commission is of the opinion that a substantial number of physical items of evidence, particularly those pertaining to the actual assassination of the President and the murder of Patrolman J. D. Tippit, should remain in the possession of the Government. For guidance in this matter it would be most helpful to have an opinion from the Department of Justice. Attached is a list of the items the Commission feels should be retained permanently by the U.S. Government.

Your cooperation with the Commission is greatly appreciated.

Sincerely,

J. LEE RANKIN,
General Counsel.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 17, 1965.

The SPEAKER,
House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy.

In its investigation of the assassination of President Kennedy, the Commission appointed by President Johnson examined numerous items of physical evidence which were used to form the basis for its report. These items included the assassination weapon, the revolver involved in the murder of Patrolman J. D. Tippit, and many other exhibits. This evidence and the investigative reports, transcripts, and other working papers of the Commission, have been officially transmitted to the National Archives by the Commission. Pending final decision as to the disposition to be made of these exhibits, the physical evidence has been retained in the custody of the Federal Bureau of Investigation.

Prior to the completion of its work, the Commission requested that this Department take the necessary steps to provide for the retention of the essential items of physical evidence in the possession of the U.S. Government for an indefinite period of time. After full consideration of the alternatives, I am persuaded that the national interest requires legislation which will provide a valid legal basis for the permanent retention of these critical exhibits.

In the first place, I think it is important to recognize that in the years ahead allegations and theories regarding the assassination of President Kennedy may continue to abound. This has certainly been the case abroad and, to some degree within the United States, since the publication of the Commission's report, despite the impressive documentation and presentation of the Commission's conclusions. To a considerable extent, such allegations and theories feed on secrecy and uncertainty, as is demonstrated, I believe, by the historical literature during the past 100 years relating to the assassination of President Lincoln. We should securely preserve the physical evidence to eliminate questions and doubts. In my judgment, a failure to retain the critical physical exhibits and the resultant possibility of their loss, destruction, or alteration will serve to encourage irresponsible rumors and allegations designed to destroy the widespread public confidence in the work and conclusions of the President's Commission.

Furthermore, retention of these items would permit an accurate and complete reassessment of the conclusions of the President's Commission if at any time in the future this was considered desirable. Many of the items, such as the weapons, cartridges, and various documents, were the subject of testimony before the Commission, during the course of which expert and other witnesses testified about their vital characteristics, ownership, use, and relationship to the assassination.

For these reasons, I am submitting the enclosed measure which would establish a procedure under which selected items of evidence could be retained and protected from dispersal and exploitation. The proposed legislation would authorize the Attorney General to determine which of the items considered by the President's Commission are required by the national interest to be acquired and preserved by the United States. When the Attorney General makes a determination that an item should be acquired, all right and title to it would be vested in the United States upon the filing of his determination with the Office of the Federal Register for publication in the *Federal Register*. The Attorney General's acquisition authority would expire 1 year after the enactment of the proposed legislation, and title to only those items described in determinations filed with the Office of the Federal Register within such 1-year period would vest in the United States. The Court of Claims would be granted exclusive jurisdiction over claims for just compensation for any item acquired by the United States pursuant to the procedure proposed in the legislation.

In order to meet the requirements of the national interest as indicated, I urge the early and favorable consideration of the enclosed proposal.

6 PRESERVING EVIDENCE PERTAINING TO ASSASSINATION

The Bureau of the Budget has advised that there is no objection to the submission of this legislation from the standpoint of the administration's program.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

○

Eighty-ninth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Monday, the fourth day of January,
one thousand nine hundred and sixty-five*

An Act

Providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared that the national interest requires that the United States acquire all right, title, and interest, in and to, certain items of evidence, to be designated by the Attorney General pursuant to section 2 of this Act, which were considered by the President's Commission on the Assassination of President Kennedy (hereinafter referred to as "items"), and requires that those items be preserved by the United States.

SEC. 2. (a) The Attorney General is authorized to determine, from time to time, which items should, in conformity with the declaration contained in the first section of this Act, be acquired and preserved by the United States. Each such determination shall be published in the Federal Register.

(b) Whenever the Attorney General determines that an item should be acquired and preserved by the United States, all right, title, and interest in and to, that item shall be vested in the United States upon the publication of that determination in the Federal Register.

(c) The authority conferred upon the Attorney General by subsection (a) of this section to make determinations shall expire one year from the date of enactment of this Act, and the vesting provisions items described in determinations published in the Federal Register shall be valid only with respect to within that one-year period.

SEC. 3. The United States Court of Claims or the United States district court for the judicial district wherein the claimant resides shall have jurisdiction, without regard to the amount in controversy, to hear, determine, and render judgment upon any claim for just compensation for any item or interest therein acquired by the United States pursuant to section 2 of this Act; and where such claim is filed in the district court the claimant may request a trial by jury: *Provided,* That the claim is filed within one year from the date of publication in the Federal Register of the determination by the Attorney General with respect to such items.

SEC. 4. All items acquired by the United States pursuant to section 2 of this Act shall be placed under the jurisdiction of the Administrator of General Services for preservation under such rules and regulations as he may prescribe.

SEC. 5. All items acquired by the United States pursuant to section 2 of this Act shall be deemed to be personal property and records of the United States for the purposes of laws relating to the custody, administration, and protection of personal property and records of

E. N.

129-11

OCT 28 1965

DEPUTY ATTORNEY GENERAL

H. R. 9545—2

the United States, including, but not limited to, sections 2071 and 2112 of title 18 of the United States Code.

SEC. 6. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

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

United States Department of Justice

KJM:sd
01-627-65

UNITED STATES ATTORNEY
NORTHERN DISTRICT OF TEXAS
DALLAS, TEXAS 75221

October 18, 1965

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

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
DJ Reference: FMV:CWB:pem 129-11

Dear Mr. Belcher:

Enclosed are five sets of the Warrants of Seizure and Monition in the captioned case with the accompanying Marshal's return reflecting service upon the various parties. There is also attached to each set the final advertising return made by the Marshal. Each Warrant and the accompanying return has been certified by the Clerk as you requested. I also enclose for your consideration a copy of the usual pre-trial notice which sets out the required contents of the Pre-Trial Order which we must prepare in this case when it is set on Judge Estes' docket for trial. I believe the case will probably be set for pre-trial in late November or early December.

In a telephone conversation which I had last Friday with Bill Garrett, King's attorney, I got the impression that King may well abandon his jurisdictional allegations set out in the Answer which he filed in our case. Garrett also indicated a willingness to enter into a stipulation as to all the facts in the case, and he will probably also stipulate the authenticity of most documentary evidence which we will be required to use. He seems anxious to expeditiously reach the basic legal issue involved, that is, whether the ordering of the weapons and using the fictitious name constitutes sufficient grounds for forfeiture.

129-11	
DEPARTMENT OF JUSTICE	
3	FEB 24 1966
C. W. B.	


2 - Mr. Carl W. Belcher

October 18, 1965

I received today the copy of Judge Doyle's Order entered in the Denver case on October 8, 1965. Thank you for sending it.

Sincerely yours,

Melvin M. Diggs
United States Attorney



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

Enclosures

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

N O T I C E

The following are instructions for the handling of all cases assigned to Judge Joe E. Estes, Chief Judge:

Pre-trial conferences will be held in all cases, and the attorneys who will try the case will attend all such conferences. Pre-trial orders, approved by counsel for each of the parties, will be prepared by plaintiff's attorney and presented to Judge Estes for his approval. Suggested forms for the order may be obtained from the Clerk's Office.

No motion will be filed unless it is accompanied by a brief memorandum of authorities in support thereof.

Every motion is considered submitted within 10 days of service of such motion and accompanying brief. No oral argument will be permitted except upon the Court's initiative. All motions not disposed of before the pre-trial conference will be heard and argued at that time.

In those cases presently pending in which motions have been filed, the moving attorney will submit a memorandum of authorities in support thereof at least 10 days prior to any pre-trial conference of the case.

In making jury requests, strict compliance with Rule 38(b), Federal Rules of Civil Procedure, will be required.

Except as provided in Rule 15 (a) no amendment of pleadings will be filed without leave of Court or written consent of the adverse party.

Settings will be made by Judge Estes on his own motion. A list of settings will be mailed to the interested attorneys approximately 30 days prior to the pre-trial conference.

RAMELLE E. HAMILTON, Clerk

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

THE _____ TERM 19 _____

PRETRIAL NOTICE

TAKE NOTICE:

Prior to the pretrial conference, counsel will complete all discovery.

Counsel for all parties in all cases listed on the attached calendar, are directed to confer at their earliest convenience for the purpose of arriving at all possible stipulations and the exchange of documents (except those for impeachment only) which will be offered in evidence at the trial. These conferences of counsel will be held prior to the pretrial hearings in order that counsel for all parties can furnish each other a statement of the real issues each party will offer evidence to support, eliminating any issues which might appear in the pleadings about which there is no real controversy, and including in such statement issues of law as well as ultimate issues of fact from the standpoint of each party. Counsel for plaintiff will then prepare a proposed pretrial order for presentation to the Judge for entry at the pretrial hearing. The order will set forth:

- (1) any jurisdictional question,
- (2) any questions raised by pending motions, *
- (3) a concise summary of the ultimate facts claimed (a) by Plaintiff, (b) by Defendant, (c) by other parties,
- (4) facts established by pleadings or by stipulations or admissions of counsel,
- (5) contested issues of fact,
- (6) contested issues of law,
- (7) exhibits (except documents for impeachment only) to be offered in evidence by the parties respectively,
- (8) witnesses for all parties (indicate which will be called in the absence of reasonable notice to opposing counsel to the contrary and which may be called as a possibility only). In the event there are other witnesses to be called at the trial, their names and addresses and the general subject matter of their testimony will be reported to opposing counsel prior to trial. This restriction shall not apply to rebuttal witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial.
- (9) a general statement of suggested instructions to the jury by the parties, respectively,
- (10) any requested amendments to the pleadings,
- (11) any additional matters to aid in the disposition of the action,
- (12) the probable length of the trial;

all as set forth in Pretrial Order (CHECK LIST) forms appearing at 17 Federal Rules Decisions pp. 470-471 and 23 Federal Rules Decisions pp. 136-137, copies of which may be obtained from the Clerk's Office.

The attorneys who will try the case will familiarize themselves with pretrial procedures and come to the conference with full authority to accomplish their purpose: simplifying and defining the triable issues, expediting the trial, and saving expense. See Rule 16, Federal Rules of Civil Procedure, Title 28, U.S.C.A.; 3 Moore's Federal Practice ¶16.01 to 16.21; LA Barron & Holtzoff Federal Practice and Procedure ¶471-473; 23 Federal Rules Decisions pp. 129-138; Personal Injury Litigation in Texas pp. 287-306.

Counsel will report to the Court at the time of the conference on the prospects of settlement.

Should a party or his attorney fail to appear at the pretrial or to comply with the directions set out above, an ex parte hearing may be held and judgment of dismissal or default or other appropriate judgment entered or sanctions imposed.

In all NON-JURY cases scheduled for trial, Counsel will submit to the Court at least one day before the trial date set, proposed findings of fact and conclusions of law, with citation of authorities for each proposed conclusion of law.

*All motions must be supported by a brief memorandum of authorities filed with (or included in) the motion. All motions not determined on the moving papers will be heard at a pretrial conference.

BY ORDER OF THE COURT,

RAMELLE E. HAMILTON

~~UNITED STATES DISTRICT COURT~~

By S. J. [Signature] 11/18/80
Deputy

United States District Court

FOR THE

NORTHERN DISTRICT OF TEXAS AT DALLAS

CA 3-1171

To the Marshal of the Northern District of Texas

WHEREAS, on the 10 day of September, A. D. 1965, a libel of information was filed in the United States District Court for said Northern District of Texas, by B.H. Timmins, Jr. Assistant United States attorney for said District, on behalf of the United States, 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, alleging false entries made in records required by 26 CFR Part 177, Sec. 177.51(c) to be maintained by a licensed dealer in firearms under Chap. 18 of Title 15, U. S.C. and further alleging that complete and accurate records were not maintained by these licensed firearms dealers as required by Sec. 903(d), Title 15, U. S.C. and Sec. 177.51 of Title 26, Code of Federal Regulations, Part 177, and praying that said firearms become forfeited to the United States pursuant to Section 905(b) Chap. 18, Title 15, U. S.C. as being firearms involved in a violation of the provisions of said Chapter 18

and praying that all persons interested in said goods, wares, and merchandise may be cited in general and special, to answer the premises; and due proceedings being had, that the said goods, wares, and merchandise may, for the causes in said libel mentioned, be condemned as forfeited to the use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED To attach the said goods, wares, and merchandise, and to detain the same in your custody until further order of said Court respecting the same; and to give notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said libel, that they be and appear before the said Court, at the city of Dallas on the 11 day of October next, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS the Honorable, Joe E. Estes

United States District Judge at Dallas, Texas

this 10

day of September, A. D. 1965.

JOHN A. LOWTHER Clerk.

By Deputy Clerk.

Returnable Oct. 11, 1965 days after issue at 10 A.M.

SEP 15 1965

UNITED STATES MARSHAL'S RETURN Filed day of Nat o'clock AM RAMELLE HAMILTON, Clerk By Deputy

DISTRICT OF, ss:

Received the within writ the day of, 19, and executed same.

U. S. Marshal.

By Deputy Marshal.

MARSHAL'S RETURN

10

On September 10, 1965 I received this writ and on September 11, 1965 I executed same by delivering a copy of this Order Granting leave to file Libel, Libel of Information and a copy of warrant of seizure and monition to Mr. William C Garrett lawyer, agent for service ~~mx~~ for John J King, at his office 1800 First National Bank Building, Dallas, Texas as requested by Assistant US Attorney Tim Timmons.

Marshals Fees;
1 service \$3.00

Robert I Nash
United States Marshal
By John E. Lowe Jr.
SDUSM

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
OCT 18 1965

A TRUE COPY
ATTEST:
RAMELLE HAMILTON, CLERK,
By *[Signature]* Deputy

OCT 18 1965

United States District Court
FOR THE
NORTHERN DISTRICT OF TEXAS AT DALLAS

Handwritten notes: Civil 3-1171, mar #15241

To the Marshal of the District of

WHEREAS, on the 10th day of September, A. D. 1965, a libel of information was filed in the United States District Court for said Northern District of Texas, by B. H. Timmins, Jr., Assistant, United States attorney for said District, on behalf of the United States, 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, alleging false entries made in records required by 26 CFR Part 177, Sec. 177.51(c) to be maintained by a licensed dealer in firearms under Chap. 18 of Title 15, U.S.C. and further alleging that complete and accurate records were not maintained by these licensed firearms dealers as required by Sec. 903(d), Title 15 U.S.C. and Sec. 177.51 of Title 26, Code of Federal Regulations Part 177, and praying that said firearms become forfeited to the United States pursuant to Section 905(b), Chapter 18, Title 15, U.S.C. as being firearms involved in a violation of the provisions of said Chapter 18.

and praying that all persons interested in said goods, wares, and merchandise may be cited in general and special, to answer the premises; and due proceedings being had, that the said goods, wares, and merchandise may, for the causes in said libel mentioned, be condemned as forfeited to the use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED To attach the said goods, wares, and merchandise, and to detain the same in your custody until further order of said Court respecting the same; and to give notice to all persons dealing in the same or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said libel, that they be and appear before the said Court at the city of Dallas on the 11th day of October next, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS the Honorable, Joe E. Estes

United States District Judge at Dallas, Texas

_____ , this 10th

day of September A. D. 19 65

RAMELLE E. HAMILTON

Clerk.

By [Signature] Deputy Clerk.

Returnable Oct. 11, 1965 days after issue. at 10:00 A. M.

Deputy Clerk.

SEP 15 1965

UNITED STATES MARSHAL'S RETURN

DISTRICT OF

Filed at _____ day of _____ 1965 at _____ o'clock _____ M. By RAMELLE E. HAMILTON, Clerk Deputy

Received the within writ the _____ day of _____, 1965, and executed same.

U. S. Marshal.

By _____ Deputy Marshal.

MARSHAL'S RETURN

On September 10, 1965 I received this writ and on September 11, 1965 I executed same by delivering a copy of this Order Granting leave to file libel, Libel of Information and a copy of warrant of seizure and monition to Marina Oswald Porter personally at her home 6448 Dunston Lane, Dallas, Texas as requested by Assistant US Attorney Tim Timmons.

Marshal's Fees;

1 service \$3.00
26 Miles ~~3.12~~
~~96.12~~

Robert I Nash US Marshal
By John E Love Jr
SDUSM

A TRUE COPY OCT 18 1965
ATTEST:
RAMELLE HAMILTON, CLERK,
By M. E. Crawford Deputy

United States District Court

NORTHERN DISTRICT OF TEXAS AT DALLAS

Marshal's Dkt. No. 15241

CA3-1171

To the Marshal of the Northern District of Texas

WHEREAS, on the 10 day of September, A. D. 1965, a libel of information was filed in the United States District Court for said Northern District of Texas, by B.H. Timmins, Jr., Assistant, United States attorney for said District, on behalf of the United States, 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,

alleging false entries made in records required by 26 CFR Part 177, Sec. 177.51(c) to be maintained by a licensed dealer in firearms under Chap. 18 of Title 15, U. S.C. and further alleging that complete and accurate records were not maintained by these licensed firearms dealers as required by Sec. 903(d), Title 15, U.S.C. and Sec. 177.51 of Title 26, Code of Federal Regulations, Part 177, and praying that said firearms become forfeited to the United States pursuant to Section 905(b), Chap. 18, Title 15, U. S.C. as being firearms involved in a violation of the provisions of said Chapter 18 and praying that all persons interested in said goods, wares, and merchandise may be cited in general and special, to answer the premises; and due proceedings being had, that the said goods, wares, and merchandise may, for the causes in said libel mentioned, be condemned as forfeited to the use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED To attach the said goods, wares, and merchandise, and to detain the same in your custody until further order of said Court respecting the same; and to give notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said libel, that they be and appear before the said Court, at the city of Dallas on the 11 day of October next, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS the Honorable, Joe E. Estes

United States District Judge at Dallas, Texas

this 10

day of September A. D. 19 65

RAMELLE E. HAMILTON

Clerk.

By Deputy Clerk.

Returnable Oct. 11, 1965 days after issue. at 10 A.M.

UNITED STATES MARSHAL'S RETURN

See Reverse side

DISTRICT OF, ss:

Received the within writ the day of 19, and executed same.

U. S. Marshal.

By Deputy Marshal.

RETURN ON REVERSE

Filed 29 day of Sept 1965 at 1:50 o'clock P.M. RAMELLE E. HAMILTON, Clerk BY [Signature]

MARSHAL'S RETURN

On September 10, 1965 I executed this writ by seizing 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, by delivering a copy of this ~~seized~~ Order Granting leave to file libel and Libel of Information to Mr. Gordon ~~Shanklin~~ Shanklin Special Agent in Charge Federal Bureau of Investigation at his offices Room 200 Mercantile Securities Building 1810 commerce St, Dallas, Texas and leaving the above stored in his vault where seized, at 5:00pm.

Marshal's Fee;
1 service \$3.00

Robert I. Nash
United States Marshal
By John E. Lowe Jr.,
SDUSM

MARSHAL'S RETURN

On September 12, 1965 I further executed this writ by placing advertising on this writ of Monition in the Dallas Morning News at Dallas, Texas.

Marshal's Fee; Leaving copy with Mrs. M. Prater
18 miles \$2.16

Robert I. Nash US Marshal
By John E. Lowe Jr., SDUSM

Marshal's Return

On September 13, 1965 I further executed this writ by placing advertising on this writ of Monition in the Dallas Times Herald, Dallas, Texas by delivering to Mr. Jack Frederick ~~at~~ Classified advertising Dept.

Marshal's Fee;
2 miles .24

Robert I. Nash
United States Marshal
By John E. Lowe Jr.
SDUSM

A TRUE COPY

ATTEST:

RAMELLE HAMILTON, CLERK,

By Mane Crawford Deputy

RETURN ON SERVICE OF WRIT

United States of America,
Northern DISTRICT OF Texas

ss:

CA# 3-1171

I hereby certify and return that I served the annexed _____
(Writ)
on the therein-named _____
(Individual, company, corporation, etc.)

by handing to and leaving a true and correct copy thereof with _____
(Individual or agent of company, corporation, etc.)

personally at _____
(Address—Street number, apartment number,
rural route, etc.)

at _____ in the said District
(City) (State)
at _____ a. m.—p. m., on the _____ day of _____, 19_____

Marshal's fees _____

United States Marshal.

Mileage _____

By _____ Deputy.

U.S. GOVERNMENT PRINTING OFFICE: 1963-O-673716

ADVERTISING RETURN

On September 13, 20, 27, and October 4, 1965 the advertising ran in the Dallas Times Herald newspaper in Dallas, Texas.

On September 13, 20, 27, and October 4, 1965 the advertising ran in the Dallas Morning News, Dallas, Texas.

ROBERT I. NASH
UNITED STATES MARSHAL
BY John E. Lowe Jr
SDUSM

A TRUE COPY OCT 18 1965
ATTEST:
RAMELLE HAMILTON, CLERK,
By _____ Deputy

Filed 8 day of Oct
1965 at _____ o'clock M
RAMELLE HAMILTON, Clerk
By _____ Deputy

United States District Court

FOR THE NORTHERN DISTRICT OF TEXAS AT DALLAS

Handwritten: April 3-1171, mar #15241

To the Marshal of the District of

WHEREAS, on the 10th day of September, A. D. 1965, a libel of information was filed in the United States District Court for said Northern District of Texas, by B. H. Timmins, Jr., Assistant, United States attorney for said District, on behalf of the United States, 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, alleging false entries made in records required by 26 CFR Part 177, Sec. 177.51(c) to be maintained by a licensed dealer in firearms under Chap. 18 of Title 15, U.S.C. and further alleging that complete and accurate records were not maintained by these licensed firearms dealers as required by Sec. 903(d), Title 15 U.S.C. and Sec. 177.51 of Title 26, Code of Federal Regulations Part 177, and praying that said firearms become forfeited to the United States pursuant to Section 905(b), Chapter 18, Title 15, U.S.C. as being firearms involved in a violation of the provisions of said Chapter 18.

and praying that all persons interested in said goods, wares, and merchandise may be cited in general and special, to answer the premises; and due proceedings being had, that the said goods, wares, and merchandise may, for the causes in said libel mentioned, be condemned as forfeited to the use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED To attach the said goods, wares, and merchandise, and to detain in your custody until further order of said Court, respecting the same; and to give notice to all persons claiming the same, or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said libel, that they be and appear before the said Court, at the city of Dallas on the 11th day of October next, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS the Honorable, Joe E. Estes

United States District Judge at Dallas, Texas

, this 10th

day of September A. D. 1965

RAMELLE E. HAMILTON

By [Signature] Clerk.

Deputy Clerk.

Returnable Oct. 11, 1965 days after issue. at 10:00 A. M.

SEP 15 1965

UNITED STATES MARSHAL'S RETURN

Filed day of 19 at 9 o'clock a.m. RAMELLE E. HAMILTON, Clerk By Deputy

DISTRICT OF

Received the within writ the day of 19, and executed same.

U. S. Marshal.

By Deputy Marshal.

MARSHAL'S RETURN

10

On September 10, 1965 I received this writ and on September ~~11~~, 1965 I executed same by delivering a copy of this Order Granting leave to file Libel, Libel of Information and a copy of warrant of seizure and monition to Mr. William C Garrett lawyer, agent for service ~~rx~~ for John J King, at his office 1800 First National Bank Building, Dallas, Texas as requested by Assistant US Attorney Tim Timmons.

Marshalls Fees;
1 service \$3.00

Robert I Nash
United States Marshal
By John E. Lowe Jr.
SDUSM

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

A TRUE COPY OCT 18 1965

ATTEST:
RAMELLE HAMILTON, CLERK.
By *[Signature]* Deputy

Director, Federal Bureau of Investigation

Typed: 11/9/65

November 15, 1965

FMV:JJC:bf

129-11

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

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

It will be appreciated if you would furnish at your earliest convenience to the United States Attorney at Dallas, Texas copies of the documents establishing purchase of the rifle by Lee Harvey Oswald as set forth at page 120 of the Report of the President's Commission and copies of the exhibits set forth at page 173 of the Report relating to the revolver purchase and shipping documents.

Thank you for your attention to this request.

CC:
Records
Chrono
Cells

FMV
JMK
11/3

SENT DIRECT FROM
CRIMINAL DIVISION MAIL ROOM
DATE 11-15-65
BY _____

file
JMK

11-15
JMK

SFT
11/10/65

Ally
11/12

FMV:JJC:skw
129-11

Typed: 11/9/65

November 15, 1965

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

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

Re: United States v. One 6.5 mm.
Mannlicher-Carcano Military
Rifle, Model 91-38, Serial
No. G2766, With Appurtenances,
and One .38 Special S & W
Victory Model Revolver,
Serial No. V510210, With
Appurtenances

Dear Mr. Diggs:

Reference is made to your letter of October 22, 1965,
with enclosures, and to the various matters discussed between
your assistant, Mr. B. H. Timmins, Jr. and Mr. Joseph J. Cella
of this Division in the course of recent telephone conversations.

Copies of the documents establishing purchase of the rifle
by Lee Harvey Oswald as appears at page 120 of the Report of
the President's Commission together with copies of the documents
relating to the revolver purchase, listed as Commission Exhibit
No. 790 and Michaelis Exhibits 2, 4 and 5 (page 173 of the Report)
are being prepared by the Federal Bureau of Investigation and
will be forwarded to you in the next few days.

We are also advised by the Alcohol & Tobacco Tax Division
that a draft copy of a suggested memorandum in response to the
exceptions and answer filed in the above entitled proceeding by

Records
Chron
Cella

SEARCHED INDEXED
SERIALIZED FILED
DATE 11-15-65
BY

11/8
PP
11/10/65
FMV
JJC
HJ

John J. King will be made available to the Department in the next day or two at which time it will be promptly forwarded for your consideration. It is our understanding that you will let us know whether the claimant files or intends to file a memorandum in support of the exceptions and answer.

For your information there is attached a copy of the memorandum of October 18, 1965 from the Director, Federal Bureau of Investigation together with its enclosures setting forth information with respect to the use made by Lee Harvey Oswald of the name "Hidell" furnished pursuant to our request of October 14,

The proposed stipulation and pre-trial order appear to us to adequately cover the situation and we can suggest no changes therein. Regarding what response should be made to Judge Estes' anticipated inquiry as to the reason why we are pursuing the libel in view of the legislation recently enacted and approved by the President, the short answer is that it hardly rests with the government to spend the taxpayer's money to purchase articles which it already owns. As you know, the libel proceedings, if successful, will only perfect a title previously acquired. Too, there are some 5,000 other items falling within the purview of the statute and, of course, the enactment of the legislation does not give absolute assurance that title to these weapons or any of the other items will eventually pass to the government.

Thank you for keeping us informed of significant developments.

Sincerely,

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

By: CARL W. BELCHER
Chief, General Crimes Section

Enclosures

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

United States Department of Justice

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF TEXAS
DALLAS 1, TEXAS

BHT:ija
(Cl-627-65 - Dallas)

October 22, 1965

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

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
Deut. Ref.: FMV:CWB;pem 129-11

Dear Mr. Belcher:

Enclosed for your study is a copy of a letter I received today from the Regional Counsel together with drafts of proposed stipulations and a pre-trial order in the captioned case. These were prepared at my request for use in a conference which I have discussed with you by telephone that we expect to have prior to the pre-trial with William C. Garrett, the attorney for John J. King. Mr. Garrett has indicated that he will probably be willing to stipulate all issues of fact in the case and that he may abandon the jurisdictional contentions.

After receipt of the enclosed material from Regional Counsel, Assistant Regional Counsel Jim Gaulding and I decided that numbers 5 and 6 on the last page of the pre-trial order should be combined and set forth as the contested issue of law. Under the contested issue of fact the pre-trial order should probably state "none - see stipulation on file in this case". I understand that Regional Counsel has transmitted copies of these enclosures to his office in Washington, but I thought that you should have them for use in the conference next week that you mentioned to me on the telephone several days ago.

Mr. Carl W. Belcher

- 2 -

October 22, 1965

After reflection, I agree that it would probably be unwise to assert the legislation as an alternative ground in any pleading or memorandum on the law which we file in the forfeiture case here. That would no doubt suggest to the Court that a ruling on the question of forfeiture under the libel need not be made, but rather that he could easily and more safely fall back on the legislation. As I understand it, if we pursue the libel after the President signs the bill it will be for the purpose of establishing forfeiture at the time of seizure on November 22, 1963, in an effort to defeat King's anticipated claim for compensation through a suit in the District Court in Denver or in the Court of Claims. Of course, I think that we must be prepared to respond to questions by Judge Estes as to the reason we are pursuing this libel in light of the legislation. He will no doubt want to know what we expect to achieve by a ruling in the libel case that cannot be achieved by the Attorney General designating the weapons with publication as provided in the Act. It seems reasonable to expect that Garrett will discern and argue to the Court that we are going forward with the libel action for the sole purpose of defeating his action for compensation. We must be prepared to admit this or give the Court other reasons.

In any event, after your conference next week I will hope to hear from you on the decision reached as to the approach that we will take in the libel case here. I will also await hearing from you as to any additions, alterations, or deletions that you think should be made in the stipulations or pre-trial order prior to arranging a conference with Mr. Garrett.

Very truly yours,

Melvin M. Diggs
United States Attorney

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

Enclosures

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. CA-3-1171

STIPULATION OF FACTS

It is stipulated and agreed that for purposes of the above-shown action the following may be taken as true:

1. That on November 22, 1963, Eugene Boone, Deputy Sheriff, Dallas County, Texas, and Seymour Weitzman, Deputy Constable, Dallas County, Texas, discovered a bolt action rifle with telescopic sight on the sixth floor of the Texas Book Depository Building, Dallas, Texas.
2. That on November 22, 1963, Lt. J. C. Day, Dallas Police Department, Dallas, Texas, removed from the sixth floor of the Texas Book Depository Building, Dallas, Texas, the bolt action rifle and telescopic sight, described in (1) above, and took such rifle to the Dallas Police Department offices.
3. That the bolt action rifle mentioned in (1) and (2) above was the 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, one of the respondents in this action.
4. That the respondent 6.5 mm. Mannlicher-Carcano Military Rifle, Serial No. C2766, was shipped to one A. Hidell, P. O. Box 2915, Dallas, Texas, on March 20, 1963, by Klein's Sporting Goods Company, Inc., 4540 West Madison Street, Chicago 24, Illinois.
5. That the order for the respondent 6.5 mm. Mannlicher-Carcano Military Rifle, Serial No. C2766, was on a coupon clipped from the American Rifleman Magazine; that this order coupon was signed, in handprinting, A. Hidell, P. O. Box 2915, Dallas, Texas; and that this printing on the face of the mail order coupon was in the handprinting of Lee Harvey Oswald.

6. That Post Office Box 2915, Dallas, Texas, was rented in the name of Lee Harvey Oswald from October 9, 1962 to May 14, 1963.

7. That Post Office Box 2915, Dallas, Texas, was rented by Lee Harvey Oswald from October 9, 1962 to May 14, 1963.

8. That the right palm print of Lee Harvey Oswald was found on the underside of the barrel of the respondent 6.5 mm. Mannlicher-Carcano Rifle, Serial No. C2766, by Lt. J. C. Day, Dallas Police Department.

9. That on November 22, 1963, in Dallas, Texas, Dallas Police Department officers seized from Lee Harvey Oswald the respondent .38 caliber Special S&W Victory Model Revolver, Serial No. V510210.

10. That at some time during the period January 27, 1963, and March 13, 1963, Seaport Traders, Inc., a division of George Rose and Company, Inc., Los Angeles, California, received an order for a .38 caliber revolver, which order was signed A. J. Hidell, and the address was shown as Post Office Box 2915, Dallas, Texas.

11. That on March 13, 1963, an invoice was prepared by Seaport Traders, Inc., Los Angeles, California, covering the sale of a .38 caliber Special S&W Victory Model Revolver, Serial No. V510210, to A. J. Hidell, Post Office Box 2915, Dallas, Texas, and this revolver was shipped to the name and address shown on the invoice on March 20, 1963.

12. That at the time of the arrest of Lee Harvey Oswald on November 22, 1963, he carried a forged selective service card bearing the picture of Lee Harvey Oswald and the name "Alek J. Hidell."

13. That on November 24, 1963, Lee Harvey Oswald admitted to Postal Inspector Holmes that he had rented Post Office Box 2915, Dallas, Texas.

14. That the mail order for the respondent 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, was made by Lee Harvey Oswald using the name A. Hidell.

15. That the mail order for the respondent .38 Special S&W Victory Model Revolver, Serial No. V510210, was made by Lee Harvey Oswald using the name of A. J. Hidell.

16. That during the calendar year 1963 Klein's Sporting Goods, Inc., 4540 West Madison Street, Chicago 24, Illinois, was a licensed dealer in firearms and held license No. 36-2601 issued pursuant to Section 903, Title 15, United States Code, a part of the Federal Firearms Act.

17. That pursuant to Section 903(d), Title 15, United States Code, and Sections 177.51-53, Title 26, Code of Federal Regulations, Klein's Sporting Goods, Inc., Chicago, Illinois, was required to maintain complete, accurate, and adequate records showing, among other things, the disposition of all firearms disposed of in the course of its business. The record of disposition of each firearm was required to show the name and address of the person to whom sold.

18. That Klein's Sporting Goods, Inc., Chicago, Illinois, kept records required by Section 903(d) of Title 15, United States Code, but as to the respondent 6.5 mm. Mannlicher-Carcano Military Rifle, Serial No. C2766, these records showed such firearm as shipped to A. Hidell, P. O. Box 2915, Dallas, Texas.

19. That during the calendar year 1963, Seaport Traders, Inc., 1221 South Grand Avenue, Los Angeles, California, was a licensed dealer in firearms and held license No. 95-1437 issued pursuant to Section 903, Title 15, United States Code, a part of the Federal Firearms Act.

20. That pursuant to Section 903(d), Title 15, United States Code, and Sections 177.51-53, Title 26, Code of Federal Regulations, Seaport Traders, Inc., Los Angeles, California, was required to maintain complete, accurate, and adequate records, showing, among other things, the disposition of all firearms disposed of in the course of its business. The record of disposition of each firearm was required to show the name and address of the person to whom sold.

21. That Seaport Traders, Inc., Los Angeles, California, kept records required by Section 903(d) of Title 15, United States Code, but as to the respondent .38 Special S&W Victory Model Revolver, Serial No. V510210, these records showed such firearm as shipped to A. J. Hidell, P. O. Box 2915, Dallas, Texas.

Dated at Dallas, Texas, this _____ day of _____, 1965.

MELVIN M. DEEGS
United States Attorney

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

William C. Garrett
Attorney for Claimant

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. _____

PRETRIAL ORDER

The following pretrial order is entered by agreement of parties:

- (1) There are no jurisdictional questions.
- (2) There are no pending motions.
- (3) Ultimate facts claimed by:

(a) Plaintiff:

That the respondent firearms, by being procured in a fictitious name, were shown on the required records of the licensed firearm dealers as being sent to a person other than the actual recipient; that complete, accurate and adequate records of the disposition of firearms were not kept or maintained, contrary to the provisions of Section 903(d), Title 15, United States Code, and Sections 177.51-53, of Title 26, Code of Federal Regulations, promulgated pursuant to the Federal Firearms Act; that these record keeping requirements are provisions of Chapter 18, Title 15, United States Code, and such provisions were violated; and that the respondent firearms became forfeited as "firearms involved in violations of the provisions of such chapter or rules or regulations promulgated thereunder"; and that the respondent firearms became forfeited to the United States.

(b) Defendant-Respondent:

Nothing. This is an in rem action.