

(c) Intervener-Claimant:

That the respondent firearms did not become forfeited to the United States merely because of being the subject of the record entry which admittedly showed the name A. Hidell or A. J. Hidell rather than Lee Harvey Oswald.

(4) Fact Stipulation.

(a) The respondent 6.5 mm. Mannlicher-Carcano Military Rifle, serial number C2766, was used to kill President John F. Kennedy on November 22, 1963. This rifle was found by Dallas County officers in the Texas School Book Depository, Dallas, Texas, on November 22, 1963. This rifle was delivered to the Dallas Police Department and then to the Federal Bureau of Investigation.

(b) The respondent .38 Special S&W Victory Model Revolver, serial number V510210, was used to kill Dallas Police Officer J. D. Tippett on November 22, 1963. This revolver was seized from Lee Harvey Oswald, in Dallas, Texas, by officers of the Dallas Police Department. This revolver was then delivered to the Federal Bureau of Investigation.

(c) The respondent 6.5 mm. Mannlicher-Carcano Military Rifle, s/n C2766, was purchased by mail order on or about March 20, 1963, by Lee Harvey Oswald, who used the name A. Hidell, and the address of P. O. Box 2915, Dallas, Texas, in ordering such firearm. This rifle was purchased from Klein's Sporting Goods, Inc., Chicago, Illinois.

(d) The respondent .38 Special S&W Victory Model Revolver was purchased by mail order during the period January 27, 1963, to March 13, 1963, by Lee Harvey Oswald, using the name A. J. Hidell, and the address of P. O. Box 2915, Dallas, Texas. This revolver was purchased from Seaport Traders, Inc., a division of George Rose and Company, Inc., Los Angeles, California.

(e) Lee Harvey Oswald was the subscriber for P. O. Box 2915, Dallas, Texas, and the orders for the respondent firearms were in the handwriting and handprinting of Lee Harvey Oswald.

(f) A. Hidell, A. J. Hidell, Alek J. Hidell, and Alek James Hidell are names used by Lee Harvey Oswald as an alias.

(g) Klein's Sporting Goods, Inc., Chicago, Illinois, is a dealer in firearms and has held a license under Section 903, Title 15, United States Code, since 1961. As such licensed dealer in firearms, Klein's Sporting Goods, Inc. was and is required by Section 903(d), Title 15, United States Code, and Sections 177.51-53 of Title 26, Code of Federal Regulations, to keep complete, accurate, and adequate records of the receipt and disposition of firearms, showing, among other things, the name and address of the person to whom the firearm is sold. Klein's Sporting Goods, Inc., Chicago, Illinois, did keep the records required of a firearms dealer, but, as to respondent 6.5 mm. Mannlicher-Carcano Military Rifle sold to Lee Harvey Oswald, these records showed this firearm as sold to A. Hidell.

(h) Seaport Traders, Inc., a division of George Rose and Company, Inc., Los Angeles, California, is a dealer in firearms, and, at the time of the sale of the respondent revolver, held a license under Section 903, Title 15, United States Code. As such licensed dealer in firearms, Seaport Traders, Inc. was and is required by Section 903(d), Title 15, United States Code, and Sections 177.51-53 of Title 26, Code of Federal Regulations, to keep complete, accurate, and adequate records of the receipt and disposition of firearms, showing, among other things, the name and address of the person to whom the firearm is sold. Seaport Traders, Inc., Los Angeles, California, did keep the records required of a firearms dealer, but, as to the respondent .38 Special S&W Victory Model Revolver, sold to Lee Harvey Oswald, these records showed this firearm as sold to A. J. Hidell.

(5) Contested Issues of Fact.

Did firearms become forfeited by reason of being the subject of inaccurate record entries as to name of purchaser?

(6) Contested Issue of Law.

If statute and regulations require dealer to keep complete, accurate, and adequate records of disposition of firearms, and dealer was given false information as to name of purchaser, was firearm, that was sold and recorded in false name, involved in violation of act requiring such record keeping?

(7) Exhibits.

None.

(8) Witnesses.

None. Complete stipulation of facts.

(9) No jury trial.

(10) Amendment to Pleadings.

None.

(11) Additional Matters to Aid in Disposition of the Action.

None.

(12) Probable Length of the Trial.

It is anticipated that oral argument only will be had. Two hour maximum.

UNITED STATES DISTRICT JUDGE

MELVIN M. DIGGS
United States Attorney

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

William C. Garrett
Attorney for Claimant

RECORDS

HEH:rtr

John W. Douglas
Assistant Attorney General
Civil Division
Attention: Stanley D. Rose

Oct. 14, 1965

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

129-11

H.R. 9545, Legislation to Provide for
the Acquisition of Evidence Relating
to the Assassination of President Kennedy

John J. King, who purchased the rifle and pistol used by Oswald, has circulated among all Senators the attached statement which he submitted to the Senate Judiciary Committee.

I understand that Senator Simpson of Wyoming, and perhaps others, plan to question the desirability of this legislation for the reasons set forth in Mr. King's statement.

The Senate Judiciary Committee has requested that we supply any suggested rebuttal material for use by the floor manager of the bill when it is debated.

I would appreciate any suggestions you may have and since we do not know just when the bill will be called up for debate it is essential that I have your suggestions as soon as possible. Counsel has indicated there is a possibility the bill will be called up tomorrow.

Please have your reply hand carried directly to my office.

Attachment

Also referred to OLC and Criminal (Carl Belcher).

Director, Federal Bureau of Investigation

Typed: 10/14/65

October 14, 1965

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

FHV:JJC:kg

129-11

129-11

S. P.

U. S. v. One 65 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.
(E.D. Texas - Libel of information).

RECORD

In the answer to the Libel of Information filed in the captioned case the Claimant admits that Lee Harvey Oswald used a name other than "Lee Harvey Oswald" in purchasing the weapons. Claimant further states that the name so used was "A. J. Hidell" or "A. Hidell," by which name he frequently went.

We will appreciate receiving any information you may have concerning the alleged use of "A. J. Hidell" or "A. Hidell" by Oswald, except, of course with respect to the use of such names when purchasing the weapons.

ELL
10/14

10-14
JK

B&T
10/14/65
MM

Records
Chrono
Mr. Cella
Mr. Vinson

SENT DIRECT FROM
CRIMINAL DIVISION MAIL ROOM
DATE 10-14-65
BY Hays 5:30

Deputy Attorney General

T. 10/15/65

October 15, 1965

FMV:ELS:bf

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

129-11

H.R. 9545, Legislation to Provide
for the Acquisition of Evidence
relating to the Assassination of
President Kennedy

D.A.K.

In response to the inquiries made by Mr. Hoffman, the following is submitted.

1. Article 1, Section 23 of the Texas Constitution provides: "Every citizen shall have the right to keep and bear arms in the lawful defence of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms, with a view to prevent crime."

In Hudsburn v. State, (1873) 38 Tex. 535, defendant was convicted of violation of a law regarding carrying of firearms. The Justice of the Peace imposed a fine of \$25, the judgment requiring in part that defendant deliver to the court the pistol he was convicted of carrying and that the sheriff hold it until the judgment was complied with. The appellate court held that the portion of the judgment regarding forfeiture of the weapon was void as contrary to the Texas Constitution. While the judgment could properly have been that the defendant remain in custody until payment of the fine, the judgment actually imposed was improper and apparently violative of due process under Texas law.

In Jennings v. State, (1878) 5 Tex. Cr. R. 298, defendant was convicted under a statute ("6512 Paschal's Digest") for unlawfully carrying a pistol about his person. The statute provided that in case of conviction, "defendant for the first offence, shall be fined not less than \$25 nor more than \$100, and shall forfeit to the county

CC: Records ✓
Chrono.
Mr. Sledge
Miss Brookley
Mr. Vinson
Policy File

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by BFT

CWB
by BFT

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by BFT

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file JPK

the weapon or weapons so found on or about his person." It was held, in view of the Texas Constitution, Art. 1, Sec. 23, that the forfeiture portion of the statute was void as not being within the scope of legislative authority.

The pertinent portion of the Texas Constitution remains as it was in 1873 (see Verner's Constitution of the State of Texas, Annotated, Vol. 1, pp. 491-494). There are various Texas statutes in force regarding unlawful carrying of firearms (see Texas Penal Code, Articles 483 through 489c), but apparently they do not purport to authorize forfeiture of such weapons. It is submitted that this portion of the "Bill of Rights" of the Texas Constitution has nothing whatever to do with principles of eminent domain as exercised by the State of Texas or the United States.

2. The principles of eminent domain have been recognized since earliest times, ^{1/} and it is recognized that not only real estate but also personal property is subject to condemnation under the power of eminent domain. ^{2/} While we can find no instance where items of personal property, unconnected with land condemnation or with the exercise of the war power, etc., have been condemned, the broad language used by authorities to discuss the eminent domain power indicates that the sovereign has the right to take anything provided just compensation is paid and provided the taking is for a public use. Assuming public use and public purpose to be one and the same thing, the power of the sovereign here seems clear. Inasmuch as the public use here would be to preserve these significant items of personal property so that the history of a dark day in the life of the country would be preserved, and since the Government concededly can condemn land for historic-site purposes, there is no reason why the Government cannot do the same with respect to personal items of historic value.

^{1/} Lewis, Law of Eminent Domain, 2nd ed., Vol. I (1909); Mills, Eminent Domain, 2nd ed., 1880.

^{2/} United States v. New River Collieries Co., 262 U.S. 341 (Navy requisitioned coal under a war time Act); United States v. Buffalo Pitts Co., 234 U.S. 228 (traction engine used on a reclamation project); est

Footnote cont'd - River Bridge Co. v. Dix, 47 U.S. 507 (bridges taken as part of a public road); Dillon v. United States, 230 F. Supp. 487 (lawyer's services); Smith, Inc. v. United States, (Ct. Cl.) 145 F. Supp. 216 (trucks); Dally v. United States, (Ct. Cl.) 90 F. Supp. 699 (crops of squash on land in construction of airport).


UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Frank Taylor

DATE: October 15, 1965

 FROM : Richard Braun

SUBJECT:

I have delivered the memorandum on the assassination weapons to Herb Hoffman. After reading it he has two additional questions.

One concerns Texas State law. He would like further information as to what this statute provides, whether it is still in effect, whether there is any new Texas statutory law regarding forfeiture of items utilized in the perpetration of crime, and whether there are any more recent cases than the two cited by you.

Secondly, he would appreciate having citations to the types of property you cite at the top of page 2 as having been taken by the Government, i. e., what authority can you give him for these various items?

Please check into this right away and let me know what you come up with. Thanks.

129-11

OCT 28 1965

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type



Deputy Attorney General

Typed: 10/15/65

PHV:JJC:bf

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

129-11

D.A.K.

H.R. 9585, Legislation to Provide
for the Acquisition of Evidence
relating to the Assassination of
President Kennedy

Mr. King claims that this proposed legislation "is a clear and unmistakable effort on the part of the Federal Government to override the statutory provisions of the State of Texas, and to assume unto itself certain powers properly and historically vested in the State." We do not know precisely what Mr. King has in mind in this respect. Perhaps he has reference to the fact that under judicial decisions of Texas courts a former Act of the State providing that the weapon found on or about the convicted person should be forfeited to the State is unconstitutional (Hildeburgh v. Texas, 38 Tex. 535; Jennings v. State, 5 Cr. R. 298). These decisions struck down the forfeiture provision of the Act because of Section 23, Art. I of the Texas Constitution (the right to bear arms).

It is of interest to note, however, that this provision of the Texas Constitution is similar to the Second Amendment to the Constitution of the United States, yet Congress enacted 18 USC 3611 under which a federal court may, in addition to the penalty provided for Dyer Act offenses (motor vehicles) or for committing felonies against the United States involving the use of firearms, order the confiscation and disposal of firearms and ammunition found in the possession or under the immediate control of the defendant at the time of his arrest.

I doubt if he has reference to the above situation since Oswald's guilt or innocence has never been judicially determined. What he probably argues is that the ownership and possession of personal property is and should be controlled exclusively by state law. But the sovereign has a right to take anything provided just compensation

- CC:
- Records
- Chrono
- Cells
- Mr. Vinson
- Miss Brookley
- Policy File

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Cly
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BFT
10/15/65

is paid and provided the taking is for a public use. Coal has been requisitioned under a war time Act; a traction engine taken on a reclamation project; bridges have been taken as part of a public road, etc. Into the same category have fallen lawyers' services, trunks and crops. Too, under the Historic Sites Act (16 USC 461 et. seq.) Congress has authorized the Secretary of the Interior to acquire by gift, purchase "or otherwise" any property, personal or real.

Now is this proposed legislation in the nature of a private bill "specifically designed to reverse the inevitable outcome of a civil action now properly before a United States District Court." What the statement fails to point out is that this proceeding, instituted by King in the District of Colorado to recover possession of the weapons from the Attorney General was, on October 8, 1965, stayed on motion of the Government until forfeiture proceedings in the Northern District of Texas are finally concluded.

In the Texas proceedings the Government has filed a libel of information to forfeit the weapons used in the slaying of the President and Officer Tippit on the ground that Lee Harvey Oswald used a fictitious name in purchasing the same from dealers. Under specific federal statutes these weapons are subject to forfeiture because of that fact. These statutes, though frequently attacked on constitutional grounds, have always been sustained by the courts.

Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division
Attention: Carl W. Belcher

Oct. 14, 1965

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

H.R. 9545, Legislation to Provide for
the Acquisition of Evidence Relating
to the Assassination of President Kennedy

John J. King, who purchased the rifle and pistol used by Oswald, has circulated among all Senators the attached statement which he submitted to the Senate Judiciary Committee.

I understand that Senator Simpson of Wyoming, and perhaps others, plan to question the desirability of this legislation for the reasons set forth in Mr. King's statement.

The Senate Judiciary Committee has requested that we supply any suggested rebuttal material for use by the floor manager of the bill when it is debated.

I would appreciate any suggestions you may have and since we do not know just when the bill will be called up for debate it is essential that I have your suggestions as soon as possible. Counsel has indicated there is a possibility the bill will be called up tomorrow.

Please have your reply hand carried directly to my office.

Attachment

STATEMENT OF JOHN J. KING
SENATE JUDICIARY COMMITTEE
REGARDING H. R. 9545, UNION CALENDAR NO. 366

Mr. Chairman and members of the Committee, I am John J. King, the present owner of the rifle and pistol used to such tragic purpose by Lee Harvey Oswald in Dallas on November 22, 1963. I wish to express my thanks to your Chairman and to all of you for having granted me the privilege of appearing before you in opposition to H. R. 9545, a Bill relating to the preservation of evidence pertaining to the assassination of President Kennedy - a privilege once promised me but subsequently denied by the House Subcommittee to which it was referred.

H. R. 9545, while it appears to be a routine Bill, is really a most extraordinary piece of proposed legislation; one which merits a most careful analysis and consideration by this distinguished Committee.

Firstly, inasmuch as it is a clear and unmistakable effort on the part of the Federal Government to override the statutory provisions of the state of Texas, and to assume unto itself certain powers properly and historically vested in the state, this Bill poses a serious challenge to States' Rights in all branches of government, it

129-11
OCT 28 1965

R.A.O.

would invite further Federal transgression into this important field.

2
1
Secondly, by seeking to take full advantage of honest emotions, this Bill would extend the right of eminent domain to personal property, and thereby establish a most dangerous precedent and a basic threat to the future security of all personal property rights. If enacted, it would invite future confiscatory legislation directed at personal property of whatever nature, selected at the whim of the executive branch.

3
Thirdly, it is unusually non-specific. It does not identify the items which it seeks to condemn, nor does it define the ultimate disposition of these items. In short, it grants carte blanche to the Attorney General for selection and to the Administrator of General Services for disposition of the unidentified items with which it is concerned. Accordingly, if enacted, it would significantly accelerate the relentless shift of authority from the legislative to the executive branch.

4
Fourthly, it is an attempt retroactively to correct, at the expense of private citizens, certain past executive oversights. House Report No. 913, which accompanies this Bill, includes a letter from the Attorney General to the Speaker of the House to the effect that, prior to the completion of its work, the Warren

Commission requested the Justice Department to take the necessary steps to provide for Federal retention of certain items of evidence. This is substantiated by a letter from J. Lee Rankin to the Acting Attorney General written on left-over Warren Commission stationery, dated a month and a half after the Warren Commission had completed its work according to its own letter to the President. This Bill was requested by the Justice Department over seven months after the receipt of Mr. Rankin's letter.

5) H.R. 9545 and its accompanying Report No. 813 claim as its public purpose the preservation of items of evidence in order to substantiate the conclusions arrived at by the Warren Commission. Public pronouncements by spokesmen of the Justice Department have suggested the possibility of a future re-examination of the evidence. The weapons with which I am personally concerned have been subjected to every known relevant test and analysis by impeccably qualified experts. The conclusions reached by the Warren Commission on the basis of the testimony of these experts have been widely read and fully accepted - except by a miniscule fringe of irresponsible and unqualified critics. No further tests or analyses are needed. None have been made to my knowledge on previous presidential assassination weapons. Sulfur casts have already been made of the rifle chamber. They can easily be made of the revolver chambers and of the bores of both weapons. Bolt face

impressions can be made of the rifle and breachplate impressions can be made of the revolver. These things, combined with the various cartridge cases and related bullets are all that the Government would ever need for any future ballistic re-examination. Further, no request has ever been made of me or of the Oswald Estate regarding our attitudes toward the gift, loan, or sale to the Government of any of our property for which it may feel a subsequent need. For myself, I would of course be more than willing to allow federal authorities to examine the weapons from time to time and to conduct further tests on them should the need therefor be truly felt, provided, of course, that adequate assurances were made that the weapons be not further mutilated, or altered, or displayed publicly.

The Attorney General's aforementioned letter to the Speaker alludes to the fact that allegations and theories contrary to the conclusions of the Warren Commission feed on secrecy and uncertainty - and I certainly agree with this. It is, however, of interest to me that the present governmental custody of the assassination rifle has been characterized by the utmost secrecy. The FBI refused so responsible a journal as LIFE magazine to even photograph it.

It is perhaps here in order to observe that, of the three previous presidential assassination weapons, one - the revolver

which killed President McKinley - was acquired by private interests; while two - the derringer which killed President Lincoln and the revolver which killed President Garfield - were taken over by the Federal Government since those two assassinations occurred in the District of Columbia and were hence subject to Federal jurisdiction. Only two of these three historic weapons survive - the privately-owned McKinley assassination revolver and the federally-owned Lincoln assassination derringer. History thus accords private custody twice as good a record of preservation as it accords governmental custody.

↳ During the discussion on the floor of the House - it cannot properly be called a debate since only the pro side participated - some consideration was given (as it most certainly should have been) to the eventual cost to the Taxpayers of this Bill. The figure of \$10,000 was bandied about as an approximate value of the two weapons with which I am personally concerned. These two weapons are unquestionably the two most carefully documented and most valuable in the world today. From a Collector's point of view, they are to the field of firearms what the Mona Lisa is to the field of painting, what La Pieta is to the field of sculpture, and what the Hope Diamond is to the field of gems. In short, they are invaluable. Discounting their exhibition value throughout the free world - which in itself is almost incalculable - they are worth

greatly in excess of a million dollars. Coupled with the value of the weapons themselves, consideration must also be given to the value of some of the other items concerned, principally owned, insofar as I know, by the Oswald Estate. For example, a measure of the value of the original manuscripts of Oswald's 2-page Farewell Note, of his 12-page "Historic Diary", and of his 17-page Undelivered Speech may be gleaned from the fact that a miscellaneous Oswald letter - an item considered of so little importance by the Warren Commission that it did not even attempt to retain it - brought \$3,000 at a recent auction. It would appear from this that the Oswald papers alone have a value of something over \$100,000. If the proposed legislation is passed and its Constitutionality confirmed, the Constitutional guarantee of just compensation will result in an expenditure of a staggering amount of Taxpayers' dollars for the acquisition of materials for which the Government honestly has no further conceivable need.

7 Finally, this proposed legislation is in the nature of a Private Bill, specifically designed to reverse the inevitable outcome of a civil action now properly before a United States District Court. This Bill was proposed by the Defendant in that action after the Complaint had been properly filed, and the Bill's pendency before the Congress has been relied upon by the Defendant in seeking repeated delays in filing his response. It is noteworthy that

Defendent's counsel was privileged to appear before the House Subcommittee in support of this Bill, and that Plaintiff's counsel was not privileged to appear in opposition thereto. In other words, you are here concerned with a clear attempt on the part of a Defendent, a member of the executive branch, to shift the venue in a civil action from the United States District Court in which it was properly brought by the Plaintiff, a private citizen, to the very halls of Congress. To my view, this is an outrageous attempt to circumvent the operation of - yes, even a direct insult to - the system of checks and balances between the three branches of our Government.

The late President Kennedy himself said:

"Our Constitution wisely assigns both joint and separate roles to each branch of the Government; and a President and a Congress who hold each other in mutual respect will neither permit nor attempt any trespass."

In conclusion, H. R. 9545 constitutes an insipient threat to States Rights, to Personal Property Rights, and to our system of checks and balances. It represents a totally unjustified waste of the Taxpayers' money. It should not be enacted.

FMV:JJC:bf
129-11

S. P.

Typed: 10/14/65

October 14, 1965

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

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

Re: Civil No. CA 3-1171, U.S. 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.

Dear Mr. Diggs:

Pursuant to Mr. Timmins' request we are attaching a certified copy of the order of October 8, 1965 entered by the United States District Court for the District of Colorado in King v. Nicholas deB. Katzenbach, Attorney General (Civil No. 7168).

We are also advised by the Civil Division that a transcript of the hearing on the defendant's motion to dismiss in the King matter has been ordered and we will make the same available to you in the near future.

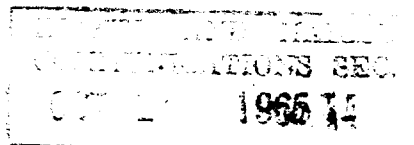
Sincerely,

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

By:

CARL W. BELCHER
Chief, General Crimes Section

Enclosure



10-14
BFT
10/14/65
10/14
CC:
Records
Chrono
Cella

PLEASE ADDRESS ALL MAIL TO
UNITED STATES ATTORNEY
P. O. BOX 123

United States Department of Justice

CI-627-65

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF TEXAS
DALLAS 1, TEXAS

October 8, 1965

*Copy of order
entered in
Denver*

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

Re: Civil No. CA 3-1171, U.S. 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.
Dept. Ref: FMV:JJC:ls 129-11

Dear Mr. Belcher:

Enclosed are two photostatic copies of pleadings filed today in the captioned case on behalf of John J. King. The Clerk's Office has closed until Monday and I have not had these papers certified. If you need certified copies, please advise me and I will obtain them and forward those to you early next week.

I have received the Motion to Dismiss and accompanying memoranda in the Denver suit which you mailed to me on October 5. I have arraignments scheduled and will be in Court all day Monday, October 11, but will discuss the pleadings filed by King here today with you by telephone on Tuesday or Wednesday of next week.

Yours very truly,

Melvin M. Diggs
United States Attorney

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

*File
129-11
in 129-11*

Enclosures

*file
129-11
JJC*

King

129-11	
DEPARTMENT OF JUSTICE	
17	OCT 18 1965
	R.A.O.

United States Department of Justice

UNITED STATES ATTORNEY

DISTRICT OF COLORADO
323 U. S. COURT HOUSE
DENVER, COLORADO 80201

MAILING ADDRESS
P. O. Box 1776
TELEPHONE 297-4184
(AREA CODE 303)

IN REPLY REFER TO

9168

lmh/ms

AIR MAIL

October 13, 1965

Joseph J. Cella, Esq.
Criminal Division
Department of Justice
Washington, D. C. 20530

Re: King v. Katzenbach
Civil No. 9168
145-12-959

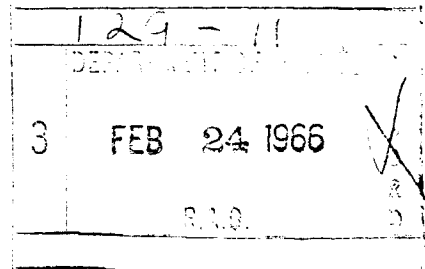
Dear Mr. Cella:

Pursuant to your request we are enclosing
herewith 5 certified copies of the Order signed by
Judge Doyle on October 8, 1965.

Very truly yours,

Lawrence M. Henry
LAWRENCE M. HENRY
United States Attorney

Enc.



9168

3rd OCTOBER, 1965

G. WALTER BOWMAN, Clerk

By James R. Mangrum
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
United States District Court
Denver, Colorado

OCT 8 1965

G. WALTER BOWMAN
CLERK

BY _____
DEP. CLERK

JOHN J. KING,
Plaintiff,

v.

NICHOLAS deB. KATZENBACH,
Attorney General of the
United States,
Defendant.

Civil Action No. 9168

O R D E R

Upon consideration of defendant's Motion to Dismiss Plaintiff's Complaint Or, Alternatively, To Stay Further Proceedings, and the plaintiff and defendant having appeared by William C. Garrett and James S. Holmberg, and Fred William Drogula and Lawrence M. Henry, respectively, and the Court, after hearing argument and being advised, having determined that if the forfeiture proceedings occurring in the United States District Court for the Northern District of Texas are adjudicated valid this Court is ousted of its jurisdiction over the subject matter of plaintiff's complaint, in that it lacks jurisdiction over the specific property involved herein, it is hereby

ORDERED that defendant's motion to stay further proceedings is granted and that further proceedings herein are suspended and this file is closed until the forfeiture proceedings in the Northern District of Texas are finally concluded; and it is *Further ordered that the motion to dismiss be not granted at this time.*
FURTHER ORDERED that this proceeding may be reopened after

the conclusion of the Texas proceedings upon a showing of good cause by plaintiff herein; and it is
FURTHER ORDERED that defendant shall have 20 days from the date of any order reopening this proceeding in which to move, answer or otherwise plead to plaintiff's complaint.

DATED at Denver, Colorado, this 8th day of October, 1965.
ENTERED
ON THE DOCKET
OCT 8 1965
G. WALTER BOWMAN
CLERK

BY THE COURT:
William C. Garrett
CLERK OF COURT
UNITED STATES DISTRICT JUDGE.

NAS:CFS:sgc
129-11

20530

Files ✓
DAG
Mr. Schlei
Mrs. Copeland
Mr. Simms

DGT - 233

Honorable Robert F. Kennedy
United States Senate
Washington, D. C. 20510

WTS 10/7

Dear Senator Kennedy:

The Attorney General has asked me to reply to your memorandum which transmitted for the consideration of this department a letter from [redacted] relating to the availability of copies of the so-called Warren Commission Report.

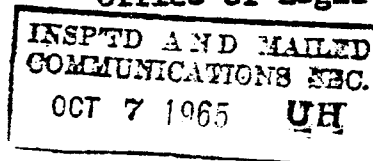
The Report of the President's Commission on the Assassination of President Kennedy (Warren Commission) was published and distributed to the public. Copies of the Report may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402. The paperbound edition sells for \$2.50 and the clothbound edition sells for \$3.25. The Commission also published 26 additional volumes containing hearings and exhibits of the Commission, and an index thereto. Those volumes may also be purchased in sets from the Superintendent of Documents.

Accordingly, it appears that [redacted] has probably been misinformed concerning public access to the Commission's Report.

I hope that this will be of assistance to you. [redacted] letter is returned herewith.

Sincerely,

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel



RF
Y.B.
MS

10/7

FMV:CWB:pem
129-11

T/10/5/65

AIR MAIL

October 5 1965

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

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

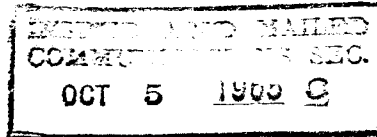
Re: One 6.5 mm. Mannlicher-
Carcano Military Rifle,
Model 91-38, Serial No.
62766, With Appurtenances,
and One .38 Special S & W
Victory Model Revolver,
Serial No. V510210, With
Appurtenances

Dear Mr. Diggs:

Enclosed are certain documents furnished to the Criminal Division by the Civil Division pertaining to actions taken by John J. King in Denver and the Government's response to its contingents. We are informed by the Civil Division that King expressed his intention to proceed before the district court in Dallas to have that court defer its jurisdiction in your forfeiture case in favor of the district court in Denver proceeding with priority.

We anticipate the papers to be filed by King in Dallas will take much the same position as was taken in the enclosures.

Records
Chrono
Mr. Belcher (2)
Mr. Drogula, Civil Division



-2-

We are further informed by the Civil Division that the district court in Denver is entering an order staying all proceedings in Denver until completion of the forfeiture proceedings in Dallas. A copy of this order will be furnished to you when obtained by us.

We would appreciate your review of these materials in preparation of King contesting the jurisdiction of your court and would also appreciate your giving us prompt notice and a copy of all papers filed by King in Dallas.

Sincerely,

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

By: CARL W. BELCHER
Chief, General Crimes Section

Enclosures ✓

FMV:JJC:bf
129-11

Typed: 10/13/65

October 19, 1965

Mr. Robert L. Oswald
P. O. Box 28
[Redacted]

Dear Mr. Oswald:

This will acknowledge receipt of your letter of October 5, 1965 addressed for the attention of former Assistant Attorney General Herbert J. Miller, Jr.

You apparently have reference to the various items of personal property covered under Commission Exhibit 2466 as appears at pages 639 and 640 of the Report although your letter designates Exhibit 2464.

Final determination of what appropriate disposition should be made of these items has not been made. When a decision is reached you will be informed.

Sincerely,

FRED M. VINSON, Jr.
Assistant Attorney General

CC:
Records
Chrono
Cella

INSPTD AND MAILED
COMMUNICATIONS SEC.
OCT 19 1965 R.R.

BFT
10/13/65

10-13

[Handwritten initials]

FV

X

[REDACTED]

October 5, 1965

RECEIVED

OCT 7 1965

CRIMINAL DIVISION

Department of Justice
Washington, D. C. 20530

Attn: Mr. Herbert J. Miller, Jr.
Assistant Attorney General
Criminal Division

Dear Mr. Miller:

Please advise the present situation pertaining to the miscellaneous articles and personal property as covered (Exhibit # 2464, Volume XV, pages 639, 640)?

I, frankly, can not understand the delay in returning of these items. I urge an immediate decision with the return of these items by the Department of Justice.

When cooperation was asked of me, it was given fully with no ifs, buts, or delays. I expect the same consideration.

Very truly yours,

Robert L. Oswald

Robert L. Oswald
Box 28

RO/bs

*Should be
2466
Proprietor of Sec -
Museum from home of
R. L. Oswald,
2024, Texas*

CERTIFIED

OCT 8 1965

REGISTERED

1222

129-11	
14 OCT 7 1965	3-11
R.A.O.	N D
CRIMINAL GEN. CRIME SEC.	

8

Reis
129-11

September 30, 1965

MEMORANDUM FOR

Mr. Lawrence R. Houston
General Counsel, CIA

For your information, I am enclosing a copy of a letter dated September 29 from the Acting Archivist to the Office of Legal Counsel of this Department regarding certain letters and other documents of Lee Harvey Oswald which are being offered for sale by Charles Hamilton.

Thank you for bringing this to our attention.

Harold F. Reis

Enclosure

br

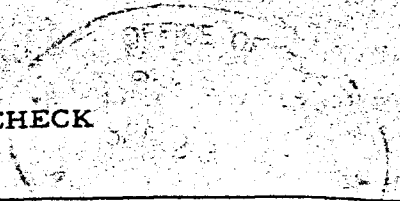
LR

Form No. G-1F
(Rev. 1-20-58)

FROM
OFFICE OF LEGAL COUNSEL
TO
OFFICIAL INDICATED BELOW BY CHECK

- The Attorney General
- Executive Assistant **Harold F. Reis**
- The Solicitor General
- Deputy Attorney General
- Assistant Attorney General, Antitrust
- Assistant Attorney General, Civil
- Assistant Attorney General, Civil Rights
- Assistant Attorney General, Criminal
- Assistant Attorney General, Internal Security
- Assistant Attorney General, Lands
- Assistant Attorney General, Tax
- Director, Federal Bureau of Investigation
- Director, Office of Alien Property
- Commissioner, Immigration and Naturalization Service
- Director, Bureau of Prisons
- Administrative Assistant Attorney General
- Public Information

X



Memorandum
SEP 20 1965

Recently you asked us to check to determine whether the proposed sale of certain Lee Harvey Oswald items by Charles Hamilton of New York might constitute a violation of Federal law.

Attached is a letter from the Acting Archivist of the United States indicating the contrary.

NAS by N.A.S. JAB

129-11

DEPARTMENT OF JUSTICE	
10	OCT 1 1965
R.A.O.	

OFFICE OF LEGAL COUNSEL

GENERAL SERVICES ADMINISTRATION



National Archives and Records Service
Washington, D.C. 20408

September 29, 1965

IN REPLY REFER TO:

Mr. Charles F. Simms
Office of Legal Counsel
Department of Justice
Washington, D.C.

Dear Mr. Simms:

This is in response to your telephone call of September 24, to Dr. Rhoads of our staff with regard to certain letters and other documents of Lee Harvey Oswald that are being offered for sale on September 30, 1965, by Charles Hamilton, the New York manuscript dealer.

We have examined the records of the Warren Commission to determine whether any of the items being offered for sale have been unlawfully removed from the Commission's files. We found that some of them were examined by the Commission during the course of Mrs. Marguerite Oswald's testimony (see attached copy of letter from J. Lee Rankin to Mrs. Oswald dated June 30, 1964), and copies of them were made by or for the Commission for use as exhibits. Mrs. Oswald was permitted to retain the originals. We are returning herewith a copy of the pages from Charles Hamilton's catalog that you sent us, annotated to show the Oswald items being offered for sale that we have been able to identify as Commission exhibits.

Also attached is a copy of a telegram from Mr. Rankin to Mrs. Marina Oswald, dated September 24, 1964, which supports the assumption that in certain cases the Commission acquired for its files copies rather than originals of items of evidence.

Our examination of the records of the Warren Commission has not discovered evidence that the Oswald items described by Mr. Hamilton have been wrongfully alienated from the Federal Government. If the Department of Justice has reason to believe that an unlawful act has been committed, however, we assume that the Federal Bureau of Investigation will be asked to investigate the matter.

Sincerely yours,

Robert H. Bahmer
Acting Archivist
of the United States

Enclosures ✓

DEPARTMENT OF JUSTICE	
10	OCT 1 1965
OFFICE OF LEGAL COUNSEL	

Keep Freedom in Your Future With U.S. Savings Bonds

Oswald, Marguerite

JUN 30 1964

Gen
Mrs. Marguerite Oswald
Post Office Box 9578
████████████████████

Dear Mrs. Oswald:

This will confirm our telephone conversation in which I advised you that many of the copies which we made of exhibits marked in your testimony are of such poor quality that they may not be legibly reproduced in the Exhibit volumes which will form a part of our report. We would appreciate it very much if, in accordance with our agreement, you would cooperate with the Dallas office of the Federal Bureau of Investigation so that they may make clear photographs of certain of these exhibits for inclusion in the appropriate volumes of our report.

I enclose for your assistance a list and description of the exhibits of which the FBI will want to make photographic copies. You may be assured that the FBI will make these copies under such conditions that none of your exhibits will be removed from your presence at any time.

Your cooperation is appreciated.

Sincerely,

J. Lee Rankin
General Counsel

Enclosure

JLR: WJL:jh:ht
6-29-64

WJL:jh
6/29/64

Number	Description
180	Letter from Lee Harvey Oswald to Marguerite Oswald, undated, enclosed in envelope postmarked "Minsk - June 25, 1961."
181	Letter from Lee Oswald to Marguerite Oswald dated August 3, 1961.
182	2-page letter from Lee Oswald to Marguerite Oswald dated October 2, 1961.
183	3-page letter from Lee Oswald to Marguerite Oswald dated October 22, 1961, enclosed in envelope postmarked "Minsk - October 22, 1961."
184	2-page letter from Lee Oswald to Marguerite Oswald dated November 3, 1961.
185	Letter from Marina Oswald (written by Lee Oswald) to Marguerite Oswald dated November 23 and enclosed in envelope postmarked "Minsk - November 25, 1961."
186	Christmas card from Lee and Marina Oswald to Marguerite Oswald enclosed in envelope postmarked in the U.S. December 12, 1961.
187	2-page letter from Lee Oswald to Marguerite Oswald dated December 13, 1961.
188	2-page letter from Lee Oswald to Robert Oswald dated December 20 and enclosed in envelope postmarked "Minsk - December 21, 1961."
189	2-page letter from Lee Oswald to Marguerite Oswald dated January 2 and enclosed in envelope postmarked "Minsk - January 2, 1962."

- 190 Letter from Lee Oswald to Marguerite Oswald dated January 23 and enclosed in envelope postmarked "Minsk - January 23, 1962."
- 191 Letter from Lee Oswald to Marguerite Oswald dated January 29 and enclosed in envelope postmarked "Minsk - January 29, 1962."
- 192 Letter from Lee Oswald to Marguerite Oswald dated February 1, 1962.
- 193 2- page letter from Lee Oswald to Marguerite Oswald dated February 9, 1962.
- 194 2-page letter from Lee Oswald to Marguerite Oswald dated February 15, 1962.
- 195 Letter from Lee Oswald to Marguerite Oswald dated February 26 and enclosed in envelope postmarked "Minsk - February 27, 1962."
- 196 2-page letter from Lee Oswald to Marguerite Oswald, enclosed in envelope postmarked "Minsk - March 27, 1962."
- 197 Letter from Lee Oswald to Marguerite Oswald dated April 22 and enclosed in envelope postmarked "Minsk - April 21, 1962."
- 198 Letter from Lee Oswald to Marguerite Oswald dated May 30, 1962.
- 200 Letter from Lee Oswald to Marguerite Oswald enclosed in envelope postmarked "New Orleans, La. - September 17, 1959."

- 201 2- page letter from Lee Oswald to
Marguerite Oswald, unsorted.
- 202 Letter from Lee Oswald to
Marguerite Oswald.
- 204 documents relating to Lee Oswald's
discharge from Marine Corps.
- 205 2-page letter from Mrs. Marguerite
Oswald to Honorable Christian Herter
dated March 7, 1960.
- 211 Letter from Marguerite Oswald to
Mr. White dated July 18, 1960.
- 223 Application from Lee Oswald to Albert
Schweitzer College dated March 4, 1959.
- 229 Letter from Prof. Hans Casparis to
Lee Oswald dated March 22, 1960 along
with airmail envelope.
- 230 Letter from E. Weibel to Lee Oswald
dated March 23, 1959.
- 231 Letter from Marguerite Oswald to
Prof. Hans Casparis dated
April 6, 1960.
- 232 Letter from Prof. Hans Casparis to
Mrs. M. Oswald dated April 26, 1960.
- 233 Letter from Marguerite Oswald to
Prof. Casparis dated June 6, 1960.
- 234 Letter from Lee Oswald dated June 17, 1960
addressed only to "Dear Sirs" transmitting
\$25.00 application fee.
- 235 Letter from E. Weibel to Lee Oswald
dated July 19, 1959.

- 236 Several letters between Prof. Hans Casparis and Margarita Oswald.
- 240 Postcard from Lee Oswald to Margarita Oswald dated May 5, 1962.
- 241 Letter from Joseph E. Morbury to Lee Oswald dated December 14, 1961.
- 242 Letter from Lee C. White to Margarita Oswald dated January 23, 1964.

Oswald, Marina

President's Commission on the
Assassination of President Kennedy

Ben
Mrs. Marina Oswald

629 Beltline Road
Richardson, Texas

I WAS UNABLE TO REACH YOU BY TELEPHONE YESTERDAY TO EXPLAIN
ABOUT PHOTOS, LETTERS, DOCUMENTS AND OTHER PERSONAL EFFECTS.
WE ARE ARRANGING TO HAVE THESE RETURNED TO YOU AS SOON AS IT
CAN BE DONE AND ADEQUATELY PROTECT THE REQUIREMENTS OF THE
COMMISSION'S REPORT. THIS WILL TAKE A LITTLE TIME TO BE SURE
THAT COPIES OF DOCUMENTS ARE SUFFICIENT. SOME PERSONAL PROPERTY
CANNOT BE RETURNED WHERE NECESSARY FOR THE REPORT. THE
COMMISSION IS NOT TAKING ANY ACTION TO INTERFERE WITH YOUR
COPYRIGHT EXCEPT TO THE EXTENT THAT PUBLICATION OF THE REPORT
HAS ANY SUCH EFFECT.

RESPECTFULLY,

J. LEE RANKIN
GENERAL COUNSEL

J. Lee Rankin
General Counsel

543-1400

9/24/64

2 1