

KILLING OF PRESIDENT JOHN F. KENNEDY
11/22/63
DALLAS, TEXAS

File in 62-109060
9/11/73
Robert [unclear]
for [unclear]

- Felt _____
- Baker _____
- Callahan _____
- Cleveland _____
- Conrad _____
- Dalbey _____
- Gebhardt _____
- Jenkins _____
- Marshall _____
- Miller, E.S. _____
- Purvis _____
- Soyars _____
- Walters _____

0-1A
OSWALD 7-27
DAY LD

BY JOSEPH F. MANGINO

NEW ORLEANS (UPI) -- THE GOVERNMENT MUST PAY THE WIDOW OF LEE HARVEY OSWALD \$17,729 FOR PERSONAL PROPERTY SEIZED BY THE FBI DURING THE INVESTIGATION OF THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, THE 5TH U.S. CIRCUIT COURT OF APPEALS RULED MONDAY.

THE COURT AGREED WITH MARINA OSWALD PORTER THAT SHE SHOULD RECEIVE COLLECTOR'S VALUE PRICES FOR THE LETTERS, PHOTOGRAPHS, DIARY, WALLET AND OTHER PERSONAL EFFECTS CONFISCATED.

SHE CHALLENGED A 1970 U.S. DISTRICT COURT DECISION THAT HAD AWARDED MRS. PORTER ONLY \$3,000 FOR THE ITEMS, WHICH WERE USED IN THE INVESTIGATION AND AFTERWARD PLACED PERMANENTLY IN THE U.S. ARCHIVES IN WASHINGTON.

SHE SAID IT WAS NOT FOR THE GOVERNMENT'S EXERCISE OF ITS POWER OF EMINENT DOMAIN THAT OSWALD'S WIDOW WOULD HAVE BEEN ABLE TO REALIZE, THROUGH SALES TO THE PUBLIC, THE COLLECTOR'S VALUE OF THE ITEMS IN QUESTION, THE CIRCUIT COURT SAID. "THERE WAS A VIABLE MARKET, ALBEIT A COLLECTOR'S MARKET, FOR THE ITEMS FOR WHICH MRS. PORTER SEEKS COMPENSATION."

THE CIRCUIT COURT REJECTED ARGUMENTS BY GOVERNMENT ATTORNEYS THAT THE ENHANCED VALUE OF OSWALD'S PAPERS BECAUSE OF HIS NOTORIETY SHOULD NOT IN FAIRNESS BE AWARDED TO THE WRONGDOER'S SURVIVOR.

"WERE IT NOT FOR THE TAKING, THE OWNER, OSWALD'S WIDOW, WOULD HAVE BEEN ABLE TO REALIZE A PREMIUM FOR OSWALD'S EFFECTS SIMPLY BECAUSE OF THEIR ASSOCIATION WITH THE KILLING OF THE PRESIDENT -- REGARDLESS WHETHER THIS COURT CONDONES THE REALIZATION OF ANY PREMIUM ATTRIBUTABLE TO SUCH A CRIME," THE COURT SAID.

THE RUSSIAN-BORN MRS. PORTER, 32, WHO LIVES IN A DALLAS SUBURB WITH THE ATTORNEY SHE MARRIED IN 1965, ORIGINALLY ASKED FOR NEARLY \$500,000 COMPENSATION.

BUT A COURT-APPOINTED APPRAISER VALUED THE ITEMS IN 1970 AT BETWEEN \$17,000 AND \$18,000. THE HIGHEST SINGLE ITEM WAS OSWALD'S DIARY, APPRAISED AT \$5,000.

HIS UNDECIPHERABLE DISCHARGE PAPERS FROM THE U.S. **NOT RECORDED** AT 375 AFTER HIS DISCHARGE, HE DEFECTED TO RUSSIA **2** A **WORKING IN** MINSK WHERE IN 1960 HE MET MARINA. THEY HAD TWO DAUGHTERS, NOW 11, AN RACHEL, 10, BEFORE KENNEDY'S ASSASSINATION IN DALLAS, NOV. 22, 1963, AND OSWALD'S DEATH TWO DAYS LATER.

THE AMOUNT AWARDED MRS. PORTER DID NOT INCLUDE COMPENSATION FOR THE RIFLE USED TO KILL KENNEDY. A DENVER COLLECTOR, JOHN J. YING, PAID MRS. PORTER \$11,300 FOR THE RIFLE AND A PISTOL, BUT HE NEVER THE **57 MAR 1 1973** **AFS**

62-109060-A

MAR 1 1973