

(Mount Clipping in Space Below)

Hearing Set Gun Appeal

By MARTIN CASEY

The U.S. Fifth Court of Appeals in New Orleans has agreed to a June 29 hearing in an appeals case involving ownership of the guns used by Lee Harvey Oswald in the slayings of President John Kennedy and Dallas police officer J. D. Tippit.

Assistant U.S. Atty. Tim Timmins said Thursday that he had filed a motion with the court on May 18 asking for a hearing

at the "earliest possible date."

The appeal was filed by Colorado oilman John J. King after a February ruling by Federal Dist. Judge Joe E. Estes of Dallas that the guns rightfully belonged to the U.S. government. His ruling was the result of Justice Department suit seeking to retain possession of the guns, which King said he had purchased from Oswald's widow, Mrs. Marina Oswald Porter.

King said that he already had paid Mrs. Porter \$10,000 and had promised to pay her an additional \$35,000 when he acquired the guns. The Justice Department had retained the weapons following the assassination.

The appeals court will hear the case in Atlanta, Ga.

Timmins said the court's decision for the early hearing was unusual, since it ordi-

narily adjourns during the summer. Normally, the case would not have been set for hearing before early November.

The Justice Department apparently had sought an early hearing to prevent the necessity of acquiring the weapons through eminent domain. A federal act says that the attorney general must designate the items connected with the assassination as government property through use of eminent domain by Nov. 1.

Should the guns be acquired in that manner, King would be entitled to sue for compensation, which could amount to several million dollars, observers said.

However, if the government retains possession of the guns through current court proceedings, no compensation could be claimed by the Colorado man.

Should the appellate court take action favorable to the government in the June 29 hearing, King could take the case to the Supreme Court for a final ruling.

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