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# Both Sides Waive Jury Trial On Oswald Personal Property

By EARL GOLZ

Both the government and attorneys for the former wife of Lee Harvey Oswald waived a jury trial Monday to let a federal judge decide how much

money Mrs. Marina Oswald Porter will receive for Oswald's personal property.

U.S. Dist. Judge Joe E. Estes must determine exactly how much money will be paid by the government to Mrs. Porter for the 500 items belonging to the accused assassin of President John F. Kennedy.

The items, some of them mutilated after tests by federal authorities, have been placed permanently in the U.S. Archives at Washington, D.C.

At a pretrial conference Monday in Judge Estes' chambers, attorneys for the government and Mrs. Porter were told the only evidence they can submit to back up their claims is the evidence presented earlier to William B. West III.

WEST, A FORMER U.S. attorney here, had appraised the property at \$17,654 as its fair market value as of Nov. 1, 1966, the time of the "taking" of the property by the government.

Mrs. Porter originally had filed suit seeking \$500,000 for the property.

Experts later testified in behalf of Mrs. Porter that the property could be worth as much as \$40,000 based on the value as of Nov. 1, 1966. Judge Estes had ruled that the value must be determined as of Nov. 1, 1966; after some items had been mutilated and some letters had been published.

Asst. U.S. Atty. Ken Mighell's experts had testified the

value could be as much as \$10,000 on Nov. 1, 1966.

However, Mighell also has argued that the items "cannot be enhanced by the wrongful act" of Oswald in allegedly killing Kennedy. If Judge Estes agrees with him, the government is asserting Mrs. Porter is due no more than \$3,000 compensation.

Judge Estes ordered each side to submit a memorandum opinion of what they think should be the value of the property. Mrs. Porter was asked to submit her figure Nov. 9 and Mighell to submit his Dec. 9.

THE HIGHEST of West's appraisals, which are not binding, was \$5,000 for "sheets of English writing, both sides of which appear" to be Oswald's diary.

A \$2,000 appraisal was given Oswald's 32-page typewritten dissertation outlining the political, domestic and labor life of the Russian as well as other guides to the Russian political system as he saw it while in that country.

Several pages of Oswald's blue ink handwriting on Holland-American Line stationery also were appraised at \$2,000 by West.

Not included in the items was a Mannlicher-Carcano rifle with a telescopic sight which the Warren Commission claimed was used to shoot Kennedy from a sixth floor window of the Texas Bank Depository building.

(Indicate page, name of newspaper, city and state.)

9-A "The Dallas  
Morning News"  
Dallas, Texas

Date: 10/6/70

Edition:

Author:

Editor: Jack B. Kruger

Title:

Character:

or

Classification:

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Being Investigated

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