

## OSWALD WEAPONS

### TO BELONG TO U.S.

NYT-2-21-66

#### Judge Denies Oilman's Title to Assassination Rifle

By MARTIN WALDRON

Special to The New York Times

DALLAS, Feb. 21—Federal Judge Joe E. Estes ruled today after a three-hour hearing that the Government could confiscate the rifle used by Lee Harvey Oswald to assassinate President Kennedy on Nov. 22, 1963. The hearing was held about a dozen blocks from the spot where Mr. Kennedy was shot.

The judge said Oswald violated the Federal Firearms Act when he bought the rifle and pistol under fictitious names in March, 1963, and that therefore the Government could seize the weapons without paying for them. The revolver was the one used by Oswald to kill a Dallas policeman J. D. Tippit, the day of the assassination.

The weapons had been sought by John J. King, a Denver oil man and gun collector, who paid \$10,000 to Oswald's widow, Mrs. Marina Oswald Porter. Mr. King had agreed to pay \$35,000 more if he could get clear title to the rifle and revolver.

#### Going to Washington

Assistant United States Attorney Tim Timmins said the two guns, now held by the Dallas office of the Federal Bureau of Investigation, would be forwarded to the General Services Administration in Washington. They will be retained by the Government as historic relics.

In Denver, Mr. King said he was undecided whether he would appeal.

"I haven't even seen his ruling," Mr. King said.

Oswald's widow apparently will get to keep the \$10,000 paid her by Mr. King regardless of today's ruling. Mr. King said his contract with her did not provide for a return of the money.

Oswald bought the weapons

through the mail while he was living in New Orleans some eight months before the assassination. He bought the rifle, a 6.5-mm. Mannlicher-Carcano military weapon, from Klein's Sporting Goods, in Chicago, for \$21.45 and the revolver, a 38-caliber Smith & Wesson, from Seaport Traders, Inc., of Los Angeles, for \$29.95.

He bought the rifle under the name A. Hidell and the revolver under the name A. J. Hideil.

#### Argument Rejected

Judge Estes rejected an argument by William C. Garrett, Mr. King's attorney, that Oswald used these names in a whimsical fashion. The judge said it was clear that Oswald was attempting to conceal his identity.

The use of the fictitious names caused false records to be kept by the two mail order houses, and this constituted a clear violation of the Firearms Act passed by Congress in 1939, Judge Estes said. A 1950 amendment to that act provided that weapons found in violation of the law could be forfeited to the Government.

This is the first time the Government has sought to confiscate any weapons under the 1950 amendment, Mr. Timmins said.

Mr. King's attorney said the confiscation would deprive Mr. King of his property without payment. He said Congress had provided the Government a method of gaining ownership of items of interest in the Kennedy assassination.

A law passed last November would allow the Government to condemn any or all of the 3,154 items of evidence introduced before the Warren Commission in its investigation of the assassination. Under this law, the Government would have to pay a reasonable value for all the items it seized.

Mr. Timmins said the Government owned the two weapons from the time the mail order companies entered Oswald's fictitious names on their books.

He added that one effect of the judge's ruling today was that Oswald had shot President Kennedy with a weapon owned by the Government. *END*