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119 Nassau Street
New York 38, N. Y.

From JUN 23 1966
TIMES PICAYUNE
New Orleans, La.

JFK Assassin's Guns Involved

Colorado Man's Appeal of Seizure to Be Heard

By GORDON GSELL

The question of whether or not the federal government will be able to keep the guns used by Lee Harvey Oswald in the assassination of President John F. Kennedy and the killing of a Dallas, Tex., policeman without paying a Colorado man who claims ownership of the weapons will soon be up for decision by the U.S. Fifth Circuit Court of Appeals.

John J. King, the Colorado resident, claims to have purchased the rifle used in the assassination and the revolver used to kill officer J. D. Tippitt from Mrs. Marina Oswald, the assassin's widow, for \$10,000 on Dec. 31, 1964.

Following the assassination

the guns were seized by the government under the Federal Firearms Act on the ground that Oswald used an alias in purchasing them, thereby causing false entries to be made in the records of the gun dealer.

SEIZURE APPEALED

King is appealing the seizure on several grounds. One of his main contentions is that he should not be penalized for Oswald's action in using the alias in the purchase of the guns.

A motion by the U.S. attorney general seeking to speed up a decision in King's appeal before the effective date of a law requiring that all of the evidence seized in the assassination investigation be advertised in the Federal Register and persons claiming ownership be allowed to sue for just compensation will be heard by the

court June 29 in Atlanta, Ga.

If the government is to retain the weapons without payment of just compensation the seizure must be confirmed by the court before Nov. 1, 1966.

The government attorneys are asking the Fifth Circuit for an expedited hearing of King's appeal and have suggested the week of June 6 or as soon thereafter as possible.

DEADLINE STRESSED

They point out in their motion that Public Law 89-318, dealing with the acquisition and preservation by eminent domain of evidence before the President's Commission on the Assassination of President John F. Kennedy, was signed by President Lyndon B. Johnson on Nov. 2, 1965, and under the law the attorney general is required to designate by publication in the Federal Register, not later

than one year after the enactment of the statute, those items of evidence which will become the property of the United States.

A speedy hearing is necessary, the government contends, because the designation will have to be submitted to the Federal Register for printing during the third or fourth week of October.

The act provides that the claimant of any item of evidence so designated may sue in the U.S. Court of Claims or the U.S. District Court for just compensation, just as in the case of land condemnations.

King and his attorneys are opposing any speedup in the appeal. If the case is not decided before the items of evidence are advertised he will be able to sue the government for payment and his attorneys claim that he will be able to show that the guns are of great value to him.