

New Orleans  
States-Item

3-Judge Panel Hears Arguments

NOV 16 1972

## 'Punishment' of Oswald's Widow Claimed

The federal government is trying to punish Lee Harvey Oswald's widow for her husband's sins by denying her the full cash value of some of his personal effects it seized, her attorney claimed here in a written argument before the Fifth U.S. Circuit Court of Appeals.

A three-judge panel heard oral arguments from the Justice Department and accepted the written arguments from the attorney for Mrs. Marina Oswald Porter, who remarried after her former husband was identified by the Warren Commission as the assassin of President John F. Kennedy.

Mrs. Porter is seeking

\$17,729.37 for the personal items, for which the government has agreed to pay \$3,000. The difference is between what Mrs. Porter believes is the cash value of the effects to collectors and what the government has determined the items are worth in face value plus an additional sum for whatever personal sentimental value they might hold for her.

Mrs. Porter's attorney is not challenging the right of the government to confiscate and keep the items.

"The circumstances of this case require that the elements of fair market value of the property involved here result-

ing from association of the property with the assassination of the President must be excluded from the measure of just compensation," a district judge in Texas said in the ruling appealed here yesterday by Mrs. Porter.

"The nation and its people should not be required to pay a bounty for items of evidence upon which the Warren Commission based its reports," the lower court ruling stated. It added that an allowance of a higher award would create, "in a depraved mind . . . an additional incentive for the assassination."

Erich F. Klein of Dallas, Mrs. Porter's attorney, said in

his brief that although the public might be opposed to Mrs. Porter's getting the larger award, he "cannot appreciate or countenance the intrusion of such emotions, unconscious or otherwise, into formal rulings of eminent and respected members of the federal judiciary when the effect thereof is to 'strain the fabric of the law.'"