

NIGHT LEAD (300)

641pcs

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ATLANTA, GA., JUNE 29 (AP)-A THREE-JUDGE FEDERAL PANEL IS CONSIDERING ARGUMENTS BY THE FEDERAL GOVERNMENT AND A COLORADO GUN COLLECTOR THAT EACH HAS A RIGHT TO LEE HARVEY OSWALD'S GUNS.

THE PANEL OF THE U.S. 5TH CIRCUIT COURT OF APPEALS HEARD CONTENTIONS TODAY OVER POSSESSION OF THE GUNS IDENTIFIED AS THOSE USED TO KILL PRESIDENT JOHN F. KENNEDY AND OFFICER J. D. TIPPITT OF DALLAS, TEX.

THE GOVERNMENT HAS ASKED FOR A SPEEDY RULING TO SETTLE THE CASE BEFORE NOVEMBER, WHEN A LAW GOES INTO EFFECT THAT WOULD ALLOW ANYONE WHO CLAIMS OWNERSHIP OF EVIDENCE SEIZED AFTER THE ASSASSINATION TO SUE THE GOVERNMENT FOR JUST COMPENSATION.

ASSISTANT U.S. ATTORNEY B. H. TIMMONS OF DALLAS TOLD THE COURT THAT THE GOVERNMENT SHOULD BE ALLOWED TO KEEP THE WEAPONS WITHOUT PAYING FOR THEM.

HE ARGUED THAT THE GUNS WERE FORFEITED TO THE GOVERNMENT WHEN OSWALD BOUGHT THEM UNDER AN ASSUMED NAME AND CAUSED THE GUN DEALER'S RECORDS TO CONTAIN FALSE ENTRIES IN VIOLATION OF THE FEDERAL FIREARMS ACT.

ATTORNEY WILLIAM C. GARRETT OF DALLAS URGED THAT HIS CLIENT, JOHN J. KING, HAS PAID OSWALD'S WIDOW \$10,000 FOR THE PISTOL AND RIFLE. HE SAID THE GUN FANCIER COULD SUE IN NOVEMBER, BUT THEN THE VALUE OF THE GUNS WILL BE QUESTIONABLE TO THE GOVERNMENT BECAUSE CONGRESS HAS CONDEMNED THEM.

TIMMONS ARGUED THAT WHEN KING BOUGHT THE GUNS HE KNEW HE WAS NOT GETTING THE PROPERTY AND THAT THE GUNS WERE BEING HELD BY THE GOVERNMENT.

"IN OUR VIEW, MR. KING IS NOTHING MORE THAN A TRESPASSER OR A MEDDLER IN THESE CIRCUMSTANCES. WE FEEL HE JUST PAID \$10,000 IN CASH FOR THE RIGHT TO LITIGATE," TIMMONS SAID.

GARRETT ARGUED THAT KING IS BEING PUNISHED FOR OSWALD'S USE OF AN ASSUMED NAME. HE QUESTIONED WHETHER OSWALD WAS ACTUALLY GUILTY OF A CRIME, SINCE THE BROKEN LAW INVOLVED THE GUN DEALER'S RECORDS--NOT THE ALIAS.

PRESIDING JUDGE ELBERT P. TUTTLE INDICATED THE CASE MAY BE SETTLED ON THIS POINT, AND ASKED IF OSWALD COULD HAVE BEEN CHARGED WITH AIDING AND ABETTING A CRIME BY CAUSING A FALSE NAME TO BE ENTERED.

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