

New Orleans States-Item
NOV 15 1972

Personal Property Seized Oswald Widow Sues U.S.

Another bid by Lee Harvey Oswald's widow to obtain \$500,000 compensation for seized property of the accused assassin of President Kennedy was scheduled here this afternoon.

The U.S. Fifth Circuit Court of Appeals was to hear an appeal by Marina N. Oswald Porter and her husband, Kenneth Porter, from the U.S. District Court, Northern District of Texas.

The Texas court awarded Mrs. Porter \$3,000 as the value of about 500 seized articles.

The U.S. Government took Oswald's personal property for the Warren Commission to use in its investigation of the assassination.

Congress passed a special act to preserve the items permanently so the evidence cannot be lost, destroyed or altered.

The property mostly comprises personal effects such as letters, the diary he kept in Russia, family photographs, his marriage license and other documents.

In her suit, Mrs. Porter claims the government reduced the value of the

property by damaging it and by the publication in the Warren report of the diary and other documents, decreasing their literary value.

In the brief filed by her attorney, she claims the lower court's ruling is the "second time" the government has "accused, tried and convicted Lee Harvey Oswald of a crime without evidence."

"In this instance, however," the brief states, "they have gone even further and are attempting to visit the assumed (and judicially unproven) 'sins of the father' upon his widow and children."

The brief states that the appellants "find themselves met at every turn by arguments and assumptions that most closely resemble the archaic doctrine of 'Corruption of Blood.'"

Mrs. Porter claims that her husband was "neither an assassin, a murderer, a criminal, nor a wrongdoer of any kind" and that the Warren Commission was "nothing more or less than another agency or arm of the appellee (U.S. Government) itself."

She maintains items taken by the government increased in value, similar to increasing market value of collectors' items.

The items do not include the rifle used in the assassination.

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.'"