

Judge Rules Oswald's Guns Belong to U.S.

Federal Dist. Judge Joe E. Estes ruled Monday that the rifle Lee Harvey Oswald used to kill President Kennedy is rightful property of the federal government and was even at the time of the assassination.

Also at stake in the case was the .38 Special revolver with which Oswald shot to death Police Officer J. D. Tippit.

The ruling allows the government, which has been holding both weapons in the FBI vault in Dallas, to retain them.

John J. King, Englewood, Colo., gun collector and independent oilman, had already paid Mrs. Marina Oswald Porter \$10,000 for the rifle and pistol. Under the ruling, he is not entitled to any compensation from the government.

JUDGE ESTES upheld the government's contention that Oswald used a fictitious name in ordering the guns through the mails, causing the dealers to reflect this name on their records in violation of the Federal Firearms Act.

Presenting the case for the government were Assistant U. S. Atty. Tim Timmins and James F. Gaulding, assistant regional counsel for the Internal Revenue Service.

Timmins declared that "forfeiture of the rifle and the revolver took effect immediately upon their involvement in the violation of the Federal Firearms Act in March, 1963 when they were purchased."

THE JUDGE ruled the name A. Hidell which Oswald used in ordering the weapons was purely fictitious and "contrived by Oswald for the purpose of deceiving the dealers."

He added that if he had decided in favor of King, "every crook in the United States, by the simple device of ordering firearms under an assumed name, could make a sham out of the firearms law."

The judge said the Federal Firearms Act, enacted in 1938, was designed to regulate shipment through interstate commerce of all firearms to eliminate guns from the hands of crooks.

He also stated that King knew when he bought the firearms they were not in possession of the seller, Oswald's widow, but in the hands of the government.

HE CITED KING had agreed in a contract with Marina Oswald to pay an additional \$35,000 contingent upon getting the guns free of all adverse claims.

Internal Revenue forfeitures are in rem proceedings, in which it is the thing which has offended, and the guilt or innocence of a claimant, such as King, is not a factor in determining whether or not such property became forfeited.

The guns, the judge held, belonged to Oswald, never to his widow or to King.

King's attorney, William C. Garrett, said after the decision King might decide to appeal through the 5th Circuit Court in New Orleans. King could not be reached Monday for comment.