

Eddowes loses Oswald appeal

By CARL FREUND
Fort Worth Bureau of The News

FORT WORTH — British author Michael H.B. Eddowes lacks "legal standing" to force Tarrant County officials to open the grave of Lee Harvey Oswald, the Fort Worth Court of Civil Appeals ruled Thursday.

Eddowes contends the grave, at Rose Hill Cemetery at the east edge of Fort Worth, does not hold the body of Oswald, accused by the Warren Commission of firing the shots that killed President John F. Kennedy as he rode through Dallas Nov. 22, 1963.

Instead, Eddowes says, a Soviet intelligence agent named Alek James Hidell masqueraded as Oswald and was buried in the cemetery after Jack Ruby shot him while Dallas police officers watched helplessly.

ASSOCIATE JUSTICE Joe Spurlock, who prepared a 5-page opinion for the appeals court, said Eddowes is a British subject who failed to show he has "any interest or standing" that would justify his suit.

Spurlock commented:

"We seriously doubt that an English court would entertain an action where a citizen of the U.S. visited the United Kingdom and sued the chief inspector of Scotland Yard seeking enforcement of the criminal laws of the United Kingdom upon an allegation of a crime to which the American was not a party and had, at most, a mere historical interest."

Spurlock also said Eddowes, a lawyer in London, has written a book advancing his theory that Kennedy was assassinated by a Soviet agent. But, the opinion continued, Eddowes does not have any legal right to try to force officials to open the grave on grounds that an examination of the body would promote sales of the book.

THE APPEALS COURT left the

door open for Eddowes or others to file a new suit seeking to exhume the body.

Cue Lipscomb, a Fort Worth lawyer who represents Eddowes, said he and John E. Collins, an Irving attorney associated with him in the case, probably will follow this course.

"The appeals court decision left the door open for us," Lipscomb said. "I expect we will file a new suit which will list the Dallas County medical examiner as a defendant since the man buried in the grave was shot to death in Dallas County."

The ruling represented a victory for Assistant Dist. Atty. Fred Schattman, who argued there was no legal basis for Eddowes' suit.

Dist. Judge James Wright agreed with Schattman and entered a judgment against Eddowes. The appeals court said instead of entering an judgment, Wright simply should have dismissed the case.

ANY PARTY FILING a new suit would face the problem, however, of showing it had an interest that would give it grounds for seeking to open the grave.

Spurlock said three Tarrant County residents — Dr. Edward Richards, William Grady and Jerry Pittman — joined Eddowes in filing the suit. The jurist said, however, that they failed to show they had "any greater interest in the enforcement of criminal laws of this state than that possessed by the public generally."

Eddowes theorized that Oswald, a former Fort Worth resident, was kidnapped in Moscow in 1959 after he defected to the Soviet Union and that Hidell, who bore a close resemblance, assumed his identity.

The author argued these develop-

ments were part of a conspiracy to assassinate Kennedy.

MEMBERS OF Oswald's family ridiculed the theory and said it was Oswald who returned from the Soviet Union.

The appeals court rejected Schattman's arguments that Tarrant County officials are under no obligation to become involved in an investigation because Eddowes failed to allege that a crime was committed within the county. Spurlock's opinion said the appeals court interpreted papers filed by Eddowes as claiming that the burial of the body was "an act in furtherance of the alleged conspiracy."

Assistant Dist. Atty. Marvin Collins said he was concerned that the Oswald family would obtain a large judgment against county officials if they opened the grave without a court order.

EDDOWES AND Oswald's mother listened to arguments in the case two weeks ago.

Lipscomb said Eddowes returned later to London.

"I've placed a call to him to advise him of the decision," Lipscomb said. "I think he expected it."

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