

Dispute swirls about who lies in Oswald grave

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FORT WORTH — What lies beneath a simple tombstone marked "Oswald" has become an octopus-like issue pitting Lee Harvey Oswald's widow against his brother, the Dallas County medical examiner against the Dallas County commissioners and high-powered lawyers against other high-powered lawyers.

And today, Dist. Judge James Wright was scheduled to attempt to sort out the woven legal and medical issues, as hearings continued in a lawsuit to halt an effort to dig up the body in Oswald's grave.

Robert Oswald, the brother of Lee Harvey Oswald, filed a lawsuit three weeks ago, attempting to block the exhumation of his brother's grave. The exhumation had been planned for Aug. 15 but was halted temporarily by a judge until both sides could present arguments.

The hearing, which began Friday and continued today, is for a temporary injunction against British author Michael Eddowes and Rose Hill Burial Park of Fort Worth, where the body is buried.

Eddowes, who has been researching the Kennedy assassination for more than a decade, contends that Oswald may have been replaced with a look-a-like Soviet spy while he lived in the Soviet Union in the early 1960s.

Dr. Linda Norton of the Dallas County Medical Examiner's Office was scheduled to testify today. Norton, a forensic pathologist, has Oswald's Marine medical records from the 1950s.

If the body were to be exhumed, experts would look at the teeth, the height and the ear of the body. Eddowes, in his book "The Oswald File," said there were discrepancies between the 1963 autopsy report and previous medical records of Oswald.

Since supposedly secret plans for the exhumation were discovered on



Michael Eddowes

Aug. 14, the battle for exhumation has turned and twisted with the most dramatic moment Friday, when Oswald's widow, Marina Oswald Porter, testified that she now believes the body may not even be in the grave.

Mrs. Porter agreed on Aug. 8 to sign a consent form, calling for the exhumation, giving in to persistent efforts by Eddowes' attorneys.

"I wanted to call his (Eddowes') bluff," she said.

But then Mrs. Porter was shown recently obtained documents that indicate the Warren Commission and others considered in 1963 and 1964 removing the body and either cremating

it or hiding it in a mausoleum.

"Next thing that disturbs me, that I would like to have answered, is the rumor that I've heard lately that Lee's body is not in the grave," Mrs. Porter testified Friday.

"These rumors make me recollect some incidents which have been forgotten until now. No. 1: One hour before the funeral there was a commotion. When I asked what was going on, someone told me that they thought the body had been stolen.

"No. 2: After the funeral, I receive a letter from some attorneys who suggested that I tour the body around the country like a carnival show for profit. That was a ridiculously, outrageous proposition. But it made me aware of how many evil people are around who are capable of doing something like this for money.

"No. 3: Several months after the funeral, I receive a call from some official who said that it was very expensive to guard the grave for 24 hours. It would be less trouble if they had my permission to install an electronic device so that if grave was tampered with, they would be alarmed right away. I went along with this because I did not want any hardship on anyone if I could help it. I think I signed the papers for this.

"The tombstone was stolen and I don't know if any device ever existed. Taken all this in consideration, I strongly believe in the possibility of the body not being there."

Mrs. Porter, who lived with Robert Oswald for a while after his husband's death, has drifted apart from her brother-in-law. She lives in the

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Dallas suburb of Rockwall; he lives in Wichita Falls. They seldom talk to each other now.

And when she signed the consent for the exhumation she did not tell Robert Oswald. He learned about it from the news media and rushed to Fort Worth to ask for the temporary restraining order. Oswald says he will suffer mental anguish if the body is exhumed.

Mrs. Porter said in court that she has suffered from her brother-in-law's lawsuit. She was, however,

dropped as a defendant in Robert Oswald's suit.

"I have been emotionally upset by Robert's lawsuit. With all respect for his rights and feelings, I have to say that very few times my family's feelings have been considered. One must be very strong and open-minded in times of difficulties," she said.

Another spat brewing in the case is between Dr. Charles Petty and his bosses, the Dallas County commissioners. Petty agreed to conduct the exhumation, after a phone request from Mrs. Porter.

Although he said he believes the body was probably that of Oswald, he said he agreed to the exhumation — as a private physician — because of the unusual nature of the case.

Petty had planned to use the facilities at the forensic unit, considered the best in the area. Petty and the other medical examiners occasionally do this for private cases. The family is charged \$30 for use of the facilities.

The county commissioners, however, said the county should not be involved in the case. They prohibited Petty from using county facilities or

equipment and strongly suggested that he not be involved.

Petty said he hopes to change the commissioners' minds. "It's something I feel I should do since the widow requested it. It's like doing an appendectomy or facelift," he said.

And then there are the lawyers, who have been working deals and arguing in court.

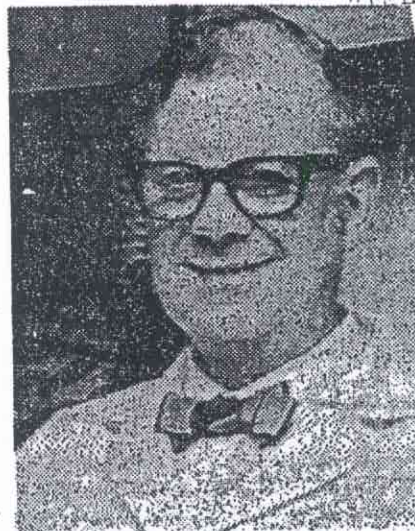
Representing Robert Oswald are Kenneth Campbell and Craig Fowler of the law firm of William McKenzie. McKenzie is former chairman of the Dallas County Republican party, and represented both Robert Oswald and

Marina Oswald immediately after the assassination.

Mrs. Porter now is represented by Richard Levin of the firm of Akin, Gump, Hauer and Feld, where Robert Strauss used to be a partner.

Other lawyers in the case pushing for exhumation are John E. Collins, representing Eddowes, and R. Jack Ayres, representing Petty. Both are known in legal circles for their courtroom style.

"This case has heated up. If they want to play hard ball, so will we," Collins said.



Dr. Charles Petty