

# Oswald's brother gets

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FORT WORTH — Lee Harvey Oswald's brother Robert won a court order Thursday temporarily blocking the exhumation of the body buried in his brother's grave.

State Dist. Judge James E. Wright of Fort Worth granted a 10-day temporary restraining order requested by

Robert Oswald of Wichita Falls. The exhumation in Fort Worth's Rose Hill Burial Park had been planned for Friday evening.

Robert Oswald filed suit seeking an order against the exhumation, saying, "The purpose of disinterment is solely for the publicity that they (the defendants) will individually receive and from the resulting financial gain."

English author and lawyer Mi-

chael Eddowes had sought the exhumation because of suspicions that the body buried in Rose Hill was not that of Oswald, the accused assassin of President John F. Kennedy. Eddowes claimed the man who entered the United States from the Soviet Union in 1962 was a Soviet agent posing as Oswald.

Oswald was shot to death by Jack Ruby two days after Kennedy was assassinated in Dallas in 1963.

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## stay of exhumation

Named as defendants in the suit were Eddowes; Charles M. Petty, chief medical examiner for Dallas County; Dallas County Judge Gary Webber; Marina Oswald Porter, Oswald's widow; and Rose Hill Burial Park. Robert Oswald said he would seek \$100,000 from each defendant if the body were exhumed. He claims he will suffer "severe mental pain and anguish" if the body is exhumed.

The court action Thursday pitted

Oswald's brother against Oswald's former wife for the first time. Mrs. Porter now lives in Rockwall, Rockwall County.

Wright scheduled a hearing for Aug. 22 to determine if the restraining order should be extended until the suit is resolved.

Mrs. Porter signed a consent order authorizing the exhumation last week. Upon hearing of the attempt to exhume the body, Robert Oswald had

an angry telephone conversation with Mrs. Porter Wednesday night, but she stood firm on her desire to have the body exhumed, a source said.

Mrs. Porter believes her first husband had a mastoidectomy scar behind one of his ears and stood 5 feet 11 inches tall, the source said. Eddowes has noted the original 1963 autopsy made no mention of the scar.

See OSWALD'S on Page 4A.

Continued from Page 1A.  
and showed Oswald to be 2 inches shorter than his height when he was measured as a U.S. Marine before he defected to the Soviet Union in 1959.

A key to determining whether the body is Oswald's is dental X-rays taken in 1958 when he was a Marine. Petty's office has obtained the dental chart for a comparison of the teeth in the body, which would be taken to his office in Dallas.

Dallas police have said in the past that the fingerprints of the body match those on Oswald's Marine records. Eddowes has maintained it can be "argued that at some time an intelligence agency substituted for the FBI fingerprint record of Marine Oswald a similar but counterfeit card bearing the prints of the assassin," possibly shortly after Oswald defected.

**IN A STATEMENT** issued to United Press International Thursday, Mrs. Porter said: "Even though for myself I don't have to have proof of identity of the body, I chose this very uneasy

road where no matter which way you go, you will be ridiculed.

"Through the years, more and more mystery surrounds the assassination. So if it is in my power to clear up anything and put to rest some speculation, I would rather face the task myself instead of putting the burden on my children in the future.

"So in this very uncomfortable situation, with no rewards, I feel maybe in a small way I contribute to answers and end some mysteries."

Eddowes' attorney, Charles Pittman of Dallas, said he wasn't surprised the temporary restraining order was issued. He said he believed "we still have a good shot" at having the body exhumed.

**PETTY SAID** in a statement that the Dallas County medical examiner's office "is not in any way officially involved in the examination of the remains of Lee Harvey Oswald. Because the Institute of Forensic Sciences is the only facility in the area properly equipped to conduct an examination for the purposes of estab-

lishing identity, I have agreed to undertake this examination. . . . I have asked certain individuals who are experts in various phases of forensic examination to be present and to assist me in the examination."

Tarrant County legal adviser Marvin Collins said the district attorney's office isn't concerned because Tarrant County is not liable under the circumstances.

"We have not been asked to participate, and we will not," Collins said.

**A SPOKESMAN** for Rose Hill said reporters, who had staked out the cemetery hoping to witness the exhumation, are being banned from the cemetery to protect the rights of plot owners. Fort Worth police, who blocked off a street about 50 yards from the Oswald grave, said all they could do was keep traffic moving and prevent public nuisances.

Eddowes, contacted as he was leaving Pittman's office, said he wasn't concerned about the outcome of any future autopsy.

"I'm not worried about it. This is

something for the American people to decide upon," Eddowes said. "I have given all the information I have and there is nothing else I can do."

Pittman said he believes Marina Porter is legally Oswald's next of kin and has priority in deciding whether an autopsy is to be performed.

**THE WARREN COMMISSION**, which investigated the assassination in 1963 and 1964, concluded Oswald acted alone in the assassination. The House Assassinations Committee concluded in 1979 that a conspiracy probably resulted in Kennedy's assassination. Neither group ever seriously considered the impostor theory.

The chief counsel for the assassinations committee, G. Robert Blakey, has ridiculed Eddowes' efforts at exhumation.

But the forensic anthropologist whose study of photographic evidence led to the house committee's rejection of the impostor theory told *The Dallas Morning News* last February he could "not totally exclude a remote possibility" of an Oswald look-

alike. Dr. Clyde C. Snow said an exhumation "would be of interest and it could probably from the records we have now . . . put it (the question of an impostor) to bed one way or another."

The mortician who hermetically sealed the body in a steel-reinforced concrete vault 16 years ago told *The News* in October 1979 that it would be "just like it was when I put it in there." Paul J. Groody said he

"overembalmed" the body and placed it in a 2,700-pound vault "because I knew good and well they may want to take a good look at him again."

Wright is the same judge who last year refused Eddowes' civil suit request to exhume the body. His decision was upheld May 15 by the Fort Worth Court of Civil Appeals, which agreed Eddowes had no standing to file suit because he is a citizen of England, not the United States.