

# Effort to exhume Oswald blocked

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FORT WORTH — British author Michael Eddowes' attempts to open the grave of Lee Harvey Oswald were blocked temporarily Friday by state Dist. Judge James Wright.

Wright, in the latest of a series of legal maneuvers to exhume Oswald's body from a Fort Worth cemetery, ordered a temporary injunction against the exhumation on the basis that "ru-

more, speculative theory, conjecture and public curiosity" are not sufficient reasons to open Oswald's grave.

Friday's ruling only postpones action on the matter until a hearing is held to determine whether to grant Oswald's brother, Robert, a permanent injunction against the exhumation.

In the meantime, Eddowes said he will consult with his attorneys to determine the next course of action.

in his longtime attempt to have the body exhumed and another autopsy performed.

Eddowes, who believes the person buried in the Rose Hill Cemetery on Fort Worth's Far East Side is a Russian spy sent to assassinate President John F. Kennedy, said he is "looking into the possibility" of appealing Wright's ruling. If Eddowes decides not to appeal, Wright could proceed with a full hearing to determine

whether the ruling should become a permanent injunction.

"We are very disappointed," the British author and attorney said after Friday's ruling.

Eddowes filed a civil suit in a Fort Worth state court in January 1979 but the judge ruled he had no standing because he is an English citizen. The case returned to court when Oswald's widow, Marina Oswald Porter, returned to court when she was in London. See BRITISH on Page 9A.

## British author to decide on legal moves in 2 weeks

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ter, signed a statement consenting to the exhumation "to put to rest the speculation."

Oswald's brother filed suit to block the exhumation when *The Dallas Morning News* reported that Dallas County's chief medical examiner, Dr. Charles Petty, had agreed to perform an autopsy to positively identify the body.

In his ruling, Wright said Robert Oswald had shown "a probable right and a probable injury" in his suit.

Citing several cases in his 7-page opinion, Wright said "the sentiment of humanity is not only against profanation, but disturbance. This disinterment of dead bodies is discouraged by the courts . . . and is as well repugnant to the sentiment of humanity."

Wright said he found "no necessity or compelling reasons" for the exhumation.

In reference to Mrs. Porter's consent to the autopsy, Wright ruled her consent does not control the legal questions.

A spouse's right to select a place of burial is recognized, Wright said, "but it cannot be asserted in favor of a change without giving due regard to the sentiments of blood relatives in particular and the community's sense of decency in general."

Mrs. Porter testified during the hearings she feared she and her children would not be U.S. citizens if Ed-

dowes' impostor theory is true. But Wright ruled there is no evidence the U.S. government has or will question her citizenship.

She also testified during the hearings she believes a possibility exists the grave at Rose Hill Cemetery is empty.

Rose Hill Cemetery, where Oswald was buried in 1963, was excluded from the temporary injunction by Wright who said "there has been no showing in this case that the cemetery has taken or intends to take any action" in the controversy.

Craig Fowler, Robert Oswald's attorney, described Friday's ruling as "well-reasoned and very correct."

"We're hoping the hearing (for a permanent injunction) should settle this once and for all," Fowler said. "We would have been shocked if anything different had happened. I don't think anybody can change the facts. I don't think anybody can change the law."

"There is a lot of legal precedent for leaving bodies where they are."

If Eddowes chooses not to appeal Wright's ruling, a hearing on the permanent injunction against the exhumation probably would be held in three to six months, Fowler said.

Eddowes, who said he is returning to England "to wait things out," said he expects to make a decision about his next legal move "within the next two weeks."