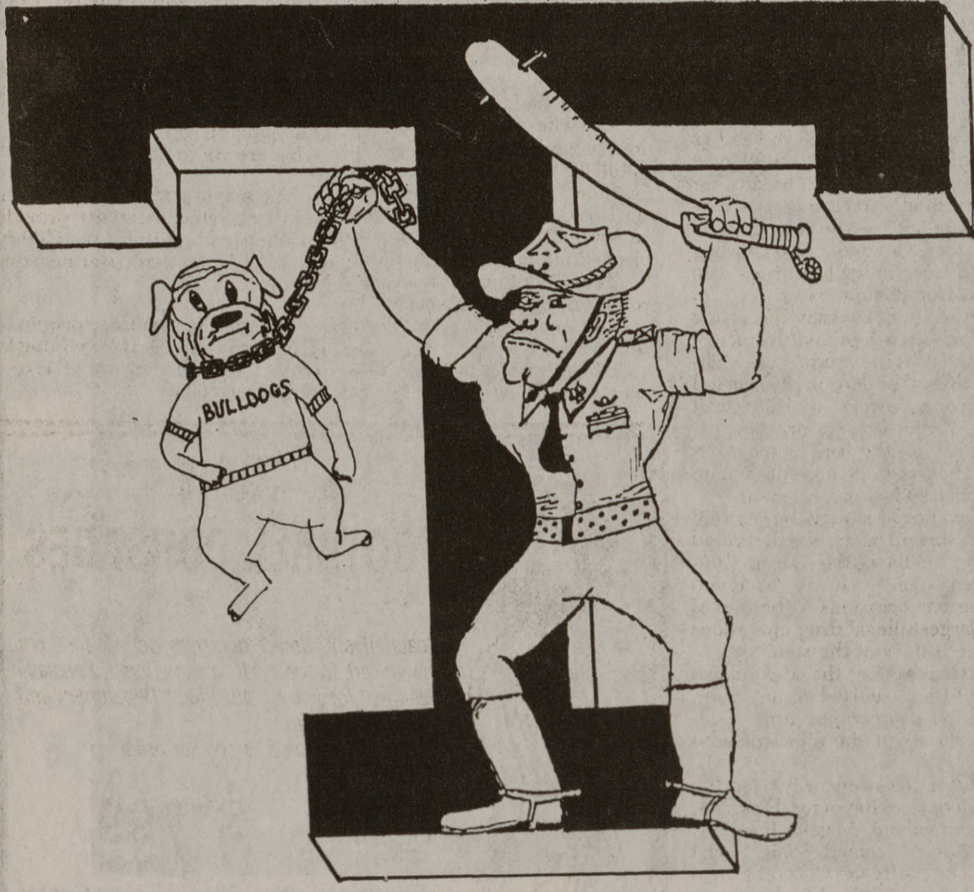


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Hearing to be held within 10 days

## Judge delays exhumation

**United Press International**  
FORT WORTH — A judge blocked plans Tuesday to open the grave of accused presidential assassin, Lee Harvey Oswald, by delaying exhumation for at least 10 days.

State District Judge James E. Wright signed the temporary restraining order banning Oswald's widow, Marina Oswald Porter, her two children and Rose Hill Burial Park from conducting an exhumation until a full hearing within 10 days is held.

Wright suggested a hearing Oct. 5 "provided that date and time meets with the agreement of all parties." Wright said he signed the temporary restraining order requested by Oswald's older brother, Robert, "after careful study and consideration."

On Sept. 18, Porter agreed not to begin an exhumation until Sept. 22. Wright sought the voluntary

five-day exhumation delay while he studied Robert Oswald's request for an order against Porter, her children and the Rose Hill Burial Park, where Oswald's grave is.

Robert Oswald's latest legal maneuvers to keep the grave closed came after an appeals court rebuked to his legal right to overrule the wishes of Oswald's widow.

"I think it would have a devastating effect on my family if the body was exhumed," Robert Oswald testified at that hearing. "My mental processes, frankly, are approaching the breaking point."

During cross-examination, Oswald acknowledged he did not know if the gravesite or the coffin itself had been tampered with since Kennedy's accused killer was buried on Nov. 25, 1963. He testified he would suffer

mental injury if the grave were opened. Attorneys for Porter extracted acknowledgment that he had not sought psychiatric or any professional help for his alleged mental anguish.

Robert Oswald is appealing a five-page ruling issued Sept. 10 by the Court of Appeals, dissolving Wright's 1980 injunction preventing the opening of the grave.

Wright's 1980 injunction banned British author Michael Eddowes and "all persons in active concert or participation with him from seeking to exhume and re-autopsy the remains of Lee Harvey Oswald."

Porter has filed her own lawsuit against her former brother-in-law, charging Oswald's body had been illegally removed from the grave and either cremated or secreted in a mausoleum.

The appeals court rejected Robert Oswald's claim that he

could veto the exhumation of a surviving brother if he ceased does not have the right to control the remains of a deceased brother's body if there is a surviving wife or parents of the deceased.

The ruling was Eddowes' victory in numerous cases receive legal permission to exhume the Oswald grave.

Porter withdrew permission to pursue the suit when she filed her own suit, but the appeals court allowed to consider that cause it was not in the trial record.

Eddowes contends a secret agent assumed Oswald's identity after Oswald's defection to the Soviet Union in 1956, returned to Dallas and lived nearby.

## Smelter must pay back wages

**United Press International**  
DALLAS — The federal government has ordered a West Dallas lead smelter to pay back wages

of 25 workers laid off or fired because their blood contained dangerously high levels of the toxic metal.

In a related development, the government official who directed regional environmental enforcement efforts against the smelter company, RSR Corp., has joined a Washington law firm representing the smelter.

The law firm — Akin, Gump, Strauss, Hauer & Feld — is helping RSR in its fight against a \$114,000 fine levied earlier this year by the federal Occupational Safety and Health Administration. This week, the company was also fined for failing to provide medical removal protection payments to workers who were shifted to lower-paying jobs or fired because of the high levels of lead in their blood.

Tests by the city health department and the federal Environmental Protection Agency disclosed high lead contamination in soil around three lead smelters in Dallas, including the RSR plant.

Diana Dutton, formerly in charge of EPA enforcement in five southwestern states including Texas, resigned last month to join the prestigious law firm, which includes Robert Strauss, former Democratic National Committee chairman and head of Jimmy Carter's unsuccessful re-election campaign for president.

"I didn't know that the client of the law firm. That's interesting," Dutton said. "I said she felt no conflict since she did not plant the company before EPA."

"The conflict of interest will not allow you to do anything that you've been involved in — ever," she said. In September 1979, a battery wrecker unit had lead levels in excess of 50 per million, court documents show. Blood lead levels over parts per million had accepted lead standard adverse health effects, she said.

The conclusion is that employees of the battery were over-exposed to trace of airborne lead," documents by Labor Department said.

Court documents show blood levels in RSR central nervous system kidney damage and possible age to the reproductive system. Washington attorney Appel, a member of the firm, said Tuesday that RSR "had not the opportunity to consider fully the position before would have no comment on the latest fines."

# TM

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### Today's Almanac

**United Press International**  
Today is Thursday, Sept. 24, the 267th day of 1981. There are 40 days left in the year.

The moon is moving into a new phase.  
The morning star is Mars.  
The evening stars are Venus and Jupiter.

Those born on this date are under the sign of Libra.  
John Marshall, fourth Chief Justice of the United States, was born on Sept. 24, 1755.

On this date in history:  
In 1955, President Dwight D. Eisenhower suffered a heart attack while vacationing in Colorado.

In 1959, President Dwight D. Eisenhower and Soviet Premier Nikhruchev met at Camp David.

In 1971, retired Supreme Court Justice Hugo Black died at the age of 85.

In 1976, Rhodesian Prime Minister Ian Smith announced a plan that called for an independent biracial regime and black majority rule of the country in two years.

In 1978, The Israel Defense Forces approved the Camp David Accords and voted to discontinue Israeli settlements in the West Bank and Golan Heights.

A thought for the day: Justice John Marshall said, "The power to tax involves the power to destroy."

