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*Who's Lying in Booth's Tomb? Court Decision Buries Answer Family of Lincoln's Assassin Loses Appeal Seeking Grave Exhumation, Green Mount Cemetery Officials Successful in Protecting Family Plot* *The Daily Record (Baltimore, MD.) June 5, 1996, Wednesday*

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**HEADLINE:** Who's Lying in Booth's Tomb? Court Decision Buries Answer Family of Lincoln's Assassin Loses Appeal Seeking Grave Exhumation, Green Mount Cemetery Officials Successful in Protecting Family Plot

**BYLINE:** By Gregory C. Baumann; Daily Record Opinions Editor

**BODY:**

Given the presidential blood on his hands, John Wilkes Booth may not rest in peace. At least, however, he won't have to contend with disinterment from Baltimore's Green Mount Cemetery.

Distant descendants of the assassin and history buffs yesterday lost their court bid to dig up the Booth family plot to determine whether a corpse buried in an unmarked grave there is Booth or a government-planted double.

In 1994, family members filed a petition in Baltimore City's Circuit Court to exhume the remains of John Wilkes Booth -- or those of the Confederate actor's understudy in perpetuity.

The petition asserted that through the years, historians had been unable to squelch stories indicating Booth escaped from the Union troops who allegedly shot him in a barn on the Garrett Farm near Bowling Green, Va.

The family claimed the alternative account -- "with its credibility and persuasiveness intact" - indicated Booth escaped the Garrett barn when federal troops torched it at 3 a.m., April 26, 1865.

According to that story, Booth went on to live in Oklahoma until 1903, when he took his own life.

That version of Booth's demise, however, was based almost entirely on a book authored by Finis Bates, a Texan who mummified the body of the supposed assassin and took it on an exhibition tour throughout the United States under the name of John Wilkes Booth.

Clarification of the supposed historical uncertainty, the family claimed in the Baltimore court, could only be achieved through exhumation.

Baltimore Administrative Judge Joseph H. H. Kaplan let Green Mount Cemetery administrators oppose the disinterment effort and, after a hearing, ruled against the Booth

descendants.

They appealed, but lost again yesterday in the Court of Special Appeals.

Nathaniel Orloweck, a Potomac high school teacher and Booth historian, said the opponents of the exhumation feared disinterment would show the history establishment was wrong about Booth's capture.

"We feel it's outrageous that the entire Booth family . . . wanted to get the truth out and a group of historians opposed an effort to get the truth out," Orloweck said. "Unfortunately, they felt their reputations were more important than getting out more information."

The appellate opinion, written by Court of Special Appeals Chief Judge **Alan M. Wilner**, noted that Green Mount Cemetery had a valid role to play in the conflict.

Cemetery lawyer Francis J. Gorman said finding Booth's body in the family plot could involve disturbing up to 11 bodies.

Exhumation advocates conceded that three infants would have to be moved because Booth had been buried under them.

The court also addressed the likelihood that anyone but the assassin was buried in Booth's grave.

Wilner began the opinion, " t he zany comedian, Groucho Marx, forever tried to stump contestants on his popular television quiz show with the question, 'Who is buried in Grant's tomb?'

"That, of course, was farce and comedy. Appellants the Booth family here are much more serious," he wrote.

Still, Wilner found unpersuasive the family's evidence indicating anyone other than the assassin lies in John Wilkes Booth's grave. He noted that most of the evidence to the contrary was derived from Finis Bates' book, which three expert witnesses declared a fraud at trial.

And even with modern technology, Wilner wrote, identification of the remains probably would be less than certain.

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