

## Oswald Mock Trial Splits Jury, 6 to 6

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NEW HAVEN, April 1 — A blue-ribbon jury ended in hopeless deadlock early this morning at a mock trial of Lee Harvey Oswald for the assassination of President Kennedy.

In a six-hour trial the man who impersonated Oswald, appearing before a large crowd at the Yale Law School, denied he murdered the President. Then the jury of educators, theologians, executives and housewives reported that it was split six to six on the guilt or innocence of the man who the Warren Commission concluded had alone killed Mr. Kennedy in Dallas on Nov. 22, 1963.

"The one major issue split-

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ting us is whether Oswald acted alone," Robert Mathews, the jury foreman, told Jacob D. Fuchsberg, a New York lawyer, who acted as the judge in the trial, which was conducted by Yale Law School students.

In his charge to the six-man, six-woman jury that had been drawn from a discussion group at the North Haven Congregational Church, Mr. Fuchsberg gave instructions regarding three possible basic verdicts.

He told the jury that it could find Oswald innocent of killing the President. Or it could find him guilty of murder with malice aforethought. Or it could find him guilty of assault with intent to murder the President, on the theory that he did not fire the shot that caused the fatal head wound.

### No Masonry Verdict

Mr. Fuchsberg called the jury back to the law school auditorium at 3:09 A.M. after they had deliberated some 45 minutes. Mr. Mathews told him that the jurors could not reach a unanimous verdict on any of the charges, or even a majority verdict.

In an interview later, Mr. Mathews, a district plant superintendent for the American Telephone and Telegraph Company in West Haven, said that "nobody thought Oswald was framed."

"Everybody agreed that he was involved in one way or another," he said. "But the major roadblock to a guilty verdict was that the prosecution did not put in a strong enough case to remove a reasonable doubt that he fired the fatal bullet."

Mr. Mathews said that he had voted for a verdict of guilty on the top charge of murder with malice aforethought.

"But several jurors," he said, "had been in the military and they just couldn't believe that Oswald was an expert enough shot to do all that damage."

"And a number of jurors didn't buy the one-bullet theory—that the first bullet that hit the President also hit Gov. [John B.] Connally."

Critics of the Warren Commission report have attacked the one-bullet theory and have questioned whether Oswald was a proficient enough marksman to have killed the President and injured Governor Connally in the short time span required.

Mr. Mathews acknowledged that the jurors were aware of the controversies surrounding the report but insisted that "he deliberations were based on the courtroom evidence."

### 'Beat Them Down'

"Whenever somebody would mention the commission we'd beat them down," he said.

The idea for the trial was conceived by members of the Barristers Union, a student group at the Law School that conducts a series of mock trials each spring. Those are usually based on actual trial records.

The trial was conducted as a "synopsis" of the Warren hearings, with witnesses bearing the same names as the witnesses before the commission. To save time, the testimony of each witness was generally a composite of the testimony of many.

Most of the witnesses were Yale Law School students, but the medical testimony was given by doctors or medical students.

The defense was based partly on evidence that did not come before the commission. One witness, for example, represented a composite of those who have assailed the ballistics evidence.

And of course, Oswald, who was killed by Jack Ruby shortly after the assassination, did not testify before the commission. Marina Oswald, an important witness before the Warren Commission, could not be "called" by the prosecution because Texas law forbids a wife to testify against her husband.

The audience stirred when shortly after midnight Charles Blaisdell, the defense counsel, called to the witness stand "Lee Harvey Oswald."

The man who played the defendant, John Strait, a first-year law student, bore something of a physical resemblance to Oswald, a factor that seemed to chill the crowd.

Mr. Strait spoke quickly and in low tones. He told a story that took Oswald completely out of a position of guilt, a matter apparently made easier by the fact that the alleged murder of Patrolman J. D. Tippit was dropped from the indictment, because of time difficulties. The Dallas policeman was killed after the assassination.

### Feared Implication

According to the story told by "Oswald," he had walked out of the Texas School Book Depository Building about a half hour before the assassination to buy sandwiches. He came back a few minutes later, watched the President drive by the building and then walked up to get a drink from a vending machine on the second floor.

It was only then that he heard the President had been shot. He left the building and went home because he feared that he would be implicated "because they knew about my old left-wing associations."

"I knew they'd need somebody badly and I might be the guy they'd try to set up," he said.

Because of this fear, he panicked and slipped into a movie theater where he was caught, he said.

"Oswald" was not cross-examined by either of the two prosecutors, Kevin McInerney or John N. Bush, both seniors in the Law School. The other defense lawyer was Walter Rockenstein, also a senior.

In an effort to simulate a real trial, Mr. Fuchsberg ordered the television cameras, set up by the Columbia Broadcasting System, out of the courtroom.