

Jury Deadlocks in Oswald Mock Trial

Verdict based on "testimony" of actor-witnesses elicited by real-life lawyers

When the accused killer of President John F. Kennedy was shot to death in Dallas 29 years ago, the nation was deprived of a trial that might have answered some of the questions that still surround the assassination today.

But a mock trial of Lee Harvey Oswald at the ABA's Annual Meeting in San Francisco in August, billed as the "Trial of the Century," ended about as conclusively as has the verdict of history.

A mock jury, selected to represent a cross section of the population of northern California, reached a deadlock after about 2½ hours of deliberations. Seven of the jurors voted to convict Oswald; the other five favored acquittal.

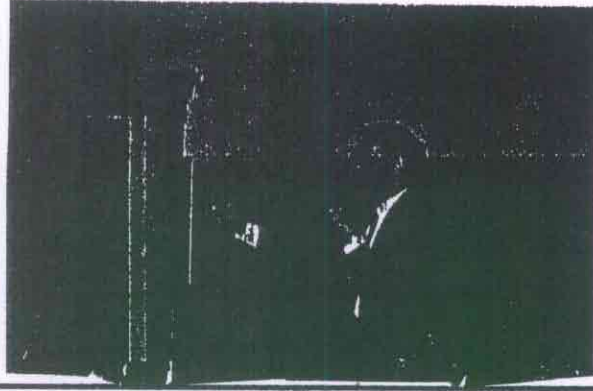
ing of the trial process and what aspects of a case are most likely to influence the outcome, they said.

"It was the perfect case to work with," said Chicago lawyer Theodore Tetzlaff, the outgoing chair of the section. "And we tried to make it as

electronically throughout the trial and displayed on a series of television monitors that lined the room. And the entire proceedings were televised nationwide by Court TV.

Prosecutors in opening arguments, said they would prove once and for all that Oswald, acting alone, killed the president. "The only conspiracy in this case is the conspiracy to make money off the sale of books and movies," Cotchett told the jury.

One of their key witnesses was a ballistics expert who testified that bullets found at Parkland Hospital, fragments recovered from the president's limousine and cartridges taken from the sixth floor of the Three School Park Depos-



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Mock Trial Jury Splits on Oswald's Guilt in Assassination

From Associated Press

SAN FRANCISCO—A mock trial jury on Tuesday didn't come any closer to closing the book on questions about Lee Harvey Oswald, splitting 7 to 5 on whether he killed President John F. Kennedy.

The two-day mock trial presented by the American Bar Assn. involved testimony from witnesses portrayed by actors, computer animation and enhancement of the home movie made in 1963 as Kennedy was shot to death in Dallas.

The "verdict" was reached

Tuesday afternoon after two hours of deliberation—an hour longer than originally allotted.

"Obviously the jury didn't deliberate until it reached a unanimous verdict," said Theodore Tetzlaff, chairman of the ABA Special Litigation Section that presented the event. "But we had quite an exciting trial, and I think everyone learned how the technology of the 1990s can be applied to what we do."

Because of the brevity of the trial, there were time constraints on evidence presentation and re-

buttal. The purpose was not to come up with a definitive verdict but to demonstrate advances in the art of lawyering, Tetzlaff said.

Oswald, a former U.S. Marine, who lived in the Soviet Union for a time, was determined by the Warren Commission to have been the sole assassin. He was slain shortly after his arrest.

The brief presentation of evidence did not explore theories of conspiracy or an additional gunman but rather whether Oswald was responsible for firing the fatal shot.

amazing trial counsel or some not-so form of revenge on the part of the jurors," said Peter Freeman, a Chicago lawyer who moderated and helped coordinate the program.

All seven of the judges who either participated in or observed the proceedings said afterward, though, that they would have convicted Oswald in a bench trial.

The Perfect Case

Despite the outcome, leaders of the ABA's Litigation Section, which sponsored the program, pronounced the two-day event a big success.

The exercise drew a huge turnout. It provided new insights into the assassination. And it gave lawyers and the public a better understand-

was recreated from a variety of publicly documented sources.

The lawyers handling the case, however, were the real thing. Prosecuting Oswald were San Francisco attorneys Jim Brosnahan, Joe Cotchett and John Kecker. Representing the defendant were New York lawyers Tom Barr, David Boies and Evan Chesler. Two federal judges and a California state court judge took turns presiding over the trial.

The real star of the show, though, may have been the technology. Old evidence was enhanced by state-of-the-art reconstruction techniques and computer animation. The reactions of several lawyers, judges and shadow jurors were monitored

and a pathologist who reviewed the results of Kennedy's autopsy testified that the president's wounds had come from more than one gunman.

The section wasn't the first organization to tackle the same subject matter. Earlier this year, the Arts & Entertainment network, in a mock trial, found Oswald innocent.

And it wasn't an ABA section's first mock trial, although it was the most ambitious effort to date. Last year, the International Law and Practice Section tried Saddam Hussein for war crimes; the verdict was inconclusive. And two years ago, the litigators retried gangster Al Capone for tax evasion. He was acquitted.

—Mark Hansen

LA Times 8/12/92

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