

THE RIFLE

The Vanished Mauser

On the afternoon of November 22, 1963 television station KBOX broadcast the following news item:

A rifle found in a staircase on the fifth floor of the building on which the assassin is believed to have shot the President of the United States. Sheriff's deputies identify the weapon as a 7.65 Mauser, a German-made Army rifle with a telescopic sight. It had one shell in the chamber. Three spent shells were found nearby.

(CE 3048)

Shortly after midnight, Dallas district attorney Henry Wade replied to a reporter who asked the make of the rifle,

It's a Mauser, I believe.

(CE 2169)

On Saturday, November 23, 1963, Deputy Constable Seymour Weitzman signed an affidavit for the Dallas Police in which he said that he and Deputy Sheriff Boone had discovered the rifle during a search of the sixth floor of the Depository, and that,

This rifle was a 7.65 Mauser bolt action equipped with a 4/18 scope, a thick leather brownish-black sling on it.

(CE 2003 page 63)

A copy of this affidavit came into the hands of Mark Lane; during the months which followed, he and other critics of the police theory of the assassination cited this affidavit, on the public platform and in print, as a serious and suspicious defect in the case against Oswald. There was a clear inference that there may have been substitution and fabrication of evidence.

When the Warren Report was issued, we learned that Weitzman, who only saw the rifle at a glance and did not handle it, thought the weapon looked like a 7.65 Mauser bolt-action rifle (page 81); that Wade, on one occasion, repeated the error that the murder rifle had been a Mauser (page 235)--although the Report did not explain how the district attorney made contact with Weitzman, presumably the source of his error, or why he accepted as authoritative information obtained from a deputy constable at a time when he was in consultation with the chief of police and the captain in charge of homicide; and we found the following passages in the appendix on "speculations and rumors":

Speculation The rifle found on the sixth floor of the Texas School Book Depository was identified as a 7.65 Mauser by the man who found it, Deputy Constable Seymour Weitzman.*

Commission finding Weitzman, the original source of the speculation that the rifle was a Mauser, and Deputy Sheriff Eugene Boone found the weapon. Weitzman did not handle the rifle and did not examine it at close range. He had little more than a glimpse of it and thought it was a Mauser, a German bolt-action rifle similar in appearance to the Mannlicher-Carcano. Police laboratory technicians subsequently arrived and correctly identified the weapon as a 6.5 Italian rifle.

(Pages 645-646)

Now that we are acquainted with the official findings, let us make an independent check of the facts which led the Warren Commission to its conclusions. The question of the identification of the rifle as a Mauser arose first when Mark Lane testified before the Commission, on March 4, 1964.

Now, in reference to the rifle, there is on file--I assume that you have it or copies of it--in the Dallas district attorney's office or the police office in Dallas, an affidavit sworn to by Officer Weitzman, in which he indicates that he discovered the rifle on the sixth floor of the Book Depository Building at, I believe, 1.22 pm, on November 22, 1963.

Now, in this affidavit, Officer Weitzman swore that the murder weapon--that the rifle which he found on the sixth floor was a 7.65 Mauser, which he then went on to describe

*This so-called "speculation" is, of course, a mere statement of known fact, accepted as fact by the Commission itself. The real speculation--that there was a substitution of rifles to incriminate Oswald--was not confronted explicitly by the Report.

in some detail, with reference to the color of the strap, et cetera. Now, the prosecuting attorney, of course, took exactly the same position, and for hours insisted that the rifle discovered on the sixth floor was a German Mauser, adding the nationality. A German Mauser is nothing at all like an Italian carbine. I think almost any rifle expert will indicate that that is so. I have been informed that almost every Mauser ...every German Mauser has stamped on it the caliber, as does almost every Italian carbine.

(2H 46)

Having heard Lane's comments on March 4, the Commission proceeded on March 24 to question, not Weitzman but deputy sheriff Eugene Boone, co-finder of the rifle. Boone testified on his activities at the time of the shooting and the subsequent search of the Depository, describing the discovery of the rifle. He received the thanks of the Chairman and was about to depart when counsel Joseph Ball, perhaps to his later chagrin, intervened.

Ball There is one question. Did you hear anybody refer to this rifle as a Mauser that day?

Boone Yes, I did. And at first, not knowing what it was, I thought it was 7.65 Mauser.

Ball Who referred to it as a Mauser that day?

Boone I believe Captain Fritz. He had knelt down there to look at it, and before he removed it, not knowing what it was, he said that is what it looks like. This is when Lieutenant Day, I believe his name is, the ID man was getting ready to photograph it. We were just discussing it back and forth. And he said it looks like a 7.65 Mauser.

Ball Thank you.

The Chairman Thank you very much, Sheriff. You have been very helpful.

(3H 295)

We cannot but agree: Very helpful. Not only in his informative testimony, but also in his written reports to his superior, Sheriff Decker, which the Commission and its counsel obviously had not read in advance and perhaps not even subsequently. In a report dated November 22, 1963, Boone said,

...I saw the rifle, that appeared to be a 7.65 mm Mauser with a telescopic site (sic)...

(Decker Exhibit 5323, page 508)

Boone reported the same thing in a second written report of the same date. But nowhere in the Report is there a hint of the startling fact that not Weitzman alone but Boone as well believed the rifle to be a 7.65 Mauser; nor a murmur of Boone's testimony that Captain Fritz himself had thought the rifle a 7.65 Mauser.

The next witness heard by the Commission on this question (not Weitzman) was Chief Curry. He testified on April 22, 1964 that he did not know who made the original identification of the rifle, and that he did not know whether or not it was true that the original identification was a 7.65 Mauser.

Ford Do you know when it was finally determined that it was not a 7.65 Mauser?

Curry No, sir; I don't know that.

McCloy As far as I know there was no police report that it was a 7.65 rifle.

(Discussion off the record.)

Rankin Chief Curry, do you know of any police records of your police department that showed that this weapon that was purportedly involved in the assassination was a Mauser rifle?

Curry No, sir; not to my knowledge.

(4H 181)

Both the questions and the answers are surprising when one recalls that Commissioner McCloy and his confreres had already learned of the Weitzman affidavit, and that this affidavit is among the documents in the Dallas Police report on the assassination (GE 2003), which Curry presumably saw. Curry, who had had some five months in which to inform himself on this matter, responded that he "did not know" no less than five times in the brief testimony on the identification of the rifle.

Captain Fritz and Lt. Day also testified on April 22, 1964. Captain Fritz allowed as how the rifle had been called "most everything" and denied that he himself had thought it was a Mauser.

No, sir; I knew--you can read on the rifle what it was and you could also see on the cartridge what caliber it was.

Ball Well, did you ever make any--did you ever say that it was a 7.65 Mauser?

Fritz No, sir; I did not. If I did, the Mauser part, I won't be too positive about Mauser because I am not too sure about Mauser rifles myself. But I certainly am sure that I never did give anyone any different caliber than the one that shows on the cartridges.

(4H 205-206)

Captain Fritz, advancing from answers that seemed evasive to a kind of acknowledgment that he might have called the rifle a Mauser, vindicates deputy sheriff Boone—but traps himself with a categorical statement under oath that he never gave any caliber except the one that shows on the cartridges. He was quoted in the New York Times of November 23, 1963 as saying that the rifle was of an "unusual undetermined caliber." ^{1/} If the Commission was aware of this newspaper story, they ignored it. The press, something of a scapegoat in this case (see chapter on autopsy and medical findings—anterior neck wound), was probably inaccurate again.

Lt. Day, the least uncomfortable of the witnesses, was asked if he had ever described the rifle as anything other than a 6.5 caliber carbine. He replied,

I didn't describe the rifle to anyone other than police officers.

(LH 263)

We come now (not to Weitzman) to Henry Wade, district attorney. His testimony can be found in volume V, page 250. We will not quote from the transcript, in which Wade abuses the English language and steers wide of any clarity or precision. Suffice it to say that Wade conceded that he had said that the rifle was a Mauser, and that he had been inaccurate, because he got his information second-hand, from someone else. Counsel Rankin did not ask the logical question—From whom? We will have to surmise whether it was Weitzman, Boone, or a higher official.

After Wade's testimony on June 8, 1964, Mark Lane made a second appearance before the Commission, on July 2. On this occasion he was permitted to examine the rifle, as he had requested earlier.

Although I am personally not a rifle expert, I was able to determine that it was an Italian carbine because printed indelibly upon it are the words "Made Italy" and "caliber 6.5." I suggest it is very difficult for a police officer to pick up a weapon which has printed upon it clearly in English "Made Italy, Cal. 6.5" and then the next day draft an affidavit stating that it was in fact a German Mauser, 7.65 millimeters.

(5H 560-561)

^{1/} Gladwin Hill wrote in that issue (page 4 column 2) that police ballistics experts were still studying the rifle, apparently with no conclusive findings, and that "Captain Fritz said it was of obscure foreign origin, possibly Italian, of about 1940 vintage, and of an unusual, undetermined caliber."

But Weitzman never picked up the weapon, as we learned from the Report. It will be obvious by now that the Commission itself never examined this key witness. Weitzman gave a deposition on April 1, 1964, at which time he was questioned by counsel Ball.

Ball In the statement you made to the Dallas Police Department that afternoon, you referred to the rifle as a 7.65 Mauser bolt action?

Weitzman In a glance, that's what it looked like.

Ball That's what it looked like—did you say that or someone else say that?

Weitzman No; I said that. I thought it was one.

Ball Are you fairly familiar with rifles?

Weitzman Fairly familiar because I was in the sporting goods business awhile.

(7H 108)

Ball then asked the witness questions about his service in the US armed forces, learning that he had been a flier and had ended up in a prison camp in Japan. Ball then reverted to the rifle.

Ball Now, in your statement to the Federal Bureau of Investigation, you gave a description of the rifle, how it looked.

Weitzman I said it was a Mauser-type action, didn't I?

Ball Mauser bolt action.

Weitzman And at the time I looked at it, I believe I said it was a 2.5 scope on it and I believe I said it was a Weaver but it wasn't; it turned out to be anything but a Weaver, but that was at a glance.

Ball You also said it was a gun metal color?

Weitzman Yes.

Ball Gray or blue?

Weitzman Blue metal.

Ball And the rear portion of the bolt was visibly worn, is that worn?

Weitzman That's right.

Ball And the wooden portion of the rifle was what color?

Weitzman It was a brown, or I would say not a mahogany brown but dark oak brown.

Ball Rough wood, was it?

Weitzman Yes, sir; rough wood.

Ball And it was equipped with a scope?

Weitzman Yes, sir.

Ball Was it of Japanese manufacture?

Weitzman I believe it was a 2.5 Weaver at the time I looked at it. I didn't look that close at it; it just looked like a 2.5 but it turned out to be a Japanese scope I believe.

(7H 109)

Appraisal of the
Known Facts

Although the Warren Report assigns the sole responsibility for the confusion about the identity of the rifle found in the Depository to Seymour Weitzman, it is clear from the testimony and the documents that deputy sheriff Eugene Boone and probably Captain Fritz of the Dallas Police also described the rifle as a Mauser, Boone in two written reports. The Report is therefore misleading, if not deceptive, on this point.

Henry Wade admitted that he publicly identified the rifle as a Mauser, on the basis of second-hand information from someone else. The Commission failed to ask who that person was, a question so obvious and so crucial that one cannot escape the impression that it was desired to avoid the answer and the possible complications it might have introduced. Wade was not asked whether he had had any contact with Weitzman; nor was Weitzman asked if he had told Wade, or anyone else, that the rifle was a Mauser. In the absence of that information, the attempt in the Report to attribute to Weitzman the full responsibility for the misidentification of the rifle by Wade or others is wholly unwarranted.

The Commission itself heard testimony from Curry, Fritz, Boone, Day and Wade on the "Mauser." The only witness blamed for the erroneous identification in the Report is the only witness who did not appear before the Commission; he was deposed by counsel Ball. In that deposition, Ball and Weitzman discuss an FBI interview with Weitzman, on an unknown date, apparently on the basis of an FBI report on that interview. That report is not found anywhere among the Exhibits. However, from the deposition alone, it is clear that Weitzman described the rifle found in the Depository in considerable detail to the FBI. The metal was blue; the wood was dark oak brown. The description of the rifle in the Report (pages 81 and 553-555) does not include the color of the metal or the wood.

Above all, the 6.5 Mannlicher-Carcano which the Report asserts is the rifle found in the Depository was not shown to Weitzman so that he could affirm or deny that it was the same rifle that he discovered on the sixth floor of the Depository. That was an elementary and indispensable procedure which a scrupulous investigation would not have omitted. The failure to obtain such corroboration from Weitzman leaves open the possibility that a substitution of rifles took place, or that a second rifle may have been found at the Depository but kept secret. In evaluating that possibility, it should be noted that Lt Day testified that when he took the rifle to the police headquarters on Friday afternoon he dictated a detailed description of the weapon to his secretary (4H 260) but that that document is not included in the Exhibits.^{1/} A second police officer also wrote a description of the rifle at about 9 pm on the same day (CE 2003, p 195) but his report is also omitted from the official documents. Consequently, we do not know the contents of either of those two contemporaneous descriptions of the rifle. It is difficult to understand why those documents were not exhibited in support of the assertions in the Report, since the Warren Commission was certainly aware of widespread suspicion that a Carcano had been substituted for a Mauser actually found in the Depository.

When the Warren Report appeared, the explanation it gave for the announcements that the rifle was a Mauser, carried by all the news media for about twenty-four hours after the assassination, seemed facile. We noted with surprise that although Weitzman received the blame for the error, the Report did not explain how his mistake led to universal misidentification of the rifle by high officials and by the news media, since Weitzman—a deputy constable—was neither a spokesman for the police nor the source to whom the district attorney went for his information.

Two months later the Hearings and Exhibits were released. After studying the testimony and documents, we feel no confidence in the official account of how the confusion about a Mauser originated. The facts have been misrepresented. The investigation has been incomplete and unsatisfactory, by objective standards. Relevant documents have been withheld. We consider that the question of the identity of the rifle found in the Depository still awaits a conclusive determination.

^{1/} (see next page)

1/ Day also testified that he had never experienced doubt about the identity of the rifle because "it was stamped right on there, 6.5, and when en route to the office with Mr Odum, the FBI agent who drove me in, he radioed it in, he radioed in what it was to the FBI over the air" (4H 264). Here was another source of corroboration—a witness who had seen and described the weapon very soon after it was found. However, the Warren Commission did not question FBI agent Odum about this nor check the FBI radio log, which must have contained a treasure of important information about the events which took place immediately after the shooting of the President.

The Guilty Carcano

The testimony and documents provide arresting information on the quality of the Mannlicher-Carcano rifle as a category and about the condition of the particular weapon found on the sixth floor of the Depository and alleged to be the source of the shots which killed the President. Little of this illuminating information has found its way into the Warren Report.

Sebastian Latona of the FBI, one of the experts on whom the Warren Commission relied, really jolted Commissioner Boggs when in the course of his testimony he described the murder rifle as a "cheap old weapon" (4H 29). "A what?" asked Boggs. "A cheap old weapon," replied Latona. One can read between the lines the degree to which the Commission was taken aback by this surprising intelligence. The Commissioners should have been forewarned by an FBI report in its possession, stating that the guilty rifle was part of a shipment of rifles which was the subject of "a legal proceeding by the Carlo Riva Machine Shop to collect payment for the shipment of the rifles which Adam Consolidated Industries, Inc., claims were defective" (CE 1977), and by other reports received. John Brinegar, owner of The Gun Shop in Dallas, told the FBI in March 1964 that the Carcano was "a very cheap rifle and could have been purchased for \$3.00 each in lots of 25" (CE 2694, page 11). Dial Ryder of the Irving Sports Shop testified that the rifle was "real cheap, common, real flimsy looking...very easily knocked out of adjustment" (11H 230). And Edward Voebel, a former schoolmate of Oswald's, told the Secret Service four days after the assassination that he had "an Italian rifle of the same type as the one allegedly used to shoot the President; that he shot this rifle several times, but it is so poorly constructed he decided that it was best not to shoot it any more for the reason he was afraid it would explode" (CE 3119).

Small wonder, then, that among Italian soldiers the Mannlicher/Carcano was known as "the humanitarian rifle"—on the grounds that it could not hurt anyone on purpose. (We are indebted for this piece of irony to John P. Conlon of Newark, Ohio, in his letter to the editor of Analog, June 1964.)

It is clear from these widely varying sources that the Mannlicher-Carcano, as a class of weapons, is cheap and old. A would-be assassin who selected this rifle would have to be hopelessly uninformed about firearms or desperately reluctant to hit his victim. What of the specific rifle found in the Depository? Perhaps it was in exceptionally good condition, a superior model or one reconditioned to a high level of efficiency. Army exper

Ronald Simmons fully disabused the Warren Commission of any such notion in his testimony of March 31, 1964, concerning the tests conducted with the self-same Carcano rifle by three master riflemen.

Yes, there were several comments made--particularly with respect to the amount of effort required to open the bolt. As a matter of fact, Mr. Staley had difficulty in opening the bolt in his first firing exercise. He thought it was completely up and it was not...There was also comment made about the trigger pull, which is different as far as these firers are concerned. It is in effect a two-stage operation ...in the first stage the trigger is relatively free, and it suddenly required a greater pull to actually fire the weapon. (3H 447)

Simmons explained that even a highly skilled marksman, if he was to achieve high accuracy, would have to have had considerable experience and "also considerable experience with this weapon, because of the amount of effort required to work the bolt...the pressure to open the bolt was so great that we tended to move the rifle off the target, whereas with greater proficiency this might not have occurred" (3H 449). He explained that by "proficiency" he meant two things--one, familiarity with the action of the bolt itself and the force required to open it; and, two, familiarity with the action of the trigger, which was a two-stage trigger. Asked if such familiarity could be acquired in dry runs, he said,

Familiarity with the bolt can, probably as well as during live firing. But familiarity with the trigger would best be achieved with some firing...There tends to be a reaction between the firer and the weapon at the time the weapon is fired, due to the recoil impulse. And I do not believe the action of the bolt going home would sufficiently simulate the action of the recoil of the weapon...

Commissioner McCloy then asked, "If you were having a dry run with this, you could certainly make yourself used to the drag in the trigger without discharging the rifle, could you not?" Simmons replied,

Yes. But there are two stages to the trigger. Our riflemen were all used to a trigger with a constant pull. When the slack was taken up, then they expected the round to fire. But actually when the slack is taken up, you tend to have a hair trigger here, which requires a bit of getting used to... (3H 450-451)

Apart from the imperfect bolt and trigger, the Warren Report tells us that all of the shots fired by the three master riflemen in the FBI tests were a few inches high and to the right of the target, because of a defect in the scope, for which the marksmen could have compensated if they were aiming to hit a bull's-eye. The Report tells us also that before the actual tests, the marksmen "had not even pulled the trigger because of concern about breaking the firing pin" (pages 193-194).

Indeed, they had every cause for concern in the light of an FBI report of August 1964 informing the Warren Commission that

the firing pin of this rifle has been used extensively as shown by wear on the nose or striking portion of the firing pin and, further, the presence of rust on the firing pin and its spring...

(CE 2974)

In addition to the testimony quoted already, the Commission heard from several witnesses opinions similar to that of Charles Greener, owner of the Irving Sport Shop, regarding the scope.

...with this frail mount...the possibility of it being real accurate would be pretty small, I think...even a fellow that was going to go deer hunting would want to take the gun out and shoot it before he went hunting, and I think that holds very true with this case...I think the man would fire it before using it...As far as your 6.5 Italian gun is concerned...it would be more important on that gun to shoot it than it would any other caliber or of an American make...

(11H 252-253)

Dial Ryder, Greener's employee, said that the rifle scope "would be very easily knocked out of adjustment;" in his opinion, it was too light a mount, and would easily "get jarred off" on a high-powered rifle," throwing the accuracy off (11H 233).

How has the Warren Commission dealt with the problems raised by all these witnesses? We are told about the difficulty of operating the bolt, but assured that this could be overcome by dry runs. We are not told about the difficulty with the trigger, which can be overcome by familiarity acquired by firing the rifle. This ^{EMISSIO} may not be unrelated to the fact that persistent and arduous effort by the FBI failed to establish the smallest indication that Oswald had done any rifle practice with the Carcano at any time (CE 2694).

Nor does the Report reflect the testimony of Greener and Ryder to the effect that anyone who intended to use this rifle with accuracy would first have fired it to zero in the scope, or that the telescopic sight on the Carcano was particularly susceptible to being knocked out of adjustment. We are told that there was a defect in the scope, as mentioned before, but no attempt is made to account for

Oswald's imbecilic behaviour, in the context of the Commission's theory of the crime and its conclusions. Oswald had previous experience with firearms and was aware, from his training in the Marine Corps, of the need to zero in before shooting for the record (LH 301-302). Perhaps he was not aware of the Carcano's reputation ("the world's worst shoulder weapon," according to Conlon's letter in Analog) and purchased it because it was inexpensive. But surely, if he was planning to kill a President and wanted the best possible performance from the rifle, he would have known that the scope had to be sighted before he aimed and fired at his victim. He could not expect it to be accurate after the rifle had travelled to Dallas, disassembled, on the back seat of a car; and if it was not accurate he might hit the wrong person or miss altogether, but still risk losing his own life in a rain of Secret Service bullets, or risk imprisonment and disgrace.

Even assuming that Oswald disregarded all this and stood at that window waiting for the motorcade, what happened when he pulled the trigger? If he had no previous firing practice, as everything suggests, how did he overcome the two-stage problem in operating the trigger? It would be a wonder if he was able to complete the first shot, much less fire two more within little more than five seconds.

If that problem, too, is put aside for the sake of argument, we can proceed to consider just where Oswald was aiming, bearing in mind that the defective scope placed the bullets a few inches above target and to its right. If the wound in the President's back was located above the neckline, the assassin must have intended to hit the high middle of the back. But if the wound was actually about five inches below the neckline, as there is reason to believe, he might have been aiming at the heart--and this is more plausible. If the entrance wound in the back of the head is too high and to the right of the point that the assassin intended to hit, he must have been aiming at the center and top of the neck--too low to strike the brain.

This kind of speculation should not be carried too far, however; sticking closer to known facts, we next examine other crucial aspects of the murder rifle.

The Rifle Serial Number

According to the Warren Report

The Warren Commission describes the steps by which the rifle found on the sixth floor of the Depository was traced to Oswald by means of its serial number, C2766, and other evidence. The Report states that

Information received from the Italian Armed Forces Intelligence Service has established that this particular rifle was the only rifle of its type bearing serial number C2766.

(Italics added) (Page 119)

A similar assurance is given in Appendix X (Expert Testimony), in which the following statement is found,

...the number "C2766" is the serial number of the rifle, and the rifle in question is the only one of its type bearing that serial number.

(Page 554)

Footnotes indicate that the basis for these assertions is the testimony of FBI weapons expert, Robert Frazier.

According to the Hearings and Exhibits

In his testimony on March 31, 1964 Frazier stated that the placement of a specific serial number on a weapon generally is confined to one weapon of a given type, and that,

The serial number consists of a series of numbers which normally will be repeated. However, a prefix is placed before the number, which actually must be part of the serial number, consisting of a letter.

Eisenberg Have you been able to confirm that the serial number on this weapon is the only such number on such a weapon?

Frazier Yes, it is. (3H393)

The Warren Commission for its part has represented facts which it saw imperative, in fairness to the accused, to acknowledge. Other evidence alleged to implicate Oswald with respect to the rifle must be scrutinized in the light of this duplicity.

Subsequent to Frazier's testimony, the Warren Commission received a letter dated April 30, 1964 from the Director of the FBI, enclosing a 22-page report on the tracing of all documents relating to the C2766 rifle and to an "Italian carbine rifle, serial number 2766." The following information appears on page 15 of the enclosure,

...the Mannlicher-Carcano rifle was manufactured in Italy from 1891 until 1941; however in the 1930s Mussolini ordered all arms factories to manufacture the Mannlicher-Carcano rifle. Since many concerns were manufacturing the same weapon, the same serial number appears on weapons manufactured by more than one concern. Some bear a letter prefix and some do not.

(Italics added)

(CE 2562)

Appraisal of the Known Facts

It is not clear what is meant by the assertion on page 119 of the Warren Report that the rifle is the only one "of its type" bearing serial number C2766. The Report does not specify whether the "type" refers to the model, the year of manufacture, or the Mannlicher-Carcano category of rifles. The lack of an explicit explanation is unfortunate, in itself. However, the FBI communication of April 30, 1964 (CE 2562) exposes the insupportability of the Warren Commission's claim that the serial number on the rifle found on the sixth floor is exclusive. It suggests that there may be as many Mannlicher-Carcano rifles bearing the serial number C2766 in circulation as there were arms factories in Italy in the 1930s.

The evidence that the C2766 rifle found in the Depository is the rifle shipped by Klein's Sporting Goods to "A. Hidell" is therefore inconclusive, so far as the serial number is concerned. The Warren Commission nevertheless has attempted to link the rifle to Oswald by means of a serial number represented as being exclusive, despite information in its hands that it was not.

It is self-evident that a multiplicity of C2766 Mannlicher-Carcano rifles weakens the case against Oswald. The Warren Commission for its own reasons has suppressed and misrepresented facts which it was imperative, in fairness to the accused assassin, to acknowledge. Other evidence alleged to incriminate Oswald with respect to the rifle must be scrutinized in the light of this duplicity.

Scope, Shims, and Tests

Police Chief Curry held a little press conference on Sunday morning, before Oswald was shot. The transcript includes the following passage:

Question Is Oswald right-handed?

Curry I don't know. I haven't seen him write.
I mean, I haven't seen him do anything that
would indicate whether he was right or left.

(CE 2147)

There is nothing to indicate why the reporter asked this question; surely it was not academic, but had some relation to the charges against Oswald. Was there reason to think that Oswald could not have committed the assassination if he was right-handed, or left-handed? In any case, the FBI also exhibited interest in the matter, in an interview with Marina Oswald on December 3, 1963. She told the FBI that Oswald was right-handed (CE 1401, page 297).

Robert Oswald was interrogated at some length on this point when he appeared before the Commission on February 20, 1964. He asserted categorically that Oswald had been right-handed.

I would say without qualification...I have never
known him to do anything left-handed...he was
instinctively a right-handed person...

(1H 293-294)

The immediate impetus for the close examination to which Robert was subjected may have been cryptic assertions by Marguerite Oswald, who had preceded him as a witness, that Oswald was left-handed, or that he might have been a left-handed rifleman. (1H 1) Even so, the significance of a determination one way or the other is never made clear and we can only wonder what inspired such interest and how it was relevant to Oswald's guilt or innocence.

A clue may lie in a telephone message from the Aberdeen Proving Ground on April 6, 1964, addressed to a counsel for the Commission.

There were three pieces in the scope examined by the BRL gunsmith. Two pieces were .015 inches thick, so placed as to elevate the scope with respect to the gun. One piece was .020 inches thick so placed as to point the scope leftward with respect to the gun. The gunsmith observed that the scope as we received it was installed as if for a left-handed man.

(CE 2560)

The Warren Commission, which was so preoccupied in February with Oswald's dominant hand, now had good reason to be concerned. If Oswald was right-handed, as Marina and Robert Oswald had insisted, and if the scope was mounted for a left-handed rifleman, by design, extremely serious doubt must arise with respect to the purchase and ownership of the Carcano rifle. This was not the only problem that arose with respect to the mounting of the scope, it will be recalled. As detailed in the Report (pages 315-316), there was evidence that Oswald had had a scope mounted on a rifle at Irving; the matter was never resolved completely, and has some earmarks of an impersonation designed to incriminate Oswald. With the message from Aberdeen, another dilemma arose. But now the Commission became silent on the subject of Oswald's right- or left-handedness; so far as can be seen, no step was taken to explore the implications of the left-handed mounting of the scope. It seems clear that the gunsmith who mounted that scope at Klein's should have been interrogated and that it should have been established if he did in fact mount the scope for a left-handed man and, if so, on whose instructions.

The impression that the scope was not suitable for use by a right-handed man is reinforced by the information that shims^{1/} had to be inserted to elevate it and move it to the left of the rifle before the weapon was utilized in tests to "determine the possibility of scoring hits with this weapon on a given target at a given distance under rapid-fire conditions" (3H 444).

It must be emphasized at once that those tests have not the slightest claim to comparability with the performance credited to Oswald by the Warren Commission. The tests used three master riflemen whose skill was as superior to Oswald's as a chief surgeon's to an intern. Oswald had qualified as a marksman, the minimum classification used in the Marine Corps, in 1959, scoring 191 on a scale of 190-250, after which he had had no target practice of significance and no proven practice with the Carcano rifle. That alone is sufficient to invalidate the tests as in any sense comparable with or indicative of the skill allegedly demonstrated by Oswald. In addition, these tests utilized stationary rather than moving targets. Each participant was told to take as much time as he wished with the first shot; it will occasion no surprise that they all hit the first target, but it should be borne in mind that the alleged assassin did not enjoy such an advantage.

^{1/} A shim is a thin strip of metal, wood, or the like, for filling in, as for bringing one part in line with another.

In repudiating these tests a priori, we would point out that experiments offering genuine comparability easily could have been conducted. It required only to rope off the Depository area early in the morning, as was done for the on-site tests. A car could have been towed down Elm Street with dummy occupants in the positions of the actual victims. Marksmen with the same level of skill as Oswald's when he last shot for record could have been positioned at the window, each firing three shots at the dummies in the moving car. If the Army and the FBI were unable to produce candidates of sufficiently poor qualification, volunteers would have flocked to Dallas to perform this service to truth. Had this been done, the results of the tests would have had legitimacy, and the scrupulousness which has been claimed by the Commission or on its behalf would have been demonstrated.

The tests performed at Aberdeen remain supremely irrelevant as a measure of Oswald's capability, but the results are nevertheless significant in some respects. Addressing ourselves to the first of two series of three shots each fired by three master riflemen, as recorded in rather obfuscatory terms in the Report (pages 193-194) and in the testimony of Army expert Simmons (3H 441-451), we find that two of the rifle masters failed to match the feat attributed to Oswald. Oswald is supposed to have landed two out of three shots in 5.5 or 7.1-7.9 seconds, with the possibility left open that he got three out of three in 5.5 seconds. Expert Miller got two hits out of three tries in 4.6 seconds, which is better than Oswald did if he missed one shot but not as good as Oswald if he did not miss. Expert Hendrix got two out of three in 8.25 seconds, which is considerably inferior to Oswald's feat even if Oswald missed one shot; and expert Staley hit only the first target (after taking as much time as he wished), missing the second and third, taking 6.75 seconds.

These three master riflemen, even with the advantages they enjoyed over the accused assassin, collectively missed four of the nine shots; individually, two of the three gave a poor performance compared to Oswald. The results of the tests, which all but rule out any possibility that Oswald was the sole assassin, are presented with considerable effrontery and contempt for the intelligence of the reader, as indicators of the exact opposite. The opinions of the experts quoted in the Report (pages 189-191) are quite meaningless in the face of the failure of two, and possibly all three, of the master riflemen to demonstrate in action that the feat of the alleged assassin was "easy" or predictable.

The four experts on whom the Commission relied were from the Marine Corps, the FBI, and the Army. We are more impressed by the opinion of Dean Adams Andrews, Jr., which did not find its way into the Report. Andrews said,

I know good and well he did not (kill the President. With that weapon, he couldn't have been capable of making three controlled shots in that short time.

(11H 330)

We agree with Andrews' pragmatic judgment. The fancy tests, the opinion of Government experts, the shims, and the mounting of the scope only reinforce the impression that cynicism and hypocrisy enabled the finding that Oswald had the capability to carry out a feat as far beyond his powers as a flight to the moon.

The Peculiar Rifle Sling

Despite the superlatives with which the press greeted the Warren Report when it was released at long last, and the respect and wonder with which statistics were cited on the numbers of witnesses interviewed, the numbers of exhibits collected, and the like, and the general verdict that this had been an investigation unparalleled in scope and meticulous care, the fact remains that mysteries of direct or crucial importance remain dangling and unresolved. The problem of the sling on the rifle found in the Depository is a case in point.

The Report (pages 553-554) describes the sling as consisting of two leather straps, one of which had a broad patch, which apparently had been inserted on the rifle and cut to length—not a standard rifle sling, but a home-made one utilizing what appeared to be a musical instrument strap or a sling from a carrying case or camera bag.

Study of the Hearings and Exhibits yields a little more information, but only a little and mostly negative. We learn that Marina Oswald did not recognize the sling (CE 1403) and that Ruth Paine did not recall ever seeing a strap of that nature in her home or anywhere else; she could not identify the sling nor suggest its source (3H 25). FBI expert Frazier testified that attempts to identify the home-made sling had met with no success; and he suggested that the sling would not be very helpful to a marksman using the rifle since it was "too short, actually, to do more than put your arm through it...it is rather awkward to wrap the forward hand into the sling in the normal fashion" (3H 397). Having said that much, Frazier then accommodated Commissioner McGloay by agreeing that "the sling would tend to steady the aim, even in this crude form."

Little notice has been taken of the fact that in the notorious photographs of Oswald holding the rifle (CE 133) there is a different sling on the rifle.

According to FBI expert Shaneyfelt, the sling in the photograph has the appearance of being a piece of rope that is tied at both ends, rather than a leather sling, and it is my opinion that it is a different sling than is presently on the rifle.

(4H 289)

One is led to assume, then, that Oswald improvised one sling and then another for this rifle and that he did so during a period of eight months. During at least three of these months (September 25 to November 22, 1963), according to the Warren Report, the rifle was not in Oswald's possession. At no time was he seen by anyone other than his wife to carry the rifle from one place to another, using these slings which seemed clearly designed for carrying rather than as an aid in firing.

Is there a scrap of objective evidence to link the home-made leather sling with Oswald? The Commission has provided an avalanche of mumbing detail on Oswald's life as a child and a man—but has not told us where he obtained this rifle sling, or the rifle ammunition, or where he practiced shooting the rifle until he acquired supreme efficiency, or why this 40-inch rifle was dispatched by Klein's to a customer who ordered a 36-inch rifle.

The person who made the sling did not go out and purchase the straps; he obtained them from some other articles and put them together as a substitute for a conventional rifle sling. If he took the straps from other articles such as a musical instrument (Oswald possessed none) or a camera or a carrying case, why are no straps missing from such articles in the possession of his widow or the authorities who have custody of them? Did he steal the straps from articles which belonged to someone else, at a place where he was employed or in the home of a friend or a relative? That should be easy enough to determine, since the theft would have taken place after the photograph was taken which shows a different sling—March 31, 1963—and before the Oswalds left New Orleans about September 25, 1963, after which the rifle was not in Oswald's possession.

It is regrettable that the Warren Commission did not consider it necessary or worthwhile to seek more precise information about the rifle sling. It should not have been brushed aside as inconsequential. Suppose, for the sake of argument, that investigation had revealed that straps like those in the home-made sling were missing from Jack Ruby's possessions—even the somnolent Commission would have been electrified. We do not suggest that Ruby was the source of the straps; we only point out that it was the duty of the investigators to make sure he was not, by determining where the straps did come from.

Ammunition for the Murder Rifle

Before the Warren Report

Early press reports from Dallas quoted police officials as expecting to trace the purchase of ammunition by the assassin. A story on page two of the New York Times on November 24, 1963 said that

Officers starting a canvass of...outlets observed that the odd-sized ammunition--a little smaller than ordinary .30-caliber--might provide an important clue. The assassination, they said, involved excellent marksmanship that could only have come from regular practice recently, and this in turn would have required sizable quantities of the special ammunition.

Later, objections of seeming weight were raised against the official theory on the basis that ammunition for the alleged assassination rifle had not been manufactured since World War II and was notoriously poor in quality and reliability.

According to the Warren Report

The Warren Commission makes no explicit statement on the purchase or possession by the assassin of the ammunition used in the assassination, but the Report contains assertions about the recency and reliability of the ammunition.

The ammunition used in the rifle was American ammunition recently made by the Western Cartridge Co., which manufactures such ammunition currently. In tests with the same kind of ammunition, experts fired Oswald's Mannlicher-Carcano rifle more than 100 times without any misfires.

(Page 646)

The cartridge is readily available for purchase from mail-order houses, as well as a few gunshops; some 2 million rounds have been placed on sale in the United States.

(Italics added)

(Page 555)

According to the
Hearings and Exhibits

The Report does not document the assertion that the Western Cartridge Company ammunition used in the assassination was "recently made" and is being manufactured "currently." It occasions some surprise that the Report should fail to cite a reference to substantiate a claim which contradicted repeated and widely-circulated charges that the rifle ammunition was old and unreliable. It is all the more disquieting, then, to find the following information in an FBI report included among the Exhibits.

On March 23, 1964, Mr. R. W. Botts, District Manager, Winchester-Western Division, Olin Mathieson Chemical Corporation, Braniff Building, advised the Western Cartridge Company, a division of Olin Industries, East Alton, Illinois, manufactured a quantity of 6.5 M/M Mannlicher-Carcano ammunition for the Italian Government during World War II. At the end of the war the Italian Carcano rifle, and no telling how much of this type ammunition, was sold to the United States gun brokers and dealers and subsequently was distributed by direct sales to wholesalers, retailers, and individual purchasers.

(CE 2694, page 12)

Despite this indication that the assertion that this ammunition was recent was unfounded, according to the Commission's own documents, we wrote to the Western Cartridge Company on the chance that Mr. Botts was mistaken and that the Commission's claim was in fact true. An official of the Company replied in April 1965 that 6.5 M/M Mannlicher-Carcano cartridges had at one time been produced under a Government contract but was no longer available. Independent inquiry by another critic of the Warren Report elicited a letter of earlier date from the Western Cartridge Company stating that production of this ammunition had ceased in 1944. Further questions resulted in the following letter of April 20, 1965 to the writer, in which the spokesman for the manufacturer himself states that "the reliability of such ammunition would be questionable today."

WINCHESTER
Western



WINCHESTER-WESTERN DIVISION
EAST ALTON, ILLINOIS



April 20, 1965

Mr. S. Meagher
302 West 12 Street
New York, New York - 10014

Dear Sir:

This acknowledges your April 14 letter concerning our correspondence on the 6.5 N/M Mannlicher-Carcano cartridge.

As mentioned in our previous letter, this cartridge was made on a government contract basis only and no ammunition of this type was made for commercial purposes. The completion of the government contract ended our production on this cartridge in the early 1950's. Therefore, the reliability of such ammunition would be questionable today.

Trust we have answered your questions and thank you for writing.

Yours very truly,

OLIN MATHIESON CHEMICAL CORPORATION

H. J. Gebelein
Assistant Sales Service Manager
WINCHESTER-WESTERN DIVISION

dkc

OLIN MATHIESON CHEMICAL CORPORATION

The Hearings do provide information on attempts made to establish Oswald's purchase and possession of rifle ammunition. Marina Oswald informed the FBI on December 16, 1963 that "Oswald did not have any ammunition for the rifle to her knowledge in either Dallas or New Orleans, and he did not speak of buying ammunition" (CE 1403). However, when she testified before the Warren Commission on February 3, 1964 and was shown a 6.5 cartridge, Marina Oswald now stated that the bullet "seemed larger than Oswald's" and, on further questioning, said that she had seen ammunition in a box "in New Orleans and on Neely Street" (IH 119). This is one of a series of instances in which Marina Oswald gave testimony tending to incriminate her husband which was completely inconsistent with earlier assertions she had made.

Both the Dallas Police and the FBI tried to trace the purchase of 6.5 Carcano ammunition to Oswald. Detective P.M. Turner made inquiries at the Irving Sports Shop and learned that such ammunition was not sold there (7H 226). An FBI report (CE 2694) describes a canvass of shops in the Dallas-Irving area in March 1964, the results of which were negative. Only two dealers were found who had ever handled this kind of ammunition; both were certain that they had never seen Oswald nor sold any ammunition to him. There is no claim made and no indication that Oswald ever purchased ammunition of any type by mail-order.

The Hearings manifest some concern on the part of the Warren Commission about the unexpected absence of evidence to establish a link between Oswald and the rifle ammunition. The Commission even considered the possibility that he might have hand-loaded his own ammunition, as shown by the questions put to FBI weapons expert Cortlandt Cunningham (3H 479) and to the owner of the Irving Sports Shop, Charles Greener (11H 253). The information provided by these witnesses compelled the Commission to abandon the hand-loading theory as clearly unfeasible.

Finally, the records indicate that no rifle ammunition was found on Oswald's person when he was arrested nor in the searches and seizures carried out on the same day both at the rooming house in Dallas and the Paine residence in Irving (CE 2003).

Appraisal of the Known Facts

The Warren Commission's statement that the Western Cartridge Company ammunition was recent and is manufactured currently is unsupported by testimony or documentary evidence and appears to be completely false. The consequential assertion of its reliability, on the basis of tests conducted at a Government installation, is open to suspicion.

The Commission has failed to establish Oswald's purchase or possession of ammunition for the alleged murder rifle. Marina Oswald's testimony, after prolonged

ective custody with the Secret Service, contradicts her earlier statement on the FBI and compromises her credibility. The Warren Commission relied solely on Marina Oswald's unsupported testimony for much of the evidence which it regards as incriminating Oswald; in this case, however, the Report maintains silence. That in itself suggests lack of confidence in the witness, at least on this point.

There is no fragment of independent evidence to establish that Oswald ever purchased or had in his possession the ammunition used in the assassination, before or after the event. That is an arresting failure in an investigation of unprecedented diligence which ferretted out an encyclopedia of microscopic detail on every phase of Oswald's life. The failure to incriminate him with respect to the ammunition is a serious interruption in the chain of evidence and poses a real dilemma.

Ammunition is not sold by the dozen, like eggs, but in substantial quantity. Generally it is sold in boxes of about 100. The same Klein's advertisement from which the Report alleges that Oswald ordered a rifle by mail order (curiously enough, the advertisement is not included in the ten volumes of exhibits, many of which are far less germane to the crime) offers rifle ammunition for the Mauser in boxes of 130.

Only four 6.5 Carcano cartridges, however, enter into the case presented by the Warren Commission---the three shells found on the sixth floor of the Depository, and the live bullet ejected from the rifle found on that floor. It is implicit in the Report that Oswald obtained, possessed, and used ~~that~~ those four bullets, although no evidence is offered to support the assumption of purchase or possession of even that number, much less a greater quantity. The Commission's rationale seems to be that it has proved that Oswald used the bullets to shoot the President and that it is entitled to infer that he obtained and had them in his possession.

If that reasoning is accepted, we must reconcile ourselves to an assassin who (a) obtained and exhausted a supply of ammunition, apart from four cartridges which remained unused on the morning of the assassination, and that he covered his tracks so ingeniously that it was beyond the resources of the police and the FBI to trace the purchase or use; and (b) loaded the last four remaining bullets into a clip-fed rifle which accomodates seven bullets at a time, firing three with such superb marksmanship that it was not even necessary to use the fourth. The only alternative is that the assassin who spent over twenty dollars for the rifle would not or could not spend a much lesser sum for a supply of ammunition, but stole or found or even bought just four cartridges, which sufficed him for dry runs, attempted assassination, and successful assassination.

No one will seriously entertain such notions. Yet the Warren Commission seems to have strayed dangerously in the direction of absurdity of this kind, as may be inferred from the statement in the Report (pages 192-193) that "examination of the cartridge cases found on the sixth floor of the Depository Building established that they had been previously loaded and ejected from the assassination rifle, which would indicate that Oswald practiced operating the bolt." Elsewhere the Report fixes the time of the alleged practice with the bolt in the months when the Oswalds were living on Neely Street in Dallas, six to eight months before the assassination. Evidently, then, the Warren Commission does consider it conceivable that the same four cartridges had to serve the assassin for all occasions and needs.

Beyond this, it is not even true that examination established that the cartridge cases had previously been loaded and ejected from the assassination rifle. The examination revealed that each cartridge bore at least two sets of markings, of which only one could be linked with the rifle in question. (CE 2968) The Warren Commission has not considered the possibility that one or more of the sets of markings might have been made by another rifle, after which the Carcano markings were superimposed.

Apart from lapses in logic and neglect of alternative explanations of specific data, the Warren Commission has (1) given false information about the age and manufacture of the Western Cartridge Company ammunition and (2) withheld from the Report the negative results of efforts to establish the assassin's purchase and possession of ammunition for the murder rifle. Its silence on results favorable to the accused on this and other inquiries is a prosecutor's tactic. Its false statements on questions of fact are clues to a dubious purpose.

The Dallas police and district attorney Henry Wade were implicated in editorials and by responsible leaders and organizations for their unscrupulous public statements about the evidence against the accused, including the use of invented evidence. How is it that police spokesmen have said never mention any ammunition clip? What is the evidence for the ammunition clip, if any, found by Lee Harvey Oswald?

The Ammunition Clip

After the assassination, scepticism about the police case against Oswald rested in part on the rapidity of the shots. One critic wrote,

How could the gun in question, a Model 1938, 6.5-mm. bolt action rifle, be operated quickly enough to fire three shots into the President's car within five seconds? The rapidity of the shots led most observers at the scene of the assassination to assume that an automatic weapon had been used. A Mannlicher-Carcano must be laboriously loaded with one shell at a time into the chamber before firing, unless a charger, or clip, is first loaded with six cartridges and then inserted into the action of the rifle, thus permitting more rapid firing. There is no indication from Dallas authorities that the alleged murder weapon was equipped with such a charger, in which case it would have been impossible for the assassin to snap off three shots at the President and Governor Connally in such rapid succession. (Italics added)

(Eric Norden in The Minority of One, January 1964)

This commentary seemed well-founded and suggested that a number of questions would have to be answered fully and precisely:

- (1) Did the man who fired the Carcano rifle use an ammunition clip?
- (2) If so, where was it found and by whom?
- (3) The Dallas police and district attorney Henry Wade were excoriated in editorials and by responsible leaders and organizations for their unrestrained public statements about the evidence against the accused, including inaccurate and invented evidence. How is it that police spokesmen and Wade never mentioned any ammunition clip?
- (4) What is the evidence linking the ammunition clip, if one was found, to Lee Harvey Oswald?

In subsequent months, numerous articles appeared in news magazines purporting to put an end to nagging rumors and countering criticism of the official case on the basis of leaks and briefings from "authoritative sources," generally thought to include the FBI and the Warren Commission. Not one of these articles, in discussing the rapidity of the shots, mentioned any ammunition clip. They merely said that tests with the rifle had shown that it was possible to fire the weapon as rapidly as the accused assassin was said to have done.

It was only when the Warren Report was issued in September 1964 that we learned that,

when the rifle was found in the Texas School
Book Depository Building it contained a clip

(WR 555)

A footnote cites the testimony of Captain Fritz (4H 205) and Lt. Day (4H 258) as authority for this assertion.

The effrontery of the authors of the Report knows no bounds---there is not one word on these pages about an ammunition clip. There is not one word elsewhere in the testimony of Fritz or Day or other witnesses which establishes that an ammunition clip was found at all. The assertion in the Report that the rifle found in the Depository contained a clip is absolutely unsupported by direct evidence or testimony.

Lt. Day stated elsewhere in his testimony that when he took the rifle to his office, he dictated to his secretary that,

when the bolt was opened one live round was in the barrel. No prints are on the live round. Captain Fritz and Lieutenant Day opened the barrel. Captain Fritz has the live round. Three spent hulls were found under the window. They were picked up by Detective Sims and witnessed by Lieutenant Day and Studebaker. The clip is stamped "SMI, 9 x 2."

(4H 260)

This mention of the clip by Lt. Day is not sufficient to establish the discovery of the clip which it implies, or its location when discovered, especially when the document purportedly dictated by Day on Friday afternoon, November 22, 1963, is not included among the Exhibits.^{1/} No witness who gave testimony about the search of the Depository or the discovery of the rifle mentioned an ammunition clip, either in the rifle or elsewhere on the sixth floor. Day testified only that the clip had certain letters and numbers stamped on it (his description

^{1/} Detective C N Dhority reported that at about 9 pm Friday Lt Day showed him the 6.5 rifle and that he "wrote a description from the rifle" (CE 2003 p 195). Why should Dhority write a description when Day had already done so hours before

suffering from the official one, "SMI 952"). He was not asked and he did not volunteer any information about where the clip was when it was found, or that it was found at all.

Other references to an ammunition clip are found in the testimony of FBI experts Latona and Frazier. Latona told the Commission that he did not succeed in developing

any prints at all on the weapon...the complete
weapon, all parts...

(4H 23)

He added explicitly that he had found no prints on the ammunition clip. The same negative findings are recorded in an FBI report (CE 2003 page 135). It is noteworthy that no prints were found on the ammunition clip despite the statement in the Report that,

there is no evidence that Oswald wore gloves or that
he wiped prints off the rifle.

(WR 647)

The Commission took little interest in the absence of prints on the clip; but we cannot assume that the reasons given for the lack of prints on the surface of the rifle—"poor quality of the metal and wooden parts" (WR 647)—apply automatically to the clip. It is not an integral part of the rifle but a separate accessory of different composition and manufacture. If Oswald did not wear gloves or wipe his prints off the rifle and its parts, we must have an explanation for the absence of prints on the clip before we agree that he handled or used it, as is implicit in the Report.

FBI weapons expert Frazier testified at some length about the ammunition clip, explaining the bolt action and the clip-feed mechanism and describing the extraction and ejection mechanism by which the clip feeds bullets into the chamber of the rifle (3H 397-398). However, neither counsel nor Frazier initiated any discussion of the mechanism which comes into play after the last cartridge moves from the clip into the chamber, leaving the clip empty. One might almost think that they deliberately avoided that most significant point. The significance lies in the fact that the ammunition clip used in this kind of rifle, when it has fed the last cartridge into the chamber, normally is ejected automatically from the weapon and falls nearby, much like the shells ejected when the rifle is fired. We have seen this demonstrated on

replica of the Carcano. If an ammunition clip was used in firing the rifle found in the Depository, it must have been empty, since the single live round was ejected from the chamber and no other unexpended ammunition was found in the Depository. The clip should therefore have been ejected, falling on the floor somewhere near the southeast corner window. If it was not ejected, it may have been defective or deformed in such a way that it remained stuck in the weapon--and that in itself should have been the subject of comment by Frazier or other witnesses. No such comment was made. In that failure to discuss a vital point there is cause for added uneasiness about the assertion that the rifle found in the Depository "contained a clip."

Another salient point arises in the following passage of Frazier's testimony.

Eisenberg Could you pull out the clip and explain any markings you find on it?

Frazier The only markings are the manufacturer's markings, "SMI," on the base of the clip, and a number, 952. The significance of that number I am not aware of. It could be a part number or a manufacturer's code number.

(3H 398)

Frazier's reply should be viewed together with the statement in the Report that,

the rifle probably was sold without a clip; however, the clip is commonly available.

(WR 555)

The Commission, about which it has been said in a hundred different ways that it left no stone unturned in its search for all the facts, tells us that the rifle probably was sold without a clip. Why should we not have definite information? Mr Waldman and Mr Scibor of Klein's testified well after Frazier. They should have been asked whether or not an ammunition clip had accompanied the mail-order rifle. If the answer was no, an attempt should have been made to trace the clip and to determine by whom, and to whom, it was sold. As will be seen in a moment, the clip was not a common size or style. That might have facilitated tracing. However, no attempt was made to determine the manufacturer, the meaning of the markings, or the retail purchase of the clip--information which might well have had relevance to the modus of the crime and the identity of the assassin.

That the clip ostensibly found in the rifle is not a standard one is seen in Frazier's reply to an enigmatic question.

Eisenberg Is there any reason that you can think of why someone might call that a five-shot clip?

Frazier No, sir, unless they were unfamiliar with it. There is an area of confusion in that a different type of rifle shooting larger ammunition, such as a 30.06 or a German Mauser rifle, uses five-shot clips, and the five-shot clip is the common style or size of clip, whereas this one actually holds six. (3H 398)

Eisenberg's question surely was not academic. Someone must have described the clip as a five-shot clip, although nothing found in the testimony or exhibits provides a basis for his question. It is another coincidence, one supposes, that someone has mistaken a six-shot clip for a clip suitable to a Mauser, just as the Carcano rifle was mistaken for a Mauser.

Boggs How many shots in the weapon? Five?

McCloy The clip takes six itself. You can put a seventh in the chamber. It could hold seven, in other words. But the clip is only a six-shot clip.

Boggs Was the weapon fully loaded at the time of the assassination?

McCloy I don't know how many shells--three shells were picked up.

Eisenberg Off the record.

(Discussion off the record)

McCloy Back on the record.

Eisenberg Mr. Frazier, turning back to the scope...

(3H 411)

What was discussed here that could not be discussed on the record? Perhaps the peculiar facts--that three shells and one live round were recovered but that no rifle ammunition was found on Oswald or among his possessions--that indicated that the rifle had not been fully loaded at the time of the assassination but had held only four cartridges instead of seven. We do not blame counsel for keeping that off the record, for it conjures up a picture of a most implausible assassin, who set out to kill the President armed with only four bullets, his last and only ones at that. Such an assassin would have to be certain that he would hit his victim or victims without missing, and that his escape was guaranteed, so that there would be no need to shoot his way out of the Depository.

If Oswald entertained such sublime confidence in his own marksmanship, in
suddenly; and the later or joined the author of testimony of his sanity had
been heralding his dementia instead of his unquestionable sanity to a waiting world.

Appraisal of the Known Facts

It is inescapable that if no ammunition clip was used neither Oswald nor the
world's champion rifleman could have fired the Carcano three times in five and a
half seconds. If there was no clip, Oswald was innocent. The clip is therefore
crucial to the official findings and must have impeccable credentials and absolute
authenticity.

What is the status of the ammunition clip described in the Warren Report and
pictured in the exhibits (CE 574-575)? The assertion that the clip was in the
rifle found in the Depository is completely unsupported by testimony or documents. ^{1/}
The citations in the footnote are specious. There are no contemporaneous
references to any ammunition clip, nor references at any time prior to the
Warren Report. No link between the clip and Oswald has been established--by
purchase, possession, fingerprints, or other methods.

Few people would be ready to convict a man of murder on the basis of
such incomplete investigation or such a dishonest a presentation of "evidence."
Those who would not send a living man to his death on such a basis must ask
themselves if Oswald should be sent into history with the stigma of assassin
on grounds that would be inadequate if he were still alive.

1/ (see next page)

1/ Former counsel to the Warren Commission, in a "privileged" telephone conversation, acknowledged that the footnote (to the assertion that an ammunition clip was in the rifle when it was found) was erroneous. He was unable to cite testimony or evidence substantiating that assertion. But he was not perturbed, because he believed that it was possible that three shots could have been fired in 5.5 seconds even without a clip. It might be that if several cartridges were inserted in the space used to house a clip, they would still feed into the chamber automatically because the rifle contained a spring while the clip did not.

Nothing in the literature suggests that any rifle, much less the antiquated and cheap Carcano, designed to be operated by use of an ammunition clip can still function automatically without one. If that was the case, it would be all the more strange and disturbing that the evidence presented and vouched for by the Warren Commission includes an unauthenticated ammunition clip which one had been led to think was essential for the perpetration of the crime within the specified time-span.