

Bender 1/11/69

Concerning the way the rifle was sighted in, the most pertinent evidence seems to be in the testimonies of Day, Latona, and Frazier. I have not checked all the material that I intend to, but this is the picture so far: the rifle did not leave Day's possession until 11:45 PM on 22 November; Day did not process the area around the scope. Day turned the rifle over to the Dallas FBI (no name given), who flew it to Washington where Latona received it (and much other evidence) on the morning of 23 November. Latona had it photographed, processed it for latent prints, and sent it back to Day. Day received it on 24 November, but on 26 Nov he received instructions to send it back to Washington, and released it then. It next appears in the hands of Frazier on 27 November. Frazier fired the first test on that day. Also on 27 November, Frazier sent the rifle back to Dallas Police. The rifle moved back and forth with many other items.

In my handwritten notes I recorded something that seems to contradict this. I don't have the text before me, so the note may not fully record the testimony. According to this note, at 34195 Frazier says that the FBI ^{in Washington} received the rifle on the morning ~~of the~~ after the assassination (23 Nov), and sent it back to Dallas on the 27th. Either

my note is incomplete, or Frazier was not aware that the rifle had been shipped back to Dallas before he got it. This may not be a conflict, for my note is very brief.

Day did not tamper with the area around the scope, and it is certain that he did not remove it. Latona says (4H21): "I then proceeded to completely process the entire rifle," and (4H23) "I also had one of the firearms examiners dismantle the weapon and I processed the complete weapon, all parts, everything else... that included the clip...the bolt ...the underside of the barrel which is covered by the stock". Latona does not mention the scope at all in his testimony, but it is possible that the scope mount was detached in the process of this "dismantling". Indication that the scope was removed comes from Frazier (3H411):

Boggs: Do you have any opinion on whether or not the sight was deliberately set that way?

Frazier: No, sir; I do not. And I think I must say here that this mount was loose on the rifle when we received it. And apparently the scope had even been taken off of the rifle, in searching for fingerprints on the rifle. So that actually the way it was sighted-in when we got it does not necessarily mean it was sighted in that way when it was abandoned.

Frankly, I think this is kind of a safety valve, if anybody should figure out how high that rifle was really firing. If he really believed this he would have mentioned it much earlier in his testimony ~~and~~ when they were discussing how much it would be necessary to lead the moving target (JFK's head). And surely he would not have said what he says just a few moments before this remark. (3H411)

Eisenberg: ...if the elevation crosshair was defective at the time of the assassination, in the manner it is now, and no compensation was made for this defect, how would this have interacted with the amount of lead which needed to be given to the target?

Frazier: ...As to how that would affect the lead-- the gun, when we first received it in the laboratory and fired these first targets, shot high and slightly to the right. ...The fact that the crosshairs are set high would actually compensate for any lead which had to be taken. So that if you aimed with this weapon as it actually was received at the laboratory, it would be necessary to take no lead whatsoever in order to hit the intended ~~target~~ object. The scope would accomplish the lead for you.

This part corresponds with the remark in Hoover's letter to Rankin, and with what is written in the Report.

That is a lie, and Frazier knows it's a lie. Among the exhibits that he introduced, Frazier does not include the first targets that were fired at 100 yards at the FBI range at Quantico (this is a different occasion from when they fired in Washington at 15 yards). Instead, he introduced the targets that were fired after they had adjusted the sights downward as far as they could.

Frazier mentions that the scope had at some time been bumped badly. That and his remark about the loose mount might serve to indicate that the sighting-in tells you nothing pertinent about the conditions of the assassination, but this whole business about the way the rifle was sighted-in tells you a good deal about ~~the~~ Frazier.

I have not yet looked for Hoover's letter to Rankin. That will take time, for I shall have to search the evidence page by page. I know that it is there, and I am curious to see whether it is dated before or after Frazier's testimony.

My guess concerning the loose mount is this: if you fire a hundred shots at a target, removing and replacing the mount after each shot, all will strike approximately in the same area. At 15 yards they will

strike within the area of a silver dollar. That is a guess, but it is a good one, I think. The ideal setup for testing this would be to use the Mann.-Car. itself; otherwise, rifle as nearly like the M-C as possible, with the same scope mount attached by means of only two screws.

Dr. Nichols has the later setup, and I think he had his scope mount attached by the same gunsmith who attached the scope to "Oswald's" rifle.

In this test it would not matter how the rifle was sighted-in, for you are not concerned whether its bullets are striking high, but only whether they are striking in the same area.

Perhaps I can prevail on Dr Nichols to send me the mount, for I can put it on a rifle and try the test.

By the way, Canadian Industries Limited does not wish at all to be involved in this, so we may neither cite them by name or refer to them indirectly.