

Statements of Witnesses - Deposition of Seymour WEITZMAN 7 H 105-9

Questioner: Joseph A. Ball, Asst. Counsel - April 1, 1964

Deputy constable Seymour Weitz<sup>tz</sup>man is a graduate in engineering. He and others had just "turned and started back to the court house when we heard the shots." They had been at Main and Houston. He heard "three distinct shots," with the second two seeming to be almost simultaneous.

Somebody said the shots "came from the wall. I immediately scaled that wall". It is between the street on which the Book Depository faces and the railroad. In so doing, he burned his hands on what he presumed were steam pipes (p.106)

When he got to the yards, "We noticed numerous kinds of footprints that did not make sense because they were going different directions." He says that with him were other officers, "Secret Service as well." Someone brought him a piece of something red that could be seen in Elm Street, which he turned over to the Secret Service, telling them "it should go to the lab" and he later found out it was a portion of the President's skull.

In the search of the building, he and those with him "started on the first floor, second floor, third floor, and on up ..." On the sixth floor someone from the sheriff's office said "he wanted that floor torn apart". He and Boone were in the northwest corner with Weitzman on the floor looking under the flats while Boone was looking over the top, and they both saw the "gun, I would say, simultaneously and I said 'There it is' and he started hollering, 'We got it'. It was covered with boxes. It was well protected as far as the naked eye because I would venture to say eight or nine of us stumbled over that gun a couple times before we thoroughly searched the building."

This is testimony of extreme significance. In addition to the time that the assassin obviously took to defingerprint the gun, he clearly

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took addition<sup>al</sup>/time to hide it and hide it well. This testimony destroys the Commission's reconstruction about the amount of time it would~~d~~ have taken the assassin to go from the sixth floor to the second floor.

Weitzman says, "We made a man-tight barridade until the crime lab came up and removed the gun itself." He knew Capt. Fritz was there, but he was uncertain of the lieutenant's name. (p.107)

He is shown 3 pictures marked respectively D, E, F. "D" he describes as "taken the opposite side the flat I was looking under." He said, however, of the gun "it was more hidden than there." Shown pictures "E" and "F", he marked on "F" the spot on the floor where they found the gun. He also marked "E" similarly. He also said, "There was a row of boxes between the stairway and the gun because we came up the stairway and we couldn't help but see it if it was in the open."

In other words, preparations had also been made in advance for a hiding place from which the gun would not be readily visible to those making a search.

Ball then goes into the "statement that you made to the Dallas Police Department that afternoon, you referred to the rifle as a 7.65 Mauser bolt action?" Weitzman says, "I thought it was one," and professes a familiarity with rifles "because I was in the sporting goods business awhile." (p.108)

Capt. Fritz "took charge of the rifle and ejected one live round from the chamber."

Weitzman then acknowledges that in a statement to the FBI he described the action as "a Mauser-type action".

It is conspicuous that Weitzman is not asked whether he had carefully examined the rifle and whether or not he had read any printing that might be on it. This cannot be regarded as an oversight. These are not boys

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conducting the questioning; they are lawyers of high repute. And since Weitzman had identified the weapon as a 7.65 Mauser (I understand also in an affidavit on the 23rd November, which I have not yet located) and because the assassination weapon is described as a Mannlicher-Carcano, his identification of the weapon found at the Book Depository becomes a highly significant point.

He also initially believed the scope was a "2.5 Weaver". He found the portion of the President's skull after a yardman informed him "he thought he saw somebody throw something through a bush." This was before he knew the President was dead and they were looking for a portion of a firecracker.

The yard man also told him where he thought the noise came from, "he pointed out the wall section where there was a bunch of shrubbery and I believe that's to the right where I went over the wall where the steampipe was; that would be going north back toward the jail."

There are several additional conspicuous omissions here. The photographs are identified merely as "D", "E", and "F". At this point, at the very least, they have not been offered for the record.

Nor have the photographs been identified. We don't know who took them, when they were taken, or under what circumstances. We do know, however, that Lt. Day did take photographs. Lt. Day's photographs were taken when a human barricade had prevented alteration of the locale.

For the significance of his testimony and its importance to the entire investigation, the conduct of the investigation of the field and the inquiry made by the Commission, the amount of space devoted to this interrogation is remarkably scant. This is especially true when we consider the tremendous space given to utter nonsense. It is likewise true of the testimony of Eugene Boone, Weitzman's companion, who was

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called before the Commission (3 H 201-4) where Ball also conducted the questioning. Before reading Boone's testimony, I am willing to presume Weitzman was not called on purpose; first, because he was a more educated man, and second, because he had more information that the Commission didn't want to get.