

10.11.68

Dear Mr. Joy.

Your comment on Fritz's "responsibility" for identification of the rifle as a Mauser is tenuous but interesting. For example, Weitzman, one of the men who found it, did that. Could he have made the identification to Fritz, who then assumed it to be so?

On Markham, I think you are solid. I have other thoughts placing the time much earlier than the official version.

Joesten is sometimes less dependable than one might hope. I am not familiar with the first and think the second is a gross misrepresentation of a picture showing the moment of the shot, where Fritz, in the front, naturally is walking away.

I think your comment on Frazier also interesting. I had never taken the trouble to go through it that way because the story is palpably so foolish to begin with. There are other such "errors" in Frazier's testimony. All these guys knew better.

Many thanks. Good to hear from you again.

Best regards,

Harold Weisberg

5809 East Rosewood St.,
Tucson, Arizona. 85711
October 8, 1968.

Dear Mr. Weisberg: It seems that Captain Frütz was responsible for the identification of the rifle as a Mauser immediately after it was found. Was there a photograph taken of Fritz with the rifle in his hands there on the sixth floor? I have been able to find none.

Fritz admitted that he had probably mentioned the word Mauser but didn't think he had named a caliber. Only he and Day, however, held the rifle in their hands and read the inscriptions. Both said that they knew at once what the weapon actually was. However, neither said anything and the deputies from the sheriff's office and any others in the sound of Fritz's voice must have been left with the impression that the gun was a Mauser. Did what Fritz read confirm his original identification or did it not? Since he did not say so at the time, which was the proper time, there can never be any real certainty as to which gun actually was found. Incidentally, that paper bag was all a piece of foolishness because nobody carries a rifle in a paper bag and they are always carried assembled as much the simpler, easier and better way. But if anybody was silly enough to make a paper bag to carry a rifle in, he probably made that one for a Mauser and not a Carcano. It just happens that German Mauser carbine KAR 98 is almost exactly 38 inches long and would fit in the bag which roughly resembles a cloth rifle case such as those of government issue.

Day says Odyum radioed the information redd from the rifle to the FBI and put them on the trail. But did he? Did not rather the FBI tell Day instead of the other way round. Mr. Day seemsd at best a dope and got his numbers and other things twisted. In any case, because of Capt. Fritzy Boy, there is no chain of evidence connecting the rifle found with the one displayed and thus no identification.

Not long ago I discovered something about the testimony of Mrs. Markham which proves that the man she saw was not Oswald. It is in the first portion of her testimony and is not subject to question since it involves her daily work and its routines. She lived at 328 Ninth Street, around a block and a half or less from Tenth and Patton and was on her way to catch the bus on Jerrefson Boule. at Patton Ave. which she regularly did in going to work. She expected to catch this bus at 1:15 p.m. as she had been doing for a long time and at Tenth St. still had a full block and one or more street crossings to go. Since she was middle aged, the mother of five and probably a bit heavy, she would not have walked fast. Thus she would have required 3 or 4 minutes at least to walk the remaining distance. Thus when she said the time was 1:06 or 1:07 "I bet" she was probably about right. In any case she had to catch the bus at 1:15 and definitely expected to do so. Thus the shooting had to have taken place several minutes before 1:15 since at that time she would have been at the bus stop a full block or more away. Thus the Commission's star witness destroys the case against Oswald. He could not have arrived at Tenth and Patton by 1:15 without running and he certainly could not have made it by a little past 1:08 which is the last time Tippit called in.

Another incident: Joesten mentions two photographs somewhere, one of Fritz gazing intently at Oswald just an instant before Ruby shot him and the other of Fritz with his back turned and walking away an instant after the shooting. Do you know of any such photographs?

I would nominate Fritz for one of the leading conspirators with Day and Sergeant Garnet trailing along not too far behind. Then, of course, Inspector Sawyer who seemed to pay a minimum of attention to anything would have his place. Maybe the rest were all just dopes, I don't know. Anyhow, the more I look at this mess, the more the old Keystone Cops look like a fine, well organized bunch of investigators. Curry said they had violated every rule of interrogation. I should say they violated every rule of police procedure.

Another incident: I dug out Frazier's statistics on the test firing he had done to determine the accuracy of the rifle and the scope. He simply did not tell the truth. The rifle itself was hardly more accurate than the scope. He got a dispersion pattern of 5 inches diameter at 100 yards. The National Rifle Association 100 yard target has a central circle for top score which is only 1.9 inches in diameter. A rifle which is both accurate and accurately aimed and furnished with accurate ammunition, will place all shots within that 1.9 inch circle. Mr. Frazier's circle allows for a $2\frac{1}{2}$ inch miss at 100 yards while the target only allows for a 0.95 inch miss. This is not exactly what a rifleman who knew what he was doing would call accurate.

The error of the scope is not "slight" but a maximum of 5 inches high and 5 inches to the right, more than 7 inches off the aiming point. Add this to the $2\frac{1}{2}$ inch error of the rifle and we have an inbuilt miss potential of the two of more than $9\frac{1}{2}$ inches which cannot be called accurate. And again Mr. Frazier is wrong when he says the shooter could compensate for the error by aiming low and to the left. That last could be true only if the errors happened to be consistent but they vary. Thus there is no way the shooter could select an aiming point that would put his shots on the target except by accident.

The scope has the same setting for 100 yards as for all lower ranges just as do fixed sights. There is a lot of talk about lead but Frazier finally admitted the obvious - no lead would be required at those short ranges...The final shot would require some lead to the right.

I'd like to find something of significance that is right in this mess of garbage but I can't. I wonder if the account of the trip from Ft. Worth to the Parkland Hospital is true?

Sincerely,

Whitney Joy
Whitney Joy.

slow fire