

8 · The Murder Weapon

A RIFLE was discovered on the sixth floor of the Book Depository Building at 1.22 p.m. on November 22.¹ The finders were Deputy Constable Seymour Weitzman² and Deputy Sheriff Eugene Boone.³ Another deputy sheriff, Luke Mooney, joined the two men almost immediately.⁴ 'I was about 10 or 15 steps at the most from Officer Boone when he hollered, "Here is the gun,"' Mooney said.⁵ Weitzman, Boone and Mooney all saw the rifle.⁶ Then Captain J. Will Fritz and Lieutenant J. C. Day of the Dallas police arrived.⁷ Day examined the rifle;⁸ Fritz picked it up and ejected a live round from the chamber.⁹

The Dallas authorities told the press later that day that the weapon found on the sixth floor was a 7·65 German Mauser.¹⁰ Dallas District Attorney Wade repeated this information at a formal televised press conference,¹¹ and it was widely publicized in the press.

So particular a description of the weapon soon proved inconvenient. Although the FBI reported on November 23 that Oswald owned a rifle,¹² it was not similar to the one reportedly found on the Book Depository sixth floor. According to the FBI, the rifle Oswald had purchased was a Mannlicher-Carcano 6 5 Italian carbine.¹³ The Dallas authorities, including Wade, then proclaimed that the rifle discovered at 1.22 p.m. the day before was not German but Italian, not a Mauser but a carbine, and not 7·65 millimeters but 6 5.

I traveled to Dallas at the beginning of 1964 and there met Hugh Aynesworth, a reporter for *The Dallas Morning News*, who gave me photostated copies of a number of original affidavits. These documents, prepared by the Dallas police,¹⁴ included one signed by Deputy Constable Weitzman.¹⁵ Although the Commission did not publish Weitzman's affidavit in the Report, it may be found—with diligence—in Volume XXIV, where it was repro-

duced without comment.¹⁶ So as to make the record more nearly perfect, I offer it as an appendix.* It reveals that Weitzman described the rifle which he and Boone had discovered¹⁷ as 'a 7·65 Mauser bolt action equipped with a 4/18 scope, a thick leather brownish-black sling on it'¹⁸

When I first appeared before the Commission, at its request,¹⁹ on March 4, 1964,²⁰ I asked for permission to examine the rifle.²¹ Permission was denied,²² but on July 2, 1964, I testified again,²³ this time on the condition that I be allowed to examine the alleged assassination weapon.²⁴ After looking at it and calling attention to Officer Weitzman's affidavit,²⁵ I told the Commission that, while not a rifle expert, I was able to see that it was a 6·5 Italian rifle²⁶ because stamped clearly on the rifle were the words 'MADE ITALY' and 'CAL. 6·5'²⁷ I suggested that it was unlikely for a police officer to have made such a mistaken identification.²⁸ The Commission—in deference perhaps to the fact that this discrepancy had been widely reported in Europe†—tried to explain it away in a section of its Report entitled 'Speculations and Rumors'²⁹

Speculation—The name of the rifle used in the assassination appeared on the rifle. Therefore, the searchers who found the rifle on the sixth floor of the Texas School Book Depository should have been able to identify it correctly by name.

Commission finding—An examination of the rifle does not reveal any manufacturer's name.‡ An inscription on the rifle shows that it was made in Italy. The rifle was identified by Captain Fritz and Lieutenant Day, who were the first to actually handle it.³⁶

* See Appendix VI.

† Although there were reporters present during my testimony, not one American newspaper, to my knowledge, thought it worth mentioning that a rifle bearing markings legibly and indelibly identifying it to be Italian and of one caliber had been described as German and of another caliber.

‡ The Commission, after hearing testimony that established that the rifle's country of origin and caliber were stamped on the weapon,³⁰ had the choice of dealing with this fact or of rebutting the often irresponsible speculations of Thomas Buchanan, the author of a book entitled *Who Killed Kennedy*.³¹ The Commission chose the latter course first.³² However, Buchanan's guess in this instance³³ was not altogether inaccurate, for—the finding of the Commission notwithstanding—the testimony of Robert A. Frazier, an FBI firearms identification expert, suggests that the name of the rifle does in fact appear on the Mannlicher-Carcano.³⁴ Asked to tell how he identified the weapon, Frazier replied:

And the actual identification was of the manufacturer's name appearing on the barrel and serial number, which indicated it was an Italian military rifle.³⁵