

Critique of the Simmons Testimony

John Ritchson

[Editor's note: *John Ritchson enlisted in the US Army in 1969 and served nearly two tours of duty as a Special Operations Scout before being medically discharged. He settled in Black Eagle, Montana and opened up the Black Eagle Gunworks with his father Vernon, who had taught him gunsmithing and ballistics as a young man. Since 1995 Ritchson used his expertise to examine the ballistics evidence of the JFK assassination. Here he dissected and critiqued the Warren Commission testimony of Owen Simmons, which the Commission relied on crucially in trying to argue that Lee Harvey Oswald could have fired the shots that killed the President. John Ritchson died just prior to the publication of this issue of Assassination Research.*]

The following testimony of Ronald Simmons can be found in Volume 3 of the Warren Commission Hearings, beginning at page 441.

Mr. McCLOY. In the course of that you have examined hundreds of rifles, though, have you not?

Mr. SIMMONS. Well, our examination of rifles is not the detailed engineering, design experiment which a gunsmith or a rifle expert as such would concern himself with. We are more concerned with establishing a framework by which we can put numbers to the performance of military rifles in tactical employment. And this means that for a specific—specific classes of weapons, we have had to establish, for example, round-to-round dispersion, the accuracy with which they can be employed, and the wounding power of the projectiles.

I couldn't help but notice here that Mr. Simmons' first response to a technical question is one of equivocation in which he carefully separates the work "his" (sic) team is doing from that which would be of concern to a gunsmith or rifle expert—ballisticians, if you will—who are, incidentally, quite concerned with the dispersion, accuracy and wounding power of projectiles. This, to me, is indicative of deception insofar as it suggests a very general type of examination, rather than the exacting detailed type of evaluation that one would expect to occur in a forensic examination of such import and magnitude.

Mr. McCLOY. In the course of this you have fired a great many rifles yourself?

Mr. SIMMONS. No, sir; I don't fire them.

It is obvious from this statement that Mr. Simmons is clearly not a shooter himself, and gives rise to the question as to just what his credentials are—beyond being a pencil-pusher, that is.

Mr. McCLOY. Somebody else fires them?

Mr. SIMMONS. Yes.

Mr. McCLOY. But you make the studies in relation to the accuracy of the weapons?

Mr. SIMMONS. Yes, that is correct. The firing is accomplished by employees of the development and proof services, which is the weapons testing facility at the Aberdeen Proving Ground.

My question here would be how in the world could anybody make a study of anything without first-hand experience with the thing to be studied? It's kind of like doing a study of a star cluster without ever looking through a telescope, and depending entirely upon someone else's "subjective" analysis to establish a basis of fact.

Mr. McCLOY. Your task is primarily evaluation—

Mr. SIMMONS. Yes, sir.

Mr. McCLOY. —of the characteristics of the rifle, particularly in terms of its accuracy and its wounding power, killing power?

Mr. SIMMONS. Yes, sir.

Once again, how can anybody properly evaluate the accuracy, wounding, and killing power of any weapon without going out and shooting something—at least, for instance, as a spotter for a sniper?

Mr. EISENBERG. Mr. Chairman, may this witness be admitted as an expert to testify in this area?

Mr. McCLOY. Yes.

What kind of expert and in what area? *Hearsay*, I would think. Think about it: this man is being admitted as an "expert" witness based upon nothing more than the fact that he is "in charge", without a single challenge as to his actual bona fides.

[...]

Mr. SIMMONS. We fired this weapon from a machine rest for round-to-round dispersion. We fired exactly 20 rounds in this test, and the dispersion which we measured is of conventional magnitude, about the same that we get with our present military rifles, and the standard deviation of dispersion is .29 mil.

For the novice reader, this means that the weapon was locked into a fixed position while it was test fired—but here we see no explanation as to how the test was conducted, or exactly how the dispersion deviation was determined. Was it the best of the 20 shots? Was it an average of all of the shots? Were the shots fired one right after the other, or was the weapon allowed to cool down between shots? These and many other factors all work together to affect bullet deviation.

[...]

Mr. EISENBERG. Do I understand your testimony to be that this rifle is as accu-

rate as the current American military rifles?

Mr. SIMMONS. Yes. As far as we can determine from bench-rest firing.

This is where things start to get very interesting, as will be clear as the testimony proceeds.

[...]

Mr. McCLOY. You are talking about the present military rifle—will you designate it?

Mr. SIMMONS. The M-14.

I got a real chuckle from this one. The M-14 at that time was generally considered to be the world's most accurate automatic battlefield weapon.

Mr. McCLOY. Is it as accurate as the Springfield 1906 ammunition?

What? Now Mr. McCloy is asking about 30-06 ammunition.

Mr. SIMMONS. I am not familiar with the difference between the M-14 in its accuracy and the 1906 Springfield. These are very similar in their dispersion.

Now Mr. Simmons is revealing his fundamental ignorance regarding two famous battlefield firearms, but has the gall to offer up an "expert" opinion as to their performance. Yet he has exposed a very important fact regarding this testimony: that there is indeed a difference between dispersion deviation and overall accuracy.

[...]

Mr. EISENBERG. Can they be read by a layman?

Mr. SIMMONS. That I do not know. I do not read them.

Here Mr. Simmons is speaking about spark shadowgraph pictures of the test bullets as they travel down-range. He exposes a rather fundamental ignorance for an "expert" in the field of ballistics. It was at this point that I began to think the man was simply consulting notes and was not speaking from a position of direct knowledge.

[...]

Mr. EISENBERG. Was it reported to you by the persons who ran the machine-rest tests whether they had any difficulties with sighting the weapon?

Mr. SIMMONS. Well, they could not sight the weapon in using the telescope, and no attempt was made to sight it in using the iron sight. We did adjust the telescopic sight by the addition of two shims, one which tended to adjust the azimuth, and one which adjusted an elevation. The azimuth correction could have been made without the addition of the shim, but it would have meant that we would have used all of the adjustment possible, and the shim was a more con-

venient means—not more convenient, but a more permanent means of correction.

Note that now it is becoming apparent that the weapon has been *reworked* prior to the test firings, which compromises any legitimate forensic examination.

[...]

Mr. EISENBERG. Mr. Simmons, I find there are three shims here. You mentioned two. Would three be consistent with what you were told?

Mr. SIMMONS. I was told two. These were put in by a gunsmith in one of our machine shops—rather, a machinist in one of our machine shops.

Now we have an extra shim unaccounted for and our “expert” witness commits a little Freudian slip by revealing a *gunsmith* has worked over the weapon prior to the tests. He tries to salvage this situation by changing the “gunsmith” to a “machinist” who works on guns—which, by the way, is precisely what a gunsmith is.

(Incidentally, I have it on good authority that the “gunsmith” that reworked the weapon did much more than shim it. In fact, it was his son that told me that, when received by Edgewood, the rifle was in an unworkable condition and too dangerous to fire, and had to essentially be completely rebuilt from action to receiver.)

[...]

Mr. SIMMONS. For our experiment, I do not see how a difference of a few feet would make any difference.

I’m certain at this point that our “expert” doesn’t see a great many things.

[...]

Mr. EISENBERG. How many marksmen were involved?

Mr. SIMMONS. We used three riflemen.

Mr. EISENBERG. And can you tell us what their background was?

Mr. SIMMONS. Yes. All three riflemen are rated as Master by the National Rifle Association. Two of them are civilian gunners in the Small Arms Division of our Development and Proof Services, and the third is presently in the Army, and he has considerable background as a rifleman, and also has a Master rating.

Note these men are all NRA-sanctioned world-class shooters, and not the “maggies drawers” (poor shot) champion of the US Marine Corps that Lee Harvey Oswald was.

[...]

Mr. SIMMONS. Exhibit 582 is the target which was emplaced at 175 feet. All

firers hit the first target, and this was to be expected, because they had as much time as they desired to aim at the first target. As you can see from the picture, the accuracy of the weapon is quite good.

... after it had been worked over by a “gunsmith”! I’ll comment more on this shortly.

Mr. McCLOY. That first target is what distance?

Mr. SIMMONS. 175 feet. And we had to make an assumption here about the point of aim. It is quite likely that in fact each man was aiming at a different portion of the target—there were no markings on the target visible to the firers.

Mr. EISENBERG. Did I understand you just told the firers to aim at the target without referring to—

Mr. SIMMONS. Yes.

Am I missing something here or did this testimony just go out into left-field?

[...]

Mr. EISENBERG. There is an apparent crossline running darkly through that photograph.

Mr. SIMMONS. These lines were drawn in afterwards, in order for us to make some measurements from the actual impact point. The target which was emplaced at 240 feet, as shown in Exhibit 583—we had rather an unusual coincidence with respect to this target. This involved the displacement of the weapon to a sufficient angle that the basic firing position of the man had to be changed. And because they knew time was very important, they made the movement very quickly. And for the first four attempts, the firers missed the second target. Of course, we made a rather, I guess, disadvantageous error in the test by pointing out that they had missed on the second target, and there was a conscious effort made on the additional rounds to hit the second target. On the third target, the angle through which the weapon had to be moved to get to the third target from the second was relatively small, and there were only two rounds which did not hit the target at 270 feet. One of these rounds, by the way, was used in the sequence where the iron sight was employed.

Keep in mind that these are *world class* shooters.

[...]

Mr. SIMMONS. They had each attempted the exercise without the use of ammunition, and had worked the bolt as they tried the exercise. They had not pulled the trigger during the exercise, however, because we were a little concerned about breaking the firing pin.

Yet this is exactly how the Warren Commission concluded Lee Harvey Oswald practiced with the weapon.

Mr. EISENBERG. Could you give us an estimate of how much time they used in this dry-run practice, each?

Mr. SIMMONS. They used no more than 2 or 3 minutes each.

Mr. EISENBERG. Did they make any comments concerning the weapon?

Mr. SIMMONS. 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, and he had to retrace his steps as he attempted to open the bolt after the first round. 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 where the first—in the first stage the trigger is relatively free, and it suddenly required a greater pull to actually fire the weapon.

Not exactly an easy weapon to handle—and remember that these are *world class* riflemen.

[...]

Mr. EISENBERG. Do you think a marksman who is less than a highly skilled marksman under those conditions would be able to shoot in the range of 1.2-mil aiming error?

Mr. SIMMONS. Obviously considerable experience would have to be in one's background to do so. And with this weapon, I think also considerable experience with this weapon, because of the amount of effort required to work the bolt.

Another Freudian slip perhaps?

[...]

Mr. EISENBERG. Were you aware when you performed your tests of the conclusions of any other body concerning the accuracy of this weapon?

Mr. SIMMONS. No; we were not.

Mr. EISENBERG. Are you aware of such conclusions at this point?

Mr. SIMMONS. No; I am not.

Mr. EISENBERG. Mr. Chairman?

Mr. McCLOY. You said that these riflemen, or one or two of them at least, had the rank of Master. What is that?

Mr. SIMMONS. I again fall back on my comment earlier that I am not a shooter myself. A Master is one of the ratings given to highly qualified riflemen by the National Rifle Association. These men have all participated in national match competitions in the National Rifle Association.

Mr. McCLOY. Is that a higher grade than Sharpshooter in the Army?

Mr. SIMMONS. There is really no comparison between the rating of Master in the NRA and the rating of Sharpshooter in the Army.

Notice how Mr. Eisenberg dodges this issue in the following dialog.

Mr. EISENBERG. I am not sure whether or not you answered this question, but do you feel that if the target was moving, rather than having the rifleman move, there would have been a difference in aiming error, increased or decreased aiming error—if the target was moving 5 to 10 miles an hour?

[...]

Mr. McCLOY. From your experience, Mr. Simmons, do you feel that with a man who had been in the Marine Corps, with the rifle instruction he had there, using this rifle, and what you know of the shots that killed the President—do you think he was an extraordinarily good shot, do you think he was just shooting in accordance with what might be taken to be the skill that service in the Marine Corps would give him?

Mr. SIMMONS. Well, in order to achieve three hits, it would not be required that a man be an exceptional shot. A proficient man with this weapon, yes. But I think with the opportunity to use the weapon and to get familiar with it, we could probably have the results reproduced by more than one firer.

Based upon what experience? Once again, an opinion from an expert in what?

In conclusion, I wish to point out that this testimony shows the lengths the Warren Commission went to in order to establish Lee Harvey Oswald's guilt—even to the extent of manipulating, or otherwise tampering with, what should have been an honest forensic examination: reworking the suspected murder weapon, and using unrealistic test parameters and methodology, in an attempt to bolster a forgone conclusion.