

Xc: J. H. Chisnall Bpt.
R. B. Sperling "
E. F. Sienkiewica Ilion

Ilion, New York
June 20, 1977

TO: C. B. WORKMAN

FROM: J. P. LINDE

MEMORANDUM OF VISIT
with
LT. C. V. TOMPKINS, HOUSTON, TEXAS
MODEL 700 FIRING "OFF SAFE"

Mr. Ken Walte and myself visited with Police Lt. C. V. Tompkins at his office in the police station in Houston, Texas, on June 16, 1977. We spent approximately three hours with Lt. Tompkins.

We described the engineering effort expended on trying to find the problem with his Model 700 BDL rifle, serial number 6581402, by both the Process Engineering Section and the Research Division. The results of all the tests and measurements were discussed. A M/700 action was brought along for demonstration purposes so the operation of the safety mechanism could be demonstrated. All of our investigation at the plant indicated that there was nothing wrong with the rifle.

An explanation of how Mr. C. V. Tompkins could have held the trigger back with his knuckle while he flipped the rifle from the safe to fire position was present, and, demonstrated a number of times. He did not accept the explanation (I did not expect him to, with us there; he is a police lieutenant), as he said he did not position his lower hand in contact with the trigger. He did consider the explanation and it was apparent from his actions he was thinking about it.

We had him completely describe the incident and the following are key points of the discussion.

PLAINTIFF'S
EXHIBIT

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To: C. B. Workman
From: J. P. Linde
Subject: Visit with Lt. C. V. Tompkins
M/700 Firing "Off Safe"

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1. Time of day - 7:00 A.M.
 2. Location of accident - Ranch road, maintained gravel, not rough where accident happened.
 3. Two people were in the pickup cab.
 4. He was familiar with the operation of the M/700 rifle.
 5. He had no physical conditions at the time which would bear on the accident.
 6. He was not wearing gloves.
 7. The temperature was mild; he was not wearing a coat.
 8. There was nothing he was wearing which he thought could have caught on the trigger.
 9. He uses a Buck pocket knife for hunting.
 10. He always unloads the rifle in this manner. He was not in his opinion doing anything different in the truck.
 11. He was not crowded in the truck.
 12. He had fired the rifle a number of times in the weeks preceding the accident - approximately 10.

We offered him a new Model 700 in place of his old one. We had his rifle there also. We made it clear that we had not altered his rifle in any way. He wanted to keep his original rifle. Then we offered to let him keep both rifles and let him take the rifle which was involved in the accident to a gunsmith to satisfy himself that they could not find anything wrong with the rifle.

He accepted this offer and will keep both rifles and then, when he is satisfied, he will return the original rifle to us. We assured him that nothing would happen to the rifle when in our possession until the problem is resolved. We also requested a copy of the gunsmith's report.

We tried to impress on him that we were also concerned about the other six rifles he described in his letter which would also "fire off safe". He agreed to contact the people involved and supply us with their names if they complied. We will then contact the people involved for the return of their rifles. He cited one case where the rifle would malfunction on a frequency rate of one in ten times.

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No mention of any kind of deal or settlement was discussed; only the technical points were covered. He did mention the letter which said we had a problem with the M/700 Safety from Mr. R. B. Sperling. We informed him that we had had a problem with the Mohawk 600 Safety with a limited number of production rifles but had traced down and corrected all rifles involved.

He had tried to duplicate the condition with his rifle after the accident but could not; that is, he could not make the rifle in question malfunction.

Mr. Tompkins answered all of our questions in a very straightforward manner. He makes a good impression and is a very avid hunter. Last year he won a trophy for shooting a deer with one of the biggest racks taken in Texas. He was not convinced that there is nothing wrong with the rifle but he is not as sure of himself as he was.

J. P. Linde, Manager
Manual Firearms Design
Illion Research Division

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