

Memo: To Dick Bernabei
From: Gary Schoener
Date: 5/1/69

Subject: Don Olson's letter to me of May 28, 1969, references to your work

"The enclosures from Dick Bernabei were interesting and seem to underscore the principle that everything conceivable has been studied in detail by somebody. His explanation seems to resolve ~~many~~ major questions about the dent on 543. The three sets of spurious marks are still a bit of a puzzle, of course. I am enclosing a copy of a letter from Joe Nicol, a friend of my professor Turner. Nicol did a good deal of the FBI-backup work on the bullets and cartridges. I asked him some questions about the dent and the three marks, etc.; as you can see, he cannot be of much help, however. Letters like that one tend to weaken my confidence in the forensic experts. Turner says, nevertheless, that if Nicol identified one of the Tippit bullets as coming from Oswald's revolver (for example), you can count on it. Turner says Nicol will be reasonable in his approach to identification, while the FBI will wait to be 200% sure.

"I can think of no destructive criticism of Dick's mimeographs; they seem very sound. The only trivial extension which now occurs to me relates to the location of the shells at the window. If 543 alone was ejected hard enough to dent the mouth, then we would expect one shell to have been thrown out farther than the other two, and to have fallen farther from the window. This explains that existing discrepancy, although it would certainly help if the Dallas Police had kept the shells separate.

"The only reference to the dents that I know of is two lines at 4H255, which indicate that the Commission lawyers (or, at least Belin) knew of the dent by April 22, 1964. Of course, Nicol and Cunningham had already testified on April 1, 1964. Frazier had already introduced 557 on March 31, 1964. Eisenberg examined the three ballistics experts, and it is possible that the right hand of the Commission didn't know what the left hand was doing.

Attached: Nicol's letter to Turner



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December 18, 1968

Prof. Ralph F. Turner
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Dear Ralph:

I have reviewed the Warren Commission Report for information on cartridge case 543, the case with three marks on the head. As far as I could tell, there was no evidence of the recency with which this case was fired. At the time I received the evidence it had been examined at Dallas on a superficial basis and had been examined in detail by the FBI in Washington. Obviously, the chance of any residual dust or other material being found several months later is rather remote. You and I have discussed this problem a number of times and You know my feelings about speculation on evidence of this kind. If one wants to suppose a giant conspiracy why stop with one cartridge case as being phoney? Why not simply postulate that two or possibly even three of the cartridge cases had been fired prior to the assassination and were placed there for some particular purpose? Certainly it is possible that the assassin carried a weapon into the book depository with a fired cartridge case in the chamber. No one could deny this, I'm not certain what this does to the final outcome of the case. My only contention is that all three cartridge cases were fired in the same weapon. As I stated in the Warren Commission Report, I could not find the three marks on any of the test cartridges by the FBI. Therefore, I concluded that they may have been dry fired in another weapon or in the evidence weapon using another bolt and extractor. I've often thought that if one really wanted to extend speculation to a great degree one could presume that the FBI fired five cartridge cases from some weapon, the origin of which I would not know, and labeled

three of them as originating in the book depository and labeled two as tests and then permitted them to be examined by me and others as a kind of giant hoax. This might be the type or material that would make a subject for Sunday night on 'Mission Impossible.

With respect to bullet 399, I have only a very hazy recollection as to its exact appearance. I have reexamined the slide which I made of the exhibits and cannot see sufficient detail to come to any conclusion as to what might have happened to this projectile. It is certainly possible that the bullet could have been slowed up as a consequence of tumbling in Governor Conley's body. As you know, most of my experience has been in city crime laboratories where much of the evidence submitted is associated with low velocity hand guns. I would not care to speculate as to what might happen when a projectile enters tissue and gets scrambled up with bone and other material. Perhaps those in Wound Ballistics or involved in Projectile Research can shed some light on this matter. Perhaps Mr. Olson would have some time to experiment with high velocity projectiles firing into carcasses or into other suitable material to try and simulate what might happen if a projectile glanced off a rib or other solid material.

It certainly is going to be difficult to arrive at any exact conclusions on the basis of the Warren Commission Report. There is no doubt that there will be areas open for speculation for some time to come. While some of the tissues raised may have some significance, I hope that the effort expended in the next few years does not degenerate into looking for minuscule differences that might suggest mountains of ideas. I hope that your efforts to see the "Life" magazine files and other pertinent material will be successful. By the time you receive this you will have returned from your vacation in Peru and I will be interested in hearing of your experience and discussing what is developing with the Policy Committee.

Sincerely yours,


Joseph D. Nicol,
Professor