

9 April 69

Harold:

Rejoice! The kingdom of Heaven  
is at hand.

Bernabei

Εὐρηκα



## UNIVERSITY OF KANSAS MEDICAL CENTER

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SCHOOL OF MEDICINE  
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

April 6, 1969

Mr. Dick Bernabei  
Department of Classics  
Queen's University  
Kingston, Ontario

Dear Dick:

Your idea is correct!!! Yesterday I dented some live Italian ammunition and after firing the dents were obscured. Tomorrow I will dent some authentic WCC ammunition, photograph the cases, fire and then re-photograph them. Just as soon as the photographs are ready I will send them to you.

On many occasions I have attempted "dry runs" with empty cases. As you know the Mannlicher-Carcano is a "clip fed" weapon and the feeding mechanism is very poor. The bases of empty cases, on all of the eight weapons I have used, just simply will not feed into the bolt face and be carried forward into the chamber. In the very rare event when this does happen the lip, or rim, of the brass cartridge strikes something and is damaged. To seat an empty or a single live round it is necessary to withdraw the bolt completely and set the gun aside. With both hands the base of the cartridge is slipped up into the bolt face. The bolt with its load can then be inserted into the gun. The round with its tapering wedge bullet end will feed into the chamber. However, the blunt and sharp rim of the empty brass case always strikes something and a little force on the bolt will damage the lip or rim of the empty case. To seat the empty case it must be guided with the finger, after the base is first inserted into the bolt face, until the sharp edges have passed into the chamber and the bolt considerably forward. It is impossible to drop a live or empty round into the chamber and then close the bolt.

Your idea about the origin of the nicks on the cases found in the TSBD is good. However, live ammunition and empty cases placed in the chamber of the two guns I now have, and the bolts closed, do not emerge with nicks or dents similar to those found on the ammunition attributed to Mr. Oswald. Perhaps Mr. Oswald's gun will do this to the exclusion of others. I will try the experiment on four of the other guns which I have given to friends. An attempt will also be made to amend my suit against the government to include Mr. Oswald's gun C 2766 and if successful I will try the experiment on his gun.

*I'll instruct Nichols also to get evidence cases and test cases for microscopic comparison.*

Dick, this is very important data. Might it not be best to keep it confidential for a little while yet? I am writing a book on the problem and will want to include it in the book. Also Look Magazine has indicated willingness to carry a short article by myself. I read your recent communications to indicate you will also be shortly writing on the subject. Might it not be appropriate for us to write a short note on this point with yourself as senior author and try to sell it to an appropriate magazine and the magazine or ourself have a press release about the time of publication?

Tomorrow I will wire the Archivist and attempt to have him make special pictures for us to show these dents somewhat after the fashion the originals are shown in Mr. Thompson's book.

*What do you think of this? I want to write the basic report on the dents, but I would like Nichols and you in on it. Presuming Nichols can work out a publication deal with Look, can we do this:*

- 1) Bernabei - basic report on cause and significance of dents.*
- 2) Nichols - physical tests, photographs, and appendix on nicks of tests.*
- 3) Weisberg - other matters related to the rifle ammo; i.e. questions which this new data raises. Something on the bearing of this material on other matters.*

Shall look forward to hearing from you, Sincerely,

*JN*  
John Nichols



FOR WEISBERG



Dept of Classics  
QUEEN'S UNIVERSITY  
KINGSTON, ONTARIO

9 April 1969

Dr. John Nichols  
Kansas City

Dear John:

Thanks for your exciting information on the results of your tests. I have already begun writing in anticipation of results, for I was sure they would work out.

We must settle absolutely the question how the dents were caused. I still hold by the description that I give in my Exhibits. There is no other way, I am sure of it. There may be something wrong with your rifle or with the way you are doing it. Keep trying until you find out for sure. I can suggest nothing except what I told you, and I shall write in accordance with that. If you find something different, I can revise.

I am sending the following things that I have written so far. None of it has been distributed, although I described the situation in a letter to Gary Schoener. If you want Schoener to keep this confidential, wire or call him, and say it is my wish. His address is: Box 392, Mayo Hospital, Univ. of Minnesota, Minneapolis, Minn., 55455. Otherwise, there are ~~is~~ only you, Weisberg, and I who know.

Here is what I have included:

- 1) Letter on purple copy which I intended to send to researchers (as with my monograph on the scope-sight.) I shall hold this until I hear subsequently from you and Weisberg, and shall treat the matter confidentially until we three decide what to do.
- 2) Copy of the first draft of the first sections of my report on the cartridge cases. As more is written, I shall submit copies to you and Weisberg.
- 3) Portion of a letter to a firearms expert who works for CIL in Canada. He has given me splendid help before, and I want his advice. I include this because I don't think I mentioned this aspect to you, and it is just as important as the dents. This is the only writing I have on this matter, and it is far from complete. I can make a magnificent case against Frazier on this alone. And against Cunningham and Nicol, all in one fell swoop.

This is important: also try to get from the Archives the three cartridge cases (CEs 543, 544, 545) and the two cases that were used for microscopic comparison (the two of them are

\* Any loading the unbulleted cartridges  
in the clip over several other cartridges, <sup>included</sup> put in the clip, then  
just on the unbulleted case

JE 557). Microscopic comparison of the brass bases will be important.

If you have books on firearms identification, see if you can dig up a printed reference supporting the notion that brass bases must be marked significantly by the bolt face of rifles when they fire bulletted cartridges (especially clunkers like the M-C). The revolver cartridges that Cunningham examined were marked by the breech face like kids running through snow. But I would like an authoritative reference that will smash Frazier. I have ordered stuff through interlibrary loan, but don't know whether I will get it. The best is Hatcher, Jury, and Weller, Firearms Identification, Investigation, and Evidence (1957). My firearms library deals mostly with sporting aspects, not with crime.

Information about a possible Look article is exciting. I favor working with you on this, but I must write the basic material on the dents (subject to your revision and endorsement); I have been so close to this material that we breathe the same air. My memo on the scope-sight and the beginning of the memo on the cartridge case should indicate that I can write well, and that I can treat the subject ~~in~~ competently.

Moreover, I would like to have Weisberg in on it. He is going to do tests, also, but your results came in first. I wrote to Harold in the light of your letter (sent him a copy), and tentatively suggested the following arrangement:

- Bernabei: write the basic report on the cause and significance of the dents. I will treat no other subject unless it directly bears on the dents.
- Nichols: physical tests, photographs, microscopic comparisons (?), and other matters related to the physical character of the evidence.
- Weisberg: write on the bearing that this material has on other matters related to the rifle ammo. (My part will look inward toward the cases' dents; Harold's part will look outward from from the material I develop).

The writing of each will be subject to the endorsement of the other two; that is, nothing will be written that ~~is not~~ any of us feels he cannot live with.

I await your thoughts.

Still,

Dick

Dick Bernabei

*Please use the nomenclature designated in my exhibits: case, mouth, base, etc. The "rim" is the outer edge of the base.*



Amusing

NOT FOR DISTRIBUTION

April 69

Subject to  
revision

THE THREE CARTRIDGE CASES  
by Richard Bernabei

Background

John F. Kennedy, President of the United States, was shot and killed on Dealey Plaza in Dallas, Texas. The assassination occurred at 12:30 p.m. on 22 November 1963.

At 1:12 p.m., in the course of a general search of the Texas School Book Depository building, which was located behind the President when he was fired upon, Dallas police officers discovered three spent cartridge cases lying near a half-open window at the southeast corner of the sixth floor of the building. The cartridge cases were designed for firing 6.5 mm bullets in Mannlicher-Carcano rifles. (WR 79)\*

At 1:22 p.m., after further searching, police found on the sixth floor a Mannlicher-Carcano rifle tucked inconspicuously among surrounding cardboard cartons. (WR 79)

Conducted chiefly by FBI firearms identification expert Robert A. Frazier, examination of the three cartridge cases disclosed that each had been fired in the Mannlicher-Carcano rifle to the exclusion of all other weapons. (WR 85, 557)

Moreover, the official investigators determined that several months before the assassination the rifle had been purchased by Lee Harvey Oswald. (WR )

Late in November, 1964, President Kennedy's successor appointed the so-called Warren Commission, and by executive order he directed the Commission "to evaluate all the facts and circumstances surrounding the assassination...and to report its findings and conclusions." (WR ix)

Issued in September, 1964, the Report of the Commission concludes that Lee Harvey Oswald alone killed the President in the course of firing three shots with the Mannlicher-Carcano rifle from the location at the sixth floor window of the Texas School Book Depository. The Report says (WR 110):

(re phrase?)  
? Referring specifically to the number of shots that were fired, the Report says: The most convincing evidence... was provided,

The most convincing evidence relating to the number of shots was provided by the presence on the sixth floor of ~~the~~ three spent cartridge cases which were demonstrated to have been fired by the same rifle that fired the bullet which caused the wounds.

Introduction to the issue

Fierce controversy surrounds almost every issue that bears on the assassination of the President. To my readers I offer sincere apology because limitations of space compell me to disregard all but one issue and the few matters that are directly related to it, the evidence of the three cartridge cases.

As justification for such a circumscribed procedure, I offer two assurances: that the issue in question is enormously important, for it bears heavily not only on a fundamental aspect of the assassination itself, but also on the character of the governments investigation of the assassination; and that the issue is completely settled, beyond any doubt. It

\* "WR" refers to the Warren Report; the numerals refer to pages.



is secure even from the cavil of those who still cherish the notion that the government cannot be grossly wrong about a national catastrophe of such magnitude as the assassination of a President-- flagrant error, you see, implies flagrant intent to err.

Moreover, the conclusive settlement of this issue denies refuge in the specious plea, "So what?". Powerfully, undeniably, the evidence implies that Lee Harvey Oswald is innocent of murdering the President. More than that, it leads unambiguously to the conclusion that Oswald was deliberately framed, framed not merely by accomplices in the assassination itself, but also by the very investigators who allege that Oswald alone is guilty.

#### The burden of this report

None of the three cartridge cases was used for the assassination of the President. In each instance, before the assassination occurred, the bullet was manually removed from the loaded cartridge, the empty cartridge case was placed in the chamber of the rifle and fired. The three cartridge cases were deposited near the sixth floor window; they had never been used to fire bullets from the Mannlicher-Carcano rifle.

The explicit description of what happened to the cartridge cases depends on two phenomena: the presence of certain conspicuous dents on the cartridge cases; and the absence of certain microscopic markings from the brass bases of the cartridge cases. Understand now that each phenomenon by itself, without reference to the other, conclusively establishes that none of the cartridge cases was used for the assassination.

#### How we know about the cartridge cases

The three cartridge cases are part of the evidence of the Warren Commission; they bear the designations Commission Exhibit (CE) 543, CE 544, and CE 545. Since CEs 544 and 545 are similar to one another in all essential respects, I shall often refer to the two as a single cartridge case with the designation CE 544/545.

For reasons which are known only to those who conducted the official investigation and issued the Warren Report-- reasons which others may ponder in the light of what follows, the most important physical features of the three cartridge cases are referred to nowhere among the official documents of the Warren Commission-- not in the Warren Report itself, not in the 26 volumes of published documents, not in the tons of unpublished reports that rest in the National Archives, not among the documents that are still classified "Top Secret"-- nowhere.

The reader can see good and informative photographs of the cartridge cases in Josiah Thompson's Six Seconds in Dallas, (N.Y.; Geis; 1967) pp. 144f. I rely on Thompson for his description of the cartridge cases and for his conclusion regarding the significance of the dent on CE 543. If you consult Thompson beyond that, read him with extreme caution, for he gravely misinterprets the significance of certain other phenomena. The limitations of this medium of reproduction causes me to provide the reader only with drawings. Be assured, however, that the drawings accurately represent the physical objects upon which they are based.

Description of cartridge case CE 543 (dented case mouth)



~~XXXXXXXXXXXXXXXXXXXX~~  
Harold Weinstey

NOT FOR DISTRIBUTION April 1969

Dear ~~Harold~~ Harold :

I am sending you this letter in anticipation of a long report which will deal in full detail both with the issue discussed below and with an important related matter which, irrespective of what I say below, proves the same thing. When you recognize the significance of what has been learned, you will understand why I feel that you would wish to hear of these researches now in summary, rather than to wait and read the full account later. Although several matters are involved, here I shall discuss only the one that is most important. I hope that the succinctness of this version does not cause you confusion.

It is absolutely certain-- beyond the least doubt, and secure from any contrary explanation, that none of the three cartridge cases ~~which were found near the sixth floor window of the Texas School Book Depository was used in the assassination-- none of them.~~

You can see good and informative photos of the cases in Thompson's Six Seconds in Dallas, pp. 144f. I rely on Thompson for his description of the cases and for his conclusion regarding the significance of the dent in the mouth of cartridge case CE 543. If you consult Thompson beyond that, read him with caution, for he gravely misinterprets the significance of certain other phenomena.

Here, briefly, is a description of the three cartridge cases. (Since CEs 544 and 545 are similar in all important respects, I shall refer to them as a single cartridge case, CE 544/545):

(see bottom of p. 2)

CE 543 is dented at the mouth of the cartridge case.  
CE 544/545 bears a small dent (like a dimple) on the shoulder of the case.

The dents occurred in the manner described in Exhibits 3 and 4 of the attached sheet. This was verified by physical tests with a Mannlicher-Carcano rifle (M-C) and cartridges. In all the tests, dents were produced which correspond exactly to the dents in CEs 543 and 544/545. The tests confirm beyond doubt that this is the manner in which the dents occurred. By the way, it is not at all unusual for rifles of M-C vintage and M-C quality to produce shoulder dimples like the one on CE 544/545. Note especially that CE 543 was thrust from the clip into the chamber as an unbulleted cartridge case. CE 544/545 contained a bullet when it was chambered.

CE 543 (dented case mouth) cannot have been fired during the assassination partly for the reason that Thompson gives, but also for other-- more important-- reasons which I shall discuss in the full report. Presently it is sufficient for you to know merely that when a bullet is fired from a cartridge case, the case mouth invariably retains the round shape of the rifle chamber. This applies not merely to M-C cartridge cases, but to all cartridge cases.

Let me preface my remarks about CE 544/545 with an explanation. When a bulleted cartridge is fired in a rifle chamber, the gasses that are released by the burning propellant powder expand with fierce intensity and produce enormous pressure. Before the bullet leaves the barrel (actually, even before it leaves the cartridge case), the fantastically high pressure expands the brass of the cartridge case and presses it tightly-- very, very tightly-- against the steel ~~next~~ wall of the rifle chamber.

The pressure that is produced by the firing of a bulleted 6.5 mm M-C cartridge is 37,000 pounds per square inch, more than enough-- far, far more than enough-- completely to remove the dimple on the shoulder of cartridge case CE 544/545. In fact, physical tests



with a M-C rifle and cartridges invariably caused shoulder dimples to be blasted out and all evidence of them to be completely obliterated. This is not a phenomenon that is peculiar to the M-C; it occurs in all rifles whenever they fire bulletted cartridges with similarly dimpled cases. It is an inviolate ballistic principle.

The meaning of this is clear, unequivocal: a bullet was never fired from CE 544/545. The evidence is unassailable; it is not possible for shoulder dimples to survive the shooting of a bulletted cartridge. The cartridge case must assume the shape of the chamber. There are equally unassailable reasons for asserting that CE 543 also never fired a bullet; I shall discuss them in the full report. In all three instances, the bullets were manually removed from the cartridge cases before their primers were blasted by the firing pin of the M-C rifle.

If you bother to read the testimony bearing on the microscopic examination of the cartridge cases, do not be led to believe that any of it negates what I have described to you. In fact, it fully corroborates what I have said. This, too, I shall discuss later.

The conclusion that the cases were not used in the assassination does not rest entirely on the existence of dents on the cases; it is possible to prove the same thing with equal validity by another means. But the existence of the dents is an important aspect of the evidence, and it is absolutely unassailable by contrary argument of any kind-- and the evidence cannot now be destroyed or doctored; it is all in, and it is all solid.

I want you to know at least that much now. Later I shall tell you in explicit detail what happened to these cases before the assassination occurred. There is a good deal to say; every mark on the cartridge cases is a voice, and together they whisper a true and explicit story that cannot be refuted.

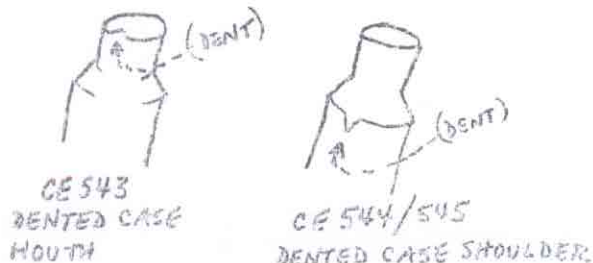
I am satisfied, too, that FBI firearms expert Robert A. Frazier knew all this from the very beginning of his activity in the investigation, even while Oswald was alive. Frazier knew first, and Frazier knew best.

Although there is other important evidence ~~that~~ which bears on what I have told you, evidence which by itself is conclusive, the dents alone absolutely free ~~the three cartridge cases~~ the three cartridge cases from consideration as part of the shooting paraphernalia. By powerful implication-- indeed, by undeniable implication-- this evidence also frees the M-C rifle from consideration as one of the murder weapons, and Oswald himself from consideration as one of the assassins. Even if it was not previously clear to everybody that Oswald was never more than an innocent patsy, the evidence of the cartridge cases clearly indicates that the only useful function which the rifle served was to implicate Oswald in a crime that he did not commit, a crime that he cannot have committed.

Stay well.

*Dick Bernabei*

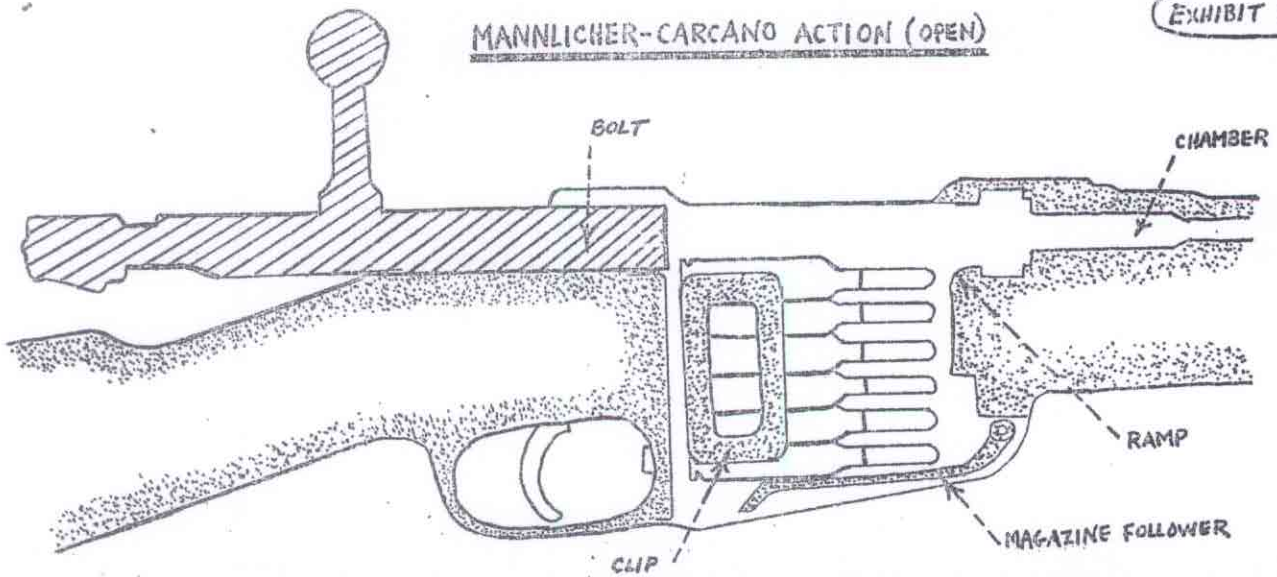
Richard Bernabei  
Dept. of Classics  
Queen's University  
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Canada





MANNLICHER-CARCANO ACTION (OPEN)

EXHIBIT 1



NOMENCLATURE (AMMUNITION)

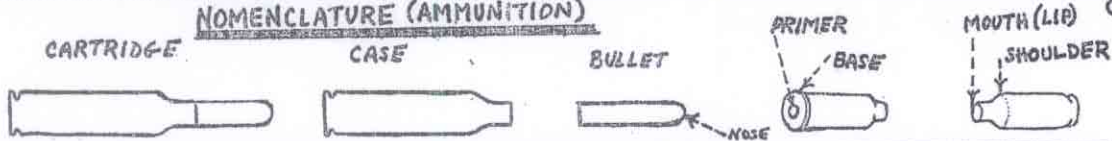
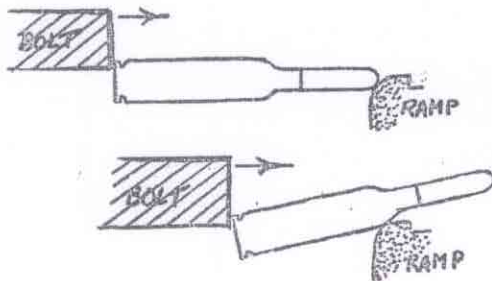


EXHIBIT 2

HOW THE CASE SHOULDERS WERE DENTED (CEs 544 and 545)

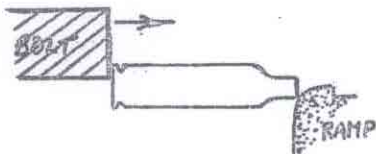
EXHIBIT 3



As the bolt thrusts the bulletted cartridge forward, the nose of the bullet strikes the ramp. The cartridge tilts, and the bolt continues its forward thrust on the tilted cartridge. The shoulder of the case strikes the ramp and is dented. The bolt thrusts the cartridge into the chamber, and closes over it.

HOW THE CASE MOUTH WAS DENTED (CE 543)

EXHIBIT 4



As the bolt thrusts the unbulletted cartridge case forward out of the clip, the mouth of the case strikes the ramp and is dented. Continuing its forward motion, the bolt thrusts the unbulletted case into the chamber.