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STATE OF LOUISINGA

STATE OF LOUISIANA

198-059

VS.

1426 (30)

CLAY L. SHAW

SECTION "C" Ratherd

MADIN

PROCEEDINGS IN OPEN COURT, Monday, February 24, 1969

BEFORE:

THE HORORABLE EDWARD A. HAGGERRY, JR.,

JUDGE, SECTION "C"

Districh & Pickett, ire. Standing of the

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1
          THE COURT:
               Bring the Jury down.
2
               I trust you gentlemen had a nice weekend.
3
               Is the State and the Defense ready to
4
                     proceed?
5
          MR. DYMOND:
               Ready.
7
          MR. OSER:
8
               We are ready, Your Honor.
9
          THE COURT:
10
               Proceed.
11
          MR. DYMOND:
               We now call Dr. Finck.
13
                     PIERRE A. FINCK, M.D.,
14
    having been first duly sworn by the Minute Clerk,
15
    was examined and testified as follows:
16
                      DIRECT EXAMINATION
17
     BY MR. DYMOND:
18
          Dr. Finck, for the record, would you kindly
19
               state your full name.
20
          My first name is Pierre, P-i-e-r-r-e, A is my
     A
21
               middle initial, and my last name is
22
               Finck, F-i-n-c-k.
23
          Now, Dr. Pinck, what is your profession, sir?
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r -- a full colonal in the united States Fra

	1 .	Medical Corps, I am a physician in the
	2	Army, a specialist in pathology.
	3 Ω	Are you the holder of a medical degree, Dr.
	4	Finck?
	5 A	Yes, from the University of Geneva Medical
	6	School, Switzerland, I obtained a Federal
	7	Degree of Physician in 1948 in Switzerland
;	8 Q	Now, what has been your experience in the
9	5	medical profession since having obtained
10)	your degree in 1948?
11	У	I had four years of formal university training
12		in Pathology, two of them at the Universi-
13		ty of Ceneva Institute of Pathology, and
14		two of them at the University of Tennesses
15		Medical School in Memphis, Tennessee.
16	Ω	Now, may I interrupt you one moment and ask
17		you whether or not this specific training
18		in pathology came after your having ob-
19		tained a regular medical degree?
20	A	I stated that I had four years of formal
21		Pathology training after my M.D. degree,
22		and I was an instructor of Pathology at
23		the University of Tennessee, Ecaphis.
2.1	Q	Now, Doctor, of what have your duties consisted
25		in the Army?
1	1	and the state of t

I was drafted by the noctor's praft of the United States Army in 1955. I was sent to Germany where I was a Pathologist of the United States Army Hospital, Frankfurt 5 F-r-a-n-k-f-u-r-t, and there-I-performed autoposics, many of them of a medicallegal nature, involving trauma, violent deaths, bullet wounds, accidents, and then in 1959 I was sent to the Armed Forces 10 Institute of Pathology in Washington, 11 D.C., * on the grounds of Walter Reco 12 Medical Center. The Armed Forces Insti-13 tute of Pathology is the central reposi-14 tory and consultation facility for the 15 Federal Military Services, the Voterand 16 Administration, and we have some 2,000 17 civilian contributors in the United 18 states and throughout the world who send cases to us for consultation of a 20 pathological nature. In brief, pathology 21 is the study of disease but in my particular field, the field of forensic pathology, 23 f-o-r-e-n-s-i-c, it is the interpretation 2: of medical legal or as as they portain to 25, the law, once of vident coaths, of wn-

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explained deribs, unexpected deaths, poisonings, manners of deaths, such as homicide, suicide, accidents, undetermined 4 deaths. The adjective "forensic" comes 5 from the Latin Forum, f-o-r-u-m, which 6 means the public place, the market place, 7 so forensic indicates a public interest. It may relate to criminal matters, in-9 surance cases, glaims, lawsuits, litiga-10 tion in general, and in Movember of 1960, 11 I was appointed Chief of the Wound, 12 W-o-u-n-d, unllistics Pathology Branch 13 at the Armas Porces Institute of 14 Pathology has Clar abbreviated AFIP, I 15 repeat APIP. . 16 In 1961 I applied to take the examination in 17 forencic pathology, the American Board of 18 Pathology on the basis of my interest in 19 this field as a medical student, as a 20 physician, as a pathologict during my 21 training, and in the Army in Europe. I 22 had bellers, for exemple, from the provest 23 Kerchil, who is the chief of Police, that 24 is the tille of the Chief of rolice in the 25

united file to a y, who stated that I had

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contributed to the interpretation of violent deaths, medical-legal cases in several instances. On that basis the American Board of Pathology accepted my training and my qualifications to take the examination of the American Board of pathology in the specialty of Forensic Pathology. I had taken already -- this is a requirement, I had taken the examination to be 'certified in anatomic pathology in 1956. On the basis of the requirements I mentioned, the Anatomic Pathology Board and my qualifications to take the exercination, I was certified in 1961, in 1961 by the American Board of Pathology in the special field of Porensic Pathology.

except a tour of duty of one year in

Vietnam as Commanding Officer of the

Ninth Medical Laboratory, I have been in

charge of the Wound Ballistics Pathology

Branch of the APTP since November, 1960

and I am still in charge of it. This

branch is part of the division of which

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Mrs. in.	14	-
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signed the autopsy report.

- Q When did you all contact the doctors at Parkland Hospital?
- A Are you asking me if I contacted a Dr. Parker?
- No, I asked you when did you all contact the doctors at Parkland Mospital in Dallas, Texas.
- A Oh, I did not contact them, Dr. Humes did.
- Q And did Dr. Humes relate to you what he learned from these doctors at Parkland?
- A Definitely.
- Q no you know when Dr. Humes contacted these doctors at Parkland?
- A As far as I know, Dr. Humes called them the morning following the autopry, as far as I know, Dr. Humes called Dallas on Saturday morning, on the 23rd of November, 1963.
- Doctor, can you tell me why the delay in contacting the doctors that worked on ... President Kennedy in Dallas until the next morning after the body was already removed from the autopay table?
- Lean't emplain that. I know that he, her or told me he called them. I cannot give

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reason why he called. As I have stated before, having a wound of entry in the back of the neck, having seen no exit in the front of the neck, nothing from the radiologist who looked at the whole body X-ray films, I have requested as there was no whole bullet remaining in the cadaver of the President, that was a very strong reason for inquiring if there were not another wound in the approximate direction corresponding to that wound of entry in the back of the neck, because in the wound of the head with entry in the back of the head and exit on the right side of the heed, I never had any doubt, any question that it was a througherendthrough wound of the head with disintegration of the bullet. The difficulty was to have found an entry in the back of the neck and not to have seen an exit corresponding to that entry. This presied you at this time, is that right, Loctors

Sorry, I don't understand you.

an approximate time. I can give you the

0/1./7 This puzzled you at the time, the wound in the Q back and you couldn't find an exit wound? You were wondering about where this bullet was or where the path was going, were you not? 6 Yes. Well, at that particular time, Doctor, why 7 didn't you call the doctors at Parkland 8 9 or attempt to accertain what the doctors 10 at Parkland may have done or may have seen 11 while the President's body was still exposed to view on the autopsy table? 13 I will remind you that I was not in charge of Λ 14 this autopay, that I was called --15 You were a co-author of the report though, Q 16 weren't you, Dector? Wait. I was called as a consultant to look at 17 L 18 , these wounds; that doesn't mean I am run-19 ning the show." Was Dr. Humes running the show? 20 () Well, I heard Dr. Human stating that -- he said V 21 22 "Who is in charge here?" and I have an Army General, I con't remember his read, 2.4 stating, "I em." You must understo a thit 25 in those circumstances, there were law

enforcement officers, military people with various ranks, and you have to co-ordinate the operation according to directions. But you were one of the three qualified pathologists standing at that autopsy table, were you not, Doctor? Yes, I was. Was this Army General a qualified pathologist? Q Was he a doctor? 10 No. not to my knowledge. A 11 Can you give me his name, Colonel? Q 12 No, I can't. 13 I don't remember. . Do you happen to have the photographs and 14 Q X-rays taken of President Kennedy's body 15 at the time of the autopsy and shortly 16 thereafter? Do you? 17 I do not have X-rays or photographs of 18 President Kennedy with me. 19 20 NO HIATUS HERE 21 22 23 25

head wounds and that the --

Are you saying someone told you not to dissect

24

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Q

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the track?
      5
 2
           THE COURT:
                Let him finish his answer.
 3
           THE WITNESS:
                I was told that the family wanted an exam-
                     ination of the head, as I recall, the
                    head and chest, but the prosectors
                     in this autopsy didn't remove the
                     organs of the reck, to my recollec-
10
                     tion.
     BY MR. OSER:
11
          You have said they did not, I want to know why.
12
13
               didn't you as an autopsy pathologist at-
14
               tempt to ascertain the track through the
               body which you had on the autopsy table
15
               in trying to ascertain the cause or causes
16
17
               of death? Why?
         I had the cause of death.
18
         Why did you not trace the track of the wound?
19
         As I recall I didn't remove these organs from
20
21
              the neck.
         I didn't hear you.
22
         I examined the wounds but I didn't remove the
23
              organs of the neck.
24
         You said you didn't do this; I am asking you why
25
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didn't do this as a pathologist?
           From what I recall I looked at the trachea,
                there was a tracheotomy wound the best I
                can remember, but I didn't dissect or
                remove these organs.
           MR. OSER:
                Your Honor, I would ask Your Honor to
                     direct the witness to answer
                     question.
     BY MR. OSER:
 10
          I will ask you the question one more time:
 11
               Why did you not dissect the track of the
 12
               bullet wound that you have described today
 13
               and you saw at the time of the autopsy at
14
               the time you examined the body? Why?
15
               ask you to answer that question.
16
          As I recall I was told not to, but I don't
17
               remember by whom.
18
          You were told not to but you don't remember by
20
               whom?
         Right.
21
         Could it have been one of the Admirals or one
22
              of the Generals in the room?
23
         I don't recall
24
         Do you have any particular reason why you cannot
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But you were told not to go into the area of the neck, is that your testimony?

From what I recall, yes, but I don't remember by whom.

Did you attempt to probe this wound in the back of the neck?

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I did.
           With what?
           With an autopsy room probe, and I did not succeed
                in probing from the entry in the back of
                the neck in any direction and I can explain
                this. This was due to the contraction of
                muscles preventing the passage of an instrument,
                and if I had forced the probe through the
 9
                neck I may have created a false passage.
10
           Isn't this good enough reason to you as a
11
                pathologist to go further and dissect this
12
                area in an attempt to ascertain whether or
                not there is a passageway here as a result of
14
                a bullet?
15
           I did not consider a dissection of the path.
16
           How far did the probe go into the back of the
17
                neck?
18
           Repeat the question. .
    A
19
           How far did the probe go into this wound?
20
           I couldn't introduce this probe for any extended
21
                         I tried and I can give explanations
               depth.
2.2
                        At times you cannot probe a path;
23
               this is because of the contraction of
24
               muscles
                         and different layers.
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THE COURT:

Break the question down, Mr. Oser.

questions to one at the time.

BY MR. OSER:

Is it not better pathological practice to dissect a skin wound area and submit this cross-section to microscopic examination to determine whether or not there was any burn or singed area as a result of a high speed bullet passing through this area as opposed to a naked eye observation?

The microscopic examination of a wound is a supplementary examination which I have done many times, but in this case the gross characteristics were sufficient to me to make a positive identification of a wound of entry in the back of the neck.

I think I saw microscopic sections. I was in the office of Dr. Humes, but again I don't remember the time of the examination of these microscopic sections.

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- How about the results? I don't remember the timing of the results 2 of the microscopic sections. I am not asking you for the timing of the results, I am asking you for the results, Colonel. From what I recall, Dr. Humes described alteration of the tissue at the level of the wound of entry. Do you have that supplementary report? 10 I don't have it, that is why I am asking you . 11 if you have your notes here. 12 I don't have this microscopic report with me. 13 You didn't burn your notes also, did you? 14 15 No. 16 Colonel, you said you remember Agent Kellerman being in the autopsy room. Do you re-17 member having a conversation with Agent 18 Kellerman at the time you were examining 19 this wound of the President, and talking 20
 - about that particular wound you said to
 the Agent that there were no lanes for
 an outlot of the shoulder wound? Do you
 remember telling him that, sir?
 - A I remember stating that at the time I examined

the wound of entry in the back I didn't find an exit corresponding to this entry. I don't remember to whom it was, it may have been Mr. Kellerman, it may have been one of the two FBI Agents. My question was, do you recall categorizing it as a shoulder wound as opposed to a neck wound to this person in the autopsy room? I don't recall mentioning a shoulder wound. I 10 am referring to a wound in the neck, in the back of the nack, and a wound in the 12 back of the head. 13 If I told you, Colonel, that Agent Kellerman 14 in his testimony --15 MR. DYMOND: 16 I object to this, Your Honor: "If I told 17 you Agent Kellerman's testimony." 18 THE COURT: 19 You cannot ask one witness to decide the 20 credibility of another witness. 21 think you will have to do it a 22 different way. The objection is sus-23

BY MR. OSER:

24

Q. Colonel, in talking about the wound in the back

tained.

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

STATE OF LOUISIANA

198-059

VS.

1426 (30)

CLAY L. SHAW

SECTION "C"

PROCEEDINGS IN OPEN COURT, Tuesday, February 25, 1969

VOLUME III

BEFORE:

THE HONORABLE EDWARD A. HAGGERTY, JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc. Stonetypists

333 ST. CHARLES AVENUE, SUITE 1221 NEW ORLEANS, LOUISIANA 70130 - 522-3111

photographs were taken, we did not know when these photographs would be processed, this was beyond our control because they had been turned over, exposed, taken in our presence, but the Secret Service took charge of them. BY MR. OSER: Acr from And you didn't see the photographs until January of 1967. Is that correct, 12 Colonel? This is correct. 14 Also in your autopsy report on the same page, 15 Page 4, I direct your attention to the 16 last paragraph, the last paragraph under 17 "2," where you said in your report, "The second wound presumably of entry," and now you state in Court that you are positive it was of entry. 21 I recall, it was Admiral Galloway who told 22 us to put that word "presumably." 23 Admiral Galloway? 24

Told you to put that word "presumably"?

25

performed the autopsy, and the

this is a wound of entry. Is Admiral Galloway a Pathologist, to your knowledge? Admiral Galloway had some training in Pathology. He was the Commanding Officer of the Naval Hospital, as I recall, and at that time, in my mind, this was a wound of entry, it just was suggested to add "presumably" this was. Did he suggest you add anything else to your report, Colonel? you said told Dr. Humes not to talk about

- Not that I recall.
- Can you give me the name of the General that the autopsy report?
- This was not a General, it was an Admiral.
- All right, excuse me, the Admiral, can you give me the name of the Admiral?
- Who stated that we were not to discuss the autopsy findings?
- Yes.

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- This was in the autopsy room on the 22nd and 23rd of November, 1963.
- What was his name?

Which includes your report. Does it not?

25 Sir?

No. It does not? I would not say so, because the report I signed was signed by two other pathologists and at no time did this Army General say that he would have anything to do with signing this autopsy report. Can you give me the Army General's name? 10 I don't remember it. 11 How did you know he was an Army General? 12 Because Dr. Humes said so. 13. Was he in uniform? 14 I don't remember. 15 Were any of the Admirals or Generals or any 16 of the Military in uniform in that 17 autopsy room? 18 Yes. 19 Were there any other Generals in uniform? 20 I remember a Brigadier General of the Air Force 21. but I don't remember his name. 22 Were there any Admirals in uniform in the 23 autopsy room? 24 From what I remember, Admiral Galloway was in 25 uniform, Admiral Kinney was in uniform, I

Which includes your report. Does it not?

autopsy. when you say they were drawn at his direc-N. n. 20 tion, what part did Dr. Humes play in this, if you know? far as I know, Dr. Humes gave the results of our observations at the time of the autopsy to a Navy enlisted man who made the drawings in the preparation of our testimony before the Warren Commission in March of 1964. 12 Now, Doctor, you have testified with reference to S-69 that you did not dissect the track of that bullet through the President's 14 15 neck. Is that correct? 16 That is correct. Why did you not dissect it, was it necessary or 17 18 19 Well, this creates a great deal of mutiliation 20 to dissect, and we limited our examination 21 in that respect, not to create unnecessary mutilation of the cadaver. 22 I was satisfied 23 with the aspect of the wound of entry in 24 the back of the neck, a bruise in the upper 25 part of the lung and the lining of the

	chest cavity which is called the pleura,	
2	and I did not do any extensive dissection	
3	along the bullet path.	,
4.	Q. Was this mutilation of the remains of	Comments of the last
5	President Kennedy necessary in order for	disperience of the same
6	you to gather enough information as to	- Company Control
7	satisfy yourself as an expert as to the	
8	path of that bullet?	District Contract of the Contr
9	A I did not consider dissection at that time.	
10	Q I say was it, was dissection necessary in order	best described and
11	for you to get enough information to	
17	satisfy yourself as to the path of the	NAME AND ADDRESS OF THE PARTY O
13	bullet?	Contractor
. 14	A I don't know what it would have shown. I can't	
15	say it was necessary.	AND ADDRESS OF THE PARTY.
16	Q You cannot say it was necessary, you say?	and the second second second
17	A I don't know.	particular depletor of the second
18	Q Well, did you form a firm opinion as to the	-
19	path of the bullet which you say entered	TO-THE PERSON NAMED IN
20	the President's back?	
21	A Oh, yes.	
22	O How did you form that opinion?	
23	A There was a wound with regular edges, they were	
24	inverted, and they had the characteristics	
25	of a wound of entry.	

It is a firm opinion that the wound in the back of the neck was a wound of entry, without a dissection. Now, Doctor, did you ever have occasion to perform any examinations of the wounds of Governor Connally of Texas? No, I never met Governor Connally. Now, yesterday under cross-examination you were asked whether you had not testified before 10 the Warren Commission that "Commission 11 Exhibit No. 339" which has been marked 12 for identification "State-64" could not 13 have gone through the wrist of Governor 14 Connally. Is that what you testified to, 15 and, if not, I wish you would explain what 16 you did testify to in that connection. 17 testified before the Warren Commission that 18 this bullet, "Commission Exhibit No. 399, 19 or S-64 did not disintegrate and there 20 were too many fragments in the wrist of 21 Governor Connally to be compatible with 22 an injury caused by such a bullet. As I remember, I made that statement 24 because I was referring to metallic 25

that a firm opinion?

fragments to the best of my recollection, a word which I don't see in my testimony before the Warren Commission. 3 think that such a bullet having lost such little weight could cause a wound in the 5 wrist in which many metallic fragments are seen. 7 Did you have occasion to examine X-rays of Dr. Connally's wrist or not? I don't remember, sir. 10 MR. OSER: 11 I think it is Governor Connally. 12 MR. DYMOND: 13 Governor Connally, that's right. 14 THE WITNESS: 15 I'may have had the reports at the time of 16 our testimony before the Warren 17 Commission regarding the injuries of Governor Connally, but I don't recall 19 seeing X-rays or photographs of 20 Governor Connally. 21 MR. DYMOND: Now, Doctor, you testified yesterday on 23 Cross-Examination that under certain conditions the wound of entrance in a fleshy

did you see such a substance in the brain of the President? I don't remember. I believe you told Mr. Dymond, Colonel, the reason you did not dissect the track of the bullet through the throat was because you did not want to mutilate the body of the President. Is that correct? I did not consider this dissection --Did you or did you not tell Mr. Dymond a few moments ago that you did not dissect the track of the President's throat because of the mutilation of the body that would result? 16 Yes, I did say that. 17 And you also told me yesterday you were told not to go into the throat area? I don't remember the details about this, who said what. You were told? 22 From what I remember. 23 And you did not do it? Q. 24 We did not remove the organs of the neck, A 25 obviously.

nra you see such at the time of your autopsy,

autopsy, what did you do with the body and how did you perform this autopsy? Please repeat your question, I did not hear it. Will you describe for me what incisions you madd into the body of the President. I did not make the incisions into the body, as I recall I was called to examine the wounds and the incisions were made by the other 10 two pathologists who performed the 11 autopsy, Dr. Humes and Dr. Boswell, and 12 who signed this autopsy report. My role 13 in this autopsy was to emphasize the 14 wounds, to examine the wounds, that is why 15 I was called. 16 Well, Colonel, you were present at the autopsy 17 room, were you not, the entire time? 18 I arrived after the -- a short time after the 19 beginning of the autopsy. 20 Did you or did you not see the chest cavity of 21 the President open? 22 Yes, I did, and there was a bruise, there was 23 a bruise in the upper part of the chest 24 cavity, a bruise produced by the bullet 25 that entered in the back of the nock.

2 dissecting of the throat area, you were, at the time of the autopsy, on that night I believe puzzled by what you found because you found no exit wound at that time of the hole you found in the back. Is that correct? It is. I believe you answered Mr. Dymond before that you were not taking orders from anybody in the autopsy room. Is that right? MR. DYMOND: 13 I think that is a misquotation of the 14 witness. 15 MR. OSER: 16 I asked the Colonel whether or not he 17 told Mr. Dymond on redirect examina-18 tion that he was not taking orders 19 from anybody in the autopsy room. 20 MR. DYMOND: 21 I asked the witness on redirect whether 22 anybody gave him any orders as to what 23 his professional opinion should be. 24 MR. OSER: 25 Your answer was no, is that correct,

Colonel, also along the line of the