

Can you give me the name of the general who instructed Humes not to talk about autopsy report?" continued

"It was not a general," said Finck. "It was an admiral." "Alright, give me the name of an admiral," said Oser. Dr. Finck hesitated, then said "I thought it was Adm. Kiny. Give me the name of the general in charge of the autopsy," said Oser.

Dr. Humes Asked Who Was in Charge

Dr. Finck said there were several people at the autopsy, but he recalled Dr. Humes asking who was in charge there, and a general said he was. But he may have been in charge of the overall operation, not just the autopsy," said Dr. Finck.

"Which includes your report?" asked Oser.

"No," said Dr. Finck. "I wouldn't say so. It was signed by the two other pathologists and myself and at no time during this did the general

say he was in charge." "Give me his name," pressed Oser.

"I don't remember," said Dr. Finck.

"Was he in uniform?" asked Oser.

"I don't remember," said Dr. Finck.

Then there was a discussion by Oser and Dr. Finck as to whom was in uniform at the autopsy. Dr. Finck said he recalled Adm. Galloway, Adm. Kiny and a brigadier general in the Air Force was definitely in uniforms. "I don't recall if Adm. (George) Burkley (the President's personal physician) was in uniform," said Dr. Finck.

Oser next moved to a statement by Dr. Finck in Monday's testimony that after viewing the Zapruder film he was able to definitely put down the sequence of shots which hit the President — being wounded in the back area first and the head area second. Oser asked him if that was correct.

"Yes," said Dr. Finck. "Did you know at this time," countered Oser, "that not one expert in the recreation of the assassination had performed the feat attributed to this man (the assassin)? Were you aware of this?"

Dymond objected, saying that

Dr. Finck said he never had been in Dallas. Judge Haggerty suggested that Oser break down his questions.

Dymond replied, "This would be hearsay."

Oser rejoined, "We've had a lot of hearsay recently."

Haggerty Asks About Reports

Judge Haggerty asked Dr. Finck, "Did you have access to these reports?"

Dr. Finck said, "I had access to reports concerning the examination of bullets and fragments."

"Did you have notes concerning the recreation?" asked Oser.

"I object," said Dymond. "It would be the rankest form of hearsay."

Judge Haggerty overruled the objection, saying Dr. Finck was an expert witness.

"As I recall I found out about the recreation and tests when I read about them in the Warren Report when it was published in September, 1964," said Dr. Finck.

"In regards to the November, 1963, autopsy report, how much time was spent?" asked Oser.

"I can't give an exact figure," said Dr. Finck. "I spent several hours at Bethesda Hospital with Dr. Humes as he read over his report."

"Did you read over his final draft?" asked Oser.

"I did," said Dr. Finck.

"Do you agree with it all at the time?" asked Oser.

"Essentially, I do," said Dr. Finck.

"Tell me, doctor, on Page 2, why is the name of Gov. Connally spelled Connelly?" asked Oser.

"Object," said Dymond. "This man has not qualified as an expert in spelling."

Judge Haggerty quipped, "We had a lot of spelling yesterday." He referred to Dr. Finck's habit of often spelling out names.

"That's all," said Oser, closing out the cross-examination.

No Orders Given, Says Dr. Finck

Dymond came back on redirect examination. "Did anyone give you orders as to what your opinions were?" asked Dymond.

"No," said Dr. Finck.

"Would you have accepted

them?" asked Dymond. "No," said Dr. Finck. "Which in your view is more beneficial, viewing a photo of the actual subject in an autopsy?" asked Dymond.

"They supplement each other," said Dr. Finck. "Photos have an advantage of giving visual results after the body is not available. There are not photos in all autopsies."

"Which is more important, seeing photos or the cadaver?" asked Dymond.

"The cadaver is the most important thing," said Dr. Finck.

"Did you have available at your autopsy X-rays of the President?" asked Dymond.

"Yes," said Dr. Finck, "we did. The X-rays of the head had been taken by the time I arrived at the hospital. They were read by a radiologist."

Dr. Finck said he asked for X-rays of the whole body of the President when he arrived because he found a wound of entry in the neck and no exit wound.

"X-rays would show the presence of a bullet in the body," said Dr. Finck.

Answering a question, Dr. Finck said the X-rays of the head showed metallic fragments. But the radiologist said there was no bullet in the body.

"Was all this available before you wrote the autopsy report?" asked Dymond.

"Yes," said Dr. Finck.

Dymond asked Dr. Finck if State Exhibits Nos. 69 and 70 concerning the President's head are supposed to be drawn to scale.

"No," said Dr. Finck.

"Under whose supervision were they drawn?" asked Dymond.

"Dr. Humes," replied Dr. Finck. "He was in charge of the autopsy. As far as I know he gave the results of our observations to the Navy enlisted man who drew the sketches."

Dymond Asks About Neck Wound

"I believe you testified Monday that you didn't dissect the track of the bullet in the neck," said Dymond. "Was this necessary?"

"This creates a great deal of mutilation," said Dr. Finck. "It creates unnecessary mutilation of the cadaver. I didn't do any extensive dissecting along the bullet's path."

"Was it necessary to track the bullet to satisfy you?" asked Dymond.

"I didn't consider dissection at the time," said Dr. Finck. "Was it necessary?" pressed Dymond.

"I don't know what it might have shown," said Dr. Finck.

"You didn't say it was necessary?" asked Dymond.

"I don't know," said Dr. Finck. "I have a firm opinion that the wound in the back was the wound of entry."

Dymond asked Dr. Finck if he ever examined Gov. Connally.

"No, I have never met him," said Dr. Finck.

"Yesterday, Dr. Finck," began Dymond, "you said that Commission Exhibit 399, State Exhibit No. 64, the bullet couldn't have gone through the wrist of Gov. Connally, did you not?"

"I testified before the Warren Commission that this bullet didn't disintegrate and that there were too many fragments in Gov. Connally's wrist. I don't believe such a bullet could have," said Dr. Finck.

Did you examine the X-rays of Gov. Connally's wrist?" asked Dymond.

"I don't recall," said Dr. Finck. "I may have had reports, but don't recall seeing X-rays or photos of Gov. Connally."

Witness Discusses Size of Wounds

"Is it not true that the wound of entrance in a fleshy area can be larger than that of the wound of exit?" asked Dymond.

"It can be," said Dr. Finck.

"Is this the same in the skull?" he asked Dr. Finck.

"Most of the time when a bullet goes through a bone, the wound of exit is larger than the one of entry," said Dr. Finck. "This is because the bullet disintegrates and the fragments produce larger wounds."

Dymond asked him if it were possible for a bullet to enter skin and then the wound would retract in size.

"It retracts to a certain extent," said Dr. Finck. "The skin is more elastic tissue than bone."

Dymond then drew testimony from Dr. Finck about State Exhibit No. 68 and a red dot the doctor had placed on it at the request of Oser Monday afternoon. Dr. Finck said he was

above the external occipital protuberance to Oser. So this measurement refers to a measurement made on X-ray film by the four-man panel and not on photos of the skull itself," said Dr. Finck. "I saw (at the autopsy) at one inch and it was definitely not four inches. I was asked to put the measurement there from the rays."

Dr. Finck said there is distortion between the size of X-ray picture and the actual head.

"The measure that you made as from the actual cadaver?" asked Dymond.

"It was," said Dr. Finck.

"Did the measurements you took on Mr. (William) Wegmann and me Monday coincide with the actual measurements you took on the cadaver?" asked Dymond.

"They did," said Dr. Finck.

"Would the angle of the bullet be affected by a person leaning forward or backward?" questioned Dymond.

"Yes, to some extent," said Dr. Finck.

President's Brain Not Examined

"I believe you testified Monday that you didn't conduct an examination of the left half of President's brain, did you?" asked Dymond.

"The brain was still present when the autopsy report was made," said Dr. Finck.

"But Dr. Humes put it in his supplemental report. It was dated Dec. 6, 1963."

"What was the purpose of the autopsy?" asked Dymond.

"The purpose was to examine the nature of the wounds and cause of death," began Dr. Finck. "When it was signed, I was satisfied on the nature of the wounds, their direction and the cause of death. This was the purpose. In my opinion, the autopsy fulfilled that mission."

"What firm opinion do you have now?" asked Dymond.

"That there was a wound of entry in the back of the neck and a wound of exit in the front of the neck," said Dr. Finck. "And there was a wound of entry on the right side of the head and one of exit on the right side of the head. The head wound was the fatal wound."

"Do you have information to change your opinion as of this

"No," Dr. Finck said. "Tender business made the red dot placed by Dr. Finck Monday and the doctor said, 'I saw the wound as one inch above the protuberance. It was definitely not four inches above it.'"

Finck Is Asked About Panel Report

Oser asked Dr. Finck if the report by the four-man panel finds a hole one inch above external occipital protuberance.

"I haven't seen that," said Dr. Finck.

"Were all the X-rays available to you at the time of the autopsy?" asked Oser.

"I had seen them, they were interpreted," said Dr. Finck.

"Are you sure all X-rays were available?" asked Oser.

"This was the report by the radiologist," said Dr. Finck.

"Do you know for a fact that two rolls of X-ray film did not come out?" asked Oser.

"To my knowledge, it was gross photos," said Dr. Finck.

"And not X-rays. The X-ray film came out all right."

"Can you tell us why no metallic substances in the brain showed up in the report of the X-rays?" asked Oser.

Dr. Finck stopped Oser and asked him to remember that the panel in its review of the X-rays said there was a rectangular structure in the brain that it (the panel) could not identify. "I don't know what his refers to," said Dr. Finck.

"Did you see such a substance in the brain when you examined the X-rays?" asked Oser.

"I can't recall," said Dr. Finck.

"Did you tell Mr. Dymond that you didn't want to mutilate the body of the President?" asked Oser.

"I didn't consider dissection," said Dr. Finck. But Oser pressed for a more complete answer, and Dr. Finck said, "Definitely I did say that."

Dr. Finck Is Asked to Describe Incisions

Oser asked Dr. Finck to describe the incisions that were made in President Kennedy's body.

"I was called to examine wounds," explained Dr. Finck.

"The two other pathologists made the incisions. My role was to emphasize the wounds."

"Weren't you present there the entire time?" asked Oser.

"I arrived shortly after the autopsy began," said Dr. Finck.

"Did you see a chest cavity made?" asked Oser.

"There was a bruise in the upper chest," said Dr. Finck.

Oser asked him if he saw the scalp wound. He said he did.

"Was there an incision made down the middle of the cadaver?" asked Oser.

"I was not making the incisions," replied Dr. Finck.

"Are you telling me you didn't want to mutilate the body?" asked Oser.

Dymond objected, saying, "He (Dr. Finck) has answered that three times."

"I believe you told Mr. Dymond earlier that you were not taking orders from anyone," continued Oser.

"I believe that was a misquotation," interjected Dymond.

Judge Haggerty asked "What was the question?"

"Doctor," said Oser, "you did take orders and didn't dissect the throat area?"

"They weren't orders," said Dr. Finck. "They were suggestions."

"Now, doctor, there were admirals and generals present and you were only a lieutenant colonel," began Oser.

Dymond objected, and Judge Haggerty said, "We have been over this ground before."

Oser abruptly pulled up his questioning and said that was it. Dr. Finck stepped down.

Oser asked that two reports signed by Col. Finck be entered into evidence of the trial and they were accepted.

Dean Andrews Called to Stand

There was a brief recess, and then the jury returned to hear Dymond call Andrews as its next witness.

Alcock, now handling the state's case, asked that the jury be taken out of the courtroom while he approached the bench. Judge Haggerty told the deputy sheriff to take the jury upstairs.

gone. told Judge Haggerty that fairness to Mr. Andrews."

ould have an attorney present to advise him as the questioning went along. Alcock said there is an appeal by Andrews now before the Louisiana State Supreme Court.

Andrews said his attorney was present in the courtroom.

Judge Haggerty told Andrews, "The fact that you have been called as a witness does not take away your constitutional rights. You don't have to incriminate yourself by your answers."

The judge told the state that "in respect to questions on factual matters, there must be decisions made" by the bench.

Judge Haggerty told the state that it could not ask the witness (Andrews) if he had been charged or arrested for perjury.

Under these ground rules, the jury was called back in and Andrews' law partner, Michael Barron, pulled up a chair beside the witness stand to advise Andrews.

Alcock asked, before the jury arrived, "The court isn't making a ruling that we can't go into the subject matter of the conviction?"

Judge Haggerty said he wasn't.

As the jury sat down, Judge Haggerty said, "Let the record show that the witness has been advised of his constitutional rights and is attended by his attorney, Mr. Michael Barron."

Dymond immediately asked Andrews how long he had been an attorney. "Eighteen years," said Andrews.

"Were you confined to a bed around or about Nov. 22, 1963?" asked Dymond.

Andrews said he was, at Hotel Dieu.

"Did you get a phone call of an unusual nature?" asked Dymond.

"I did," said Andrews.

"Would you tell us who it was from?" inquired Dymond.

Andrews Declines to Identify Client

Andrews declined on two grounds, first the attorney-client relationship privilege and secondly "I may incriminate him."

"distance?" asked Dymond. It was local," said Andrews. "When was it received?" asked Dymond. Andrews said it was the day of the assassination, Nov. 23, 1963. "Was this call from the defendant, Clay Shaw?" asked Dymond. "No," said Andrews.

"Did you ever receive any one calls from Mr. Shaw?" asked Dymond. "No," said Andrews.

"Do you know Mr. Clay Shaw?" asked Dymond. "I do not," said Andrews.

"Were you ever introduced to Mr. Clay Shaw?" asked Dymond. "No, I was not," said Andrews.

"When was the first time you saw Mr. Shaw?" asked Dymond.

"When I saw his picture in the papers in connection with his investigation," said Andrews.

"What did you do as a result of that phone call?" asked Dymond.

As I recall, I called Mrs. Springer, my secretary, at her home, to see if she could locate the file on Lee Harvey Oswald," said Andrews. "He was a walk-in client whom I had seen four or five times."

Andrews said that as a result of the call he believed his office investigator visited him.

"Were there any other calls?" asked Dymond.

"I believe I called (Sam) Lonk Zelden at the New Orleans Athletic Club," said Andrews.

"What did you tell him?" asked Dymond.

"I don't recall," said Andrews. "It was in regards to Oswald."

asked him if he would be interested in going to Dallas to represent Lee Oswald."

Witness Says Agent Came to See Him

Dymond moved into the visit of Federal Bureau of Investigation agent Regis L. Kennedy, an earlier witness in the trial. Andrews said he recalled that Kennedy came to see him at the hospital on a Monday after he called him to tell him that Oswald had been in New Orleans.

He said he also called Mr. Reiser of the Secret Service, but he didn't seem too interested.

came over to see him about two and one-half hours after he (Andrews) called him. "He woke me from sleep," said Andrews. "I was under sedation."

According to Andrews, he saw Kennedy only once.

"Did you furnish him with a fictitious name of the person who called you on the telephone?" asked Dymond.

Andrews conferred with his attorney and declined to answer. This was upheld by Judge Haggerty.

Andrews looked as if he was giving a sigh of relief, and a smile broke out on his face.

"In the course of your conversation with Agent Kennedy did you ever use the name Clay Bertrand?" asked Dymond.

"Yes," said Andrews.

"Is or was Clay L. Shaw the Clay Bertrand to whom you referred?" asked Dymond.

"No, sir," said Andrews.

"Do you know who Clay Bertrand was or is?" continued Dymond.

"I believe I do," replied Andrews.

Andrews Asked About David Ferrie

"Did you know David W. Ferrie?" Dymond asked.

"Only slightly," said Andrews.

"Did you ever see David Ferrie with Clay Shaw?" continued Dymond.

"I never saw Clay Shaw before," answered Andrews.

"Did you ever see Ferrie with Lee Harvey Oswald?" asked Dymond.

"No, sir," said Andrews.

"Did you ever hear Lee Harvey Oswald mention Clay L. Shaw?" asked Dymond.

"No," said Andrews.

"Did you ever hear David Ferrie mention Lee Harvey Oswald or Lee Oswald?" asked Dymond.

"No, sir," said Andrews.

"Tender the witness," said Dymond.

Alcock took up the cross-examination of Andrews and it was quickly apparent that it was going to be a long cross-examination.

"When was the first time you saw Lee Oswald?" asked Alcock.

Andrews replied that it was in the spring or summer of 1963.

"I don't recall the date, but he walked into my office about 5:30 p.m. one afternoon," said Andrews. "He visited my office four or five times."

one the first time you saw him?" asked Alcock.

"I assumed he was," said Andrews. "Three people came in first that afternoon. Then Oswald and a Cuban or Mexican (Mexican) type person came in."

"How long was Oswald in the office before the Mexican came in?" asked Alcock.

"They both came in together," said Andrews.

Alcock asked for a description of Andrews' office area. He said that it is a small office.

Talking with Others, Says Andrews

Then Andrews related that he was in conversation with the three people before Oswald entered.

Andrews said the three were "swishes" — a term for homosexuals. Alcock asked what Andrews meant by "swishes" and after admonishment from Judge Haggerty, Andrews said, "They appeared to be homosexuals by the way they walked."

According to Andrews, the three homosexuals' fees had been set in their conversations and they were finished when Oswald and the Mexican came walking in.

"Then there was no connection between the three homosexuals and Oswald and the Mexican?" asked Alcock.

"I don't know if it was or was not," said Andrews.

"What advice did you give to Oswald on the first visit?" continued Alcock.

"I don't recall," replied Andrews, "but I'll take the attorney-client privilege anyway." He smiled again.

"Did you get any fee from Oswald?" asked Alcock.

"No," said Andrews.

"Did you do any work for him?" Alcock continued.

"No," said Andrews.

Alcock returned to the first visit and asked Andrews how long Oswald and the Mexican stayed.

"About 10 to 20 minutes," said Andrews.

"Who did the talking?" began Alcock. "Did Oswald talk to you?"

"Yes," said Andrews.

"Did the Latin type person talk?" continued Alcock.

"No," said Andrews.

Andrews Describes Person

"Give me a description of the Latin type fellow," said Alcock.

"He looked pretty good to me," began Andrews. "I wouldn't want to tangle with him in a fight. He was about 5-8, had a butch hair cut, weighed about 165 or 170. He looked real good."

"Did he have any tattoos?" asked Alcock.

"No," said Andrews.

"How about any scars?" probed Alcock.

"Don't remember," replied Andrews.

"What was the color of his hair?" quizzed Alcock.

"Black," replied Andrews.

"How dark was he?" asked Alcock.

"I couldn't say," answered Andrews. "He was a Latin type, appeared to be one of those people."

"Did he speak at all?" asked Alcock.

"I don't recall — not to me," said Andrews.

"Did he speak Spanish or English?" asked Alcock.

"I don't remember," said Andrews.

In reply to a question, Andrews said the Latin-type fellow was "one or two inches taller than Oswald and weighed about 165 to 170 pounds."

Andrews said the best he can recall on when he saw Oswald the second time was about the first week in May, 1963, at Andrews' office in the Maison-Blanche building.

"Was the Latin type with him?" asked Alcock.

"I never saw Oswald without the Mexican-type man," said Andrews.

Andrews also said the second meeting also lasted about "10 to 20 minutes."

"Was the conversation of the same subject?" quizzed Alcock.

"It was a new subject, I think," said Andrews.

"Were you acting as his attorney then?" asked Alcock.

"I thought I was," said Andrews.

Attorney-Client Relationship Cited

"Do you take the attorney-client relationship on the second visit?" inquired Alcock.

Yes," said Andrews. Judge Haggerty said he would sustain Andrews said as best he can recall the next time he saw Oswald was on the streets. Oswald was distributing "Fair Play for Cuba" leaflets—"chits" as Andrews called them—and he picked one up but dropped it. Andrews said he thinks he saw him. This drew laughter from the courtroom audience and order was called for.

"Did you set a fee then?" asked Alcock. "No," said Andrews. He explained that he though he had set the fee at \$25 —on Oswald's first visit. He said it was to transmit a letter to Washington, D. C., for Oswald, but Andrews never got the money so he never sent the letter.

"Was there anyone else present?" asked Alcock. Andrews said his office investigator may have been in the library on one occasion.

Alcock asked Andrews to describe what Oswald wore. "The first time he wore black pants and a T-shirt," said Andrews. "The other times he wore a white shirt and slacks."

"When was the next time you saw Oswald?" continued Alcock. "I don't recall," said Andrews.

"Was it in your office?" quizzed Alcock. "Yes," said Andrews. "The subject matter was the same. The Latin type fellow was with him. We talked about 10 to 20 minutes. It was around the middle of May. They came in about the same time on all occasions — around 5 p.m. or 9:30 p.m."

Andrews said there were some people around at the curb who every now and then would holler something in Spanish.

Three Didn't Leave at Same Time

"Did you ever leave your office at the same time they did?" asked Alcock.

"No," said Andrews. "Then you wouldn't know how they physically got to your office?" asked Alcock.

"No," said Andrews. Andrews said the next time he saw the pair was "three or four days later."

"Did you ever ask the name of the Latin?" asked Alcock. "It never came up," testified Andrews. According to Andrews, Oswald "would make promises on the money and it would just be a rehash of the same stuff."

Andrews said he thinks he saw him. This drew laughter from the courtroom audience and order was called for.

Andrews said he thinks he saw him. This drew laughter from the courtroom audience and order was called for.

"Best I can recall it I asked him what he was giving out the leaflets for," said Andrews. "He said something about he was working and that's when I asked him for the money."

"The Mex was in back of Oswald. I thought it was in front of the Maison Blanche building. I think it was sometime in June, maybe about 1:30 p. m. or 1 p. m. after lunch. Maybe I was on the way back from federal court."

"Was anyone else handing out leaflets?" asked Alcock.

"There were others around," said Andrews. "I do not know if they were handing out leaflets."

"The others were Latin-types?" asked Alcock.

Andrews answered that he recalled thinking to himself, "Me and my shadow," referring to seeing Oswald always with the Mexican - type man. "I never saw Oswald without the Mexican," said Andrews.

"Did the Mexican have the leaflets in his hand?" asked Alcock.

"No," said Andrews. Andrews said there were some people around at the curb who every now and then would holler something in Spanish.

Andrews Asked About Meeting Dates

"Could these meetings with Oswald have been as late as August?" asked Alcock.

"I don't know," said Andrews. "I never knew Oswald would get involved in Dallas. He was just another walk-in client. The only thing that drew attention to him was he was always with the Mexican. Otherwise, I probably wouldn't recall him."

"Did you have any reason to believe Oswald was a homosexual?" asked Alcock.

"No," answered Andrews. "How about the Latin type?" asked Alcock.

"No, not that I recall," said Andrews.

"Did you see him again?" asked Alcock. "No," said Andrews. "How about the Latin type?" asked Alcock.

"I don't recall," said Andrews. "I don't think so."

"Do you feel you might have?" asked Alcock. "I don't think so," said Andrews.

"Did anyone send Lee Oswald to you?" asked Alcock. "To my knowledge, no," said Andrews.

"That call you got on Nov. 23, when was it?" asked Alcock.

"I know it was daytime, just about or after chow time," said Andrews.

"Did the person identify himself?" asked Alcock. Andrews said, "No."

"Did you recognize the voice?" quizzed Alcock. "I had heard it many times," said Andrews.

Andrews Refuses to Answer Question

"In the course of your legal practice?" asked Alcock.

Andrews refused to answer, saying it was the lawyer-client relationship. Judge Haggerty sustained him.

"But he didn't claim it a moment ago," said Alcock.

"If he didn't do it then," said the judge, "he is doing it now."

"Did you get in your mind that this was a human being?" asked Alcock.

"I believe I did," said Andrews.

"How tall was he?" asked Alcock.

Andrews refused to answer, and Alcock asked that Judge Haggerty send the jury out so he could argue a point. The judge did.

Alcock immediately argued that the state "has every right to show prior contradictory

state is being unduly prejudiced. We can't show how the state has vacillated on dates, etc."

The judge paused and read the article on client-lawyer relationship. "Mr. Andrews is claiming that," said Judge Haggerty, "and he says that by giving a physical description of the caller he may or may not have this used against him in pending criminal prosecution."

Andrews volunteered that his answer would relate to three counts of his appeal before the Louisiana State Supreme Court.

Alcock argued that the state "must know the name of the client so it can be determined if he (the client) is willing to waive his rights. Otherwise, we couldn't question him."

Andrews' lawyer told the judge, "This witness is being asked to incriminate himself. I am sure your honor would see this in the bill of information."

Judge Haggerty moments earlier had sent for the bill of information on the perjury indictment.

Alcock said, "When this witness comes into court and says that the defendant is not Clay Bertrand, we have every right to explore the testimony on its reliability."

"This is a two-pronged objection, as I see it," said Judge Haggerty. "We will have to see from the records if it is self-incriminating."

"Your honor," said Alcock, "this witness said the defendant is not Clay Bertrand. The state has every right to know who Clay Bertrand is."

While the arguing was going on, Andrews pulled out his dark glasses and put them on.

Bill of Information Read Into Record

In the legal battle, Judge Haggerty read the bill of information into the record of the court. It was dated June 28, 1967.

In the testimony read by Judge Haggerty the state charged that Andrews perjured himself by telling a previous grand jury that the man he knew as Clay Bertrand was Gene Davis. Judge Haggerty read this question by the state: "What leads you to believe he is Clay Bertrand?" Andrews

was alleged to have answered, "I just believe it. This is the man I believe called me."

Alcock argued that the state has a right to prove that Andrews made contradictory statements.

Judge Haggerty ruled that he was not going to make Andrews reveal the size of Clay Bertrand. "It is like giving half his name," said the judge. "It can be used against him. I can't make him make a judicial confession."

With that decision the jury was returned to the courtroom.

"I sustain the witness' objection to the question on the legal grounds of self-incrimination," said Judge Haggerty.

As Alcock moved to questions, Andrews told him, "I know a person who in the 1950s was introduced to me as Clay Bertrand." He said he walked into a wedding reception in the back room at the Le Rendezvous Bar and that is where he met him.

"By whom were you introduced to him?" asked Alcock.

"Big Joe," replied Andrews quickly, but changed it to, "Wait, I respectfully decline to answer on the grounds that the answer would link me to a chain of circumstances involving a pending case."

Witness Is Asked to Identify Big Joe

There was a brief discussion and Alcock asked Andrews, "Who is Big Joe?"

"She's a butch," said Andrews.

Judge Haggerty interjected: "Speak clearly, is Big Joe a he or she?"

"She is a female," said Andrews.

"Who is Big Joe?" asked Alcock again.

"Helen Girl," said Andrews. He explained that Helen Girl was released from Angola in the late 1950s. "I defended her on a charge of narcotics," he said. "She was convicted. I saw her some time when she got back from Angola."

"Where is she now?" asked Alcock.

"I don't know," said Andrews.

"Did you have occasion to have a conversation with this person named Clay Bertrand?" asked Alcock.

"Yes," said Andrews.

"How long was it?" asked Alcock.

"He denied being Clay Ber-

trand," or red Andrews. "I know who he was. You know him too."

"I know him?" asked Alcock. "Would you mind telling me who he is? The judge read it into the record."

Judge Haggerty said, "I can't offer it into the record. That's up to the state or defense."

Andrews Refuses to Give Name

Alcock asked again for his

name, but Andrews refused on the grounds that it might link him in a chain of circumstances.

Judge Haggerty refused to make Andrews answer the question.

"Did you know this individual before the wedding reception?" asked Alcock.

"Yes," said Andrews.

"Have you seen him since the wedding reception?" questioned Alcock.

Andrews said he had.

"Did the name of the person you know as Clay Bertrand ever come up in conversation with Regis Kennedy?" questioned Alcock.

"This is my best recollection," began Andrews.

"Can you explain that?" probed Alcock.

"When Regis Kennedy was making his examination, it suddenly dawned on me if I revealed the real name," said Andrews, "it would bring a lot of heat on somebody it didn't belong to. I fumbled around for a couple of names. I recalled the name Clay Bertrand as a man I had been introduced to prior to that. And I used it."

"You then lied to the FBI?" shot back Alcock.

"No, sir," corrected Andrews.

"I used it as a cover name. It dawned on me that this is something deeper than I thought it was."

Judge Haggerty asked Andrews what he meant by a cover name.

He replied, "Rather than use the man's name, your honor, I used a cover name."

"Did you know the FBI was looking for a man named Clay Bertrand in connection with the assassination?" asked Alcock.

"Vaguely, I recall Mr. Kennedy coming into the hospital.

Whether they got out of the field or stayed in the field didn't

matter to me, so I decided to use the name."

"Did you reveal the true name at this time?" asked Alcock.

"I don't recall whether I told him," answered Andrews. "Nobody asked me the true name."

Judge Haggerty asked Andrews if he volunteered the name.

"No," said Andrews.

Andrews said, in response to a question, that he never received a phone call from Clay Bertrand in the hospital.

"When did I say this man was Clay Bertrand?" he concluded.

"Didn't you testify before the Warren Commission?" countered Alcock.

"Yes," said Andrews.

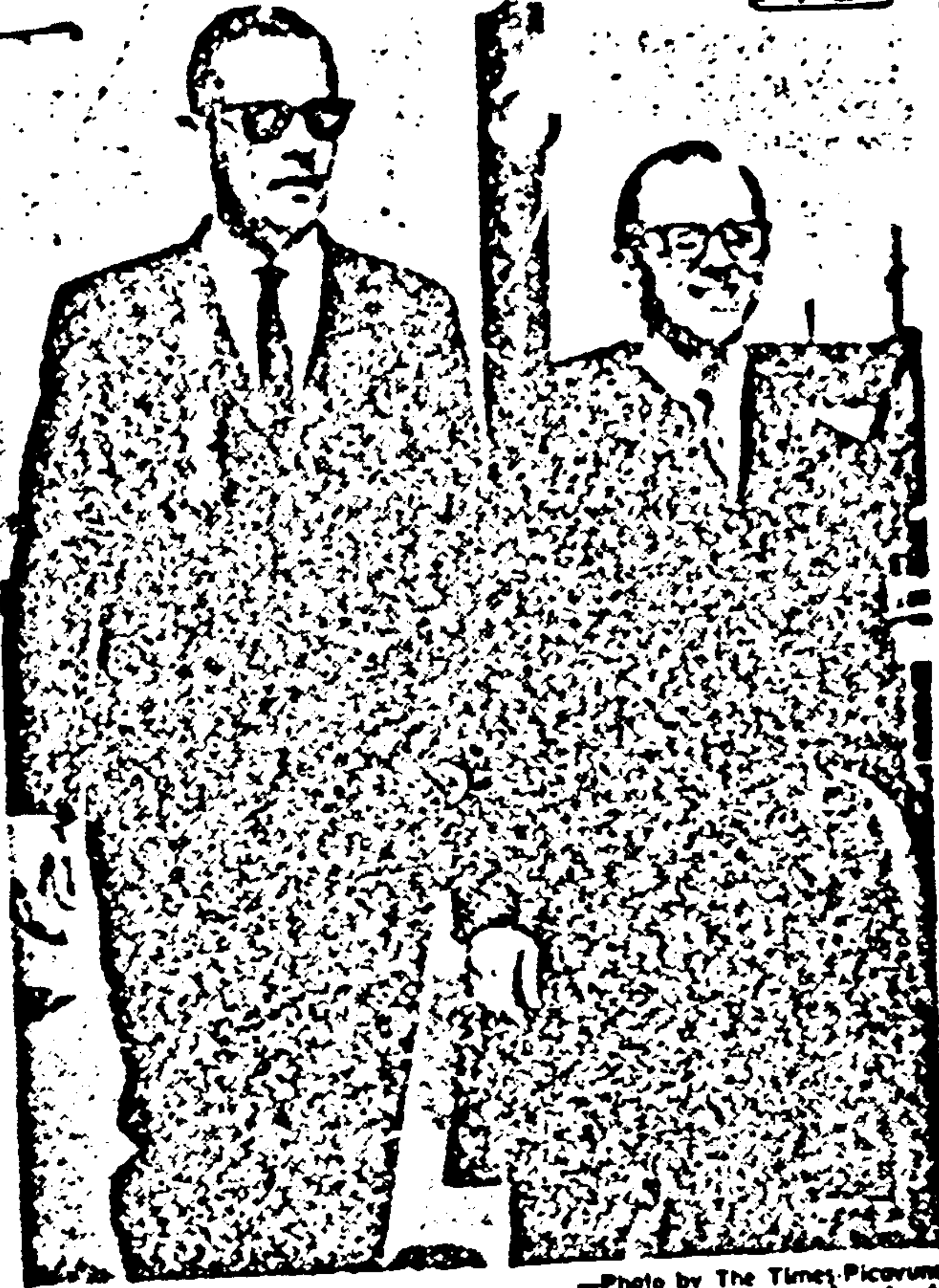
"Didn't you tell the Warren Commission that it was Clay Bertrand who called you in the hospital?" asked Alcock.

"I don't recall," said Andrews. "If you will give me the statement in the Warren Commission, I can recall."

Dymond suggested that Andrews be allowed to read his testimony before the Warren Commission. Because of the length of it, Alcock asked Judge Haggerty for a recess for lunch — it was now approximately 11:40 a. m.—and Judge Haggerty thought it was a good idea.



—Photo by The Associated Press.
LEAVING COURT are Dean Andrews Jr. (left), an attorney who testified Tuesday that "my mouth ran ahead of my brain" as he claimed he made up the name "Clay Bertrand," and James Phelan of Long Beach, Calif., a freelance writer. Phelan wrote a magazine article critical of Dist. Atty. Jim Garrison's investigation. He is scheduled to take the stand as a defense witness in the Clay Shaw ~~con-~~spiracy case.



—Photo by The Times-Picayune.
DR. PIERRE FINCK (right), Army pathologist who testified Monday and Tuesday in the Shaw trial, departs from the Criminal Courts building Tuesday after completing his testimony. He is accompanied by Harry Connick, Justice Department counsel.



—Photo by The Times-Picayune.
CHARLES A. APPEL JR., retired FBI handwriting expert who broke the Lindbergh kidnaping case, was qualified by the defense in the Shaw trial Tuesday. Appel is pictured as he drove up to the Criminal Courts building Tuesday.

(Mount Clipping in Space Below)

Tamed Expert On Handwriting Due on Stand

The famed handwriting expert who broke the Lindbergh kidnaping case in 1932 was due on the stand today as the trial of Clay L. Shaw began its 31st day.

Charles A. Appel Jr., a retired FBI graphologist from Washington, D. C., is expected to give his opinion on whether Shaw signed the guest register at New Orleans International Airport as "Clay Bertrand."

Shaw, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill President John F. Kennedy, shot to death in Dallas Nov. 22, 1963.

A STATE WITNESS, Mrs. Jesse Parker, testified earlier in the trial she saw Shaw sign the guest book in the airport's VIP Room in December, 1966, as Bertrand. Bertrand is the alias District Attorney Jim Garrison says Shaw used in plotting to kill Kennedy.

The register the woman said Shaw signed was introduced in evidence, and Appel will likely give his opinion on whether the signature is Shaw's. Appel was qualified as an expert witness just before court closed yesterday.

The whole Bertrand matter was clouded yesterday when the man who originally introduced the name into the Kennedy case, New Orleans attorney Dean Adams Andrews Jr., testified that he made it up.

ANDREWS, WHO has been convicted of perjury for changing his story about Bertrand under oath, changed it again yesterday, saying the mystery figure "was a figment of my imagination."

The retired attorney, who speaks in a jargon that sounds like a polyglot of everything from 1930 jive talk to today's hip, said of his previous testimony, "It's page after page of bull."

Andrews told the Warren Commission a man known to him as Clay Bertrand called him the day after the assassination and asked him to go to Dallas and defend Lee Harvey Oswald, then accused of killing Kennedy. Andrews' perjury conviction resulted from his giving different versions of this story under oath to the Orleans Parish Grand Jury.

HERE IS ANDREWS' latest version of the incident, as brought out in yesterday's testimony:

Chief Prosecutor James L. Alcock: "When you received this telephone call on Nov. 23, 1963, did you have an image of the man who called you?"

A—I did.

Q—Did you know him by any other name than Clay Bertrand?

A—Gene Davis. (Eugene Davis is a French Quarter bar operator who denies ever using the name Bertrand).

Q—You identify Gene Davis as Clay Bertrand?

A—I HAVE NEVER identified Gene Davis as Clay Bertrand. I used the name Clay Bertrand as a cover name for Gene Davis.

Q—Did you ever see him with Lee Harvey Oswald?

A—No.

Q—And you didn't choose to help the FBI (by telling them Davis was Bertrand)...

A—I didn't choose to subject this man, all of a sudden it dawned on me that I was about to ~~subject~~ this man to a lot of heat and pressure that didn't belong to him. So I gave that cover name...

"... IT'S BEEN WHIP-LASHING ever since. I can't get away from it, I am not able to stop it. When he (Davis) called me that day it was about a car sale and, in

casual conversation, he said that if I wanted to be a famous lawyer I ought to get cases like the one coming up in Dallas. Nobody said, per se, that I was to be the lawyer . . ."

Q—You mean to tell me nobody asked you to take Oswald's case?

A—Yes, my answer is yes, no one called me to say that.

Q—Why did you say that?

A—Humph! No answer there. Except I'd like to be famous myself as something other than a perjurer.

Slightly later, Judge Haggerty began questioning the witness himself. He asked:

HOW DID YOU come up with Clay Bertrand, not Joe Brown or Charlie Smith, but Clay Bertrand. It's not a common name?"

A—Of all the names, I had to pick that one.

Alcock: In other words, you went back 13 years in your memory to pick up the name Clay Bertrand. (Earlier, Andrews had testified he was introduced to Davis as Bertrand in the 1950s.

A—It wasn't easy.

Alcock: How did you know your former client, Lee Harvey Oswald, had been charged with assassinating President Kennedy?

A—I don't know till yet that he was charged with assassinating . . .

Q—WELL, HOW DID you know he had been arrested?

A—I saw him on TV. I saw him when he shot this guy Ruby.

Judge Haggerty: Shot Ruby! Ruby shot Oswald!

Andrews, with an expression of disgust, extended his forefinger, cocked his thumb, and made a motion of shooting himself in the temple.

In earlier testimony yesterday, Andrews said Shaw was definitely not the man he knew as Bertrand. He said he had done some legal work for Oswald, but never heard him mention Shaw. He said he knew David W. Ferrie slightly, but knew of no con-

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-26-69

Edition: RED COLET

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

Classification: 89-

Submitting Office: N.O., LA.

Being Investigated

ENCLOSURE 62-109000

section between Ferrie, Shaw and Oswald.

GARRISON CHARGES

Shaw plotted the assassination here with Oswald and Ferrie. The Warren Commission named Oswald as the lone assassin.

Chief Shaw counsel F. Irvin Dymond, who had expressed hope earlier the defense could wind up its case today, said yesterday this is now most unlikely.

"It looks like Thursday," Dymond said, "but you can't tell how long the state will keep our people on the stand."

Shaw, Dymond said, will still take the stand as a defense witness.

ALSO YESTERDAY, Army pathologist Dr. Pierre Finck ended a grueling nine hours on the stand, most of it under cross-examination by Assistant DA Alvin V. Oser. He began his testimony Monday.

Oser hit hard at what he tried to show as omissions and discrepancies in the Kennedy autopsy report, which Col. Finck helped prepare.

Dr. Finck stuck to his opinion, expressed in the report, that the shots that hit Kennedy and Gov. John B. Connally of Texas came from the rear of the presidential motorcade. Garrison claims Kennedy was caught in a crossfire.

(Mount Clipping in Space Below)

Bertrand' Signature Not Written By Shaw Noted Expert Testifies

Court Hears Retired FBI Agent

A nationally known handwriting expert testified today the "Clay Bertrand" signature on the guest register at New Orleans International Airport was not written by Clay L. Shaw.

Charles A. Appel Jr., a retired Federal Bureau of Investigation graphologist from Washington, D. C., said the entry in the book was "made by some other person entirely."

SHAW, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill President John F. Kennedy, shot to death in Dallas Nov. 22, 1963.

A state witness, Mrs. Jesse Parker, testified earlier she saw Shaw sign the Bertrand name in the guest book in the airport's VIP Room in December, 1966. Bertrand is the alias District Attorney Jim Garrison says Shaw used in plotting to kill Kennedy.

Shaw insists he never used such an alias.

Two other defense witnesses testified this morning. Jefferson Biddison, a real estate man, testified he is a long-time friend of Shaw's and handled the defendant's mail during the summer of 1966 while Shaw was in Europe.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-26-69.

Edition:

Author: RED FLASH

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Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

Classification: 89-

Submitting Office:

N.O., LA.

Being Investigated

62-117100

A POSTAL worker delivered mail to the Biddison address in this period addressed to Clay Bertrand.

Biddison said he never received any mail addressed to a Clem or Clay Bertrand.

The other witness was former Saturday Evening Post writer James R. Phelan, who testified about discrepancies in a memo written by Assistant DA Andrew J. Sciambra about his interview with the state's star witness, Perry Raymond Russo.

Appel, noted as the handwriting expert who broke the Landbergh kidnaping case in 1932, was qualified as an expert witness as court closed yesterday.

Chief defense counsel F. Irvin Dymond called Appel to the stand as the trial opened its 31st day today. The witness was cross-examined by chief prosecutor James L. Alcock.

As court opened this morning, Dymond showed Appel a state exhibit with the "Bertrand" signature, and a witness compared it with a photographic enlargement of the same signature.

Dymond then brought out other exhibits, documents signed by Shaw before a notary. Appel said he had examined them.

The witness went into a long comparison of the "Bertrand" writing and the Shaw signature. Step by step, he analyzed the formation of various letters and showed how Shaw's differed from Bertrand's.

"FOR THESE REASONS . . . I conclude they were not written by the same person," said Appel.

He said he has examined other writings by Shaw and "the entry in the book was made by some other writer entirely."

Dymond then tendered the witness to Alcock for cross-examination. He said he receives a government pension, but has done no FBI work since his retirement in 1948.

Appel testified he made his comparisons from photographs. "I saw no original documents until I arrived here today."

have been ~~utter~~ to work from the ~~nal~~ signatures. "It is not ~~ary~~ at all," the witness

APPEL SAID HE had Shaw stated in a normal manner to make his signature for comparison and that the defendant was shown no other writing. He said he had no way of knowing how "Bertrand" was seated.

Alcock asked the witness if the difference between Shaw's handwriting and that of "Bertrand" were "significant."

"There are no two writings exactly alike," Appel said.

At this point, a recess was taken.

Upon resuming, Alcock asked Appel if handwriting analysis is an "exact science."

"No, sir. Mathematics is the only exact science there is," Appel said. He added that his comparison process is "most scientific."

He said he took about two hours to reach his conclusion in this case.

ALCOCK ASKED IF mistakes are ever made in this field. Appel said, "In any endeavor I've ever heard of where humans are involved there is room for mistakes."

He said he has never been proved wrong.

On redirect, Appel said he felt he had sufficient samples on which to base his opinion. He said he was participating in this trial without compensation because he felt it "a civic duty."

As a rule, he said, he does not work for defendants because "I don't like to break down law enforcement" but he did in this case because he wanted to see that justice is done.

ON RECROSS - EXAMINATION, Alcock pressed this point, explaining he wanted to see if the witness had formed an opinion in the case prior to making the handwriting analysis.

Appel said he got into the case after Lloyd J. Cobb, president of the International Trade Mart, called him Feb. 14 and asked his fee. Told it was \$250 a day, Cobb replied that Shaw "doesn't have such money as that."

the merits of the case with Cobb, but decided he would accept the duty to prevent an injustice from being carried out.

Appel added that at the time, "I knew nothing about the case."

Alcock exclaimed: "What? You knew nothing about the

case and you were afraid an injustice would be done? No further questions!"

The whole Bertrand matter was clouded yesterday when the man who originally introduced the name into the Kennedy case, New Orleans attorney Dean Adams Andrews Jr., testified that he made it up.

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CHARLES A. APPEL JR.
On way to Shaw trial

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 27 1969
TELETYPE

REC 44

Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	✓
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI SASH DC

FBI NEW ORLS

643PM URGENT 2/27/69 OLP

TO DIRECTOR (62-109060) AND DALLAS (89-43)

FROM NEW ORLEANS (89-69) 5P

CASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,

DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.

MISC. - INFO CONCERNING. OO: DALLAS.

T. T. N. C.
TAYLOR

ACCORDING TO THE FEBRUARY TWENTYSEVEN INSTANT ISSUE OF THE NEW ORLEANS STATES-ITEM NEWSPAPER, THE MORNING SESSION OF THE CLAY L. SHAW TRIAL ON FEBRUARY TWENTYSEVEN INSTANT BEGAN WITH LT. EDWARD O'DONNELL OF THE NEW ORLEANS PD RETURNING TO THE STAND FOR CONTINUED CROSS-EXAMINATION BY THE PROSECUTION.

LT. O'DONNELL TESTIFIED THAT THE FIRST TIME HE HAD TALKED TO THE DEFENSE ATTORNEYS ABOUT THE CASE WAS AFTER THE TRIAL OF SHAW HAD STARTED AND THAT HE HAD NO PRIOR CONTACT BEFORE THIS TIME.

REC 44

62-11111-6796

15 MAR 4 1969

THE NEXT DEFENSE WITNESS WAS IDENTIFIED AS ARTHUR Q. DAVIS, A NEW ORLEANS ARCHITECT. DAVIS TESTIFIED THAT HE FLIES TO NEW YORK CITY ONCE A WEEK IN CONNECTION WITH HIS BUSINESS. UPON BEING SHOWN THE GUEST REGISTER OF THE

5-7th.

- END PAGE ONE

57 MAR 11 1969

PAGE TWO

VIP ROOM FOR EASTERN AIRLINES AT NEW ORLEANS INTERNATIONAL AIRPORT FOR DECEMBER FOURTEEN, NINETEEN SIXTYSIX, DAVIS IDENTIFIED HIS SIGNATURE AS BEING THE SECOND FROM THE BOTTOM OF THE PAGE. THE NAME BELOW HIS NAME IS LISTED AS CLAY BERTRAND.

DAVIS TESTIFIED THAT HE KNOWS SHAW AND THAT SHAW WAS NOT IN THE ROOM AT THE TIME DAVIS WAS. HE TESTIFIED THERE WERE OTHER MEN IN THE VIP ROOM ON THIS OCCASION.

UPON CROSS-EXAMINATION BY THE PROSECUTION, DAVIS TESTIFIED HE REMAINED IN THE VIP ROOM ABOUT TWENTY MINUTES TO A HALF HOUR AND DID NOT RECALL ANYONE SIGN THE REGISTER BOOK AFTER HE DID.

THE NEXT DEFENSE WITNESS WAS CLAY L. SHAW. AFTER ANSWERING ROUTINE QUESTIONS REGARDING HIS BACKGROUND, SHAW DENIED EVER KNOWING LEE HARVEY OSWALD OR DAVID FERRIE. HE DENIED EVER ATTENDING A PARTY AT FERRIE'S APARTMENT IN SEPTEMBER, NINETEEN SIXTYTHREE OR EVER BEING ACQUAINTED WITH

END PAGE TWO

PAGE THREE

PERRY RAYMOND RUSSO. HE DENIED EVER BEING IN CLINTON, LA., OR EVER HAVING ANY ILL FEELINGS TOWARD THE PRESIDENT OR EVER USING AN ALIAS OF CLAY OR CLEM BERTRAND. HE DENIED EVER VISITING THE EASTERN AIRLINES VIP ROOM AT NEW ORLEANS INTERNATIONAL AIRPORT WHERE HE SIGNED THE REGISTER AS CLAY BERTRAND. HE DENIED EVER WORKING FOR THE CENTRAL INTELLIGENCE AGENCY OR ANY OTHER AGENCY OF THE FEDERAL GOVERNMENT EXCEPT DURING THE TIME HE SERVED IN THE U. S. ARMY. HE DENIED EVER KNOWING CHARLES I. SPEISER, A PROSECUTION WITNESS WHO HAS TESTIFIED THAT HE HAD OBSERVED SHAW AT A PARTY IN THE FRENCH QUARTER. HE TESTIFIED THAT PRIOR TO PRESIDENT KENNEDY'S COMING TO NEW ORLEANS FOR A DEDICATION CEREMONY IN NINETEEN SIXTYTWO, HE HAD MET PRESIDENT KENNEDY ON ONE OCCASION PRIOR TO HIS VISIT. HE TESTIFIED THAT IN THE SPRING OF NINETEEN SIXTYTWO, CHEP MORRISON HAD BEEN APPOINTED BY PRESIDENT KENNEDY AS AMBASSADOR TO THE ORGANIZATION OF AMERICAN STATES, AND UPON THE INVITATION OF MORRISON ATTENDED MORRISON'S SWEARING IN CEREMONY IN WASHINGTON, D. C. AT WHICH TIME HE

END PAGE THREE

PAGE FOUR

MET THE PRESIDENT. UPON CROSS-EXAMINATION BY THE PROSECUTION, SHAW ADMITTED KNOWING TWO OF DAVID FERRIE'S FORMER ROOMMATES, LAYTON MARTENS AND JAMES LEWALLEN, BUT SAID HE WAS NOT AWARE THAT THEY KNEW FERRIE. HE THEN TESTIFIED AS TO THE ARRANGEMENTS RE HIS TRIP TO THE WEST COAST IN NOVEMBER, NINETEEN SIXTYTHREE, AND THAT ARRANGEMENTS FOR THIS SPEAKING ENGAGEMENT HAD BEEN COMPLETED BY SEPTEMBER EIGHT OR NINE, NINETEEN SIXTYTHREE. HE TESTIFIED HE WAS SCHEDULED TO SPEAK AT THE SAN FRANCISCO WORLD TRADE BUILDING ON NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE, BUT HIS TALK WAS NOT GIVEN BECAUSE OF THE ASSASSINATION. HE TESTIFIED THAT FROM SAN FRANCISCO HE WENT TO PORTLAND, OREGON, AND THEN TO CHICAGO, ILLINOIS, AND TO THE BEST OF HIS RECOLLECTION, RETURNED TO NEW ORLEANS ON DECEMBER TWO, NINETEEN SIXTYTHREE.

SHAW WAS THEN EXCUSED AS A WITNESS AND THE DEFENSE RESTED ITS CASE, AND THE COURT WAS RECESSED FOR LUNCH.

END PAGE FOUR

PAGE FIVE

THE PROSECUTION WAS EXPECTED TO CALL SEVERAL REBUTTLE
WITNESSES; HOWEVER, THE NUMBER OR IDENTITIES ARE UNKNOWN.

NO LHM BEING SUBMITTED.

END

ERT

FBI WASH DC

CLRP

FEB 27 1969

TELETYPE

FBI WASH DC

FBI NEW ORLS

4-37 PM 2-27-69 URGENT DAO

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89-69 8P

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,

DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.

MISC. - INFO CONCERNING. OO:DALLAS.

RE NEW ORLEANS TELS, FEBRUARY TWENTYSIX, LAST.

THERE APPEARED IN THE FEBRUARY TWENTYSEVEN INSTANT ISSUE OF THE NEW ORLEANS TIMES-PICAYUNE NEWSPAPER AN ARTICLE REPORTING THE TRIAL OF CLAY L. SHAW DURING THE AFTERNOON SESSION ON FEBRUARY TWENTYSIX LAST. THIS ARTICLE CONTAINED ADDITIONAL INFO RE THE TESTIMONY OF JAMES R. PHELAN NOT SET FORTH IN REFERENCED COMMUNICATIONS.

PHELAN, A DEFENSE WITNESS, TESTIFIED THAT HE CONFRONTED ASSISTANT DA SCIAMBRA ABOUT THE OMISSION OF ANY INFO RE AN ASSASSINATION PLOT IN SCIAMBRA'S MEMO ON HIS INTERVIEW WITH PERRY RAYMOND RUSSO AT BATON ROUGE. HE TESTIFIED THAT SCIAMBRA TOLD HIM THAT PHELAN DID NOT KNOW WHAT HE WAS TALKING ABOUT.

UPON FURTHER QUESTIONING BY THE DEFENSE, PHELAN, TESTIFIED THAT HE BROUGHT THE OMISSIONS IN SCIAMBRA'S

END PAGE ONE
5 MAR 1 1969
77

Mr. Tolson	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

REC 44
1,5,6

WC

[Handwritten signature]

[Handwritten initials]

[Handwritten signature: TAYLOR RAYWACH K]

REC 44 62-109060-6797

17 MAR 4 1969

[Handwritten initials]

PAGE 2

MEMO TO THE ATTENTION OF DA GARRISON AND POINTED OUT TO GARRISON THAT IN THIS MEMO IT WAS INDICATED THAT RUSSO HAD ONLY SEEN SHAW TWICE WHILE AT THE PRELIMINARY HEARING RUSSO TESTIFIED HE HAD OBSERVED SHAW THREE TIMES. HE TESTIFIED HE TOLD DA GARRISON THAT THE ONE TIME NOT MENTIONED IN THE MEMO ABOUT OBSERVING SHAW WAS THE PARTY AT WHICH THE ASSASSINATION PLOT WAS PRESUMABLY DISCUSSED. HE TESTIFIED HE TOLD DA GARRISON IT WAS INCREDIBLE THAT A LAWYER COULD GO TO BATON ROUGE AND INTERVIEW A POTENTIAL WITNESS TO THE CRIME OF THE CENTURY AND THEREAFTER WRITE A THIRTYFIVE HUNDRED WORD MEMO AND LEAVE OUT THE CRIME.

PHELAN TESTIFIED THAT ON AN INTERVIEW WITH RUSSO, RUSSO READ SCIAMBRA'S MEMO LINE BY LINE AND MADE FOUR SPECIFIC CORRECTIONS. HE TESTIFIED HE ASKED RUSSO WHY THERE WAS NO MENTION OF THE ASSASSINATION PLOT IN SCIAMBRA'S MEMO AND RUSSO TOLD HIM THAT HE HAD MENTIONED THE ASSASSINATION PLOT AFTER HE WENT TO NEW ORLEANS TO BE INTERVIEWED BY

END PAGE 2

PAGE 3

DA GARRISON. PHELAN TESTIFIED THAT DURING INTERVIEWS WITH RUSSO, RUSSO INDICATED HE WANTED TO MEET CLAY SHAW TO BE SURE OF HIS IDENTIFICATION OF SHAW. AS A RESULT, PHELAN CONTACTED SHAW'S DEFENSE ATTORNEYS AND SHAW WAS COMPLETELY AGREEABLE TO THIS MEETING. HOWEVER, RUSSO SUBSEQUENTLY BACKED OFF FROM THIS MEETING. HE TESTIFIED RUSSO TOLD HIM THE REASON HE BACKED OUT IS THAT IF WORD OF THIS MEETING EVER GOT BACK TO DA GARRISON THAT DA GARRISON WOULD "CLOBBER HIM."

PHELAN TESTIFIED THAT RUSSO HAD EXPRESSED FEAR OF REPRISAL FROM DA GARRISON IF RUSSO SHOULD CHANGE HIS TESTIMONY. HE TESTIFIED THAT RUSSO HAD INDICATED TO HIM THAT RUSSO WAS SORRY HE HAD EVER COME FORWARD AS A WITNESS AND FELT TRAPPED AND IF HE TRIED TO CHANGE HIS STORY, HE WOULD PROBABLY BE CHARGED BY GARRISON AND WOULD LOSE HIS JOB.

UPON CROSS-EXAMINATION BY THE PROSECUTION, PHELAN WAS QUESTIONED EXTENSIVELY RE HIS INTERVIEWS WITH RUSSO.

END PAGE 3

PAGE 4

HE TESTIFIED THAT ON ONE OCCASION ASSISTANT DA SCIAMBRA TOLD PHELAN THAT THE REASON THE ASSASSINATION PLOT WAS NOT IN HIS MEMO, WAS THAT BECAUSE "I FORGOT TO PUT IT IN."

HE TESTIFIED THAT IT WAS AT THE END OF HIS INITIAL INTERVIEW WITH RUSSO THAT HE BROUGHT OUT THE DISCREPANCIES BETWEEN SCIAMBRA'S MEMO AND RUSSO'S TESTIMONY AT THE PRELIMINARY HEARING. HE TESTIFIED THAT RUSSO TOLD HIM THAT HE WAS FIRST TOLD OF THE CONSPIRACY PLOT AFTER HE CAME TO NEW ORLEANS TO BE INTERROGATED BY THE DISTRICT ATTORNEY AND NOT DURING THE EARLIER QUESTIONING IN BATON ROUGE BY ASSISTANT DA SCIAMBRA.

PHELAN WAS THEN QUESTIONED RE THE WRITING OF HIS ARTICLE FOR THE SATURDAY EVENING POST MAGAZINE AS WELL AS HIS ASSOCIATION WITH THE NATIONAL BROADCASTING CO. IN MAY, NINETEEN SIXTYSEVEN, DURING THE TIME NBC WAS PREPARING A DOCUMENTARY ABOUT THE CASE.

END PAGE 4

PAGE 5

HE TESTIFIED HE TOLD RUSSO DURING ONE OF THE INTERVIEWS THAT RUSSO WOULD BE A PATSY IF CLAY SHAW WERE FOUND NOT GUILTY BECAUSE RUSSO WAS THE MAN WHO HAD MADE THE ACCUSATION AND THAT DA GARRISON'S CASE RESTED SOLELY ON RUSSO'S TESTIMONY.

THE NEXT DEFENSE WITNESS CALLED WAS IDENTIFIED AS MRS. JESSE GARNER OF NEW ORLEANS ^{Lo.} WHO TESTIFIED THAT SHE RENTED AN APARTMENT TO LEE HARVEY OSWALD ON MAGAZINE ST. IN NEW ORLEANS IN NINETEEN SIXTYTHREE. SHE TESTIFIED THAT FROM MAY TO MID-SEPTEMBER, NINETEEN SIXTYTHREE, SHE NEVER SAW OSWALD WEAR A BEARD AND HE APPEARED TO BE VERY NEAT IN HIS PERSONAL APPEARANCE. SHE TESTIFIED SHE HAD NEVER HEARD OSWALD MENTION THE NAME OF CLAY SHAW AND THAT SHE HAD NEVER SEEN SHAW PRIOR TO HIS PICTURE BEING IN THE NEWSPAPER RE THIS MATTER.

SHE TESTIFIED AFTER BEING SHOWN A PHOTO OF DAVID FERRIE THAT FERRIE HAD COME TO HER RESIDENCE ON MAGAZINE ST. EITHER

END PAGE 5

PAGE SIX

THE NIGHT OF THE ASSASSINATION OR THE NIGHT AFTER. SHE STATED THAT AT THIS TIME, THERE WERE A LOT OF PEOPLE IN AND OUT OF HER RESIDENCE AND AFTER A FEW MINUTES WHEN SHE DETERMINED THAT FERRIE WAS NOT A FEDERAL AGENT ON OFFICIAL GOVERNMENT BUSINESS, SHE ASKED HIM TO LEAVE. SHE TESTIFIED THAT FERRIE WAS ALONE ON THIS OCCASION. SHE TESTIFIED THAT MRS. OSWALD LEFT THE APARTMENT DURING THE DAY BETWEEN SEPTEMBER TWENTYONE AND TWENTYTHREE, NINETEEN SIXTYTHREE, AND THAT OSWALD STAYED A SHORT WHILE LONGER BEFORE LEAVING LATER THAT SAME DAY.

UPON BEING CROSS-EXAMINED BY THE PROSECUTION, MRS. GARNER TESTIFIED THAT SHE DID NOT HAVE ANY LENGTHY CONVERSATIONS WITH OSWALD.

THE NEXT DEFENSE WITNESS WAS IDENTIFIED AS LIEUTENANT EDWARD M. O'DONNELL, A MEMBER OF THE NEW ORLEANS PD.

O'DONNELL TESTIFIED THAT ON JUNE NINETEEN, NINETEEN SIXTYSEVEN, HE HAD CONDUCTED AN INTERVIEW OF PERRY RAYMOND RUSSO. HE TESTIFIED THAT DURING THIS INTERVIEW HE ASKED

END PAGE 6

PAGE 7

RUSSO WHY HE HAD TESTIFIED AS HE DID THREE MONTHS EARLIER AT THE PRELIMINARY HEARING. RUSSO TOLD O'DONNELL THAT WHEN HE GOT TO COURT FOR THE PRELIMINARY HEARING, HE CAME WITH ALL INTENTIONS OF TELLING THE TRUTH BUT WAS "TURNED ON" BY THE DEFENSE ASKING RUSSO IF HE BELIEVED IN GOD, AND DECIDED THEN AND THERE THAT HE WOULD BURY THE DEFENSE.

O'DONNELL TESTIFIED THAT DURING THIS INTERVIEW WITH RUSSO, RUSSO TOLD HIM THAT CLAY L. SHAW WAS NOT AT THE SEPTEMBER, NINETEEN SIXTYTHREE, PARTY AT THE APARTMENT OF DAVID FERRIE. HE TESTIFIED THAT RUSSO HAD ASKED IF O'DONNELL COULD LET RUSSO SEE GARRISON'S CASE FILE AGAINST SHAW BECAUSE HE WANTED TO SEE HOW STRONG A CASE GARRISON HAD AS THIS WOULD ASSIST HIM IN DECIDING HOW HE WOULD TESTIFY.

UPON CROSS-EXAMINATION BY THE PROSECUTION, O'DONNELL TESTIFIED THAT IMMEDIATELY AFTER RUSSO MADE THE STATEMENT THAT SHAW WAS NOT AT THE PARTY, HE FURNISHED A WRITTEN REPORT OF HIS INTERVIEW TO DA GARRISON.

END PAGE 7

PAGE 8

SUBSEQUENTLY, HE WAS CONFRONTED BY GARRISON WITH RUSSO PRESENT AT WHICH TIME RUSSO DENIED THAT HE HAD EVER TOLD O'DONNELL THAT SHAW WAS NOT AT THE PARTY. THE AFTERNOON SESSION WAS THEN RECESSED AND IT WAS EXPECTED THAT O'DONNELL WOULD BE CALLED TO THE STAND ON THE MORNING OF FEBRUARY TWENTYSEVEN FOR ADDITIONAL CROSS-EXAMINATION BY THE PROSECUTION.

NO LHM BEING SUBMITTED.

END

WA..CKG

FBI WASH DC

FBI

Date: 2/26/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (62-109060)

FROM: SAC, NEW ORLEANS (89-69)

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS,
NOVEMBER 22, 1963
MISC. - INFO CONCERNING
(OO: DALLAS)

Enclosed for the Bureau are eight (8) newspaper
articles appearing in New Orleans newspapers concerning
captioned matter.

Copies of these articles are enclosed for
Dallas and Miami.

2d

Taylor

~~ENCLOSURE ATTACHED~~

62-109060-6798

- 3 - Bureau (Enc. 8)
- 1 - Dallas (89-43) (Enc. 8)
- 1 - Miami (Enc. 8)
- 1 - New Orleans

NOT RECORDED
18 FEB 28 1969

ECW/srl
(6)

5-1-69
W. J. ...
R. H. ...

Approved: 53 MAR 1 1969 Agent in Charge Sent _____ M Per _____

(Mount Clipping in Space Below)

30TH DAY Shaw Trial Proceedings

Court proceedings in the 30th day of the conspiracy trial of Clay L. Shaw:

The state continued to cross-examine Dr. Pierre Finck today, with assistant district attorney Alvin V. Oser doing the questioning.

Q—Colonel, I direct your attention to Page Four of the autopsy report of November, 1963, and to the fourth paragraph. It states that the complexity of fractures taxed satisfactory verbal description and are better appreciated in photographs and X-rays. I ask you how you could better appreciate the fractures in photographs when you never saw the photographs until 1967?

DEFENSE attorney F. Irvin Dymond objected to the question but was overruled.

A—Photographs are more accurate than description . . . the photographs were taken but turned over undeveloped to the Secret Service. At the time the autopsy was performed, we did not know when they would be processed. The Secret Service took charge of them.

Q—You didn't see them until January of 1967?

A—This is correct.

Q—On the same page, Page four, I direct your attention to the passage which states . . . second wound, presumably of entry. Explain why, in the report, you say presumably of entry and you now state you are positive of entry?

A—Adm. Galloway told us to put that word presumably, but this does not change my opinion that this was the wound of entry.

Q—Was Adm. Galloway a pathologist. He was commander of the hospital.

Q—Give us the name of the general who instructed Cmdr. Humes not to talk about the autopsy report?

A—This was not a general, this was an admiral. This was in the autopsy room.

Q—What was his name?

A—There were several people in charge, as I recall. It was Adm. Kiney at that time, as I recall.

Q—What was the name of the general in charge of the autopsy?

A—There was no general in charge. Adm. Humes said "who is in charge here," and a general answered "I am." That doesn't mean he was in charge of the autopsy. He was in charge of the general operation.

Q—Which included your report?

A—No. I don't think so. At no time did any general say he would have anything to say about the signing of the report.

Q—Can you give me his name?

A—I don't remember.

Q—Were any other generals in uniform?

A—I remember a brigadier general. Adm. Galloway was in uniform. Adm. Kiney was in uniform.

OSER THEN questioned Finck about the sequence of shots that hit Kennedy and Finck said the first shot hit the President in the back of the neck and the second shot in the back of the head.

Oser asked Finck if he was aware that, during the reconstruction of the assassination, "not one expert" was able to fire the required shots in the required time from the sixth floor window of the Dallas schoolbook depository.

F. Irvin Dymond, chief defensive counsel objected on grounds such knowledge would be hearsay and Judge Haggerty ruled out the question.

OSER THEN asked Finck if he had access to notes by the FBI and Dymond again objected this would also be hearsay evidence.

This time, he was overruled.

A—As I remember, I found out about the reconstruction and tests when I read the Warren Report when it was published in September, 1964.

Q—Colonel, in regard to the autopsy report of 1963, how much time did you spend on the report?

A—I cannot give an exact figure. I was called by Dr. Humes to Bethesda. I would say I spent several hours with Dr. Humes and Dr. Boswell before I signed it.

Q—Did you read over the final draft?

A—I did.

Q—Do you agree with everything in the autopsy report?

A—Essentially, I do. I read the report and discussed it several hours.

Q—Then why is Gov. Connally spelled C-O-N-N-E-L-L-Y and not C-O-N-N-A-L-L-Y?

DYMOND BROUGHT a roar of laughter from the gallery when he objected to the question on grounds that the witness "is not qualified as an expert in spelling."

Judge Haggerty then brought more laughter when he stated the meticulous Col. Finck "did a lot of spelling yesterday."

Dymond took over the questioning of the defense witness.

Q—Did anyone give an order as to the opinion you were to write?

A—No.

Q—Would you have accepted any order in writing the report?

A—No.

Q—In performing an autopsy, which is more important, viewing photographs or viewing the actual subject?

A—They supplement each other.

Q—In gathering information for arriving at a conclusion, which is more important, seeing photographs of the cadaver or seeing the cadaver himself?

A—The cadaver is the most important thing to see.

Q—Did you have X-rays available?

A—We did.

Q—When were the X-rays

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

ST/ TES-ITEM

NEW ORLEANS, LA.

Date: 2-25-69

Edition: RED FLASH

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

Classification: 89..

Submitting Office: N.O., LA.

Being Investigated

made available to you?

A—When I arrived at Bethesda hospital, the X-rays had been taken of the head. After I found the wound at the back of the neck and no corresponding exit, I requested X-rays. My purpose was to see if there was a bullet in the body. An X-ray will reveal a bullet.

FINCK SAID he found no entire bullet in the cadaver, only fragments. Dymond then referred to drawings showing the entry of the two bullets into the body of the late president and asked Finck if the sketches "purport to be scale drawings?"

A—No.

Q—Under whose supervision were they prepared?

A—Under the direction of Dr. Humes . . . drawn at his direction. As far as I know Dr. Humes gave the results of our findings to a Navy enlisted man who made these drawings for the Warren Commission.

Q—In your opinion, doctor, was mutilation of the remains necessary to gather enough information to satisfy yourself as to the path of the bullet?

A—I don't know what it would have shown.

Q—Would you say it is necessary to mutilate to determine the path of the bullet?

A—I don't know.

Q—Did you form an opinion as to the path of the bullet?

A—The wound at the back of the neck had a regular edge — ~~inserted~~ which is characteristic of a wound of entry and exited through the tracheotomy.

Q—Is this a firm opinion without a bisection?

A—It is a firm opinion.

Q—Doctor, did you examine the wounds of Gov. Connally?

A—No, I never met Gov. Connally.

Q—Yesterday you were asked if you had testified before the Warren Commission that a fragmented bullet could not have gone through the wrist of Gov. Connally. Did you testify to that?

A—I testified before the commission that this bullet did not disintegrate before striking the wrist of Gov. Connally because there were too many fragments in the wrist to be caused by such a bullet. I don't think that such a bullet which has lost such little weight could cause

Connally.

Q—Did you on any occasion to see Gov. Connally?

A—No. I ~~have~~ had reports on his condition. I don't recall. I did see X-rays and photographs.

Q—Could a wound of entrance in a flabby area be larger than the wound of exit?

A—It could be. It would be determined by the angle of the projectile.

Q—Does this apply to a skull wound? Could the wound of exit be smaller?

A—Most of the time when a bullet goes through a bone, through and through, the exit wound is larger. The reason is that the bullet disintegrates going through bone, causing fragments and a larger wound. In a fleshy area hit by a high velocity bullet, the skin stretches on the entrance of a bullet and retracts after. It often does this to some extent. It doesn't happen through bone. Skin is more elastic than bone. The position of the bullet in relation to the target will have an effect on the wound.

DYMOND THEN asked about the position of the wound in the back of Kennedy's head—whether it was four inches, or 100 mm, above the external occipital protuberance.

A—On being questioned yesterday by Mr. Oser, I referred to the measurements taken on an X-ray film.

Finck then explained that the size of an X-ray seldom corresponds with the exact size of the head, that the size of the X-ray is based on the distance of the X-ray tube from the subject. "The film is not to scale," he said.

Q—The measurements to which you refer in your autopsy report — are these measurements from the cadaver itself?

A—The location of the wound at the back of the shirt and the back of the head corresponds with the measurements on the cadaver.

Q—Now, doctor, referring to State (Exhibit) 70, the head of the President, would the direction of the President's head, one side or the other, affect the angle?

A—Yes, it would to some extent.

Q—Did you testify, doctor, that you did not examine the left half of the president's brain?

A—Yes, the brain was still in

made and the final examination report was made in the supplemental report?

Q—Did Dr. Humes make the supplemental report?

A—He did.

FINCK REFERRED to the page in the report to the presidential commission as of Dec. 6, 1963, titled "Supplemental Report."

Q—Doctor, what was the purpose of the autopsy performed by you, by Dr. Humes and by Dr. Boswell?

A—To determine the nature of the wound and the cause of death.

Q—At the time you signed the report, were you satisfied as to the cause of the wounds, their direction and effect?

A—In my opinion, this report fulfilled this mission.

Q—Having performed the autopsy, what firm opinion did you reach?

A—It was my firm opinion that the wound of entry was at the back of the neck and the wound of exit in the front at the tracheotomy wound. The second wound was at the back of the head and the exit of this wound the right top side of the head. The head wound was the fatal wound—the cause of death.

—As of this date, doctor, is there anything that would change that opinion?

A—No, sir.

AT THIS point, Dymond stopped direct questioning and Oser resumed cross-examination. He began questioning Finck as to the part of the autopsy report having to do with the exact location of the entrance wound at the back of the head at the external occipital protuberance.

This particular portion of the report, Finck said, contained measurements taken from the X-ray.

Q—Were the X-rays you viewed all of the X-rays that were taken of the president?

A—The X-rays were made by a radiologist. He said there was no bullet left in the cadaver.

Q—Colonel, do you know to your knowledge that some of the X-ray film taken of President Kennedy at that time did not come out?

A—To my knowledge there was some film that did not come out. They were bruised photographs.

radiologist. Was there not dissection of a 1 1/2-inch structure?

There was evidence of metallic fragments.

Q—If this was in the X-rays, was it there at the time of the autopsy?

A—There was a brown, rectangular structure measuring 13 by 20 millimeters but its identity was not established and I don't know what it referred to.

Q—What was the reason you gave Mr. Dymond that you did not dissect the tract through the throat?

A—I didn't consider dissection.

Q—Didn't you say you did not want any further mutilation of the body of President Kennedy, as a matter of fact?

A—Yes, sir.

Q—Isn't it a fact that you were told not to go through the throat area?

A—Yes, but I don't remember the details.

Q—Who told you not to go through the throat area?

A—I did not do it.

Q—Can you describe the incisions made in the body?

A—I did not make the incisions. I was called to make a study of the wounds. My role was to emphasize and examine the wounds. The incisions were already made when I got there.

Q—What was to prevent you from making these incisions?

A—I arrived a short time after the autopsy began, but I do remember there was a bruise in the upper chest cavity, produced by the bullet that entered the president's back.

Q—Should there have been an open incision?

A—I saw the body open.

Q—Is it not standard operating procedure to make a wide incision to examine the wound?

A—I don't remember making the incision. I was not the pathologist making the autopsy.

Q—Did you not say to Mr. Dymond that you didn't want to mutilate the president's body?

DYMOND AT this point objected on the grounds the witness had already answered that question. The judge sustained the objection.

Q—At that time, is it not a fact, that you were puzzled by the lack of an exit wound?

A—Yes, it is.

Q—Did you say to Mr. Dymond that you weren't taking

ders from anybody in the autopsy room?

DYMOND. AT this point, objected, claiming the witness was being misquoted. Oser then told Judge Haggerty: "I asked whether he had answered Mr. Dymond he wasn't taking any orders during the autopsy."

Dymond interjected, "I asked the witness if he was taking orders on what his professional opinion should be."

Q—Were they ordered not to dissect?

A—There were no direct orders. There were several people in the room and a number of suggestions were made.

Q—Is it not a fact you were a lieutenant colonel in the Army and there were generals and admirals present in the room?

DYMOND OBJECTED on the grounds the witness had gone over this, but Oser contended he was merely attempting to determine who was giving orders during the autopsy. Judge Haggerty sustained Dymond's objection and Oser excused the witness. The judge took a five-minute recess before calling the next witness.

Oser requested that two reports, signed by Finck, marked S-67 and S-71, be filed into evidence. The judge ordered the reports filed.

Dymond then asked for the next witness, Dean A. Andrews, a New Orleans attorney, who was seated outside the courtroom.

ANDREWS entered the courtroom wearing the usual dark glasses, a dark coat and dark tie. He took the oath and, after sitting down, removed his dark glasses and proceeded to administer some drops to his eyes.

At this point, Assistant District Attorney James L. Alcock requested permission to approach the bench. He was accompanied by Assistant District Attorney Andrew J. Sciambra. Dymond joined them.

After a brief conference, the lawyers returned to their seats. Judge Haggerty instructed the sheriff to remove the jury from the courtroom.

Alcock said he feels that, if the witness had his attorney in court, he should be allowed to confer with his attorney and be advised of his consti-

court should instruct him.

ALCOCK asked the witness has been indicted of perjury in connection with his testimony in the investigation. The conviction, Alcock noted, is under appeal.

Judge Haggerty asked the witness if he had an attorney in the courtroom. Andrews said yes and asked that Michael Barry come forward.

Andrews explained that Barry is associated with him in the practice of law.

JUDGE HAGGERTY ruled Andrews would not be forced to incriminate himself.

Andrews said that his lawyer was there to advise him if he had to answer questions. Andrews' perjury question is now on appeal before the state supreme court and the judge said the conviction is not a "final matter."

Judge Haggerty ruled it would be up to the court to instruct the witness whether to answer questions.

Dymond said defense counsel had no objection to Barry's sitting at the defense table, but the judge allowed Barry to sit by the witness stand at the front of the courtroom.

ALCOCK ASKED for "one minor clarification" before the jury returned to the courtroom. He asked if he could go into the subject matter on which the conviction was obtained.

Judge Haggerty approved of questioning along this line.

The jury was called back and Dymond began his direct examination of the witness.

Andrews testified he has been an attorney for 12 years.

DYMOND ASKED him if, on Nov. 22, 1963, he was confined in a hospital.

A—Yes, I was. I was confined to Hotel Dieu.

Q—Did you receive a telephone call while you were in the hospital?

A—Yes, I received a telephone call.

Q—From whom did this call come from—if you know?

ANDREWS conferred with Barry and said he declined to answer the question because of a client-attorney privilege and because of a charge presently pending.

Dymond started to ask another question, but the judge interrupted him and said he had not yet ruled on the wit-

He sustained the objections and told Dymond to rephrase his question.

Q—Regarding this telephone call, was it a long distance call or a local call?

A—It was a local call.

Q—When did you receive the call?

A—I don't remember the time.

Q—Can you give the approximate date?

A—Yes, it was the day after the president was assassinated.

Q—Would that be Nov. 23?

A—It was a Saturday. If that was the date, then that is correct.

Q—Was the call from a Mr. Clay Shaw?

A—No.

Q—Did you ever receive any telephone calls from a Mr. Clay Shaw?

A—No.

Q—Do you know Mr. Clay Shaw?

A—No, I do not.

Q—Were you ever introduced to Mr. Clay Shaw?

A—No, I was not.

Q—When was the first time you saw Clay Shaw?

A—When I saw his picture in the newspaper in connection with the investigation.

Q—What did you do as a result of that telephone call?

A—As I recall, I called Mrs. Springer, my secretary, to see if she could locate a file on Lee Harvey Oswald. He had been into my office about four or five times during early May or June.

Q—After calling your office . . .

ANDREWS interrupted and said he did not call his office, but called his secretary at home.

Q—Very well . . . as a result of that call did you do anything else?

A—I believe my office investigator visited me.

Q—Were any other calls made by you?

A—On what day?

Q—On the day you received the call, or the next day?

A—Yes, I think it was Sunday. I called attorney Monk Zelden.

Q—What did you tell Mr. Zelden?

(ZELDEN WAS in the courtroom at the time. The judge admonished him to have a seat "like everyone else" when the court reconvened after the first morning recess.)

A—The purpose of the call since I was in the hospital and couldn't go, I wanted to ask Monk if he'd be interested in going to Dallas to represent Lee Harvey Oswald.

Q—Did you later have occasion to have a conference with Regis Kennedy of the FBI?

A—I don't recall the time, but I think it was Monday. I called Mr. Kennedy to let him know Lee Harvey Oswald had been in New Orleans in either the summer or spring of 1963. I also called Mr. Reisser, head of the Secret Service, and gave him the same information but he didn't seem to be too interested.

ASKED BY Dymond what his physical condition was when Kennedy visited him at the hospital, Andrews said he had been awakened from a sleep, that he was under sedation.

He said he remembered seeing Kennedy only once.

Asked if he was under sedation when Kennedy visited him, he said he was under sedation "regularly" after that.

Q—Did you furnish him with a fictitious name of the person who called you on the telephone?

ANDREWS conferred with his attorney and declined to answer the question on grounds it could be used as evidence against him in the pending criminal proceeding.

Judge Haggerty sustained the objection. Andrews, smiling broadly, remained silent.

Q—In the course of your

conversation with agent Kennedy did you ever use the name Clay Bertrand?

A—Yes.

Q—Is or was Clay L. Shaw the Clay Bertrand to whom you referred?

A—No, sir.

Q—Do you know who Clay Bertrand is or was?

A—Yes, I believe I do.

Q—Did you know David Ferrie?

A—Yes, slightly.

Q—Did you ever see David Ferrie with Clay Shaw?

A—I never saw Clay Shaw before.

Q—Did you ever see Ferrie with Lee Harvey Oswald?

No, sir.

Q—Did you ever hear Lee Harvey Oswald mention the name of Clay L. Shaw.

A—No, sir. I did not.

Q—Did you ever hear David Ferrie mention Lee Harvey Oswald or Lee Oswald?

A—No, sir.

(Mount Clipping in Space Below)

JEK SHOT FROM BEHIND. PATHOLOGO GIST SAYS

An Army pathologist testified at Clay Shaw's conspiracy trial today that President Kennedy was hit by just two bullets — both definitely fired from behind him — when he was assassinated.

"That is my honest professional opinion," said Col. Pierre A. Finck, when asked if anyone in government had tried to influence his findings.

COL. FINCK, a member of the three-man team which performed the autopsy, testified as a defense witness this morning in the trial of

Clay L. Shaw.

Shaw, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill Kennedy, shot to death in Dallas Nov. 22, 1963.

Chief defense counsel F. Irvin Dymond said yesterday Col. Finck is the key rebuttal testimony to District Attorney

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date: 2-24-69

Edition: FINAL

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF PRESIDENT JOHN F.

KENNEDY, TEXAS

Character: 11-22-63

Classification: SS

Submitting Office: N.O., LA.

Being Investigated

Jim Garrison's claim Kennedy was caught in a cross-fire.

A KEY POINT in Garrison's conspiracy theory is whether any of the shots hit Kennedy from the front. Garrison says at least one did. If true, this would destroy the Warren Commission's conclu-

sion that all the shots were fired from the sixth floor window of the Texas School Book Depository by Lee Harvey Oswald.

Garrison contends Shaw conspired here with Oswald and David W. Ferrie to kill Kennedy. The Warren Commission reported Oswald was the lone assassin.

Dr. Finck said both the wound in Kennedy's neck and the one in his head were caused by bullets fired from behind.

THE WARREN Commission used the autopsy report in reaching its conclusion. The records, photos and X-rays used in the autopsy have been sealed in the National Archives until 1971.

Garrison made a legal effort to subpoena them but, after a federal judge ordered them released, the state rested its case without receiving them. The DA's office explained the Justice Department planned an appeal which would have delayed the material until too late for use in the trial.

Col. Finck took the stand as today's session opened and qualified as an expert witness in the areas of forensic medicine and pathology.

The witness testified he co-authored the autopsy report on Kennedy with two other military physicians.

DYMOND ASKED the colonel to describe the body wound suffered by Kennedy. He said:

"I saw on the right side in the back of the neck of President Kennedy a small wound."

Dymond asked him to point out the position on fellow defense attorney William Wegmann, who removed his coat while Dr. Finck indicated the position with his finger.

Describing the wound itself, the colonel said the edges were pushed inward. He said, "I looked at it very closely and I have the opinion . . . that this was a wound of entry . . ."

DYMOND THEN asked the witness to describe the wound in the front of the President's neck. He said he found an opening "in keeping with the type of incision performed for a tracheotomy — a wound made by a surgeon."

He said it was a wound commonly made to let an unconscious patient breathe.

He said X-rays showed no bullets in the lower body, and only fragments in the head.

From his examination of the clothing worn by the president, Dr. Finck said, he concluded the throat wound was an exit wound of the bullet as well as a tracheotomy incision.

ON A DRAWING of a human body, Dr. Finck traced the course of the bullet from back to front. He said he could not establish the sequence of shots from watching the film of the assassination taken by Dallas dress manufacturer Abraham Zapruder, but said the film was valuable in determining the president's position at the time he was hit.

Dymond asked: "Was this wound inflicted by a shot from the rear or front of the president?"

"It was definitely inflicted by a shot from the rear," Dr. Finck said.

Dymond then turned to the head wound.

THE WITNESS described with the aid of a model how head wounds are classified as entry or exit and explained the use of various medical terms.

Dr. Finck then described the wound in the back of Kennedy's head as an entry wound.

"In the case of a high-velocity projectile, there can never be a complete reconstruction of the wound of exit because

of the explosive and shattering force of the wound of exit . . ." he added.

Dymond asked if there were any fragments of skull examined "that would be incompatible with a determination that the bullet was fired from the rear?"

"There were none," Dr. Finck said.

"I HAVE A firm opinion that the bullet entered from the back of the head and exited on the right side of the top of the head, producing a large wound," he added.

Dr. Finck said the bullet disintegrated when it hit the hard bone in the back of the head. He said it was impossible to determine with precision the angle with which the bullet struck the head.

The witness said that, when he signed the report, he had a definite opinion that both bullets struck in the back, one in the back of the neck and the other in the back of the head.

ASKED IF his opinion was affected in any way by government officials, Dr. Finck said:

"My opinion is an honest, professional opinion."

After a recess, the state began its cross-examination of the witness.

Under cross-examination by Assistant DA Alvin V. Oser, Dr. Finck testified that all three of the doctors making the autopsy report agreed on the findings.

Dr. Finck said he was told not to discuss the case "without coordinating with the attorney general of the United States," who at that time was Robert F. Kennedy.

AFTER A LEGAL wrangle which cropped up when both sides misunderstood one of the witness' answers, Dr. Finck said he did not see the photos of the body before writing the autopsy report.

He said the first time he saw the X-rays and photos was in January, 1967. He said he saw photos of the assassination in 1964 but these were from the Zapruder film.

He said photos of the body are "extremely useful" in making an autopsy report and it is normal practice to use them.

Commission ever viewed the

Dr. Finck said: "When I appeared before the Warren Commission in March of 1964 the X-rays and photographs were not available to us in the preparation of our testimony."

Asked why, he said: "I don't know. I understood it was the wish of Robert Kennedy."

OSER THEN produced a document he described as an autopsy report from Bethesda Naval Hospital, where Kennedy's body was sent. The witness said drawings on it were made by the two other pathologists who assisted him in the autopsy.

In response to a question from Oser, Dr. Finck said the hole in the back of the body on the drawing is lower and much larger than the one he indicated on Wegmann's back.

In a series of questions,

Oser asked if the person who made the drawing had access to the autopsy photos. To his knowledge, Dr. Finck said, he did not.

Judge Haggerty then recessed the trial for lunch.

DYMOND SAID over the week end he believes the trial will go to the jury by Thursday. This means questioning of defense witnesses would have to be completed during the next three days.

Several more are under subpoena, including former Texas Gov. John B. Connally and William Gurvich, a former Garrison aide.

Others include Alvin Beauboeuf, a one-time Ferrie associate; Hugh B. Exnicios, Beauboeuf's attorney; Jesse J. Garner, Oswald's landlord; Jim Phelen, former Saturday Evening Post writer, and his photographer, Matt Herron, and several police officers.

Shaw is expected to take the stand in his own defense. He testified briefly last week as a traverse witness.



COL. PIERRE A. FINCK
Testifies about autopsy.

WARDEN REPORT EXHIBITS USED AT SHAW TRIAL

—Excerpt from Photo.

(Mount Clipping in Space Below)

Pathologist Grilling to Continue

Army Col. Pierre A. Finck was due for more grilling today by Assistant District Attorney Alvin V. Oser on his controversial autopsy report on President John F. Kennedy.

The Swiss-born colonel was called as a defense witness yesterday in the trial of Clay L. Shaw, but was held on the stand more than twice as long by the state. When court closed at 5:30, Oser was still not finished with him.

Shaw, 55, on trial in Criminal District Court, is charged with conspiring to kill Kennedy, but the trial is again in a phase where Shaw is a bystander as testimony centers around the Warren Commission Report on the assassination.

A DEFENSE SOURCE said the next witness will be Lt. Edward O'Donnell of the New Orleans Police Department, a lie detector expert.

Col. Finck was one of three military physicians who performed the autopsy on the president shortly after he was shot to death on Nov. 22, 1963.

The Warren Commission used this report in reaching its conclusion that Lee Harvey Oswald acted alone in killing Kennedy. DA Jim Garrison charges Shaw conspired with Oswald and David W. Ferrie here to assassinate JFK.

HOWEVER, THE commission never viewed the X-rays and photos taken at the autopsy, and this material has been sealed in the National Archives until 1971 at

the request of the Kennedy family.

Col. Finck testified yesterday he didn't see them either, until January, 1967, when he made a supplemental report. He acknowledged that until then, the autopsy report may not have been complete.

Though incomplete, Col. Finck said. "As regards the wounds, what we signed on Nov. 24, 1963, is adequate."

IN FIVE HOURS of cross-examination, Oser sought to discredit the autopsy's report that Kennedy was shot from behind. Garrison claims the president was caught in a crossfire.

Finck, who came to the United States as a young physician, has a Swiss accent and often spelled words he felt might not be clear. But he made it clear it was no ordinary autopsy.

"When you are suddenly called in to examine the president of the United States, who is dead, you do not look around the room and take notes on who is there," he replied when Oser asked him who attended the autopsy.

HE SAID THE crowded room at Bethesda Naval Hospital near Washington included an Army general, FBI agents and Secret Service men.

"Did you feel you had to obey orders from that Army general who said he was in charge?" asked Oser.

"Uh, no."

"Why not?"

"There were others, there were admirals. . . ."

"Admirals?"

"Yes, two admirals."

FINCK WAS DEFINITE in stating that all medical evidence showed the president was shot in the back of the neck and the back of the head—and that it didn't take a microscopic examination to know it.

During the questioning, Judge Edward A. Haggerty Jr. several times had to di-

rect the witness to first answer "yes" or "no" to certain questions and then follow with an explanation if he desired.

Oser asked questions and there would be long pauses as Dr. Finck considered them. Then as he began his answer, Oser would ask the judge to direct the witness to answer yes or no first.

Here are some of the highlights of his testimony:

—The left side of the president's brain was never examined during the autopsy.

—The wounds in the back of Kennedy's neck and the back of his head were both entry wounds.

—Dr. Finck was told not to dissect the neck area of the president, but couldn't remember who told him not to.

—Asked if exhibit 399 (the bullet the Warren Commission said went all the way through Kennedy and Connally and emerged intact) could have damaged Connally's wrist as it did without being damaged, Dr. Finck replied "I don't know."

—Dr. Finck was told by the surgeon general of the Navy not to discuss the case without first coordinating with the attorney general, then Robert F. Kennedy, the late president's brother.

At one point, Dr. Finck took so long to answer a question Judge Haggerty looked at Oser and said, "Mr. Oser, are you still waiting for an answer?" This provoked laughter from the spectators.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

Date:

2-25-69

Edition:

RED COMET

Author:

Editor: GEORGE W. HEALY

Title: ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

Character:

11-22-63

Classification:

89-

Submitting Office:

N.O., LA.

Being Investigated

(Mount Clipping in Space Below)

JFK Autopsy Testimony Due In Shaw Trial

Army Col. Pierre A. Finck, a member of the three-man team which performed the autopsy on President Kennedy, was due on the witness stand this morning in the trial of Clay L. Shaw.

Shaw, 55, is on trial on charges of conspiring to kill Kennedy. The trial today moved into its sixth week.

CHIEF DEFENSE counsel F. Irvin Dymond said yesterday Col. Finck's testimony will be the key rebuttal of District Attorney Jim Garrison's claim Kennedy was caught in a crossfire.

Col. Finck and two Navy doctors performed the autopsy the day Kennedy was shot, Nov. 22, 1963, and in their report described two gunshot wounds, one in the head and the other in the upper back.

Their findings, contained in the Warren Commission Report, concluded:

"IT IS OUR opinion that the deceased died as a result

of two perforating gunshot wounds inflicted by high velocity projectiles.

"The projectiles were fired from a point behind and somewhat above the level of the deceased."

The commission concluded that Lee Harvey Oswald acted alone in killing Kennedy. District Attorney Jim Garrison charges Shaw plotted the slaying here with Oswald and David W. Ferrie.

DYMOND SAID over the week end he believes the trial will go to the jury by Thursday. This means questioning of defense witnesses would have to be completed during the next three days.

Several more are under subpoena, including former Texas Gov. John B. Connally and William Gurvich, a former Garrison aide.

Others include Alvin Beauboeuf, a one-time Ferrie associate; Hugh B. Exnicios, Beauboeuf's attorney; Jesse J. Garner, Oswald's landlord; Jim Phelen, former Saturday Evening Post writer, and his

photographer, Matt Heron, and several police officers.

Shaw is expected to take the stand in his own defense. He testified briefly last week as a ~~traverse~~ witness.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

NEW ORLEANS, LA.

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(Mount Clipping in Space Below)

JFK. Autopsy Doctor Testifies 2 Shots Fired from Rear Struck

Pathologist Witness For Shaw

An Army pathologist testified at Clay Shaw's conspiracy trial today that President Kennedy was hit by just two bullets — both definitely fired from behind him — when he was assassinated.

"That is my honest professional opinion," said Col. Pierre A. Finck, when asked if anyone in government had tried to influence his findings.

COL. FINCK, a member of the three-man team which performed the autopsy, testified as a defense witness this morning in the trial of Clay L. Shaw.

Shaw, 55, is on trial before Criminal District Judge Edward A. Haggerty Jr. on charges of conspiring to kill Kennedy, shot to death in Dallas Nov. 22, 1963.

Chief defense counsel F. Irvin Dymond said yesterday Col. Finck is the key rebuttal testimony to District Attorney Jim Garrison's claim Kennedy was caught in a cross-fire.

A KEY POINT in Garrison's conspiracy theory is whether any of the shots hit Kennedy from the front. Garrison says at least one did, if true, this would destroy the Warren Commission's conclusion that all the shots were fired from the sixth floor window of the Texas School Book Depository by Lee Harvey

Oswald. Garrison contends Shaw conspired here with Oswald and David W. Ferrie to kill Kennedy. The Warren Commission reported Oswald was the lone assassin.

Dr. Finck said both the wound in Kennedy's neck and the one in his head were caused by bullets fired from behind.

THE WARREN Commission used the autopsy report in reaching its conclusion. The records, photos and X-rays used in the autopsy have been sealed in the National Archives until 1971.

Garrison made a legal effort to subpoena them but, after a federal judge ordered them released, the state refused.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

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KENNEDY, TEXAS

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Being Investigated

its case without receiving them. The DA's office explained the Justice Department planned an appeal which would have delayed the material until too late for use at the trial.

Under cross-examination by Assistant DA Alvin V. Oser, Dr. Finck testified all three doctors making the autopsy agreed on the results.

THE WITNESS said he couldn't remember the name of an Army general who said he was in charge of the autopsy.

He said when he reached the autopsy room, Kennedy's brain already had been removed.

Dr. Finck said he was told not to discuss the case "without coordinating with the attorney general of the United States."

AFTER A legal wrangle apparently resulting from a misunderstanding of one of the witness' answers, Dr. Finck said he did not see photographs of the body before writing the autopsy report.

Col. Finck took the stand as today's session opened and qualified as an expert witness in the areas of forensic medicine and pathology.

The witness testified he co-authored the autopsy report on Kennedy with two other military physicians.

DYMOND ASKED the colonel to describe the body wound suffered by Kennedy. He said:

"I saw on the right side in the back of the neck of President Kennedy a small wound."

Dymond asked him to point out the position on fellow defense attorney William Wegmann, who removed his coat while Dr. Finck indicated the position with his finger.

Describing the wound itself, the colonel said the edges were pushed inward. He said, "I looked at it very closely and I have the opinion . . . that this was a wound of entry . . ."

DYMOND THEN asked the witness to describe the wound in the front of the President's neck. He said he found an opening "in keeping with the type of incision performed for

a tracheotomy a wound made by a . . .

He said it was a wound commonly made to let an unconscious patient breathe.

He said X-rays showed no bullets in the lower body, and only fragments in the head.

From his examination of the clothing worn by the president, Dr. Finck said, he concluded the throat wound was an exit wound of the bullet as well as a tracheotomy incision.

ON A DRAWING of a human body, Dr. Finck traced the course of the bullet from back to front. He said he could not establish the sequence of shots from watching the film of the assassination taken by Dallas dress manufacturer Abraham Zapruder, but said the film was valuable in determining the president's position at the time he was hit.

Dymond asked: "Was this wound inflicted by a shot from the rear or front of the president?"

"It was definitely inflicted by a shot from the rear," Dr. Finck said.

Dymond then turned to the head wound.

THE WITNESS described with the aid of a model how head wounds are classified as entry or exit and explained the use of various medical terms.

Dr. Finck then described the wound in the back of Kennedy's head as an entry wound.

"In the case of a high-velocity projectile, there can never be a complete reconstruction of the wound of exit because of the explosive and shattering force of the wound of exit . . ." he added.

Dymond asked if there were any fragments of skull examined "that would be incompatible with a determination that the bullet was fired from the rear?"

"There were none," Dr. Finck said.

"I HAVE A firm opinion that the bullet entered from the back of the head and exited on the right side of the

top of the head, producing a large wound," he added.

Dr. Finck said the bullet disintegrated when it hit the hard bone in the back of the head. He said it was impossible to determine with precision the angle with which the bullet struck the head.

The witness said that, when he signed the report, he had a definite opinion that both bullets struck in the back, one in the back of the neck and the other in the back of the head.

ASKED IF his opinion was affected in any way by government officials, Dr. Finck said:

"My opinion is an honest, professional opinion."

After a recess, the state began its cross-examination of the witness.

DYMOND SAID over the week end he believes the trial will go to the jury by Thursday. This means questioning of defense witnesses would have to be completed during the next three days.

Several more are under subpoena, including former Texas Gov. John B. Connally and William Gurvich, a former Garrison aide.

Others include Alvin Beauboeuf, a one-time Ferrie associate; Hugh B. Exnicios, Beauboeuf's attorney; Jesse J. Garner, Oswald's landlord; Jim Phelen, former Saturday Evening Post writer, and his photographer, Matt Herron, and several police officers.

Shaw is expected to take the stand in his own defense. He testified briefly last week as a traverse witness.



COL. PIERRE A. FINCK
Testifies about autopsy.

(Mount Clipping in Space Below)

Shaw Not Bertrand, Andrews Says in Testifying for Defense

Mysterious Call Related By Lawyer

Clay L. Shaw is not the man he knew as Clay Bertrand, New Orleans attorney Dean Adams Andrews testified today.

Andrews first originally introduced the name of Bertrand into the Kennedy assassination case, was called

as a defense witness today in the Shaw trial.

Shaw, 55, is on trial before Criminal District Judge Edward J. Rocco, Jr. on charges of conspiring to kill

Andrews told the Warren Commission a mysterious "Clay Bertrand" called him the day after the assassination and asked him to come to Dallas and defend Lee Harvey Oswald, then under arrest.

Shaw was not the man who called him about Oswald, Andrews testified today.

In August, 1967, Andrews was convicted of perjury because of alleged conflicting testimony given in previous trial. His case is still on appeal.

Andrews has never publicly identified Shaw as Bertrand, but at one time he said, "I can't say he is and I can't say he ain't." Later, he said Shaw was not Bertrand and named a French Quarter bar

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

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CHARACTER NEW PUNCH

ADDRESS

EDITOR GEORGE W. HEALY

TITLE ASSASSINATION OF

PRESIDENT JOHN F.

KENNEDY, TEXAS

CHARACTER

11-22-63

OR

CLASSIFICATION 52-

SUBMITTING OFFICE

DATE

owner as Bertrand. The bar owner denied it.

In his Warren Commission testimony, which covered 14 1/2 pages, Andrews told of seeing Bertrand with some "gay kids" and that Bertrand paid for their legal work. He also told of doing some legal work for Oswald.

ANDREWS FACES AN 18-month jail term on the perjury charge if his conviction is upheld.

Garrison has long contended Shaw and Bertrand are the same person. The state's star witness, Perry Raymond Russo, testified he was introduced to Shaw as "Clem Bertrand" at a party where Russo says Shaw, Oswald and David W. Ferrie discussed killing Kennedy.

Other state witnesses in the trial have testified that mail addressed to Bertrand was delivered to a mailing address used by Shaw and that Shaw signed the name Bertrand to a guest register at New Orleans International Airport.

EARLIER TODAY, Army pathologist Col. Pierre A. Finck continued his testimony on the controversial Kennedy autopsy report he helped prepare. His long ~~long~~ examination by assistant DA Alvin V. Oser ended this morning after the witness had spent about nine hours on the stand.

Oser, one of the assistants to whom Garrison has left most of the courtroom work, sought to discredit the autopsy's findings that Kennedy was shot from behind. Assistant DA James L. Alcock has acted as chief prosecutor in the trial.

Garrison contends Kennedy and Gov. John B. Connally of Texas were caught in a cross-fire in Dealey Plaza. The Warren Commission said Oswald was the lone gunman and all the shots were fired from the sixth-floor window of the Texas School Book Depository to the rear of the presidential motorcade.

This morning's session opened with Dr. Finck back on the stand, under cross-examination by Oser.

OSER QUOTED Dr. Finck's November, 1963, autopsy report as saying the Kennedy head wounds "are better appreciated in photographs and X-rays." He asked the colonel

how he could better appreciate the fragments in photos when he never saw the photos until 1967.

The witness said the photos were turned over undeveloped to the Secret Service and agreed he didn't see them again for three years.

Oser then tried to determine who told Dr. Finck not to talk about the case. He said it was a uniformed admiral, whose name he recalled as Kinney.

QUESTIONS by Oser on the sequence of the shots that hit Kennedy were ruled out as hearsay.

Dymond then took over the witness on redirect examination, and asked him:

"Did anyone give an order as to the opinion you were to write?"

"No," he answered.

Dr. Finck said he would not have accepted such an order if it had been issued.

Certain X-rays, the witness said, were available at the time of the autopsy. These revealed no bullets were present in either the head or body, only fragments, he said.

The colonel said he was able to form a firm opinion as to the path of the bullet through Kennedy's back and chest without dissecting the body.

DYMOND THEN ASKED about Dr. Finck's Warren Commission testimony that a bullet could not have caused the injuries to Gov. Connally's wrist and emerged intact.

"I don't think that such a bullet which has lost such little weight could cause the fragments I could see in the X-ray of the wrist of Gov. Connally," the colonel said. He added, however, that he never examined the governor.

Dymond asked: "At the time you signed the report, were you satisfied as to the cause of the wounds, their direction and effect?"

"In my opinion this report fulfilled this mission," the witness said.

"Having performed the au-

topsy, what firm opinion did you receive?"

"It was my firm opinion that the wound of entry was at the back of the neck and the wound of exit in the front at the tracheotomy wound. The second wound was at the back of the head and the exit of this wound the right top side of the head. The head wound was the fatal wound—the cause of death."

"AS OF THIS date, doctor, is there anything that would change that opinion?"

"No, sir."

Oser then took the witness back on recross-examination. Dr. Finck testified that some of the X-ray photos of Kennedy did not come out.

The witness said he could not remember the details of being told not to dissect the area of Kennedy's throat.

Oser attempted again to determine who was giving orders at that point, but Dymond objected and was sustained. The witness was then excused and Andrews called to the stand.

The jury was excused while Alcock pointed out the witness has been convicted of perjury and his case is on appeal.

It was established that Andrews' attorney, Michael Barry, would be on hand to advise him and Judge Haggerty said the witness would not be forced to incriminate himself.

Alcock asked if he would be permitted to go into the subject matter on which Andrews was convicted, and Judge Haggerty agreed. The jury was called back.

Andrews testified that on Nov. 22, 1963, he was hospitalized in Hotel Dieu, and on Nov. 23, he received a telephone call.

"Was the call from a Mr. Clay Shaw?" Dymond asked.

"NO," SAID ANDREWS.

"Did you ever receive any telephone calls from a Mr. Clay Shaw?"

"No."

Andrews testified he did not know Shaw and never heard of him until he saw his picture in the newspaper in connection with the Garrison investigation.

After the call, Andrews said, he telephoned his secretary to locate the file on Oswald, who "had been in my office about four or five times during early May or June."

former Sam Mink Zelden and told him if he would be interested in going to Dallas to present Oswald.

The following Monday, Andrews said, he called FBI agent Regis Kennedy and told him about Oswald, and also told the Secret Service. The Secret Service, Andrews said, "didn't seem to be too interested."

When he talked to the FBI agent, Andrews said, he was under sedation.

Dymond asked:

"IN THE COURSE of your conversation with agent Kennedy did you ever use the name Clay Bertrand?"

"Yes," said Andrews.

"Is or was Clay L. Shaw the Clay Bertrand to whom you referred?"

"No, sir."

Asked if he knows who Bertrand is, Andrews said, "Yes, I believe I do."

He said he knew Ferrie "slightly" but never saw him with Shaw. He said he never saw Ferrie with Oswald, and never heard Oswald or Ferrie even mention Shaw. Nor did he ever hear Ferrie mention Oswald.

Col. Finck was one of three military physicians who performed the autopsy on the president shortly after he was shot to death.

HOWEVER, THE Warren Commission never viewed the X-rays and photos taken at the autopsy, and this material has been sealed in the National Archives until 1971 at the request of the Kennedy family.

Col. Finck testified yesterday he didn't see them either, until January, 1967, when he made a supplemental report. He acknowledged that until then, the autopsy report may not have been complete.

Though incomplete, Col. Finck said. "As regards the wounds, what we signed on Nov. 24, 1963, is adequate."

. Finck, who came to the United States as a young physician, has a Swiss accent and often spelled words he felt might not be clear. But he made it clear it was no ordinary autopsy.

"When you are suddenly called in to examine the president of the United States, who is dead, you do not look around the room and take notes on who is there," he replied when Oser asked him who attended the autopsy.



DEAN A. ANDREWS JR.
Testifier ~~at~~ trial.

(Mount Clipping in Space Below)

29TH DAY Shaw Trial Testimony

Court proceedings in the 29th day of the conspiracy trial of Clay L. Shaw follow:

Testimony opened with the defense qualifying Col. Pierre A. Finck, one of three doctors who performed the autopsy on the body of the late President John F. Kennedy, as an expert witness.

COL. FINCK went into a detailed explanation of his background, pausing from time to time to spell words that he thought might not be clear to the court or jury.

He was to do this often during his long testimony.

Dr. Finck was qualified by Judge Edward A. Haggerty Jr., in the areas of forensic medicine and pathology.

IN ADDITION to formal training in pathology, Dr. Finck testified that he has carried out experiments on missile wounds in Washington, D.C., and ~~at~~ at ~~the~~ the ~~Wood~~ Wood Arsenal.

on wounds produced by bullets fired by rifles?

Chief Defense Counsel F. Irvin Dymond questioned the witness.

Q—Did you have an occasion to participate in the autopsy of the late President Kennedy?

A—Yes, I did.

Q—With whom did you make the autopsy?

A—The pathologist in charge was Dr. Humes. He called me at home to come to the naval hospital in Bethesda, Md. I found Dr. Humes and Dr. Boswell, who was chief of pathology in the hospital, there.

Q—Are you one of the co-authors of the pathology report on the president's death?

A—Yes, I am.

Q—Describe for the court and the jury the nature of the examination of the body wound examination of the body wound which had been inflicted on the president?

A—I would like to refer to my notes.

AFTER A PAUSE in which Dr. Finck looked at his notes, he began to testify but Assistant District Attorney Avlin V. Oser objected to the use of notes, which had not been identified.

There was a discussion involving Dymond and Judge Haggerty, after which Col. Finck was allowed to continue.

A—I saw on the right side in the back of the neck of President Kennedy a small wound.

Dymond interrupted the testimony and asked Finck to show the position of the wound on fellow defense attorney William Wegmann.

Using a tape measure, Dr. Finck began to calculate the position of the hole on the back of Wegmann, who by then had removed his coat.

When he had found the position with his finger, Dymond brought a roar of laughter from the crowded courtroom by asking Dr. Finck to circle the point with a heavy marking pen.

WEGMANN TURNED to Dymond and gave him a look of amazement and even Judge Haggerty smiled.

After he had made his mark and circled the position, Dr. Finck described the position of the wound.

A—On the skin of President Kennedy, ~~I saw~~ on the right side approximately five inches below the mastoid prominence (behind the ear) the wound. This wound is approximately five inches from the right . . . which is the upper extreme bony prominence of the shoulder and approximately two inches from the midline.

He then was asked to describe the wound itself.

A—The regular edges were pushed inward. I saw a regular wound with regular edges pushed inward, what we call "inverted." This edge showed what we call "abrasion," usually seen when an object runs against something and goes through.

Q—Did you examine the wound?

A—I looked at it very closely and I have the opinion . . . that this was a wound of entry, which is a synonym for entrance.

Q—From the nature of the wound, what would you say had entered the president's neck?

A—It was a wound consistent with the type caused by a bullet.

Q—Was there anything you noticed that was incompatible or inconsistent with the wound made by a bullet?

A—No.

Q—Doctor, would you describe the wound found in the frontal neck region of the president?

A—At the time of the autopsy I saw in the front of the neck of President Kennedy a transversal incision made for the purpose in keeping with the type of incision performed for a tracheotomy — a wound made by a surgeon.

Q—Did you examine the wound made by the surgeon?

A—It was a wound commonly found on unconscious per-

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

STATES-ITEM

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Being Investigated

made to let the patient
the.

-You did not see the exit
wound at that time?

-The following day Dr.
Fink called the surgeon in
charge who performed the
tracheotomy who could say
what he had seen.

AT THIS POINT the state
attorney general introduced
evidence and Dr.
Fink explained: A-In per-
forming an autopsy of this
type you had to have all of
the facts when a wound was
found in the back of the neck
and none was found in the
front and when x-rays showed
no bullets in the cadaver.
You need some information
to know what might have oc-
curred.

Q-Your X-rays that you
took at that time showed no
bullet in the head of the pres-
ident?

A-The entire body was X-
rayed. The head and the body
had been X-rayed. When I ar-
rived at Bethesda, the X-rays
of the head showed only frag-
ments of missile in the head.

Q-The location of the
tracheotomy incision at the
front of the president's neck
was consistent medically with
the wound entry in the front
of the president's neck, wasn't
it?

A-Yes.

Q-Was there anything in-
consistent about this?

A-No.

Q-As an expert, doctor,
can you say what was the
exit point?

A-I have seen the shirt of
President Kennedy.

Q-What did you observe?

A-In connection with the
exit scene on the front of the
shirt of President Kennedy
there was a small wound ap-
proximately at the level of
the button on the shirt.

At this point Dr. Fink
reached with his finger and
touched the first button below
the collar on his own shirt and
continued:

THE FIBERS at the edge
of the hole showed blood. The
fibers were turned outward,
indicating an outward move-
ment of the projectile. The
exit hole is entirely compati-
ble with the incision I saw
at the time of the autopsy.

At this point Dymond pick-
ed up a photograph of a

sketch and handed it to Dr.
Fink:

Q-Is this perhaps a like-
ness of a human body, doc-
tor?

A-It is.

Q-Did you have this sketch
at the time you performed
the autopsy?

A-Yes. It was drawn by
someone else, however. It
was made by a Navy enlisted
man and we used it when
making our testimony before
the Warren Commission. Dr.
Hughes supervised the draw-
ing.

AT THIS POINT the de-
fense introduced the sketch
into evidence. Dymond asked:

Q-Doctor, in your profes-
sional opinion, can you show
for the benefit of the jury,
the course of the bullet at that
time?

Dr. Fink moved down in
front of the jury with the
drawing in his hand and ex-
plained:

A-This represents the right
side of the head and upper
chest of President Kennedy.
The arrows you see behind his
neck indicate that the projec-
tile entered at the back of the
neck. The arrow you see in
front of the neck of the draw-
ing indicates the projectile
came out in front of the neck.
You will notice that the posi-
tion of the head is along a
vertical line as compared to
a horizontal line.

You will notice that the line
of entry of the wound at the
back is in relation to the
wound of exit in the front of
the neck and in relation to a
horizontal line. Notice that
the entry on the back of neck
is higher than the exit in the
front of the neck.

Q-Now I ask you whether
the sketch purports to repre-
sent the actual vertical posi-
tion of the head of the presi-
dent or an arbitrary line?
Could the president have been
leaning farther forward or
does the sketch represent the
true position of the presi-
dent's head?

A-As regards the position
at the time of wounding, the
Zapruder film shows that the
president was sitting in the
presidential limousine in a
straight-up position looking in
a generally forward direction.

Q-From your examination
of the Zapruder film, could
you determine that the presi-
dent was hit by the first bul-
let?

A-The purpose of the
film to us was to establish
the position of the president
and also the sequence of shots.
I remind you, at the time of
the autopsy, we could not de-
termine the sequence of shots.
Seldom can you do this by
looking at wounds. You can
determine the relative direc-
tion. But the sequence of the
missiles was determined by
the film.

Q-Was this wound inflicted
by a shot from the rear or
the front of the president?

A-It was definitely inflict-
ed by a shot from the rear.

The drawing was then pass-
ed around to the jury.

During Fink's explanation
to the jury of the exact en-
try point of the bullet into
the President's neck, defense
attorney Wegmann stood
about 10 feet in front of the
jury with his back to the
jury box.

DR. FINK took out a small
ruler and measured from
what he said was the high
bone point of Wegmann's
right shoulder in toward Weg-
mann's spinal column. He
then measured down from the
lobe of Wegmann's ear and
told the jury that the bullet
entered here at a point on
the right side of the nape of
the neck five inches down
from the lobe of the ear con-
sistent with the point of the
right shoulder.

Dymond gave Fink a pen
and he drew a round mark
on the back of Wegmann's
shirt about four inches be-
low his collar.

Q-With respect to wounds
in bony matters such as the
skull, can you tell us if
boning, cratering, tractoring
or beveling are the same
thing?

A-In describing wounds in
which projectiles pass through
structures such as bones, this
is called tractoring.

Q-In connection with the
autopsy which you conducted
on President Kennedy did you
have occasion to examine a
head wound?

A-Yes, I did.

Q-Can you describe the ex-
tent and nature of the ex-
amination you made?

A-I saw in the back of the
head of President Kennedy on
the right side approximately
one inch from the bone promi-
nence you can all feel in the
back of your head and called
the external occipital exuber-

ance above this protuberance.

Q-What was the approxi-
mate location of this wound?

A-It was a wound in the
scalp on the right side ap-
proximately one inch to the
right of that protuberance
and slightly above it.

Q-Can you describe the na-
ture of this head wound?

A-This would be one with
slightly irregular edges in
contrast to the first wound I
described in the neck. I can
explain the reasons for that.

The tissue underlining the
skin of the back of the neck
are soft tissues and a bullet
which strikes here does not
meet the resistance of a bone
as would be the case for the
scalp wound, which explains
the difference in the charac-
ter of the two wounds.

Corresponding to the scalp
wounds, there was a hole in
the bone in the skull of Pres-
ident Kennedy. I examined it
from outside the skull and
from inside the skull. When
I examined it from the out-
side, I did not see a crater.
I saw a hole but no crater
around it.

When I looked at it from
the inside of the skull I saw
a definite crater. This is a
certain factor to identify posi-
tively the direction of a pro-
jectile going through a flat
bone, such as going through
the skull.

I have seen a number of
such craters in wood and
glass. Police use this meth-
od all the time to determine
the entry of a bullet.

Q-Now, doctor, I show you
an exhibit marked D, a
sketch. Could you tell us what
it represents?

A-It is the letter-sized
black and white drawing en-
titled, "A perforating missile
wound of the skull." It shows
a scheme prepared at my di-
rection at the Armed Forces
Institute of Pathology and
based on factors just de-
scribed.

Q-Can you tell us if this
was prepared before or af-
ter the assassination of Pres-
ident Kennedy?

A-It was prepared before
the assassination to demon-
strate patterns of through and
through wounds for teaching
purposes.

AT THIS POINT Dymond introduced the drawing as evidence. It was introduced without objection.

Q—What do you mean by honing and catering?

At this point the witness stood up and showed the picture to the jury with this explanation:

This scheme represents the fault of the skull in white. The cavity, that is the cranial cavity, labeled B, is in black. The letter C is a wound of entry and D is a wound of exit. In considering such through and through wounds, it must be realized that in a wound of entry and exit there may be fragments left by a projectile, but the bullet is not still left there.

You will notice at the level of C, when you examine the wound from the outside, the hole is smaller than the one observed from the one inside. In other words, diameter outside is smaller than the inside diameter of C.

You can see a crater or cone from the inside. This is what we mean by tractoring, coning, shelving or beveling. When a projectile goes through a bony structure it produces a wound of exit.

Here, again, looking at the wound, we see a larger di-

ameter when examined from the outside than when examined from the inside. On the basis of such factors as that, the direction of a bullet path is determined.

Q—In addition to what you describe as the bullet hole of entrance, was there any other damage to the skull of President Kennedy?

A—There was a very large wound, irregular in shape, star-shaped, what we call stellate, approximately five inches in diameter, to be exact, 13 centimeters in diameter, showing the force of the object.

We received from Dallas portions of bone which had the same appearance as the general appearance of the remaining parts of the skull of President Kennedy.

One of these fragments could be matched inside the wound. I saw beveling as I described to you. The crater, when viewed from the outside, identifies a pattern of exit from the inside.

In the case of a high-velocity projectile, there can never be a complete reconstruction of the wound of exit because of the explosive and shattering force of the wound of exit since the wound of exit normally is very irregular.

Often we don't have all the pieces of the bone. As I recall it, we received these fragments of skull bone during the autopsy sometime, about 11 p. m.

Q—When you say approximately 11 p. m., to what day are you referring?

A—On Nov. 22, 1963, the day of the assassination.

Q—Were there any fragments of the skull that would be incompatible with a determination that the bullet was fired from the rear?

A—There were none.

Q—Having examined the skull, do you have a definite opinion as to whether the projectile causing the damage entered from the back?

A—I have a definite opinion. We had the skull X-rayed. We found metallic fragments on the X-ray film of the head of the president and we found metallic fragments on the bone fragments furnished us.

I have a firm opinion that the bullet entered from the back of the head and exited

on the right side of the top of the head, producing a large wound.

Q—As a result of your examination of the head of the late President Kennedy, what opinion, if any opinion, do you have as to what direction the bullet came from?

A—The bullet definitely struck in the back of the head, disintegrating, which is often the case when a bullet of high velocity goes through bone, producing numerous (bullet) fragments which we saw on the X-ray film and were found by us. We found many fragments.

Q—Did you detect other wounds on the body of the late president?

A—I did not—no other bullet wounds.

DYMOND THEN showed a sketch of Kennedy's head to Col. Finck and asked him if he drew the sketch.

A—No, it was drawn by someone else.

Q—I now ask you does it depict the path of the bullet into and out of the head of the president?

A—It does.

Dymond then asked Dr. Finck to explain the sketch to the jury.

A—This is a reproduction labeled D-29 representing the right side of the head and the right shoulder and the upper chest of President Kennedy. For demonstration purposes, the drawing shows the wounds in a general way. Arrows indicate the direction of the missile. The arrow at the back of the head has the word "In" and the arrow at the right side, at the top of the head is labeled "Out." See the small entry wound at the back of the head and the much larger wound of exit, irregular on the right side of the head. This indicates the general direction the bullet struck the back of the head coming out on the right side. The general direction of this missile path is from the rear to the front, going downwards.

DR. FINCK then went back to the witness stand and Dymond resumed his questioning.

Q—In view of the small size—the small size of the hole in the President's head and rela-

it is possible to determine the with which the bullet hit the head?

Q—Not with precision... the projectile entered in the back and came out on the right side and the direction

was from above down. My opinion regarding the direction of the projectile is firm. I have no doubt that the bullet entered the back of the head.

Q—From a standpoint of a pathologist, would it be possible to render a pathological opinion by only having seen the Zapruder film and having conducted independent tests?

DR. FINCK testified the film was of great value in determining the sequence of shots and in showing the position and movement of the president's body, but he did not answer the question directly.

Q—At the time you performed the autopsy, had the Warren Commission been formed?

A—I don't think so.

Q—When did you form an opinion as to the direction of the projectile that hit President Kennedy and as to the number of wounds?

A—At the time I signed the autopsy report I had a firm opinion that both bullets struck in the back, one in the back of the neck and the other in the back of the head. When I signed the report, I did not know the sequence of the shots.

DYMOND THEN asked if the opinion was an honest professional opinion and if it was affected in any way by government officials.

A—My opinion is an honest professional opinion.

Cross-examination got under way about 11 a.m.

IN RESPONSE TO questions by Oser, Finck said he was one of three authors of an autopsy report and said there was agreement by the three team members on the autopsy findings.

Q—In other words, doctor, it is correct to say you agreed as to the results and how it was done?

A—Yes. And how it should be reported.

Q—Did you conduct any experiments or research on the effect of a deep, penetrating wound of the brain or the skull?

A—I did not. However, I have carried out experiments to study the effects of a bullet striking ~~bone~~ and the effects of a bullet striking and going through a gelatin bloc. The gelatin bloc is approximately the same consistency of soft tissue. I was quite interested in studying both.

OSER ASKED him if he told the Warren Commission that he had not conducted experiments prior to the autopsy on missiles penetrating the brain and the skull.

A—That is correct. I have carried out these experiments after the Warren Commission report.

Q—When did you carry out these experiments?

A—December of 1965, January of 1966.

HE SAID HE conducted research with rifle bullets and said the experiments had no connection with President Kennedy's death. He said other experiments were made in the FBI laboratory and that they were not connected with the assassination.

Oser asked if at the time the autopsy report was made, was it based on observations made at that time.

He answered in the affirmative and added that it also was based on information received the following day concerning the frontal neck wound which was extended to make a surgical incision.

Q—When did you contact the doctors at the Parkland Memorial Hospital in Dallas?

A—I did not; Dr. Hume did.

Q—Do you know when?

A—I believe it was the morning following the autopsy report, a Saturday morning, the 23rd of November, 1963.

Q—Why the delay in contacting the doctors who performed the operation?

A—I can't explain that. Dr. Hume told me he had called the doctors.

THE WITNESS said he was interested in the wound because he saw an entry wound in the back of the neck and none in front, and he had strong reason to inquire if there was another wound.

Q—It puzzled you at that time?

OSER ASKED why the colonel did not call the doctors at the hospital.

A—I would like to remind you I was not in charge of this autopsy. I was called in as a consultant to examine the wounds and that doesn't mean I was running the show. Dr. Hume asked who was in charge and I recall some general said "I am." I don't recall this general's name. There were many people present . . . law enforcement officials, military officials and the like.

Q—Doctor, you were one of the three pathologists, were you not?

A—Yes.
Q—Was that army general a pathologist?

A—No.

Q—Was he a doctor?

A—No, I don't believe.

Q—Can you give me his name, please?

A—No, I can't. I'm sorry but I don't remember.

Q—Do you have photographs with you of the X-rays taken of President Kennedy's body?

A—No, sir. They are not with me.

Q—What time did you arrive at the Bethesda Naval Hospital . . . was the autopsy already begun?

A—When I arrived, X-rays had been taken of the head. I arrived a short time after the beginning of the autopsy . . . I can't give you an exact time . . . approximately 8 o'clock that night. The brain had been removed. Dr. Hume told me he did not have too much difficulty in removing the brain. The wound was of such an extent, about five inches in diameter, it was not too difficult to remove the brain. There had been no removal of the wound at the back of the head prior to my

arrival. I made positive identification of both wounds of entry. The first was the wound in the head; the second was the wound in the neck. You see, at that time, we did not know the sequence of shots. The Zapruder film determined this for us.

Q—How many other military personnel were present, doctor?

A—The room was quite crowded. I didn't stop to make notes of who was present. When you're called upon to examine wounds of the president of the United States, who is dead, you don't stop to see who is in the room . . . It was crowded. There were FBI agents, military officers and civilians.

Q—Did you feel you had to take orders from that Army general?

COL. FINCK SMILED and said there were many others present . . . admirals. "When you are a lieutenant colonel, you just follow orders."

He said he recalls that Adm. Kinney, the surgeon general of the Navy, seemed to be the ranking officer.

Q—You were told not to discuss the case?

A—Yes, I was told not to discuss without coordinating with the attorney general of the United States.

Q—Can you tell me how the

President's body got from the scene of the homicide in Dallas, Tex., to Washington, D. C.?

DYMOND OBJECTED, saying the question was irrelevant. The judge said he understood the question to mean how was the body protected on the flight from Dallas.

Oser did not rephrase the question, but asked Finck how many photographs were taken.

Finck said some were taken in his presence, and added that he was unsure of the exact number.

Q—Prior to writing your autopsy report, did you have occasion to view these photos?

A—Yes, I did.

OSER SHOWED Finck a copy of a report dated Jan. 20, 1967. Oser said it was signed by the doctor.

Q—On the first page, fifth paragraph, it says in effect, Dr. Finck first saw the photographs on Jan. 20, 1967.

A—I did not say I had seen the photographs prior to writing the autopsy report in 1963.

THE DOCTOR, when the court stenographer read back the question and answer, said he must have misunderstood the question. He said he meant to say that he had not seen the photos prior to writing the 1963 report.

Dr. Finck, didn't you
that the X-rays and
graphs taken during the
sy were used in making
autopsy report.

No, I must have misun-
dood the question. The
time I saw the X-rays
photographs taken was in
ary of 1967.

Isn't it because I point-
it to you in your report,
you changed your testi-
and said the court sten-
pher must have misun-
dood?

I think so. I wish to em-
ize that the first time
w these photographs was
anuary of 1967. In 1964 I
photographs but these
not of the autopsy but
the Zapruder film.

In order to make a con-
sion for an autopsy report
photographs and X-rays
ded?

They are extremely use-

But is it normal prac-

It is normal practice to
e X-rays and photographs
a victim.

Do you know if these
otographs and X-rays were
er displayed before the
arren Commission?

AT THIS POINT Dymond
jected: "Your Honor, we've
id time and time again
at we're not trying the
arren Commission. This
estion is irrelevant."

Judge Haggerty replied:
This man appeared before
e Warren Commission. I
ink he can answer what he
ows about what he saw."
inck then continued.

A-When I appeared be-
re the Warren Commission
March of 1964 the X-rays
nd photographs were not
vailable to us in the prepa-
ation of our testimony. I ap-
eared at the hearing with
e two other pathologists-
r. Humes and Dr. Boswell.

Q-Why weren't they avail-
ble?

A-I don't know. I under-
dood it was the wish of the
ttorney general, who was
hen Robert Kennedy.

AT THIS POINT Oser point-
d out an exhibit pegged
State 68 which he claimed was
he autopsy report from the
Bethesda (Md.) Naval Hospi-
tal where President Kennedy's
body was autopsied.

Q-Do you recognize this

drawing?

A-I recognize it if I'm
not the author.

Q-But it's to some-
thing you've seen before?

A-I recognize it. At the
bottom is the autopsy number
given at Bethesda for the au-
topsy performed on President
Kennedy. The drawings may
have been made by Drs.
Humes and Boswell.

Q-Do you know what this
report contains?

A-Yes, the things patholo-
gists notice. You put down
what you find upon inspec-
tion.

Q-Would you say the area
of the hole in the back of
the cadaver is lower and
much larger than what you
put on Mr. Wegmann's back?

A-Mr. Wegmann, would
you step down, please. (Finck
remeasured the diagram on
Wegmann's shirt). I would
say it (the hole drawn on
Wegmann) is higher than the
one on the drawing.

Q-Colonel, can you tell us
whether the ink dot on Mr.
Wegmann's shirt is over the
same area of his skin as the
spot where you found the
wound on President Kennedy's
skin?

A-I would say this. In re-
lation to the drawing, the
mark on Mr. Wegmann's shirt
is higher than the mark on
the drawing.

Q-You don't understand the
question. If you carried the
mark on the shirt and put it
on the skin, is it the same as
the mark you saw on the
autopsy?

A-But the shirt is moving.

Q-It is approximately the
same?

A-It is approximately the
same.

Q-Is Mr. Wegmann the
same height as President
Kennedy?

A-I believe President Ken-
nedy was taller.

Q-Isn't it a fact, doctor,
that you measured from the
mastoid bone down?

A-I measured a certain dis-
tance from the mastoid down
and the measurement was 14
centimeters, as I recall. Yes.
Fourteen centimeters from the
right mastoid process, which
is approximately 5 1/2 inches.

Q-Now, recall that you
placed a dot on Mr. Weg-
mann, who was standing
erect. If he moved his head
to the left or right, does this
affect the distance from the
mastoid bone?

A-Yes, it would.

head could have changed
slightly the distance from the
mastoid to the neck.

OSER THEN brought out a
photographic blowup of Presi-
dent Kennedy's head and a
blown-up drawing of the path
of the bullet through the pres-
ident's skull.

He noted these were the
same drawings presented to
the Warren Commission by
the team conducting the au-
topsy.

Q-Can you tell us who
made these drawings?

A-As far as I know, they
were made at the time we
testified before the Warren
Commission in March 1964.
They were made under the
direction of Dr. Hume at
Bethesda Hospital in a short
period—two days, as I recall.

As I recall, the name of
the Navy enlisted man who
did this was Ryberg, but this
is subject to verification.

Q-Did the person who made
these drawings have the photo-
graphs and X-rays of the au-
topsy available to him, if you
know of your own personal
knowledge?

A-To my knowledge the
Navy enlisted man did not
have these available to him
as we did not have them
available to us in March 1964.

Q-Am I correct that the
descriptive material on the
exhibit was put there by a
qualified pathologist?

DYMOND OBJECTED that
Dr. Finck did not know who
put in the material. Judge
Haggerty instructed Oser to
ask the question again.

Q-Can you tell us if the
material on the descriptive
sheet was put there by a bona
fide pathologist?

Dymond objected again and
Judge Haggerty sustained the
objection.

Q-Did a descriptive sheet
like the one with the exhibit
accompany the autopsy report
you signed?

A-I have here a copy of
the report.

Dr. Finck took several mo-
ments to peruse the report.

A-I have photo copies from
Vol. 16 of the Warren Com-
mission hearings, Page 978
through Page 983, and there
are copies of the autopsy re-
port I signed. As I recall this
is part of the exhibits.

AT THIS POINT, Oser said

we have to send for a
the Warren Report.
Judge Haggerty said he would
like to recess for lunch. Oser
said he had only one more
question and that he would
like to get it in before the
recess.

"You think you have only
one more question, Mr. Oser,"
said Judge Haggerty, "but it
could take a half hour."

Judge Haggerty then re-
cessed the court for lunch.

(Mount Clipping in Space Below)

AUTOPSY REPORT WASN'T COMPLETE IN '63--DOCTOR

But Finck Is Convinced JFK Shot from Rear

One of three pathologists who performed the autopsy on President John F. Kennedy said under cross-examination Monday that as late as January, 1967, the autopsy report may not have been complete.

Col. Pierre A. Finck made the statement late Monday afternoon as he underwent a fine-tooth-comb cross-examination by Assistant District Attorney Alvin V. Oser Jr. in the conspiracy trial of Clay L. Shaw.

Under direct questioning during the morning, Col. Finck said his examinations during the autopsy performed at Bethesda Naval Hospital on the night of Nov. 22, 1963, firmly convinced him that President Kennedy was struck by two bullets, both fired from the rear and from above.

As the afternoon wore on and Oser continued to question the Army pathologist about medical questions, it became necessary on a number of occasions for Judge Edward A. Haggerty Jr.,

the presiding judge, to direct the witness that he must answer either "yes" or "no" to certain questions.

A man who obviously prefers to be precise in his answers, it became apparent that Dr. Finck was finding it difficult to answer certain questions with a single "yes" or "no" although he was permitted to explain his answers immediately.

As Oser asked questions, there would be long pauses as Dr. Finck considered the question, and then as he began his answer, Oser would ask the judge to direct the witness to answer "yes" or "no" first.

Left Side of Brain Wasn't Examined

The question about whether or not the autopsy report was complete as late as January, 1967, developed when Oser asked the witness if he had examined any of the left side of President Kennedy's brain, and he answered that he had not.

Oser then asked a theoretical question about a person being shot as the Warren Commission said President Kennedy was, and then asked if in a case such as this he would not "deem it feasible to examine the left side of the brain area."

"Yes," answered Dr. Finck, "it would be, but the brain was removed and being preserved for further sectioning."

Oser asked him how many fragments were found in the left side of the brain, and Dr. Finck said he did not know because he did not see the X-rays taken of the brain.

After a few more questions, Oser asked Dr. Finck if the work performed by the three pathologists on the night of Nov. 22, 1963, represented a complete autopsy.

Dr. Finck said that the autopsy report was not complete on Nov. 24, 1963, when the three doctors submitted their initial report.

He said there was later a supplemental report by one of the other pathologists that included additional studies, and then in January, 1967, another report of the autopsy.

He said the purpose of the January, 1967, report was to correlate the autopsy report with the photographs taken during the autopsy.

Oser asked him if he had included information from the supplemental report "in your report of January, 1967."

"I don't remember," answered Dr. Finck.

"Well, if you did not include the information from the supplemental report, then it was not complete and accurate completely?"

Dr. Finck conceded that this would be so if he had not used the material from the supplemental report, and he added: "But you must understand. There are some details I remember and others that I don't."

Doctor Didn't Bring Supplemental Report

Oser then asked him what material he had brought to New Orleans with him regarding his testimony. He listed several items, and Oser asked: "Did you bring the supplemental autopsy report?" "I did not," answered the doctor.

Dr. Finck will continue to undergo cross-examination when the trial is resumed at 9 a. m. Tuesday.

Oser and chief defense attorney F. Irvin Dymond became involved in several clashes during the day as Dymond asserted Oser was arguing with the witness.

Oser had to be cautioned on several occasions about interrupting Dymond's objections.

Monday also marked another day when the name of the defendant in the trial was not mentioned in the courtroom during questioning.

Shaw is charged with having participated in a conspiracy with Lee Harvey Oswald and David W. Ferrie to murder President Kennedy. The Warren Commission found that Oswald, acting alone, shot President Kennedy.

Dr. Finck said on direct questioning by the defense that he concluded that a wound in Kennedy's neck area and a wound on the back of his head were both entry wounds.

He said he saw no evidence during the autopsy that was inconsistent with these conclusions.

(Indicate page, name of newspaper, city and state.)

PAGE 1

SECTION 1

THE TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 2-25-69

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Author:

Editor: GEORGE W. HEALY

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Being Investigated

John Connally and later was found nearby. The nearly bullet, Warren Commission Exhibit 399, was brought up early in the afternoon and again shortly before the trial was recessed for the night.

Oser asked just before adjournment if Exhibit 399 could have caused the damage to President Kennedy's head. Dr. Finck said it could not because the bullet that struck the President's head disintegrated into numerous fragments.

Oser then asked a hypothetical question, matching what the Warren Commission says was possible: a gunman in the sixth floor of the Texas School Book Depository fires at the limousine and strikes the President in the back neck area and the bullet emerges from the front and strikes another occupant, breaking a rib, fracturing a wrist and comes to rest in his leg.

Dymond objected that Oser was asking a hypothetical question that contained points not brought out in evidence already before the court.

Oser Agrees to Rephrase Question

After more arguing between the state and defense, Oser said he would rephrase the question.

He then asked Dr. Finck if he thought Exhibit 399 could have struck a wrist and remained in the same condition as he had seen it.

"I don't know," answered Dr. Finck.

Oser then asked if he had not been asked a similar question by the Warren Commission and answered that he did not think it was possible because there were too many fragments in the governor's wrist.

Dymond objected that Dr. Finck's answer to the Warren Commission would have been based on hearsay as he never examined the governor's wrist and his answer to the commission was hearsay, too.

Apparently seeing a key legal argument developing, Judge Haggerty ordered the jury removed from the courtroom.

The arguing continued and Dr. Finck said his answer to the question asked by the commission that Oser quoted had to be taken in connection with the question asked immediately

testimony to the commission was being taken out of context. Judge Haggerty finally ruled that his testimony to the commission indicated he did not believe it was possible because of lead fragments found in Conally's wrist. He said the jury would have to decide.

The jury was called back and Judge Haggerty adjourned for the day.

Regarding the findings of the secret panel of experts, Oser emphasized three points: that the panel said its examination indicated the head wound was higher than did exhibits presented to the commission; that it located a rectangular structure, approximately three-quarters of an inch by a half-inch, and that it detected metallic fragments in the head wound and throat wound.

Dr. Finck said he did not recall what the rectangular structure might be and said it was not mentioned in his report of January, 1967.

He also said he did not observe any metallic fragments in the throat wound.

The panel, nevertheless, upheld the findings of the Warren Commission regarding the number of bullets which struck the President and the direction from which they came, the rear.

Cross-Examination of Finck Continues

Cross-examination of Finck continued at 3:25 p.m. following a recess.

At this point, Finck testified that some of the autopsy information was given by Dallas surgeons, including Dr. Malcolm Perry of Parkland Hospital. Dallas physicians said a tracheotomy was performed around the wound in the front of the President's neck, according to Finck.

Finck said this incision was about five millimeters in diameter.

"How large a wound was in the neck?" Oser asked.

"It was a long sideways surgical incision," Finck answered.

"Was this the wound caused by the missile?"

"I did not see the small wound described by the Dallas surgeons as the bullet wound."

"Did you dissect the area and take a cross-section for microscopic examination?"

"I made some incisions, of course, and I examined the area carefully, but I don't remember dissecting the area. I

then asked Finck to describe a wound when a bullet hit the body.

"There is variation," he replied. "The wound of exit may be small . . . It may be smaller than the wound of entry or it may be larger than the wound of entry. It depends on many factors."

Finck said the entrance wound in the back of President Kennedy's neck measured seven by four millimeters. He said the wound in front of his neck measured five millimeters in diameter. The latter measurement, he stated, was made by the surgeons in Dallas.

Finck testified that he did not see the front neck wound during the autopsy, although he said he saw an exit hole in the shirt President Kennedy was wearing that day.

"Then the wound in the back of the neck was larger than the wound in the throat area?" Oser asked.

The defense objected to this question on the grounds that Finck did not see the front wound, but the state maintained that Finck did approve the findings of the Dallas surgeons. Judge Haggerty overruled the objection and Dymond filed a bill of exception.

Wound in Throat Wasn't Measured

Asked the question again, Finck replied, "I don't know. I had no way of measuring the wound in the throat. A tracheotomy had been performed on it."

Finck was asked by Oser to mark on the diagram of Kennedy's head approximately where the neck wound was located. Finck said he could only approximate it, pointing out that the neck wound location on the autopsy descriptive sheet made it appear lower than it actually was.

Pressed by Oser on this matter, Finck admitted he did not find out the discrepancy between the autopsy sheet and the diagram submitted to the Warren Commission until January, 1967. He came upon the discrepancy, Finck said, when he was comparing the two exhibits.

Finck said he did not remember dissecting President Kennedy's scalp area during the autopsy, although he remembered reading a microscopic description of that area in Dr. Humes'

Oser's cross-examination brought out that Dr. Finck did not see the actual photographs taken in 1963 until 1967, and Oser also questioned him closely about the report of a secret panel of experts who studied the pictures and reported some findings differently from the three pathologists who took part in the autopsy.

Doctor Hesitant About Answering

Dr. Finck was hesitant about answering questions concerning removal of the neck organs. "I was told to examine the head wound and chest wound," said Dr. Finck. "I was told the family wanted an examination of the head and chest."

Oser asked Dr. Finck why he did not remove the neck organs.

Dr. Finck was evasive, but finally answered, "I was told not to, but I don't recall by whom."

"Was it an admiral or general?" pressed Oser. "Is there any reason you can't recall why?"

"I was asked to examine the head wound and the chest," said Dr. Finck.

Oser also asked questions that probed the possibility of a single bullet passing through both

asked Finck to approach the angle of entry of the bullet entering the President's head. Finck replied that an approximate measurement would be within 45 degrees, although it would be difficult to pinpoint the exit wound because the exit wound "very large." In order to determine an angle, one would have to approximate the center of the head, he testified. The head wound was so large it would have been extremely difficult to say what angle was," he added.

Finck Is Asked to Locate Wound

Oser then asked Finck to locate the President's head wound on the back of his neck. Finck did so, after which Oser asked:

"Do you agree with a report made by four doctors in 1968 that the wound was located 100 millimeters from above the external occipital protuberance?" "I can't say whether I agree or disagree," Finck replied.

Oser requested that Finck mark on the diagram where the 100 millimeter measurement would fall, but Finck maintained he could not because the 100 millimeter point was initially estimated on an X-ray and could not be transposed to an unscaled diagram.

At this point, there was much arguing between Oser and defense counsel over whether Finck was capable of marking the 100 millimeter point. Dymond objected officially, and Judge Haggerty sustained the objection, commenting that he was not "going to force him to draw it."

Oser then asked that he mark it on the autopsy descriptive sheet. Finck did this, noting that it was only an approximation.

When Finck returned to the stand after marking the sheet, he said, "I'd like to make a comment for the record."

"No sir," declared Judge Haggerty. "You're not running this show. You can only give answers to questions. You cannot volunteer information."

The judge told Finck he could explain his answers if he wished. This, said Finck, was what he wanted to do.

"The mark I just made (on the sheet) does not correspond to the wound I saw at the time of the autopsy. It was not as high as that," Finck explained.

"I don't endorse the 100 millimeter measurement for this drawing," Finck emphasized, "I

wasn't forced." Oser retorted. "I was asked," he added.

Witness Asked About Note-Taking

As the afternoon session opened, Oser delved into the note-taking at the autopsy for the President.

"I don't recall making the notes," said Dr. Finck. "I recall Dr. Boswell making the notes."

"How was the final draft of the autopsy report put together?" asked Oser.

"I signed the autopsy report Sunday, Nov. 24, 1963, in the office of Adm. Galloway, one of the admirals in charge of the Navy hospital," said Dr. Finck. "I had a review with Dr. Humes of his draft for the final report before then. The three of us were present at Adm. Galloway's office."

Oser got up from his chair and went to the witness stand. "I show you Vol. 17, Pages 30-47 (Warren Commission Report) and ask you if you would review the contents of those pages," he said.

Dr. Finck took the pages and looked at them. "I don't recall seeing Pages 30-44," he answered. "What Dr. Humes and I did was to discuss the wording as prepared through Saturday (Nov. 23). He read over to me what he had prepared."

"On page 45, I recognize the drawing which I see now in the courtroom. It is commission exhibit 397.

"The best I can tell Page 45 is the same as State Exhibit No. 68. I recall that these drawings had been made. You realize drawings are made ahead of time and rules are added to these figures. It schematically presents the front and back of the body."

Dr. Finck said State Exhibit 68 "is an autopsy worksheet. When it was done by Dr. Boswell, I don't know—if he did it."

Oser asked Dr. Finck if State Exhibits Nos. 69 and 70 — sketches of the President and the entry of the bullets—were done in March, 1964.

Sketches Seen in March, 1964

"I don't know the exact time," said the doctor. "But the first time I saw them was in March, 1964."

"Do you know if the photos and X-rays of the President taken at the autopsy were

asked Oser. Dr. Finck said he did not think they were.

"Was the illustrator at the autopsy?" questioned Oser.

"I don't know," said Dr. Finck.

"Did you see the illustrator there?" asked Oser.

"I don't remember," said Dr. Finck.

"Did you make any kind of notes at the autopsy?" asked Oser.

"I may have written down some measurements," recalled Dr. Finck. "I recall giving them to Dr. Humes and Dr. Boswell. I saw both Dr. Humes and Dr. Boswell taking notes."

Oser asked, "Were you present when Dr. Humes burned his original notes?"

"I was not," said Dr. Finck.

Oser handed Dr. Finck what he identified as State Exhibit No. 71 and asked if he recognized it.

"I recognize this as being Pages 978-983 of the autopsy report signed in November, 1963," said Dr. Finck.

"This is the one you co-authored?" asked Oser. Dr. Finck said it was.

"Doctor," began Oser, "when did you first see the Zapruder film?"

"It was in March, 1964," he answered. "I had returned from Panama and had been told I was to testify before the Warren Commission."

"At the time of the autopsy report, you had not seen the Zapruder film?" questioned Oser.

"I had not," agreed Dr. Finck.

"Are you familiar with all the evidence that S-71 is based upon?" Oser asked.

Dr. Finck looked at the report for a minute or two. "In a general sense," he said, "yes."

Witness Is Asked About Conclusion

"When I call your attention to Page 2 of the clinical summary," said Oser, "and ask you the basis for saying that there were three shots."

"Where do you see that?" asked Dr. Finck. Oser told him the place.

"We had information to that effect," said the doctor.

"From whom did you get it?" asked Oser.

"A lot of people were asked," said Dr. Finck. "I couldn't list all the people."

"Who told you?" asked Oser.

had been present at the said Dr. Finck, "I give details."

"Did you interview any witnesses to the assassination at Dealey Plaza?" continued Oser.

"There was Secret Service Agent Kellerman in the autopsy room," said Dr. Finck. "I asked him his name. Adm. Burkley, the President's personal physician, and a third person whose name I don't recall were questioned by me. They said that three shots were fired. I obtained this information from people available."

"Did you have information there were four shots?" asked Oser.

"From the assassination on I heard conflicting reports on the number of shots," said Dr. Finck.

"Did you have information there were four shots?" asked Oser.

"I don't recall," said Dr. Finck.

"How about two shots?" inquired Oser.

"At the time I made the report I don't recall anyone saying there were two shots," the doctor replied.

Oser, still referring to the clinical summary, asked Dr. Finck how it was arrived for the summary that Gov. John B. Connally was "seriously wounded by the same gunfire."

Witness Cites News Reports

"We knew it by the news media reports as best I recall," said Dr. Finck. "This was the information we had at the time of the autopsy report. It may be obtained after the autopsy. I can't pinpoint the source of that information."

"I show you State Exhibit 64," said Oser, "and ask if you recognize it."

"This is similar to a bullet I saw for the first time in March, 1964," said Dr. Finck.

Oser told the doctor, "I refer to a statement you made before the Warren Commission in which you stated that it was impossible for the bullet in Exhibit 399 (Warren Commission) to do the same damage to Gov. Connally as President Kennedy as there were too many fragments in Gov. Connally's wrist. I ask if you made this statement."

...mond objected, but Dr. Finck was allowed to answer. It is difficult to answer." Dr. Finck. "Two bullets struck the President. I examined the wounds of the President, and I would say that the bullet seen here is an entire bullet—meaning one that didn't disintegrate into any fragments." Oser told the doctor that he wanted to know if he made the statement, and told him he would refer to his testimony in the Warren Commission report. Dr. Finck found the place and began reading. It was a question and answer session between him and Arlen Specter, a Warren Commission counsel. According to Dr. Finck, Specter asked him if the bullet could have gone through President Kennedy's head and remained intact in the way you see it now." Dr. Finck said his answer was definitely not. The doctor said Specter then asked, "And could it have been the bullet that inflicted the wound on Gov. Connally?" Dr. Finck said his answer was, "No, because there are too many fragments in Gov. Connally's wrist."

Reference Made to Article in Paper

Oser said that in the clinical summary reference was made to a Washington Post article quoting a Dallas Times-Herald photographer, Bob Jackson, as saying he saw the barrel of a gun being withdrawn from the sixth floor of the Texas Book Depository. "Who recalled that article and why?" asked Oser. "This is part of a report I signed," replied Dr. Finck. "Who called this to your attention and why?" continued Oser.

"As I recall it was Dr. Humes," said Dr. Finck. "Is it customary to refer to news articles in autopsy reports?" Oser asked.

There was an objection here and Oser explained that he was trying to point out the autopsy was based partially on hearsay evidence.

"Not being at the scene I had to get something from someone else," explained Dr. Finck.

"Did you have anyone call to your attention an article that said there were six shots?" asked Oser.

"I don't recall reading it," said Dr. Finck. "At the time I may have been aware of conflicting reports on the number

of shots." "Since you are dealing with a Washington Post article, were you aware of one that said a spectator saw portions of the brain..." began Oser. But Dymond objected, saying it was not a contradictory statement. Judge Haggerty told Oser, "I think you are enlarging on the scope of contradictory statements."

Dymond argued that the state shouldn't be allowed to go into every conflicting report by every eyewitness. He said they were irrelevant.

But Judge Haggerty said, "I believe the witness said he wasn't there and had to receive evidence from others. Why don't you ask him what other reports he took into consideration?"

Finally, Oser asked, "Were you furnished reports by any other witnesses?"

Dr. Finck replied that he based it on "people who had been at the scene."

The doctor said he personally talked to Secret Service agent Kellerman, Adm. Burkley and Adm. Galloway, who was referring to a third person at the scene. He said the statement was "to the best of our knowledge at that time, that there were three shots."

Ability to Talk Is Questioned

Oser then moved into questioning about the neck wound. "With a wound such as you have described," he began, "could the President have talked?"

"I don't know," said Dr. Finck.

"Do you have an opinion?" continued Oser.

"There are many factors that influence a person's ability to talk," he replied.

"Did you dissect the path of the bullet through the tract?" asked Oser.

"I did not," said Dr. Finck. "Why?" asked Oser.

Dr. Finck hesitated answering the question, referring to the fact it would concern "disclosure of medical records."

Dr. Finck said he did not remove the organs of the neck.

"I was told to examine the head wound and that the..."

There was a pause and Oser said, "Are you saying someone told you not to?"

"I was told to examine the head and chest, but it didn't

...Beck, said Dr. Finck. "I want to know why you didn't trace the track of the wound" pushed Oser.

There was a long pause by Dr. Finck.

"As I recall I didn't remove the organs of the neck," said Dr. Finck.

Oser, growing irritated, said, "Your honor, I am going to have to ask you to have the witness answer my question. Why didn't you trace the track of the wound?"

"I was told not to but I don't recall by whom," said Dr. Finck.

"Was it an admiral or general?" questioned Oser. "Is there any reason you can't recall why?"

"I was asked to examine the head wound and the chest," said Dr. Finck.

"You were not interested in the track?" asked Oser.

"I was interested in the track," said Dr. Finck. "I noted the point of entry and point of exit."

"But you were told not to go into the area of the neck?" asked Oser.

"Yes," said Dr. Finck, "but I don't recall by whom."

"Did you probe the wound in the back of the neck?" asked Oser.

Attempt to Probe Was Unsuccessful

Dr. Finck said he attempted to do this, but didn't succeed. He said it may have been caused by a contraction of the muscles.

Oser asked Dr. Finck if it wasn't reasonable to dissect this area if there was a passageway caused by a bullet.

"I didn't consider a dissection," said Dr. Finck.

Responding to further questions, Dr. Finck said he was only able to probe a fraction of an inch in the wound in the back of the neck.

Oser asked Dr. Finck if he was able to tell if there was a sinige around the wound in the back of the neck.

Dr. Finck said there were microscopic examinations of the wound of entry.

"Are the results in the autopsy report?" asked Oser.

"I think it is part of the supplementary report," said Dr. Finck.

Oser went into a lengthy question concerning whether it wasn't more acceptable in an

autopsy to see the sinige areas of a wound under a microscope than to use the naked eye. Dymond asked that Oser ask only one question at a time. Judge Haggerty agreed. "Break it down," said the judge. "You had five questions." And he held up five fingers.

Dr. Finck explained that he considered a microscopic examination a supplementary aid. "But in this case, the wound had the gross characteristics that enabled one to know that it was the point of entry in the back of the neck," said Dr. Finck. "I think I saw the microscopic examinations."

"But how about the results?" asked Oser.

"I don't recall the timing of seeing them," said Dr. Finck.

"I'm not asking for the time, but the results," said Oser.

Dr. Finck said he recalled that Dr. Humes described them.

Didn't Burn Notes, Says Dr. Finck

"Let me ask you, colonel," said Oser, "did you burn your notes also?"

"No," replied Dr. Finck.

Oser said that Dr. Finck was supposed to have told a federal agent that there were no lanes for the outlet of a shoulder wound. Oser asked Dr. Finck if he ever said anything similar.

"I recall stating that I found a wound in the back and did not find an exit," said Dr. Finck. "I may have said that to Agent Kellerman."

"Do you recall stating it was a shoulder wound as opposed to a neck wound?" asked Oser.

"I don't recall a shoulder wound," said Dr. Finck.

"If I told you Agent Kellerman..." began Oser.

Dymond objected, and Oser

Referring to State Exhibit 69," he said. "Dr. Finck, you tell me if that bullet any bone?"

From the X-rays, it was determined that this bullet entered the back of the neck and came out of the front without hitting any major bones," said Finck.

"Any bones?" asked Oser. "There was no evidence of injury," said Dr. Finck. Oser returned to the question of whether the President could speak after he was hit. "What is your opinion?" asked Oser.

Dymond objected. "He has already testified that he didn't know if the President could speak," said Dymond. "But Judge Haggerty permitted the question."

Doctor Didn't See Vocal Cords

To talk one needs integrity in the vocal cords," said Dr. Finck. "I didn't see the vocal cords."

"Why didn't you?" probed Oser.

"From the best of my recollection the wound was outside the vocal cord area," answered Dr. Finck.

"Is it not true that at the time of the autopsy you were certain that the wound in the neck was a through and through gunshot wound?" Oser continued.

"That's right," agreed Dr. Finck. But Dr. Finck explained that though he was puzzled because there was an entry wound and no exit wound, this was cleared up in a conversation between Dr. Humes and Doctors at Parkland Hospital. "There was a small wound in the neck," said Dr. Finck.

"Didn't you see a small wound in the throat?" asked Oser.

"No, I didn't see it," said Dr. Finck. "I saw an incision."

Oser asked Dr. Finck if he had dissected the track of the wound that night, "wouldn't you have seen it was a through and through wound?"

Dr. Finck said this could have been true, but he did not agree fully.

"You were the pathologist that night, weren't you?" asked Oser.

"Yes," said Dr. Finck.

Measurements Are Questioned

Oser moved to questions about measurements from the President's skull bone. "If the cadaver had been lying on the autopsy table with his head to the right, wouldn't the measurements have been different?" asked Oser.

"There would have been some variation," answered Dr. Finck. "But the measurements were done with the President's head in a general forward direction." Oser asked Dr. Finck if he could define rigor mortis.

"It literally means stiffness of death," answered Dr. Finck. "It is a normal process after death. The degree and time varies from one case to another."

Oser asked Dr. Finck why the degree of rigor mortis was not contained in the autopsy report.

Dr. Finck went through his leaflets and said, "There is a beginning of rigor mortis on Page 2 — it is the only reference I find."

Oser questioned, "Would the varying degrees of rigor mortis have anything to do with the measurements of the skin X-rays of the head?"

"It creates a difference," said Dr. Finck.

Oser went to the board and looked at one of the exhibits. "Doctor," he began, "can you give the degree of entry in the back of the President? What is this angle?"

Dr. Finck said, "This shows the wound of entry is higher in the back than in the front."

"Did you calculate this in degrees?" pressed Oser.

"It can't be made with a great deal of precision," said Dr. Finck. "There are variables."

"Didn't you calculate it?" asked Oser again.

Dr. Finck said he recalled a figure somewhere around 45 degrees.

Oser told Dr. Finck, "Using State Exhibit No. 68, can you tell me the lateral angle right to left of the arrow going through the neck?"

Dr. Finck asked Oser to clarify the question.

"At how much angle did the bullet go in the President's back?" asked Oser.

Dymond Objects to Question

"This is something impossible to answer," said Dymond objecting to the question.

Judge Haggerty said, "He

you." Oser protested this was his testimony.

Judge Haggerty leaned over and asked Dr. Finck, "Can you give us the angle of entry?"

"In relation to the right and left or horizontal plane?" replied Dr. Finck.

"Right and left," said Oser. "Did you calculate such an angle?"

"I don't recall the angles of the right to left direction," said Dr. Finck.

While Dr. Finck was making that statement, Garrison made his first courtroom appearance of the week.

Oser asked Dr. Finck if it wouldn't have been a small corridor for a bullet to go through and not hit a bone.

"It is possible for a bullet to produce an entry and exit without producing gross damage," said Dr. Finck.

"Were there any metallic fragments in the neck wound?" asked Oser.

"I don't recall fragments in the area of the neck," said Dr. Finck. "But there were numerous ones that showed up on the X-rays of the head."

Oser asked Dr. Finck why the five-page report dated Jan. 26, 1967, was prepared.

Finck Explains Purpose of Report

Dr. Finck explained that its purpose was to correlate "our autopsy report and the X-rays and photographs of the wounds. We had seen the X-rays at the autopsy, but had not seen the photos. We were asked to look at them."

"Who asked you to look?" asked Oser.

There was a long pause as Dr. Finck thought. He held his hand to his chin as if in deep contemplation. Up above him, Judge Haggerty suddenly said, "Mr. Oser, are you waiting for an answer?"

There was loud laughter in the audience.

"Yes, your honor," said Oser.

"I saw those photos and X-rays at the Archives of the United States," said Dr. Finck.

Oser started to say something.

Judge Haggerty interrupted, "Wait a minute, Mr. Oser, I'm trying to help you out. Who asked you to view them, Dr. Finck?"

"As I recall it was Mr. Erby of the Department of Justice," said Dr. Finck. "There were many names involved in this."

Oser asked Dr. Finck if he wanted to do this because of a panel review that was based on the autopsy report. "This was in January, 1967, that we did ours," said Dr. Finck. "I was not aware then of this panel review which took place in 1968."

Dr. Finck acknowledged that he had read the work of the four-man panel review, receiving a copy of it only this month (February).

It was at this point that Judge Haggerty called an afternoon recess.

Dr. Finck First Witness Called

The trial was resumed at 9:02 a.m. and Dr. Finck was the first witness called by the defense. He was accepted as an expert witness in the field of anatomic pathology and forensic pathology without any questions being asked by the prosecution.

As soon as he was qualified as an expert witness, Dymond moved into the area of the autopsy on President Kennedy.

Dr. Finck, then a lieutenant colonel, said that on Nov. 22, 1963, he was contacted by Dr. Humes and participated in the autopsy with Dr. Humes and Dr. Boswell, both Navy doctors.

"Are you one of the coauthors of the pathology report of the autopsy?" asked Dymond.

"Yes, I am," answered Dr. Finck.

The first wound which Dymond asked the witness to discuss was the body wound.

Dr. Finck said he observed a wound "on the right side of the neck of President Kennedy." Dymond then asked him to point out for the jury on the back of William Wegmann, another defense attorney, just where the wound was located.

Using a tall ruler, Dr. Finck made several measurements and then indicated the approximate spot. Dymond then asked the doctor to mark in pen the spot on Wegmann's shirt.

Wegmann appeared surprised by the request, but joined in with Dymond, the state attorneys and the spectators in court in smiling good-naturedly.

Measurements Are Explained

Dr. Finck, after placing the pen mark on the shirt, apolo-