

29TH DAY

Court Testimony In Trial of Shaw

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
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training in pathology, Dr. Finck testified that he has carried out experiments on missile wounds in Washington, D.C., and Edgewood 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 in-

volving 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 de-

scribe 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 persons made to let the patient breathe.

Q—You did not see the exit bullet wound at that time?

A—The following day Dr. Humes called the surgeon in Dallas who performed the tracheotomy who could say what he had seen.

AT THIS POINT the state objected that this would be hearsay evidence and Dr. Fink explained: A—In performing an autopsy of this sort 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 occurred.

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

A—The entire body was X-rayed. The head and the body had been X-rayed. When I arrived at Bethesda, the X-rays of the head showed only fragments 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 inconsistent 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 approximately 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 movement of the projectile. The exit hole is entirely compatible with the incision I saw at the time of the autopsy.

At this point Dymond picked up a photograph of a sketch and handed it to Dr. Fink:

Q—Is this photograph a likeness of a human body, doctor?

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 drawing.

AT THIS POINT the defense 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 explained:

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 projectile entered at the back of the neck. The arrow you see in front of the neck of the drawing indicates the projectile came out in front of the neck. You will notice that the position 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 represent the actual vertical position of the head of the president or an arbitrary line? Could the president have been leaning farther forward or does the sketch represent the true position of the president'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 president was hit by the first bullet?

A—The great value 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 determine the sequence of shots. Seldom can you do this by looking at wounds. You can determine the relative direction. 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 inflicted by a shot from the rear.

The drawing was then passed around to the jury.

During Fink's explanation

to the jury of the exact entry 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 Wegmann'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 consistent 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 below his collar.

Q—With respect to wounds in bony matters such as the skull, can you tell us if honing, 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 extent and nature of the examination you made?

A—I saw in the back of the head of President Kennedy on the right side approximately one inch from the bone prominence you can all feel in the back of your head and called the external occipital exuberance. I saw a wound slightly above this protuberance.

Q—What was the approximate location of this wound?

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

Q—Can you describe the nature 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 character of the two wounds.

Corresponding to the scalp wounds, there was a hole in the bone in the skull of President Kennedy. I examined it from outside the skull and from inside the skull. When I examined it from the outside, 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 positively the direction of a projectile 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 method 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 entitled, "A perforating missile wound of the skull." It shows a scheme prepared at my direction at the Armed Forces Institute of Pathology and based on factors just described.

Q—Can you tell us if this was prepared before or after the assassination of President Kennedy?

A—It was prepared before the assassination to demonstrate 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 cratering?

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 relative large size of the exit, was it possible to determine the angle with which the bullet struck the head?

A—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. A 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 pres-

ent . . . 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.

Q—Dr. Finck, didn't you testify that the X-rays and photographs taken during the autopsy were used in making your autopsy report?

A—No, I must have misunderstood the question. The first time I saw the X-rays and photographs taken was in January of 1967.

Q—Isn't it because I pointed out to you in your report, that you changed your testimony and said the court stenographer must have misunderstood?

A—I think so. I wish to emphasize that the first time I saw these photographs was in January of 1967. In 1964 I saw photographs but these were not of the autopsy but from the Zapruder film.

Q—In order to make a conclusion for an autopsy report are photographs and X-rays needed?

A—They are extremely useful.

Q—But is it normal practice?

A—It is normal practice to take X-rays and photographs of a victim.

Q—Do you know if these photographs and X-rays were ever displayed before the Warren Commission?

AT THIS POINT Dymond objected: "Your Honor, we've said time and time again that we're not trying the Warren Commission. This question is irrelevant."

Judge Haggerty replied: "This man appeared before the Warren Commission, I think he can answer what he

knows about what he saw." Finck then continued.

A—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. I appeared at the hearing with the two other pathologists—Dr. Humes and Dr. Boswell.

Q—Why weren't they available?

A—I don't know. I understood it was the wish of the attorney general, who was then Robert Kennedy.

AT THIS POINT Oser pointed out an exhibit pegged State 68 which he claimed was the autopsy report from the Bethesda (Md.) Naval Hospital where President Kennedy's body was sent.

Q—Do you recognize this drawing?

A—I recognize it, but I'm not the author of it.

Q—But it's similar to something you've seen before?

A—I recognize it. At the bottom is the autopsy number given at Bethesda for the autopsy 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 pathologists notice. You put down what you find upon inspection.

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 relation 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 Kennedy was taller.

Q—Isn't it a fact, doctor, that you measured from the mastoid bone down?

A—I measured a certain distance from the mastoid down and the measurement was 14 centimeters, as I recall. Yes. Fourteen centimeters from the right mastoid process, which is approximately 5½ inches.

Q—Now, recall that you placed a dot on Mr. Wegmann, who was standing erect. If he moved his head to the left or right, does this affect the distance from the mastoid bone?

A—The movement of the head could have changed slightly the distance from the mastoid to the neck.

OSER THEN brought out a photographic blowup of President Kennedy's head and a blown-up drawing of the path of the bullet through the president's skull.

He noted these were the same drawings presented to the Warren Commission by the team conducting the autopsy.

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 photographs and X-rays of the autopsy 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 moments to peruse the report.

A—I have photo copies from Vol. 16 of the Warren Commission hearings, Page 978 through Page 983, and there are copies of the autopsy report I signed. As I recall this is part of the exhibits.

AT THIS POINT, Oser said he would have to send for a copy of 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 recessed the court for lunch.