

COPY

JOHN NICHOLS
Department of Pathology and Oncology
University of Kansas Medical Center
Kansas City, Kansas 66103

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

before
116
117
121
138
178
179
197
216
16
30
26
Radiology
Imprial

.....
STATE OF LOUISIANA 198-059
vs. 1426 (30)
CLAY L. SHAW SECTION "C"
.....

PROCEEDINGS IN OPEN COURT,
Monday, February 24, 1969

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

Dietrich & Pickett, Inc.
Stenographers
334 S. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-522-3111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS: DIRECT CROSS REDIRECT RECROSS

PIERRE A. FINCK, M.D. 2 42

E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
D-27	18	18	19
D-28	27	28	30
D-29	35	36	36
S-67	55	--	--
S-68	64-68	68	68
S-69	77	78	78
S-70	79	79	79

1 THE COURT:

2 Bring the Jury down.

3 I trust you gentlemen had a nice weekend.

4 Is the State and the Defense ready to
5 proceed?

6 MR. DYMOND:

7 Ready.

8 MR. OSER:

9 We are ready, Your Honor.

10 THE COURT:

11 Proceed.

12 MR. DYMOND:

13 We now call Dr. Finck.

14 PIERRE A. FINCK, M.D.,

15 having been first duly sworn by the Minute Clerk,
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DYMOND:

19 Q Dr. Finck, for the record, would you kindly
20 state your full name.

21 A My first name is Pierre, P-i-e-r-r-e, A is my
22 middle initial, and my last name is
23 Finck, F-i-n-c-k.

24 Q Now, Dr. Finck, what is your profession, sir?

25 A I am a full Colonel in the United States Army

1 Medical Corps, I am a physician in the
2 Army, a specialist in pathology.

3 Q Are you the holder of a medical degree, Dr.
4 Finck?

5 A Yes, from the University of Geneva Medical
6 School, Switzerland, I obtained a Federal
7 Degree of Physician in 1948 in Switzerland.

8 Q Now, what has been your experience in the
9 medical profession since having obtained
10 your degree in 1948?

11 A I had four years of formal university training
12 in Pathology, two of them at the Universi-
13 ty of Geneva Institute of Pathology, and
14 two of them at the University of Tennessee
15 Medical School in Memphis, Tennessee.

16 Q Now, may I interrupt you one moment and ask
17 you whether or not this specific training
18 in pathology came after your having ob-
19 tained a regular medical degree?

20 A I stated that I had four years of formal
21 pathology training after my M.D. degree,
22 and I was an instructor of Pathology at
23 the University of Tennessee, Memphis.

24 Q Now, Doctor, of what have your duties consisted
25 in the Army?

1 A I was drafted by the Doctor's Draft of the
2 United States Army in 1955. I was sent
3 to Germany where I was a pathologist of
4 the United States Army Hospital, Frankfurt,
5 F-r-a-n-k-f-u-r-t, and there I performed
6 autopsies, many of them of a medical-
7 legal nature, involving trauma, violent
8 deaths, bullet wounds, accidents, and then
9 in 1959 I was sent to the Armed Forces
10 Institute of Pathology in Washington,
11 D.C., on the grounds of Walter Reed
12 Medical Center. The Armed Forces Insti-
13 tute of Pathology is the central reposi-
14 tory and consultation facility for the
15 Federal Military Services, the Veterans
16 Administration, and we have some 2,000
17 civilian contributors in the United
18 States and throughout the world who send
19 cases to us for consultation of a
20 pathological nature. In brief, pathology
21 is the study of disease but in my particu-
22 lar field, the field of forensic pathology,
23 f-o-r-e-n-s-i-c, it is the interpretation
24 of medical-legal cases as they pertain to
25 the law, cases of violent deaths, of un-

1 explained deaths, unexpected deaths,
2 poisonings, manners of deaths, such as
3 homicide, suicide, accidents, undetermined
4 deaths. The adjective "forensic" comes
5 from the Latin Forum, f-o-r-u-m, which
6 means the public place, the market place,
7 so forensic indicates a public interest.
8 It may relate to criminal matters, in-
9 surance cases, claims, lawsuits, litiga-
10 tion in general, and in November of 1960,
11 I was* appointed Chief of the Wound,
12 W-o-u-n-d, Ballistics Pathology Branch
13 at the Armed Forces Institute of
14 Pathology hereafter abbreviated AFIP, I
15 repeat AFIP.

16 In 1961 I applied to take the examination in
17 forensic pathology, the American Board of
18 Pathology on the basis of my interest in
19 this field as a medical student, as a
20 physician, as a pathologist during my
21 training, and in the Army in Europe. I
22 had letters, for example, from the Provost
23 Marshal, who is the Chief of Police, that
24 is the title of the Chief of Police in the
25 United States Army, who stated that I had

1 contributed to the interpretation of
2 violent deaths, medical-legal cases in
3 several instances. On that basis the
4 American Board of Pathology accepted my
5 training and my qualifications to take
6 the examination of the American Board of
7 pathology in the specialty of Forensic
8 pathology. I had taken already -- this
9 is a requirement, I had taken the ex-
10 amination to be certified in anatomic
11 pathology in 1956. On the basis of the
12 requirements I mentioned, the Anatomic
13 Pathology Board and my qualifications to
14 take the examination, I was certified in
15 1961, in 1961 by the American Board of
16 Pathology in the special field of Forensic
17 Pathology.

18 Going back to your question about my duties,
19 except a tour of duty of one year in
20 Vietnam as Commanding Officer of the
21 Ninth Medical Laboratory, I have been in
22 charge of the Wound Ballistics Pathology
23 Branch of the AFIP since November, 1960
24 and I am still in charge of it. This
25 branch is part of the division of which

1 I am also in charge and which includes
2 other branches pertaining to other
3 medical-legal areas such as accidents,
4 poisonings, aircraft accidents, ground
5 traffic accidents, et cetera.

6 Q Now, Doctor, have you had any additional
7 special training or experience in connec-
8 tion with missile wounds?

9 A I have carried out experiments on missile
10 wounds in Washington, D.C., and at
11 Edgewood, E-d-g-e-w-o-o-d, Arsenal,
12 Maryland, on wounds produced by bullets
13 fired by rifles.

14 Q Doctor, did you have any training or experience
15 while stationed in Panama, and, if so,
16 what?

17 A In March, 1964, while stationed in Washington,
18 D.C., I was called at home by a military
19 aide of the Deputy Secretary of Defense
20 who requested that I go to Panama, the
21 Republic of Panama, on behalf of the
22 United States as an expert medical witness.
23 I had to provide an opinion based on some
24 20 autopsy reports written in Spanish,
25 autopsies performed by the Panamanian

1 Coroner on victims of the riots, r-i-o-t-s 8
2 of January, 1964. I had to state whether
3 or not the wounds of these victims were
4 consistent with the ammunition --

5 THE COURT:

6 We need general qualifications, not
7 special cases. I would prefer you
8 not going into any one special case.

9 MR. DYMOND:

10 All right, sir.

11 At this time we submit the Doctor as a
12 duly qualified expert in the field
13 of Anatomic Pathology and Forensic
14 Pathology.

15 THE COURT:

16 Does the State wish to traverse?

17 MR. OSER:

18 No, Your Honor?

19 THE COURT:

20 I will certify the witness concerning his
21 qualifications in the field of
22 Anatomic and Forensic Pathology, and
23 he can give us his opinions in that
24 field.

25 You may proceed.

1 BY MR. DYMOND:

2 Q Did you have occasion to participate in the
3 autopsy which was performed on the late
4 President John F. Kennedy?

5 A Yes, I did.

6 Q Now, with whom else did you participate in
7 the performance of this autopsy?

8 A The pathologist in charge of the autopsy of
9 President Kennedy was Dr. Humes,
10 H-u-m-e-s, he called me at home to come
11 to the Naval Hospital in Bethesda, Maryland,
12 and I went there. I found Dr. Humes and
13 also Dr. Boswell, B-o-s-w-e-l-l, who was
14 the Chief of Pathology in the same hos-
15 pital. Dr. Humes was the Director of
16 the Laboratory, the three of us were
17 pathologists.

18 Q Now, Doctor, are you one of the co-authors of
19 the pathology report in connection with
20 the autopsy which was performed on our
21 late President?

22 A Yes, I am.

23 Q Doctor, will you describe for the Court and for
24 the Jury the nature of the examination of
25 the body wound other than the head wound

1 which had been inflicted upon President
2 Kennedy?

3 A I would like to refer to my notes and use the
4 small table.

5 Q Yes.

6 THE COURT:

7 I think they have a table set up for you.

8 MR. OSER:

9 I object to the use of the notes unless
10 it is ascertained what notes these
11 are and were they made by the Doctor.

12 MR. DYMOND:

13 He said his notes, we must assume he made
14 them.

15 THE COURT:

16 He may refer to them, as we covered pre-
17 viously, but he cannot read from
18 them and testify, he cannot read
19 from the notes already made and
20 testify.

21 BY MR. DYMOND:

22 Q It is permissible for you to refer to your
23 notes for the purpose of refreshing your
24 memory; however, you may not read your
25 notes to the Jury.

1 A I understand.

2 Q All right, sir.

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

5 Q May I interrupt you one moment, Doctor, and
6 ask, Doctor, let's have Mr. Wegmann step
7 forward, and I ask you whether you can
8 point out on his anatomy the approximate
9 location of the wound to which you refer?

10 A Yes.

11 THE COURT:

12 Can you do this, sir, rather than doing
13 it right here, can you do it in that
14 area so the Jury can see?

15 MR. DYMOND:

16 Would you kindly step down, Doctor, and
17 do it in full view of the Jury.

18 THE COURT:

19 I don't believe the Jury can see what you
20 are doing, Doctor.

21 MR. DYMOND:

22 I think that is better now.

23 THE WITNESS:

24 Yes.

25 MR. DYMOND:

1 Would you mark that with this pen,
2 Doctor.

3 THE WITNESS:

4 I would like to call your attention at
5 this time to the fact that I have
6 made this mark on the shirt, and I
7 apologize for it, but on the skin of
8 President Kennedy I saw on the right
9 side at approximately five inches
10 from the right mastoid process,
11 which is a bony prominence behind
12 the right ear, the tip of it is at
13 the bottom of the bony prominence,
14 at approximately five inches from it
15 down, a wound. This wound is
16 approximately five inches from the
17 right acromion, which is the upper
18 extreme bony prominence of the
19 shoulder, and approximately two
20 inches from the midline. When ex-
21 amining this wound, I saw regular
22 edges pushed inward what we call,
23 what we call inverted. I saw a
24 regular wound with regular edges
25 pushed inward. This is what we call

inverted, i-n-v-e-r-t-e-d.

BY MR. DYMOND:

Q Now, Doctor, did you make --

A May I add one thing?

Q Surely.

A This edge showed what we call an abrasion,
a-b-r-a-s-i-o-n, which is usually seen
when a projectile rubs against the skin
and then goes through, it rubs it off
and this is called an abrasion.

Q Now, Doctor, did you make a minute examination
of this wound in the back of President
Kennedy that you have just pointed out
on Mr. Wegmann?

A I looked at it very closely and I had the
opinion based on the character I mentioned,
regular edges, with abrasion, and turned
inward, that this was a wound of entry,
e-n-t-r-y, which is a synonym for entrance,
e-n-t-r-a-n-c-e.

Q From the nature of this wound and your examina-
tion thereof, could you give a professional
opinion as to what had entered that wound,
that is, what it was caused by?

A It was compatible with a wound caused by a

1 bullet.

2 Q Doctor, did you find anything in the nature of

3 that wound which was incompatible or in-

4 consistent with its being a wound of

5 entry of a bullet?

6 A No.

7 Q Now, Doctor, did you examine on the remains of

8 the late President Kennedy a wound in the

9 frontal neck region?

10 A At the time of the autopsy I saw in the front

11 of the neck of President Kennedy a trans-

12 versal, which means going sideways, a

13 transversal incision which was made for

14 the purpose of keeping the breathing of

15 the President, and this is called a

16 tracheotomy, t-r-a-c-h-e-o-t-o-m-y. I

17 examined this wound made by a surgeon, it

18 is very commonly found in unconscious

19 patients, the incision is made to allow

20 them to breathe. I did not see a wound of

21 exit at that time, but the following day

22 Dr. Humes called the surgeons of Dallas

23 and he was told that they --

24 MR. OSER:

25 I object to hearsay.

1 BY MR. DYMOND:

2 Q You may not say what the surgeons in Dallas
3 told Dr. Humes. That would be hearsay
4 evidence.

5 A I have to base my interpretation on all the
6 facts available and not on one fact only.
7 When you have a wound of entry in the back
8 of the neck and no wound of exit at the
9 time of autopsy, when the X-rays I re-
10 quested showed no bullets in the cadaver
11 of the President, you need some other
12 information to know where that bullet
13 went. At the time of the autopsy there
14 was a wound of entry in the back of the
15 neck, no exit, no X-rays showing a bullet,
16 that bullet has to be somewhere, so that
17 information to me is of great importance.
18 I insist on that point, and that telephone
19 call to Dallas from Dr. Humes --

20 THE COURT:

21 You may insist on the point, Doctor, but
22 we are going to do it according to
23 law. If it is legally objectionable,
24 even if you insist, I am going to
25 have to sustain the objection.

*When did he see
the X-rays?*

1 Do you understand me, Mr. Dymond?

2 MR. DYMOND:

3 I do.

4 BY MR. DYMOND:

5 Q You say the X-rays showed no bullet or pro-
6 jectile in that area of the President or
7 in any area?

8 A In the entire body we saw X-rays of, I requested
9 whole body X-rays for the reasons I
10 mentioned, that when I arrived in
11 Bethesda, there were only X-rays of the
12 head showing fragments due to another
13 bullet wound.

14 Q Now, Doctor, let me ask you this: Was the
15 location of the scar, that is, the
16 tracheotomy incision which you saw, was
17 this medically consistent with that area
18 as having served as a point of exit of
19 the bullet which entered the back of the
20 president?

21 A Entirely.

22 Q Medically, was there anything inconsistent
23 with its having been the point of exit?

24 A No.

25 Q As an expert, then, do you have an opinion as

1 to what was the point of exit of the
2 bullet which entered the President's
3 back?

4 A Yes, I do.

5 Q Would you indicate, would you kindly tell us
6 what that is and upon what you based it.

7 A I have seen the shirt of President Kennedy.

8 Q Would you tell us what you observed in connec-
9 tion with this shirt of President Kennedy?

10 A In connection with the exit I am now asked to
11 testify on, I have seen in the front of
12 the shirt of President Kennedy a small
13 wound at the -- approximately the level
14 of the tie knot below the button of the
15 shirt, and this was two holes going
16 through the superimposed hems of the shirt,
17 the fibers at the edge of that hole showed
18 coagulated blood and the fibers were turned
19 outward, ^{protruding} indicating an exit hole. The
20 position of that exit hole in the shirt
21 of President Kennedy is entirely compatible
22 with the level of the incision I saw in
23 the front of the neck at the time of
24 autopsy.

25 Q Dr. Finck, I show you what purports to be a

1 likeness of a human body on a sketch.

2 I have marked this for identification
3 "D-27," and I ask you whether that would
4 be a likeness of the human body for the
5 purpose of the medical material to which
6 you have testified?

7 A It is. And --

8 Q Before you go further, let me ask you whether
9 you yourself drew this sketch which
10 appears in the Warren Report or whether
11 it was drawn by someone else?

12 A It was drawn by someone else.

13 Q Go right ahead, sir.

14 A This drawing was made by a Navy enlisted man
15 when we were preparing our testimony be-
16 fore the Warren Commission. Dr. Humes
17 supervised the making of this drawing.

18 Q Doctor, I ask you whether with the aid of this
19 drawing which I will now offer, file, and
20 produce in evidence, marking same for
21 identification "D-27," whether you can
22 exhibit to the Jury what in your pro-
23 fessional opinion was the course taken
24 by the bullet which entered the President's
25 back.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT:

Before he answers that, I want to see if
there is an objection to the offer-
ing.

MR. OSER:

The Doctor stated this was drawn by some-
body else.

THE COURT:

It is received in evidence and he can
show it to the Jury.

NO HIATUS HERE.

1 BY MR. DYMOND:

2 Q Are you able to do that, Doctor?

3 A To explain this to the Jury?

4 Q That is correct.

5 A Yes.

6 Q Would you kindly step down here before The
7 Jury and do it.

8 A Gentlemen, I would like to --

9 THE COURT:

10 May I suggest, sir, we have fourteen
11 men, why don't we let him use the
12 microphone and stand over there.
13 You have to be in a position where
14 all of them can see and hear you.

15 THE WITNESS:

16 Yes.

17 THE COURT:

18 All right, proceed.

19 THE WITNESS:

20 I would like to explain to you the
21 drawing labeled "D" as in Delta,
22 -27. In the upper half of this
23 letter-sized paper it represents the
24 right side of the head, upper chest
25 of President Kennedy. The arrow you

1 see behind his neck indicates that
2 the projectile entered,
3 E-N-T-E-R-E-D, in the back of the
4 neck, and the arrow you see in front
5 of the neck, in the front of the
6 neck of the drawing indicates that
7 the projectile came out in the front
8 of the neck.

9 You will notice that the posi-
10 tion of the head and upper chest is
11 along a vertical line as compared
12 to the horizontal line. You will
13 notice that the wound of entry in
14 the back of the neck in relation to
15 the wound of exit in the front of the
16 neck and in relation to a horizontal
17 line, you will notice that the entry
18 in the back of the neck is higher
19 than the exit in the front of the
20 neck.

21 BY MR. DYMOND:

22 Q All right, Doctor. Now, Doctor, I will ask you
23 whether this sketch to which you have
24 referred for the Jury purports to represent
25 the actual vertical position of

1 President Kennedy at the time that he was
2 hit by this bullet, or is this an arbi-
3 trary vertical sketch? What I mean is,
4 could he have been leaning further back-
5 ward when he was hit, could he have been
6 leaning further forward when he was hit,
7 or does this purport to be the exact
8 position in which he was at the time that
9 he was hit?

10 A As regards the position of the President at the
11 time of the wounding, the Zapruder film
12 shows that the President was sitting in
13 the presidential limousine in a straight-
14 up position looking in a generally forward
15 direction.

16 Q Now, upon examination of the Zapruder film
17 Doctor, was it possible for you to deter-
18 mine the actual moment at which the
19 President was hit by the first projectile?

20 A The great value of the Zapruder film to us was
21 that it established, as I said, the
22 position of the President and also the
23 sequence of the shots. I remind you that
24 at the time of the autopsy we stated that
25 we could not determine the sequence of the

1 shots. You can seldom do so by looking
2 at wounds, so we could describe them, in-
3 terpret the direction, have an opinion, a
4 firm opinion about the direction, but as
5 far as the sequence of the shots is
6 concerned, this was established by the
7 Zapruder film.

8 Q Now, Doctor, as an expert, do you have a firm
9 opinion as to whether the wound which you
10 have just described was inflicted by a
11 shot from the rear or from the front?

12 A It was definitely inflicted by a shot from the
13 rear.

14 MR. DYMOND:

15 If The Court please, with The Court's
16 permission, I would like to exhibit
17 this to The Jury for examination.

18 BY MR. DYMOND:

19 Q Now, Doctor, with respect to wounds in body
20 matter such as skull, would you tell me
21 whether the terms coning, cratering,
22 beveling and shelving are synonymous?

23 A In the field of describing wounds by projectiles
24 through structures such as bones, the
25 terms are synonymous, I would say it is

1 cratering and not crating.

2 Q I thought I said "cratering."

3 A C-R-A-T-E-R-I-N-G, cratering, from a crater.

4 Q Now, Doctor, in connection with the autopsy

5 performed on our late President Kennedy,

6 did you have occasion to examine and

7 analyze a head wound which appeared upon

8 his remains?

9 A Yes, I did.

10 Q Would you describe for the benefit of The

11 Jury the extent and nature of the examina-

12 tion which you made on this part of the

13 remains of President Kennedy.

14 A I saw in the back of the head of

15 President Kennedy, at the right side at

16 approximately 1 inch, 25 millimeters,

17 from a bony prominence you can all feel

18 in the back of your head, it's called the

19 external occipital protuberance, I saw

20 that wound slightly above this protuber-

21 ance.

22 Q Doctor, if I come forward, will you be able to

23 point on my head the approximate location

24 of the wound which you have just

25 described?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

showed irregular edges because there was bone close to the scalp corresponding to that scalp wound in the back of the head I just demonstrated, there was a hole in the bone, in the skull of President Kennedy, and I examined it, that hole, from outside the skull and from inside the skull.

When examining from outside the skull I did not see a crater, I saw a hole but there was no crater around it.

When I looked at that wound from inside the skull, I saw a definite crater, C-R-A-T-E-R, and this is a certain factor to identify positively the direction of a projectile going through a flat bone such as the skull. To take a practical example, I have seen similar craters in wood, when a bullet goes through and through a pane of wood, and in glass, and it is the difference of the examination between the outer surface and the inner surface that allows the examiner to determine the direction of the bullet. Police officers do that all the time when they

*Alford
P.E. 408*

*Not to demonstrate
a 5 mm Carcano*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

examine panes of wood or panes of glass,
and I have done so myself. It is an
accepted fact.

Q Doctor, I show you a sketch which has been
marked for identification "D-28," and I
ask you what this represents?

A This letter-sized black and white illustration
labeled "Delta-28," entitled "Perforating,
P-E-R-F-O-R-A-T-I-N-G, Missile,
M-I-S-S-I-L-E, Perforating Missile Wound
of the Skull" shows a scheme, S-C-H-E-M-E,
prepared at the Armed Forces Institute of
Pathology according to my instructions and
based on the factors I just described.

Q Doctor, was this prepared under your instruc-
tions before or after the assassination
of President Kennedy?

A It was prepared before the assassination of
President Kennedy to demonstrate the
pattern of wounds in bones in a through
and through wound by a projectile. I did
this for teaching purposes because I have
to give many lectures in this field.

MR. DYMOND:

If The Court please, in connection with

1 the testimony of this witness, we
2 would like to offer, file, and in-
3 troduce into evidence the exhibit
4 marked for identification "D-28."

5 MR. OSER:

6 No objection.

7 BY MR. DYMOND:

8 Q Now, Doctor, with the aid of Exhibit D-28,
9 could you better explain to The Jury what
10 you mean by coning, cratering, beveling
11 or shelving of the bone?

12 A Yes.

13 Q Would you kindly let me get the microphone
14 and step down and do it, please.

15 A This is A, Alpha in white, the cavity within
16 the skull, what we call the cranial
17 cavity, C-R-A-N-I-A-L, labeled B as in
18 Bravo, and the cavity shown in black, C
19 as in Charlie is the wound of entry, D
20 as in Delta is the wound of exit, and you
21 see the title of this, "Perforating Missile
22 Wound of the Skull," perforating is
23 synonymous with through and through, it
24 means the projectile goes all the way
25 through a structure producing a wound of

1 entry and a wound of exit. There may be
2 fragments left by the projectile in
3 between, but as far as the wounds are
4 concerned, it is still a through and
5 through or perforating missile wound by a
6 missile, here a bullet or any projectile.

7 You will notice that at the level of
8 C, Charlie, when you examine this wound
9 from outside you see a hole which is
10 smaller than the hole observed when you
11 look at that wound from inside the skull.

12 You see the diameter outside in
13 Charlie is smaller than the inside diameter
14 of Charlie. When you look at this wound
15 from inside, you see a crater, C-R-A-T-E-R,
16 or cone, and this finding is called
17 cratering, coning, shelving, or beveling.

18 When that projectile goes through the
19 bony structure of the skull, it produces
20 a wound of exit, and here again by looking
21 at the wound from inside of Delta and
22 outside of Delta, you will see a larger
23 diameter when examined from outside as
24 compared to the diameter of the wound
25 when examined from inside the skull.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

It is on the basis of such factors
that the direction of the bullet path,
P-A-T-H, is determined.

MR. DYMOND:

If The Court please, at this time in
connection with the testimony of this
witness, we would like to offer,
file, and produce into evidence
"D-28." I think it has been offered
already.

MR. OSER:

No objection.

MR. DYMOND:

May we show this to the Jury at this time?

THE COURT:

Yes.

NO HIATUS HERE

1 BY MR. DYMOND:

2 Q Dr. Finck, in addition to what you have
3 described as a bullet hole of entrance,
4 the location of which you have indicated
5 on my head, would you describe any other
6 damage which you might have found to the
7 skull of the late President Kennedy?

8 A In addition to the wound of entry I have dis-
9 cussed in the back of the head, there was
10 a very large wound, irregular, star-
11 shaped, what we call stellate,
12 s-t-e-l-l-a-t-e, approximately five
13 inches in diameter. It was 13 centimeters
14 in diameter, which is approximately five
15 inches and one-eighth. During the course
16 of the autopsy we received from Dallas
17 portions of bone which have the same
18 appearance as the general appearance of
19 the remaining skull of President Kennedy,
20 and on one of the fragments which we
21 could match inside this wound, approximate-
22 ly five inches in diameter, occupying the
23 right side and the top of the head of the
24 President, I saw the bevelling I described
25 to you. First identified the outer aspect

1 of the specimen and the inner aspect,
2 i-n-n-e-r, of the specimen to orient the
3 specimen in relation to the wound. After
4 having oriented the specimen as far as
5 the outer and inner surfaces are concerned,
6 I saw this crater when the specimen was
7 viewed from outside which identifies a
8 portion of the wound of exit. You realize
9 that when you have a bullet going through
10 a head at high velocity, the wound of
11 entry may be entire, complete, as in this
12 case, but because of the shattering,
13 s-h-a-t-t-e-r-i-n-g, shattering and ex-
14 plosive force produced by that bullet,
15 the wound of exit is very irregular and
16 very often you don't have all the portions
17 of bone to make a complete skull, some
18 portions are missing, so you cannot do
19 what you do with a complete puzzle, to
20 take the complete pieces and make a com-
21 plete image. In that case the fragments
22 were matching the wound in a general way,
23 and I could make a positive determination
24 of a wound of exit, of a portion of a
25 wound of exit, in a bone fragment submitted

*Ms 3 from
Mrs Kennedy's head*

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to us during the course of the autopsy,
and it was, I would say, between
approximately 11:00 o'clock at night --
I can give you the time, it was during
the course of the autopsy this fragment
was brought to us and allowed us to de-
termine that this was the wound of exit.

- Q Approximately 11:00 o'clock on what date?
- A On the 22nd of November, 1963, the date of the
assassination.
- Q Now, Doctor, were any skull fragments delivered
to you which were incompatible with your
opinion as to the exit area having been
on the side of the head?
- A There were none.
- Q There were none. Now, having examined the
skull particle which you have testified
contained evidence as to which direction
the bullet was travelling, and as an ex-
pert in the field of Pathology, do you have
a definite opinion as to whether the pro-
jectile which caused the bone damage
exhibited by that particle entered from
the front or from the back?
- A I have a definite opinion. I would like to

1 add that that bony specimen brought to
2 us was X-rayed and contained metallic
3 fragments which corroborates the finding
4 of metallic fragments seen at the time of
5 the autopsy on the X-ray film of the head
6 of the President, and the X-ray film was
7 taken before the autopsy of the head, I
8 saw the X-ray film, there were metallic
9 fragments on the X-ray, there were
10 metallic fragments in that bony fragment
11 brought to us during the course of the
12 autopsy, and I have a firm opinion that
13 the bullet entered in the back of the head
14 and exited on the right side of the top
15 of the head producing a very large wound.

16 Q Doctor, did you find any evidence which would
17 | indicate that the President was hit by
18 | more than one shot in the head?

19 A No.

20 Q Doctor, as a result of your examination of the
21 | head, the head of the late President, what
22 | if you have one, is your opinion as to the
23 | direction from which the bullet which
24 | inflicted the head wound came?

25 A The bullet definitely struck in the back of the

39
High Velocity is greater than 2,500 ft/sec

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

head, disintegrated, which is often the case when such a bullet at high velocity goes through bone, producing numerous fragments, many of them seen on X-ray of the head, and of the bony portion of the exit, and also recovered by us, we found fragments in the brain of the President, and that projectile produced that wound of exit on the right side and top of the head.

Q Doctor, having examined the entire body of the late President Kennedy, did you detect other than the two wounds which you have described to me any other wounds on the body of the late President?

A I did not, no other bullet wounds.

Q Doctor, I exhibit to you a sketch which has been marked for identification "D-29," and I ask you whether you drew this sketch or whether it was drawn by someone else?

A It was drawn by someone else.

Q I further ask you whether this sketch depicts the path of the bullet into and out of the head of the late President Kennedy in accordance with the professional opinions

*does not show
bulky at "exit"*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

which you have given.

A It does.

MR. DYMOND:

If the Court please, in connection with the testimony of the witness, I would like to offer, file, and produce into evidence the sketch marked for identification "D-29."

MR. OSER:

No objection.

THE COURT:

Let it be received.

BY MR. DYMOND:

Q Now, at this time, Dr. Finck, we will ask that you step down, step before the Jury and with the aid of this sketch demonstrate to them what in your professional opinion happened when the President was hit in the back of the head with the bullet?

A Gentlemen, you are looking at a letter-sized paper reproduction of a drawing labelled here "D-29," D as in Delta. It represents the right side of the head and the right shoulder and upper chest of President Kennedy. For demonstration purposes, the

1 drawing shows the wounds in a general way,
2 arrows indicate the direction of the
3 missile, the arrow behind the back of the
4 head has the word "in," i-n, and the arrow
5 you see in front of the wound on the right
6 side and top of the head is labelled
7 "out," o-u-t. You see a relatively small
8 wound of entry in the back of the head and
9 you see a much larger wound of exit
10 irregular on the right side of the head.
11 This indicates the direction of the
12 bullet striking the back of the head
13 coming out on the right side. If you take
14 the middle of this wound of exit, the
15 general direction of this missile path,
16 p-a-t-h, is from the rear to the front
17 going downward.

18 Q Please return to the stand, Doctor.

19 MR. DYMOND:

20 We now ask that we be permitted to exhibit
21 this to the Jury.

22 BY MR. DYMOND:

23 Q Now, Doctor, in view of the small size, what
24 was according to your testimony the hole
25 of entrance in the President's skull and

1 the relatively large size of the hole of
 2 exit, was it possible to determine with
 3 any degree of preciseness the angle at
 4 which this projectile struck the head of
 5 the President?

6 A Not with precision because the wound of exit
 7 is quite large, and this is very difficult,
 8 a very difficult thing to do, determine
 9 the angle based on such findings. It is
 10 the best interpretation we could make based
 11 on such large wound of exit and the small
 12 wound of entry.

13 Q Now, what was the best interpretation that you
 14 could make in view of the relative sizes
 15 of these wounds, Doctor?

16 A That the bullet, that the projectile entered
 17 in the back, came out on the right side,
 18 and that the direction was from above down.

19 Q Now, Doctor, is your opinion, is it not a firm
 20 one as to the direction of this projectile?

21 A My opinion regarding the direction of the pro-
 22 jectile is firm.

23 Q Now, Doctor, from the --

24 A As far as the entry and exit are concerned.

25 Q Do you have any doubt about that?

*Need to know
 position of head*

W4/N9

1 A I have no doubt that the bullet entered in
 2 the back of the head, disintegrated, came
 3 out on the right side of the head.

4 Q Doctor, have you seen the Zapruder film?

5 A I did.

6 Q From the standpoint of a pathologist, would it
 7 be possible to render a proper or accurate
 8 pathological opinion as to the point of
 9 entrance and the point of exit of this
 10 bullet without having viewed the remains
 11 of President Kennedy and by only having
 12 seen the Zapruder film and conducted some
 13 independent experiments with cadavers or
 14 bodies other than that of President
 15 Kennedy?

16 A I would not do so.

17 Q Why, Doctor?

18 A As I said, the film was of a great value be-
 19 cause of the motion aspect of it, because
 20 it was of a great value to determine the
 21 sequence of shots, it showed the position
 22 of the body, it showed the movements of
 23 the body during the shooting, I have seen
 24 on the movie President Kennedy moving for-
 25 ward, rising his hand to his throat, and

1 then he was struck by the second bullet
2 that hit in the back of the head.

3 Q Now, Doctor, at the time that you co-authored
4 the Pathological Report in connection with
5 the autopsy performed on the late Presi-
6 dent Kennedy, had the Warren Commission
7 yet been formed?

8 A Would you repeat that question, please.

9 MR. DYMOND:

10 Strike that question.

11 BY MR. DYMOND:

12 Q At the time you performed this autopsy, had
13 the Warren Commission yet been formed by
14 Executive Order of President Johnson?

15 A I don't think so. The date is available, and
16 to my recollection I don't seem -- I don't
17 think the Commission was formed.

18 Q When did you form your opinions as to the
19 directions of the projectiles which hit
20 President Kennedy and the number of wounds
21 which had been inflicted upon his body?

22 A At the time we signed the autopsy report, the
23 autopsy report, I had a firm opinion that
24 both bullets struck in the back, one in
25 the back of the neck and the other in the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

back of the head. When we signed the autopsy report, we did not know the sequence of shots.

Q I see. Now, Doctor, your opinion as to the direction of these bullets and the other matter which you have testified to here today, is that an honest, professional opinion on your part, or was it in any way affected by the desires or requests of anybody of Government or any individual?

A My opinion is an honest, professional opinion.

MR. DYMOND:

We tender the witness.

THE COURT:

Just a minute. It is about 10:28, we are going to take a recess at 10:30, so take the Jury upstairs and we will take a ten-minute recess.

(Whereupon, a ten-minute recess was taken.)

NO HIATUS HERE.

opinion" vs "fact"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AFTER THE RECESS:

THE COURT:

Are the State and the Defense ready to
proceed?

MR. OSER:

The State is ready.

MR. DYMOND:

The Defense is ready.

THE COURT:

I believe the Doctor has been turned over
for cross-examination.

MR. OSER:

Correct, Your Honor.

CROSS-EXAMINATION

BY MR. OSER:

Q Doctor, I believe you stated you were one of
the co-authors of the autopsy report? Is
that correct?

A I stated that I was one of the three authors
of the autopsy report.

Q Now, during the autopsy, Colonel, and the
results of the autopsy, were there any
disagreements between you and
Commander Boswell and Commander Humes as
to what was done and the results thereof?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A No.

Q Am I correct in stating, Colonel, that you agreed, as the other two commanders agreed with you, as to the results and what was done and how it was done at the autopsy? Is that correct, sir?

A And how it should be reported.

Q Yes, sir. Right. Now, Doctor, have you ever conducted any experiments or research on the effects of a missile penetration of the brain or the skull?

A I did not. However, if I may --

Q Surely.

A -- say something, I have carried out experiments to study the effect of a bullet striking bone, and also the effects of a bullet going through or striking a gelatin block. The reason for doing so is that gelatin approximates the consistency of soft tissue, and I was interested to know what happens to bullets, in one case striking bone, or, in other cases, going through gelatin, because I have been called to testify in other cases. One of them involved a rib in the back of a fatality,

1 and based on the crater seen in the rib of
2 that soldier, I could determine that the
3 wound of entry was in the back of that
4 soldier, and I also had experiments made
5 on the bone, on the rib, showing that when
6 you strike that bone from the back you
7 produce a similar lesion as that observed
8 in the actual criminal case.

9 Q Well, am I correct in saying you did not have
10 any experiments or research in the area of
11 a missile penetrating the brain and skull?
12 Is that correct? Did you not tell the
13 Warren Commission that when you were asked
14 by them, sir?

15 A This is correct, but I would like to say at
16 this time that I have carried out experi-
17 ments after my testimony before the Warren
18 Commission.

19 Q Where did you carry those experiments out after
20 you testified before the Warren Commis-
21 sion?

22 A Where?

23 Q When.

24 A When? In Edgewood Arsenal; it was in December
25 of 1965 and January 1966, experiments

1 involving bullets, and this has no con-
2 nection at all with the assassination of
3 President Kennedy, they were experiments
4 made to study the effects of bullets.

5 And the other experiments were made in the
6 F.B.I. Laboratory, and again it was not
7 connected with the assassination of
8 President Kennedy.

9 Q Therefore, Doctor, am I correct in stating that
10 at the time of your autopsy report that
11 you submitted along with Commanders Boswell
12 and Humes, you primarily based your
13 opinion on your observations made at that
14 particular time? Is that correct, sir?

15 A This is correct, and --

16 Q Now, --

17 A And I would like to add the information obtained
18 the day following the autopsy, which stated
19 that there was a small wound in the front
20 of the neck of President Kennedy and that
21 that wound had been extended to make the
22 surgical incision. The wound observed in
23 the front of the neck was part of the
24 surgical incision made by the Dallas
25 surgeons, and I knew that at the time I

- 1 signed the autopsy report.
- 2 Q When did you all contact the doctors at
- 3 Parkland Hospital?
- 4 A Are you asking me if I contacted a Dr. Parker?
- 5 Q No, I asked you when did you all contact the
- 6 doctors at Parkland Hospital in Dallas,
- 7 Texas.
- 8 A Oh, I did not contact them, Dr. Humes did.
- 9 Q And did Dr. Humes relate to you what he learned
- 10 from these doctors at Parkland?
- 11 A Definitely.
- 12 Q Do you know when Dr. Humes contacted these
- 13 doctors at Parkland?
- 14 A As far as I know, Dr. Humes called them the
- 15 morning following the autopsy, as far as
- 16 I know, Dr. Humes called Dallas on
- 17 Saturday morning, on the 23rd of November,
- 18 1963.
- 19 Q Doctor, can you tell me why the delay in
- 20 contacting the doctors that worked on
- 21 President Kennedy in Dallas until the
- 22 next morning after the body was already
- 23 removed from the autopsy table?
- 24 A I can't explain that. I know that Dr. Humes
- 25 told me he called them. I cannot give

1 an approximate time. I can give you the
2 reason why he called. As I have stated
3 before, having a wound of entry in the
4 back of the neck, having seen no exit in
5 the front of the neck, nothing from the
6 radiologist who looked at the whole body
7 X-ray films, I have requested as there
8 was no whole bullet remaining in the
9 cadaver of the President, that was a very
10 strong reason for inquiring if there were
11 not another wound in the approximate
12 direction corresponding to that wound of
13 entry in the back of the neck, because in
14 the wound of the head with entry in the
15 back of the head and exit on the right
16 side of the head, I never had any doubt,
17 any question that it was a through-and-
18 through wound of the head with disintegra-
19 tion of the bullet. The difficulty was
20 to have found an entry in the back of the
21 neck and not to have seen an exit
22 corresponding to that entry.

23 Q This puzzled you at this time, is that right,
24 Doctor?

25 A Sorry, I don't understand you.

1 Q This puzzled you at the time, the wound in the
 2 back and you couldn't find an exit wound?
 3 You were wondering about where this
 4 bullet was or where the path was going,
 5 were you not?

6 A Yes.

7 Q Well, at that particular time, Doctor, why
 8 didn't you call the doctors at Parkland
 9 or attempt to ascertain what the doctors
 10 at Parkland may have done or may have seen
 11 while the President's body was still
 12 exposed to view on the autopsy table?

13 A I will remind you that I was not in charge of
 14 this autopsy, that I was called --

15 Q You were a co-author of the report though,
 16 weren't you, Doctor?

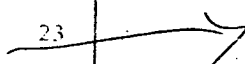
17 A Wait. I was called as a consultant to look at
 18 these wounds; that doesn't mean I am run-
 19 ning the show.

20 Q Was Dr. Humes "running the show?"

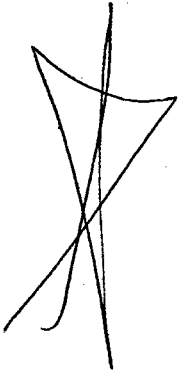
21 A Well, I heard Dr. Humes stating that -- he said
 22 "Who is in charge here?" and I heard an
 23 Army General, I don't remember his name,
 24 stating, "I am." You must understand that
 25 in those circumstances, there were law

*The person in charge of
 autopsy should testify*

*Get the
 general*



*It was a civil
autopsy allegedly
authorized by military
personnel.*



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

enforcement officers, military people with various ranks, and you have to co-ordinate the operation according to directions.

Q But you were one of the three qualified pathologists standing at that autopsy table, were you not, Doctor?

A Yes, I was.

Q Was this Army General a qualified pathologist?

A No.

Q Was he a doctor?

A No, not to my knowledge.

Q Can you give me his name, Colonel?

A No, I can't. I don't remember.

Q Do you happen to have the photographs and X-rays taken of President Kennedy's body at the time of the autopsy and shortly thereafter? Do you?

A I do not have X-rays or photographs of President Kennedy with me.

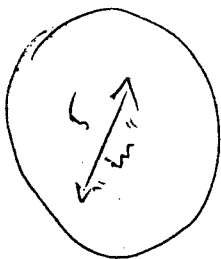
NO HIATUS HERE

1 Q What time did you arrive at Bethesda Naval
 2 Hospital in regard to the autopsy?
 3 By that I mean was the autopsy already be-
 4 gun?

5 A When I arrived, X-rays had been taken of the
 6 head. I had been told so over the phone
 7 by Dr. Humes when he called me at home,
 8 and I arrived, I would say, a short time
 9 after the beginning of the autopsy, I
 10 can't give you an exact time, it was
 11 approximately 8:00 o'clock at night.

12 Q Had any work been done on President Kennedy's
 13 body in regard to the performing of the
 14 autopsy by the time you got there?

15 A As I recall, the brain had been removed. Dr.
 16 Humes told me that to remove the brain he
 17 did not have to carry out the procedure
 18 you carry out when there is no wound in
 19 the skull. The wound was of such an ex-
 20 tent, over five inches in diameter, that
 21 it was not of a great difficulty for him
 22 to remove this brain, and this is the best
 23 of my recollection. There were no removals
 24 of the wound of entry in the back of the
 25 neck, no removal of the wound of entry in



1 the back of the head prior to my arrival,
2 and I made a positive identification of
3 both wounds of entry. At this time I
4 might, for the sake of clarity, say that
5 in the autopsy report we may have called
6 the first wound the one in the head and
7 the second wound the one in the neck, be-
8 cause we did not know the sequence of
9 shots at that time. Again, the sequence
10 of shots was determined by the Zapruder
11 film, so what we did, we determined the
12 entry of the bullet wound and stated that
13 there were two bullet wounds, one in the
14 back of the neck and the other in the back
15 of the head, without giving a sequence.

16 Q How many other military personnel were present
17 at the autopsy in the autopsy room?

18 A That autopsy room was quite crowded. It is a
19 small autopsy room, and when you are called
20 in circumstances like that to look at the
21 wound of the President of the United
22 States who is dead, you don't look around
23 too much to ask people for their names
24 and take notes on who they are and how
25 many there are. I did not do so. The room

1 was crowded with military and civilian
2 personnel and federal agents, Secret
3 Service agents, FBI agents, for part of
4 the autopsy, but I cannot give you a
5 precise breakdown as regards the attendance
6 of the people in that autopsy room at
7 Bethesda Naval Hospital.

8 Q Colonel, did you feel that you had to take
9 orders from this Army General that was
10 there directing the autopsy?

11 A No, because there were others, there were
12 Admirals.

13 Q There were Admirals?

14 A Oh, yes, there were Admirals, and when you are
15 a Lieutenant Colonel in the Army you just
16 follow orders, and at the end of the
17 autopsy we were specifically told -- as I
18 recall it, it was by Admiral Kenney, the
19 Surgeon General of the Navy -- this is sub-
20 ject to verification -- we were specifically
21 told not to discuss the case.

22 Q You were told not to discuss the case?

23 A -- to discuss the case without coordination
24 with the Attorney General.

25 Q Colonel, can you tell me how the body got from

1 Dallas to Washington, D.C. when the
2 killing occurred in Dallas, Texas, if you
3 know?

4 MR. DYMOND:

5 Your Honor, I object to that.

6 THE COURT:

7 I didn't hear the question, Mr. Oser.

8 Would you repeat it?

9 MR. OSER:

10 I said: Doctor, can you tell me how the
11 body of the President got from
12 Dallas, Texas, to Washington, D.C.,
13 when Dallas, Texas was the scene of
14 the homicide, if you know.

15 MR. DYMOND:

16 I think that is irrelevant to the medical
17 testimony.

18 THE COURT:

19 It would be irrelevant as to his expert
20 opinions that he is giving. I think
21 your question is what care was taken
22 of the body, is that what you mean,
23 the body itself? You can rephrase
24 your question.

25 MR. OSER:

1 That is all right. I will go on to
2 another subject.

3 BY MR. OSER:

4 Q Doctor, can you tell me how many photographs
5 were taken of the President's body?

6 A Some of the photographs were taken in my
7 presence in the autopsy room. I can't give
8 you the exact number, but this information
9 is available.

10 Q To who, Doctor?

11 A To you.

12 Q It is?

13 A It is a public document.

14 Q Go ahead. How many?

15 A I can't give you an exact number of photographs
16 taken or X-rays of the body of the Presi-
17 dent.

18 Q Doctor, prior to your writing your report on
19 the autopsy, did you have an occasion to
20 view these photographs of the President
21 that were taken?

22 A Yes, I did.

23 Q Doctor, I direct your attention to a report
24 allegedly signed by you on 26 January,
25 1967.

1 MR. DYMOND:

2 What part are you talking about?

3 (Conference between Counsel.)

4 BY MR. OSER:

5 Q (Exhibiting document to witness) Doctor, I
6 direct your attention to a report, which
7 I mark for identification "S-67," and I
8 ask you to take a look at this document.
9 Would you take a look at this particular
10 one that I have marked, Doctor, and let
11 me know whether it is the same as the
12 one you have before you.

13 A (Comparing documents) It is.

14 Q Your answer is that it is, Doctor?

15 A Yes.

16 Q And it contains your signature? Am I correct,
17 sir?

18 A Yes.

19 (Whereupon, the document referred
20 to by Counsel was duly marked for
21 identification as "Exhibit D-67.")

22 BY MR. OSER:

23 Q Doctor, I direct your attention to the first
24 page, the bottom of the last line of the
25 fifth paragraph, which states, "Dr. Finck

1 first saw the photographs on January 20,
 2 1967," and I ask you if you would explain
 3 your answer to me, sir, just made, that
 4 you saw the photographs prior to writing
 5 your autopsy report in 1963.

6 A I did not say that I had seen the photographs
 7 before writing the autopsy report of 1963.

8 MR. OSER:

9 May I have my original question read back
 10 to the Doctor, please, and his answer.

11 (Whereupon, the foregoing passage
 12 was read back by the Reporter as
 13 follows:

14 "Q Doctor, prior to your writing
 15 your report on the autopsy, did
 16 you have an occasion to view these
 17 photographs of the President that
 18 were taken?

19 "A Yes, I did.")

20 THE WITNESS:

21 No, I did not, I did not see those photo-
 22 graphs before signing my autopsy re-
 23 port. I may have answered "I didn't"
 24 and it was transcribed as "I did."

25 BY MR. OSER:

1 Q Doctor, did you hear what the stenographer
2 just read you back? That is my question
3 that I propounded to you. Now the ques-
4 tion is: Did you see the photographs of
5 President Kennedy before signing your
6 autopsy report.

7 A That is correct.

8 Q That is correct?

9 A I was there when the photographs were taken,
10 but I did not see the photographs of the
11 wounds before I signed the autopsy report.
12 I did not see those photographs in 1963.

13 Q So what you said before, that you did see the
14 photographs, that was wrong? Is that
15 correct?

16 A I never said that. It was misunderstood. I
17 said "I did not" or "I didn't." I am
18 very firm on this point that I did not
19 see --

20 Q Is it, Doctor, the fact that I showed you the
21 report --

22 THE COURT:

23 I think you have covered the matter now.

24 MR. OSER:

25 Your Honor, I have a right to go into the

1 credibility of this witness like
2 any other witness on cross-
3 examination.

4 THE COURT:

5 I agree with you. I am not denying you
6 that right.

7 MR. WILLIAM WEGMANN:

8 He also has a right to finish his answer
9 once he starts.

10 THE COURT:

11 I don't know what the status of the matter
12 is.

13 MR. EDWARD WEGMANN:

14 The Doctor hadn't finished answering his
15 question when he was interrupted by
16 Mr. Oser.

17 THE COURT:

18 Doctor, let me explain to you: Any ques-
19 tion put to you by Mr. Oser, first,
20 if there is a yes or no answer that
21 can be given to it, either say yes or
22 no, and then if you want to explain
23 your answer, you have a legal right
24 to explain it.

25 THE WITNESS:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Yes, sir, yes, sir.

THE COURT:

All right. You may pose your next question.

MR. DYMOND:

May he finish his last answer before he poses his next question?

THE COURT:

I thought he was finished. You may proceed.

A (Continuing) The first time I saw the photographs taken during the autopsy, the first time I saw these photographs was in January, 1967 -- one nine six seven.

NO RIATUS HERE.

1 BY MR. OSER:

2 Q Now, Doctor, can you tell me whether or not
3 the fact that I pointed out to you in
4 your report, marked "S-67" for identifica-
5 tion, the point that Dr. Finck first saw
6 the photographs on January 20, 1967 --
7 is the fact that I pointed this out to
8 you the reason that you now say The
9 Court (sic) and the stenographer misunder-
10 stood?

11 A I don't follow you.

12 Q Well, I am asking you, Doctor, is the fact that
13 I point out to you in your report signed
14 by you, that you said --

15 A Yes.

16 Q -- in this report that you didn't see the
17 photographs until January 20, 1967, the
18 fact that I pointed this out to you, is
19 that the reason that you now say that
20 somebody misunderstood you and that you
21 did not make the statement you made before
22 as recorded by the Court Reporter?

23 A I think so. I wish to emphasize that the first
24 time I saw the photographs was January,
25 '67. These photographs were taken on the

1 22nd of November, 1963, they were turned
2 over, as I recall, to the Secret Service,
3 so they had been exposed, but I did not
4 see the processed photographs until
5 January, 1967. In 1964 I saw photographs,
6 if I may recall, but they were not from
7 the -- from the autopsy, they were from
8 the Zapruder film in 1964.

9 Q Now, Doctor, in the area of pathology, more
10 specifically that of performing autopsies,
11 and arriving at conclusions from autopsies
12 would you say that the use of photographs
13 and X-ray are routine and necessary parts
14 of a pathologist arriving at his opinion?

15 A It is extremely useful.

16 Q Would you say that is the normal practice at
17 autopsies, to have photographs and various
18 X-rays made of the body that you are
19 performing the autopsy on?

20 A It is a normal practice to take X-rays and
21 photographs of a missile wound case.

22 Q Will you tell me whether or not, Doctor, if you
23 know, whether these photographs and X-rays
24 were ever displayed to the members of the
25 Warren Commission.

1 A Please repeat your question.

2 MR. DYMOND:

3 Object unless he was present.

4 MR. OSER:

5 I said tell me whether or not you know.

6 THE COURT:

7 Now, this is of his own personal know-
8 ledge?

9 MR. OSER:

10 Yes, sir.

11 BY MR. OSER:

12 Q Can you tell me, Doctor, whether or not, if
13 you know, these photographs and X-rays
14 were ever displayed to the members of the
15 Warren Commission, if you know, Doctor?

16 A What is the word you used before, "Warren
17 Commission"?

18 Q Displayed.

19 A Displayed?

20 Q Or shown.

21 A Shown?

22 MR. DYMOND:

23 Your Honor, unless the Doctor was present,
24 he can't testify to this. Secondly,
25 I think that is irrelevant to the

1 issues in this case. We have said many
2 times that we are not trying the
3 Warren Commission here.

4 THE COURT:

5 We can nip it, we can find out whether
6 or not the Doctor knows of his own
7 knowledge whether they were or were
8 not, and that will dispose of the
9 matter. Either he knows or he doesn't
10 know.

11 Do you know of your own know-
12 ledge?

13 THE WITNESS:

14 When I appeared before the Warren
15 Commission in March, 1964, the X-rays
16 and the photographs were not avail-
17 able to us in the preparation of our
18 testimony.

19 BY MR. OSER:

20 Q Am I correct in stating, Colonel, that you and
21 Commander Humes and Commander Boswell
22 appeared in front of the Warren Commission
23 at the same time?

24 A We did.

25 Q Can you tell me why the X-rays and photographs

1 were not available at that time?

2 A I was told that it was the wish of the Attorney
3 General.

4 Q Thank you, Colonel.

5 A -- who was then Robert F. Kennedy.

6 Q (Exhibiting document to witness.) Doctor, I
7 show you what the State marks for purposes
8 of identification "S-68," and I ask you if
9 you would view this exhibit and tell The
10 Court whether or not you have ever seen
11 anything depicted on here as being similar
12 to what you have seen before.

13 A I recognize those drawings but I am not the
14 author of them.

15 MR. DYMOND:

16 I didn't hear the first part. I recognize
17 what?

18 MR. OSER:

19 Those drawings.

20 THE WITNESS:

21 I recognize those drawings; I am not the
22 author of them.

23 BY MR. OSER:

24 Q Were you present, Doctor, when this was done,
25 at the time of the autopsy or shortly

1 thereafter, in conjunction with
2 Commander Humes and Commander Boswell?

3 MR. DYMOND:

4 Object, Your Honor. There is no evidence
5 as to when this was done, and Coun-
6 sel's question assumes there is
7 evidence as to when this was done.

8 MR. OSER:

9 I asked if he was present when it was
10 done.

11 MR. DYMOND:

12 He went on to say when he contends it
13 was done. That is the part I am
14 objecting to.

15 THE COURT:

16 I think the exhibit -- I cannot comment on
17 the evidence, but you are trying to
18 lay a predicate to see if the witness
19 can identify it as being similar to
20 something he has seen before?

21 MR. OSER:

22 Yes, sir.

23 THE COURT:

24 Why don't you ask him that question first?

25 MR. OSER:

1 I thought I had, Your Honor.

2 THE COURT:

3 Maybe you did.

4 BY MR. OSER:

5 Q Doctor, is this exhibit, which I have marked
6 as "State-68" for purposes of identifica-
7 tion -- I ask you if what is depicted on
8 this particular exhibit is similar to
9 something that you have seen before,
10 Doctor.

11 MR. DYMOND:

12 If The Court please, at this time we are
13 going to object to this testimony as
14 to similarity. We have here sketches
15 which purport to deal in detail, in
16 measurements and so forth, and I
17 submit to the Court that in that area
18 similarity is not good enough.

19 THE COURT:

20 It depends on the witness. He has stated
21 he recognized it. The question he has
22 not answered for Mr. Oser yet is
23 whether or not the exhibit offered to
24 him is similar and does he recognize
25 it, and he has not answered that

1 question. I would overrule your
2 objection until he answers that
3 question.

4 THE WITNESS:

5 I recognize it for the purpose of identi-
6 fication. I see in the left upper
7 corner "NMS" -- Navy Medical Sheet --
8 "63272," and this was the autopsy
9 number given in Bethesda for the
10 autopsy of President Kennedy, and
11 these drawings may have been made
12 by both Dr. Humes and Dr. Boswell.
13 They pertain to the observations
14 along the autopsy of President
15 Kennedy.

16 THE COURT:

17 I will permit the exhibit to be received
18 in evidence on the ground that it is
19 similar. From the testimony of the
20 witness Dr. Finck, I will permit it
21 to be received in evidence.

22 MR. DYMOND:

23 To which ruling Counsel for the Defense
24 reserves a bill of exception, making
25 the entire testimony, Counsel's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

objection to this exhibit "State-68,"
the reasons for the objection, and
the ruling of the Court and the
entire record parts of the bill.

MR. OSER:

Your Honor, the State now wishes to
offer, file and introduce into
evidence "S-68."

THE COURT:

It shall be admitted.

MR. DYMOND:

To which offering the Defense objects,
using as parts of its bill the same
component parts which were set forth
in the preceding bill.

(Whereupon, the diagram offered
by Counsel was duly marked for
identification as "State-68,"
and received in evidence.)

NO HIATUS HERE.

1 MR. OSER:

2 Your Honor, the State requests permission
3 to place it on this board, if I may.

4 THE COURT:

5 You may do so.

6 (Exhibit mounted on display board.)

7 BY MR. OSER:

8 Q Doctor, at the time of the autopsy, was such
9 a sheet as depicted in State Exhibit 68
10 prepared by either you or one of the
11 other two members of the autopsy team
12 of you all performing the autopsy on
13 President Kennedy?

14 A This was not prepared by me.

15 Q Did you see anybody prepare this particular
16 exhibit, or working on this particular
17 exhibit?

18 A Well, the three of us were involved in this,
19 taking measurements and -- I did not make
20 those drawings.

21 Q Was such a sheet of paper as depicted on that
22 particular exhibit, part of your autopsy
23 work that the three of you all performed?

24 A I would think that this was handled by Drs.
25 Humes and Boswell. Personally I can't --

1 I recall having seen this but to give an
2 exact time, an exact hour, and what I did
3 with this, I can't say. I don't remember.
4 It is part of the case but I don't remem-
5 ber details on this.

6 Q Part of the case. Fine.

7 A At this time I would like to add something.

8 As a pathologist, you put down what you
9 find in a mock-up scene to show the loca-
10 tion, the approximate location. There may
11 be variations between drawings and photo-
12 graphs, for example, but the advantage of
13 having those immediate records is to put
14 down the information mentioned -- number
15 of wounds, location of wounds, dimensions
16 taken at the time of autopsy.

17 Q Doctor, what you are talking about or commenting
18 about is the fact that the point I am
19 pointing to on this particular autopsy
20 descriptive sheet, the area of the hole in
21 the back being considerably lower and in a
22 different position than the hole you drew
23 on Mr. Wegmann's shirt? Is that what you
24 are referring to, sir?

25

THE WITNESS: . .

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Whereupon, Mr. William Wegmann arose,
removed his coat, and exhibited the
marking on his shirt.)

THE WITNESS:

I would like to repeat that the mark on
the shirt of Mr. Wegmann is on his
shirt, whereas the wound I saw was
in the skin in the back of the neck,
and I would say that the wound I saw
was higher than the one I see on the
drawing.

BY MR. OSER:

Q But am I correct in stating, Doctor, that the
dot that is on Mr. Wegmann's shirt
corresponds to where you say the wound
in the President's back of his neck was?
If I drew that dot through his shirt and
put it on his skin, Mr. Wegmann's skin,
that would be the location that you testi-
fied to on direct examination? Am I
correct?

A Well, again I want to call your attention to
the fact that we are here arguing about --

Q I am not arguing.

1 A -- the mark on the shirt.

2 Q I am not arguing. Answer my question.

3 MR. EDWARD WEGMANN:

4 He is answering the question.

5 MR. OSER:

6 Let him answer the question.

7 THE COURT:

8 Will you both speak to me.

9 MR. WILLIAM WEGMANN:

10 He doesn't like the answer so he is

11 interrupting the witness.

12 MR. OSER:

13 Your Honor, I object to that statement.

14 MR. WILLIAM WEGMANN:

15 I think the witness has a right to answer,

16 and if Mr. Oser wants to cross-examine

17 him, he can cross-examine him.

18 THE COURT:

19 One thing I am going to rule is that the

20 witness answer yes or no and then ex-

21 plain it. The witness can't volunteer

22 information every time he wants to

23 volunteer information. That is one

24 thing that should be clarified. From

25 now on ask him to answer yes or no,

1 and if he wishes to explain, then he
2 can explain, but he cannot volunteer
3 every time he wishes to volunteer. If
4 he wants to make an explanation,
5 certainly he can explain.

6 MR. WILLIAM WEGMANN:

7 But also I think, Your Honor, if we are
8 going to follow the Court's ruling,
9 I think Mr. Oser should make his ques-
10 tions such that they are susceptible
11 of a yes or no answer.

12 MR. OSER:

13 Read it back.

14 MR. WILLIAM WEGMANN:

15 In effect what he is doing is arguing with
16 the witness.

17 THE COURT:

18 Let's clarify this. Ask the question again
19 in a form that can be answered yes or
20 no, and then if the witness wishes to
21 explain, he may explain.

22 MR. OSER:

23 I wish to have it read back.

24 THE COURT:

25 No, sir. I am going to ask you to proceed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Rephrase your question and let it be answered.

BY MR. OSER:

Q Colonel, before I talked about the ink dot on Mr. Wegmann's shirt in the location that it is. I am asking you whether or not the ink dot on Mr. Wegmann's shirt is the same area -- if you carried that ink dot through and put it on his skin, would it be the area where you testified that you found the wound in President Kennedy's back of his neck?

THE WITNESS:

I would like to ask Mr. Wegmann to --

THE COURT:

Answer yes or no and then explain, Doctor.

The question is susceptible of a yes or no answer, but you may explain it.

MR. WILLIAM WEGMANN:

May I interject myself?

THE COURT:

Certainly.

MR. WEGMANN:

I think what he wants to do is see the shirt again. Isn't that what you

1 wanted, Doctor?

2 (The witness nodded affirmatively.)

3 THE COURT:

4 You may stand down if you wish to.

5 (Whereupon, the witness left the
6 stand and proceeded to a position
7 close to Mr. William Wegmann.)

8 A I would say this, in relation to the drawing,
9 the mark I have made on the shirt of
10 Mr. Wegmann is higher than the mark seen
11 on the drawing.

12 BY MR. OSER:

13 Q Doctor, I don't think you quite understood my
14 question. My question was exclusively
15 tending toward Mr. Wegmann only right now,
16 the mark on Mr. Wegmann's shirt. Is the
17 mark that you placed on his shirt, if you
18 carried that mark through and put it on
19 his skin rather than on the shirt, would
20 that mark be in the same place that you
21 saw the wound you said you saw on direct
22 examination at the time of the autopsy?
23 That is all I am asking you.

24 A (Resuming the stand) But the shirt is moving on
25 the skin.

1 Q The general location then, Doctor, of where --

2 A The general location of the mark I have made
3 on the shirt of Mr. Wegmann, the general
4 location approximately corresponds to the
5 location on the skin.

6 Q Can you tell me whether or not Mr. Wegmann is
7 the same height as President Kennedy was?

8 THE WITNESS:

9 Can you stand up, Mr. Wegmann?

10 (Whereupon, Mr. Wegmann complied.)

11 A I think President Kennedy was taller.

12 BY MR. OSER:

13 Q I believe you said, Doctor, you measured from
14 the tip of the mastoid bone behind the
15 ear, down, is that correct, in one direc-
16 tion?

17 A Well, you have to take several -- I measured a
18 certain distance from the tip of the
19 mastoid, and that certain distance was
20 14 centimeters as I recall. Let me verify
21 this -- (referring to document) -- 14
22 centimeters from the right mastoid process,
23 which is (using ruler) approximately five
24 and a half inches.

25 Q Now, the measurements, Doctor, that you placed

1 on Mr. Wegmann when Mr. Wegmann was
2 standing erect and facing this way, if
3 Mr. Wegmann had turned his head either to
4 the left or to the right, would this change
5 the position of the mastoid bone in re-
6 lation to that 13 or 14 centimeters measure-
7 ment? Yes or no, Doctor, and then you
8 can explain your answer.

9 A (Moving head) The movement of the head could
10 have changed slightly the distance between
11 the mastoid and the wound in the back of
12 the neck.

13 Q (Exhibiting sketch to witness) Doctor, I show
14 you what the State now marks for purposes
15 of identification as "S-69," and I ask
16 you whether or not you are familiar with
17 what is depicted on this particular photo-
18 graph, referring you to the previous De-
19 fense Exhibit D-27.

20 MR. OSER:

21 May I have D-27 for the Doctor to compare
22 it?

23 (Exhibit handed to the witness.)

24 A Yes, it is.

25 Q May I correct it by saying the upper half of

1
2 A Yes, that it is.

3 MR. OSER:

4 At this time, Your Honor, I offer, intro-
5 duce and file into evidence the ex-
6 hibit marked "S-69" for purposes of
7 identification.

8 MR. DYMOND:

9 No objection.

10 THE COURT:

11 It is part of the same exhibit as what?

12 MR. DYMOND:

13 D-27.

14 MR. OSER:

15 The upper half of D-27.

16 (Whereupon, the sketch offered
17 by Counsel was duly marked for
18 identification as "S-69" and
19 received in evidence.)

20 BY MR. OSER:

21 Q (Exhibiting sketch to witness) Doctor, I now
22 show you what the State marks for pur-
23 poses of identification "S-70," and I ask
24 you if you are familiar with what is de-
25 picted in this particular exhibit?

1 A Yes, I am.

2 Q Except, as before, being the same as D-29.

3 A Please show me D-29.

4 THE COURT:

5 Show the witness.

6 (Exhibit handed to witness.)

7 A It is.

8 MR. OSER:

9 The State wishes to offer, introduce
10 and file in evidence the exhibit
11 which is marked "S-70" for purposes
12 of identification.

13 MR. DYMOND:

14 No objection.

15 THE COURT:

16 Let it be received.

17 (Whereupon, the sketch offered
18 by Counsel was duly marked for
19 identification as "Exhibit S-70"
20 and received in evidence.)

21 MR. OSER:

22 May I put it on the board, Your Honor?

23 THE COURT:

24 You may.

25 BY MR. OSER:

1 Q Doctor, referring to State Exhibits 69 and 70
2 on the large board over there, equivalent
3 to Defense 27 and Defense 29, could you
4 tell us who made those drawings?

5 A As far as I know, they were made at the time
6 of the preparation of our testimony before
7 the Warren Commission in March, 1964.
8 They were made under the direction of
9 Dr. Humes at Bethesda Hospital, in a short
10 period of time, as I recall approximately
11 two days, under the supervision of Dr.
12 Humes. As I recall, the name of the Navy
13 enlisted man who did those was Rydberg,
14 R-y-d-b-e-r-g, but this is subject to
15 verification.

16 Q Now, Colonel, can you tell me whether or not
17 the person that drew these two diagrams,
18 or the illustrator, had any of the photo-
19 graphs or X-rays of President Kennedy
20 available to him?

21
22 NO HIATUS HERE.
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT:

He would only be able to answer that,
Mr. Oser, if he knows of his own
personal knowledge.

MR. OSER:

I asked him if he knows, Your Honor.

THE COURT:

All right.

THE WITNESS:

To my knowledge, this Navy enlisted man
did not have the photographs or X-rays
available to him. Likewise they were
not available to us in March 1964.

BY MR. OSER:

Q Now, Doctor, referring to State Exhibit 68,
the descriptive sheet, am I correct in
stating that the information placed on the
descriptive sheet, State-68, was placed
there by a qualified pathologist, either
Dr. Humes or Dr. Boswell?

MR. DYMOND:

Your Honor, I think the witness already
testified he did not see it made and
does not know who made it.

MR. OSER:

1 Your Honor, if The Court please, may the
2 State be heard? The Colonel said
3 that it was made either by Dr. Humes
4 or Dr. Boswell at the time of the
5 autopsy, and the Colonel on the wit-
6 ness stand said he was one of the
7 co-authors of the autopsy report, and
8 I am asking him if a qualified
9 pathologist, either Dr. Boswell or
10 Dr. Humes, made the entries that
11 appear on the descriptive sheet
12 attached and concerning the autopsy
13 of President Kennedy.

14 MR. DYMOND:

15 If The Court please, I think the relevant
16 question is whether Dr. Finck saw
17 these drawings made. If he did, then
18 he can testify who made them.

19 THE COURT:

20 I don't think that is the legal point. I
21 think the legal point is whether or
22 not Dr. Finck recognizes the autopsy
23 descriptive figures on there, and if
24 he has his notes, he can compare his
25 notes with the exhibit to see if

1 there are any differences. If there 83
2 are not any differences, then he can
3 confirm or deny whether it was a
4 true report of what should have been
5 made at that time.

6 MR. DYMOND:

7 Your Honor, that wasn't the question
8 though. The question was whether
9 State-68 had been made by a qualified
10 pathologist.

11 THE COURT:

12 It has already been offered and accepted
13 in evidence.

14 MR. DYMOND:

15 I understand that, but unless the Doctor
16 was there when it was made, how can
17 he know who made it and whether the
18 man was qualified?

19 MR. OSER:

20 It is part of the report, if Your Honor
21 please, which has been signed.

22 THE COURT:

23 Let's see. Ask your question again,
24 Mr., Oser, and I will see if we
25 understand what is before us.

1 BY MR. OSER:

2 Q Doctor, from State Exhibit 68, the descriptive
3 sheet on the autopsy of President Kennedy
4 as it appears before you, can you tell us
5 whether or not the entries made on that
6 particular descriptive sheet were done so
7 by a qualified pathologist?

8 MR. DYMOND:

9 Now that is what I object to.

10 THE COURT:

11 Unless he saw it being done, Mr. Oser,
12 he can't answer that.

13 MR. OSER:

14 Your Honor --

15 THE COURT:

16 May I ask you, sir, to change the question
17 Ask if it is incorrect or correct.
18 Then he can answer it.

19 MR. OSER:

20 Your Honor, may I have an answer to my
21 question?

22 THE COURT:

23 I will sustain Mr. Dymond's objection.

24 Unless he saw somebody make it, he
25 cannot testify to it, but he can

1 testify to the contents, if he has
2 knowledge, from his notes.

3 BY MR. OSER:

4 Q Doctor, did such a descriptive sheet make up
5 part of your autopsy report on
6 President Kennedy that you signed with
7 Commander Humes and Commander Boswell?

8 A I have here a copy of the report I signed.

9 Q Would you like to peruse it? If so, go ahead.

10 A (Referring to document) I have with me Xerox
11 copies from Volume XVI of the Warren
12 Commission Hearings, page 978, 979,
13 through page 983, and these are the pages
14 of the autopsy report I signed. As I
15 recall, this is part of the exhibits, and
16 I don't recall the place of this, the page
17 of it. I don't see this drawing between
18 page 978 and 983 of the autopsy report I
19 signed. Of course I couldn't take copies
20 of all the hearings with me.

21 MR. OSER:

22 Your Honor, may I have a short delay while
23 I send for that particular volume
24 that the Doctor referred to? It
25 won't take two minutes to get it.

1 THE COURT:

2 Well, where is it -- in the District
3 Attorney's Office?

4 MR. OSER:

5 Yes, sir.

6 THE COURT:

7 Well, if you are going to pursue that,
8 we won't have time to go into it
9 before the recess. It is four minutes
10 to 12:00.

11 MR. OSER:

12 Your Honor --

13 THE COURT:

14 I think this would be a convenient time
15 to recess for lunch. Then you can
16 send and get your picture, and then
17 at 1:30 when we come back you can
18 pursue this line of questioning.

19 MR. OSER:

20 Your Honor, I only have one more question
21 on this particular line, if you can
22 allow it now.

23 THE COURT:

24 I would prefer -- You think you have one
25 question. (LAUGHTER) It has been my

1 experience when a lawyer says one
2 question it generally lasts a half
3 hour.

4 We are going to recess for lunch
5 because it will give you an opportu-
6 nity to get your picture and then to
7 pursue this line.

8 Gentlemen, as I have consistent-
9 ly, and will in the future, I must
10 admonish you and instruct you not to
11 discuss the case among yourselves or
12 with any other person. That includes
13 everybody, the Sheriffs, waiters,
14 waitresses.

15 We will now adjourn for lunch,
16 and I will ask the Sheriff to have
17 you back here for 1:30.

18 (Whereupon, the Jury was excused.)

19 THE COURT:

20 Do you wish these exhibits to remain in
21 the same position until we come back
22 from lunch?

23 MR. OSER:

24 Yes, Your Honor.

25 THE COURT:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Ask the spectators to be careful not to knock these exhibits down leaving the courtroom.

Mr. Shaw, you are released under your same bond, and, Dr. Finck, I will ask you to report back to be on the stand at 1:30.

We will be adjourned until 1:30.

. . . . Thereupon, at 11:58 o'clock a.m., a recess was taken until 1:30 o'clock p.m.

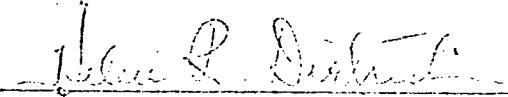
C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, the undersigned, Helen R. Dietrich, do hereby certify:

That the above and foregoing (88 pages of typewritten matter) is a true and correct transcription of the stenographic notes of the proceedings had herein, the same having been taken down by Paul W. Williams and the undersigned, and transcribed under our supervision, on the day and date hereinbefore noted, before the Criminal District Court for the Parish of Orleans, State of Louisiana, in the matter of the State of Louisiana vs. Clay L. Shaw, 198-059 1426 (30) Section C on the 24th day of February, 1969, before the Honorable Edward A. Haggerty, Jr., Judge, Section "C", being the testimony of Pierre A. Finck, M.D.

New Orleans, Louisiana, this 24th day of February, 1969.


HELEN R. DIETRICH,
REPORTER

COPY

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....
 STATE OF LOUISIANA 198-059
 vs. 1426 (30)
 CLAY L. SHAW SECTION "C"

PROCEEDINGS IN OPEN COURT,
Monday, February 24, 1969

VOLUME II

B E F O R E :

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

Dietrich & Pickett, Inc.

Stenotypists

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

AFTERNOON PROCEEDINGS

1
2 PIERRE A. FINCK, M.D.,
3 having been previously sworn, resumed the stand
4 for a continuation of

CROSS-EXAMINATION

THE COURT:

7 Let it be noted the Jury has returned
8 from lunch. The Defendant is
9 present and Counsel for both sides
10 are present.

11 Is the State and is the Defense ready to
12 proceed?

MR. DYMOND:

14 We are ready, Your Honor.

MR. OSER:

16 The State is ready, Your Honor.

THE COURT:

18 You may proceed.

BY MR. OSER:

20 Q Doctor, at the time of the autopsy, were
21 either you or any one of your two
22 assistants, if I may call them that,
23 Commander Humes and Commander Boswell,
24 making any notes of what was going on and
25 what you all were doing, that you can re-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

...om it doesn't say "Commission Exhibit 397." I remember that these drawings had been made, and you realize now I am referring to page 45.

Q Which is the same thing as Exhibit 68, is that right?

A Yes, sir, it is as you will realize the drawings are made ahead of time on work sheets to be used at the time of the autopsy, and that wounds are added to these schematic representations of the front and back of a human body. I know this was involved in the discussions, in the testimony, but I can't give you any timing. As I recall, Dr. Boswell did those and discussed them but I can't recall exactly when I saw them.

Q In other words, when an autopsy descriptive list or sheet is used at an autopsy, it is either used at the time of an autopsy or shortly thereafter as a work sheet somewhere in the autopsy room, is that right, Doctor?

A If State 68 is an autopsy work sheet -- well, when it was done by Dr. Boswell I don't know.

1 Q In referring to State Exhibit 69 and 70,
2 Doctor, these two exhibits were not done
3 then until sometime in March of 1964,
4 is that correct, Doctor?

5 A I wouldn't know the exact date. The first
6 time as I recall that I saw these ex-
7 hibits was in March, 1964, to the best
8 of my recollection.

9 Q But you do know, Doctor, you can testify that
10 the photographs and X-rays were not availa-
11 ble, to the best of your knowledge, to
12 the illustrator of these exhibits as they
13 were not available to you in March, 1964?

14 A To the best of my knowledge the X-rays and
15 photographs were not available to the
16 illustrator. I know for sure that they
17 were not available to me, the X-rays and
18 the photographs.

19 Q Can you tell me, Doctor, whether or not the
20 illustrator was present at the autopsy
21 when President Kennedy's body was availa-
22 ble for viewing in order for him to make
23 these illustrations?

24 A I don't know.

25 Q Do you recall seeing him there or anyone held

- 1 out to be the illustrator at the autopsy?
- 2 A I don't remember.
- 3 Q Doctor, did you make any types of notes at all
4 at the time of the autopsy yourself?
- 5 A I may have written down measurements.
- 6 Q Do you still have those measurements?
- 7 A No. When I walked out of that autopsy room
8 I didn't have notes with me, to the best
9 of my recollection. I remember taking
10 measurements and giving them to Dr. Humes
11 and Dr. Boswell.
- 12 Q Do you know whether Commander Boswell made
13 any particular notes at the time of the
14 autopsy?
- 15 A As I recall I saw Dr. Boswell taking notes. I
16 saw both Dr. Humes and Dr. Boswell taking
17 notes at the time of the autopsy, to the
18 best of my recollection.
- 19 Q Would your answer be the same with regard to
20 Commander Humes with regard to making
21 notes at the time of the autopsy as it
22 was with Dr. Boswell? Did he also make
23 notes?
- 24 A As I remember, both of them made notes during
25 the autopsy.

- 1 Q Were you present, Colonel, when Dr. Humes
2 burned his original notes?
- 3 A I was not.
- 4 Q Doctor, the report that I showed you before --
- 5 A I have it here.
- 6 Q Are you in agreement with all the allegations
7 and statements and the contents of this
8 particular exhibit? Is there anything
9 in there that you would change at this
10 time?
- 11 A I don't think so.
- 12 Q Doctor, I now show you what the State marks
13 as "S-71" for the purpose of identifica-
14 tion, and ask you if you would view this
15 exhibit and tell the Court whether or not
16 you recognize this exhibit, and, if so,
17 how can you recognize it?
- 18 A I recognize here Exhibit S-71 consisting of
19 Pages 978 through 983 as being six pages
20 of the autopsy report we signed in
21 November, 1963.
- 22 Q Doctor, this is the autopsy report you have
23 been referring to that you co-authored
24 with Commander Boswell and Commander Humes,
25 is that correct?

1 A Yes.

2 Q When was the first time you saw the Zapruder
3 film, Doctor?

4 A As I recall, it was in March, 1964, when I re-
5 turned from Panama and was told I had to
6 testify before the Warren Commission.

7 Q So at the time you signed and co-authored
8 the autopsy report, which has been marked
9 as S-71 for identification, you had not,
10 as of that time, seen the Zapruder film,
11 is that correct?

12 A I had not.

13 Q Doctor, are you familiar in this particular
14 report, S-71, which you co-authored with
15 Commanders Humes and Boswell, with all
16 the evidence upon which the report was
17 based?

18 A Please repeat your question.

19 Q Are you familiar with all of the evidence upon
20 which this report was based?

21 A In the general sense, yes.

22 Q Doctor, I call your attention to Page 2, under
23 the heading of "Clinical Summary," and
24 ask you to tell me the basis for your
25 statement as part of your clinical

1 summary that three shots were heard.

2 A Where do you see that, that three shots were
3 heard?

4 Q The first sentence in the second paragraph on
5 Page 2, the first four words.

6 A This is the information we had by the time we
7 signed that autopsy report.

8 Q The information from whom, Doctor?

9 A There were a lot of people who were asked, I
10 wouldn't know their names. I couldn't
11 list all the people by name.

12 Q Who told you that three shots were heard? Who
13 told you that?

14 A As I recall, Admiral Galloway heard from
15 somebody who was present at the scene
16 that three shots had been heard, but I
17 cannot give the details of this.

18 Q I ask you, did you have an occasion to inter-
19 view any of the witnesses that were present
20 in Dealey Plaza on November 22, 1963, you
21 yourself, before you wrote this?

22 A During the autopsy of President Kennedy there
23 were Secret Service Agent Kellerman in
24 that autopsy room. I asked him his name.
25 Admiral Berkeley, the personal physician

OP

1 of President Kennedy was present, and
2 there was a third person whose name I
3 don't recall who said to Admiral Galloway,
4 who was there during the autopsy, that
5 three shots had been fired. At the time
6 we wrote this we had this information
7 obtained from people who had been at the
8 scene to the best of my recollection.

9
10
11
12
13 NO HIATUS HERE.
14
15
16
17
18
19
20
21
22
23
24
25

- 1 Q Did you have any information available,
2 Doctor, from people at the scene who
3 heard four shots?
- 4 A From the assassination on I heard conflicting
5 reports regarding the number of shots.
- 6 Q I am talking about at the time you all prepared
7 and signed this report, Doctor, before
8 you affixed your signature to this, did
9 you talk to anyone or have any reports
10 available from people who heard four
11 shots at Dealey Plaza on November 22?
- 12 A I don't remember any.
- 13 Q Did you have any statements or reports availa-
14 ble to you from people who heard two shots
15 in Dealey Plaza on November 22 at the time
16 you made this report?
- 17 A At the time I made the report I don't recall
18 having a report of two shots.
- 19 Q Going further, Doctor, in your autopsy report,
20 it states, "Governor Connally was seriously
21 wounded by this same gunfire." From
22 where did you receive this information?
- 23 A I knew it at the time of the autopsy because of
24 the news media who reported the President
25 had been shot and the Governor of Texas

1 had been wounded, as I recall.

2 Q What did you mean, that Governor Connally was
3 seriously wounded by the same gunfire?
4 What did you mean when you said the same
5 gunfire?

6 A This is the information we had at the time of
7 the autopsy -- correction, at the time we
8 signed the autopsy report, and because
9 the information in the autopsy report
10 may be obtained after the autopsy, and
11 again I can't pinpoint the source of that
12 information.

13 Q Doctor, I now show you State Exhibit 64, and
14 ask you if you recognize what is depicted
15 in this particular photograph, as being
16 similar to something you have seen before
17 during the investigation of the assassina-
18 tion of President Kennedy?

19 A This black-and-white reproduction is similar
20 to a bullet that, as best I can remember,
21 I saw for the first time in March, 1964.

22 Q Doctor, speaking of your statement in the
23 autopsy report that Governor Connally was
24 seriously wounded by the same gunfire,
25 is it not a fact that when testifying be-

1 fore the Warren Commission you stated
2 that in your opinion it was impossible
3 for Commission Exhibit 399 to do the same
4 damage to President Kennedy as was done
5 to Governor Connally because there were
6 too many fragments in Governor Connally's
7 wrist? Did you not so testify, sir?

8 MR. DYMOND:

9 I object to that question. Nobody has
10 stated the same damage was done to
11 Governor Connally as was done to
12 President Kennedy, and that is what
13 this question asks.

14 THE COURT:

15 I think the question was put to the
16 Doctor, did he not make a prior
17 contradictory statement, which is
18 legitimate cross-examination.

19 Let the question be read back.

20 (Whereupon, the pending question
21 was read back by the Reporter.)

22 THE COURT:

23 I am permitting the question. I overrule
24 your objection.

25 BY MR. OSER:

1 Q Will you answer yes or no, Doctor, then you
2 can explain.

3 A This is a difficult question to answer because
4 there were two bullets striking President
5 Kennedy. I have examined the wounds of
6 President Kennedy and I would say that
7 the bullet seen here is an entire bullet.

8 Q Is what?

9 A Is an entire bullet. By an entire bullet, I
10 mean a bullet that did not disintegrate
11 into many fragments.

12 Q Let me ask you about that in this way --

13 THE COURT:

14 Let him finish his answer.

15 MR. OSER:

16 I thought he had finished.

17 THE COURT:

18 Had you finished your answer?

19 THE WITNESS:

20 Yes, sir.

21 BY MR. OSER:

22 Q Colonel, let me ask you this way: Speaking
23 of State Exhibit 64, the bullet, I ask
24 you whether or not you testified in front
25 of the Warren Commission that that

1 particular bullet could not have done
2 the damage to Governor Connally as there
3 were too many bullet fragments in
4 Governor Connally's wrist. Did you or
5 did you not answer that in front of
6 the Warren Commission in answer to a
7 question by Mr. Specter? It appears on
8 Page 382 of your testimony of the Warren
9 Report about the middle of the page.

10 A It reads as follows: "Could that bullet possi-
11 bly have gone through President Kennedy
12 in 388," Mr. Specter's question. "Through
13 President Kennedy's head --" what is 388?

14 MR. WILLIAM WEGMANN:

15 The one on the right.

16 A (Continuing) "and remain intact in the way you
17 see it now?" "Definitely not." "And
18 could it have been the bullet which in-
19 flicted the wound on Governor Connally's
20 right wrist?" "No, for the reason there
21 are too many fragments described in that
22 wrist."

23 MR. OSER:

24 Thank you, Doctor, that is the point I
25 am talking about.

1 BY MR. OSER:

2 Q Now, referring back to that same paragraph
3 in the clinical summary, in the next
4 sentence you said, "According to news-
5 paper reports (Washington Post November 23
6 1963) Bob Jackson, a Dallas 'Times Herald'
7 photographer, said he looked around as
8 he heard the shots and saw a rifle barrel
9 disappearing into a window on an upper
10 floor of the nearby Texas School Book
11 Depository Building." Can you tell me
12 who called that particular newspaper arti-
13 cle to your attention?

14 A Are you referring to Page 979 of the Hearing?

15 Q No, sir, I am back on your original autopsy
16 report, Page 2.

17 A I have it.

18 Q The sentence right after you said that Governor
19 Connally was wounded by the same gunfire.

20 A What was that sentence?

21 Q Right after "gunfire."

22 A "Governor Connally was seriously wounded by
23 the same gunfire." This is part of the
24 autopsy report I signed.

25 Q Can you tell me who called that particular

1 Q newspaper article to your attention,
2 and why?

3 A As I recall, it was Dr. Humes who mentioned
4 this article to me.

5 Q Colonel, do you customarily take notice of
6 newspaper articles in an autopsy report?

7 A At times it is done.

8 Q Therefore, Doctor, am I correct in stating
9 that particular autopsy report signed by
10 you was based, partially on hearsay evi-
11 dence, is that correct? By that I mean
12 evidence received by someone other than
13 you having actual personal knowledge of
14 the thing?

15 A Having not been at the scene I had to get
16 information from somebody else.

17 Q Did you have occasion to read a newspaper
18 article of November 22 or 23, which re-
19 ported there were four to six shots fired
20 and they came from the grassy knoll, being
21 stated by Miss Jean Hill? Did you read
22 that before you made your report?

23 A I don't recall reading that before I made the
24 report. I may have been aware at that
25 time of conflicting reports as regards the

1 number and the difference in the direc-
2 tion of the shots, but I cannot pinpoint
3 the time.

4 Q Since you are referring to the Washington
5 Post --

6 A Would you repeat that?

7 THE COURT:

8 Mr. Oser, speak into the microphone, it
9 may help a little bit.

10 BY MR. OSER:

11 Q Since you are dealing with the Washington Post
12 article of November 23, 1963 in your
13 autopsy report, I wondered if you had
14 an occasion to either read the article
15 or have it brought to your attention, that
16 one Charles Brehm, one of the spectators
17 close to the Presidential limousine, saw
18 material which appeared to be a sizeable
19 portion of President Kennedy's skull --

20 MR. DYMOND:

21 Objection, that is not in evidence.

22 THE COURT:

23 This is not a prior contradictory state-
24 ment, Mr. Oser, is it?

25 MR. OSER:

1 I am asking if he took this into account
2 when he --

3 THE COURT:

4 Where are you reading from?

5 MR. OSER:

6 An article taken out of the Washington
7 Post on the same day as the article
8 by Bob Jackson.

9 MR. DYMOND:

10 Your Honor, that has no place in this
11 trial at all.

12 THE COURT:

13 Mr. Oser, I think you are enlarging the
14 scope of the prior contradictory
15 statement unless you can allege it
16 was made in the report.

17 MR. OSER:

18 I am trying to ascertain what hearsay
19 they used to arrive at their report.

20 MR. DYMOND:

21 If you permit that you will have to permit
22 Counsel to go through every conflict-
23 ing report that was reported by every
24 alleged eyewitness to the assassina-
25 tion and ask this witness whether

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

they were taken into account. It
certainly has no place in this trial
and is completely irrelevant to the
issues and irrelevant to the credibil-
ty and qualifications of the Doctor
and irrelevant to the material on
which he is testifying.

NO HIATUS HERE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT:

I believe that the witness did state a few moments ago that he was not there personally and they did have to accept what Mr. Oser termed as hearsay. I believe the question being put by the District Attorney is to find out what other hearsay evidence they received.

MR. OSER:

That's right.

THE COURT:

Can't you ask a specific question instead of reading the article?

MR. DYMOND:

The thrust of my objection is that we have nothing before The Court to show this was even a bit of hearsay without even asking the Doctor whether he heard it. This is something that is purely out of the files of the District Attorney.

MR. OSER:

Your Honor, the State is attempting to ascertain from the Colonel whether or

1 not he based his conclusions or his
2 autopsy report on any type of hearsay
3 other than that type of hearsay that
4 backed up what the Warren Commission
5 wanted it to be, or the Federal
6 Government. Strike Warren Commission
7 and make it Federal Government.

8 MR. DYMOND:

9 Your Honor, what I'm trying to impress on
10 The Court is you have nothing before
11 you to even show there is hearsay
12 evidence to the effect of this state-
13 ment that has been made by the District
14 Attorney. That is completely outside
15 the scope of the evidence in this case.
16 We don't know any such contention was
17 ever made by anybody.

18 THE COURT:

19 If the witness signed part of a three-man
20 report and you referred to the report
21 without using exact words, I would
22 permit it, which you did previously.
23 I think a general question can be
24 asked, did they interview any other
25 person, without saying what those

persons said.

BY MR. OSER:

Q Colonel, besides what you referred to in paragraph 2 of the report, were you furnished with any other alleged statements by any of the witnesses in Dealey Plaza, namely the witnesses to the assassination of President Kennedy on November 22?

MR. DYMOND:

Is this question restricted to before he signed the autopsy report?

MR. OSER:

I am asking about at the time he signed the report.

THE COURT:

It is restricted to that period.

BY MR. OSER:

Q Were you furnished statements by anyone else?

A We based the statement on the people who had been at the scene.

THE COURT:

Let me interrupt you a second. You say "we," I presume you mean you and the other two doctors?

1 THE WITNESS:

2 Yes, sir.

3 THE COURT:

4 Mr. Oser's question is, did you and the
5 other two persons personally inter-
6 view these people or get it from
7 another source?

8 THE WITNESS:

9 I personally talked to Secret Service
10 Agent Kellerman. I personally talked
11 to Admiral Berkley, the personal
12 physician to President Kennedy. I
13 personally talked to Admiral Galloway,
14 who was referring to a third witness
15 present at the scene. There may have
16 been others leading us to the state-
17 ment that to the best of our knowledge
18 at that time there were three shots
19 fired.

20 BY MR. OSER:

21 Q Doctor, speaking of the wound to the throat
22 area of the President as you described it,
23 after this bullet passed through the
24 President's throat in the manner in which
25 you described it, would the President have

1 been able to talk?

2 A I don't know.

3 Q Do you have an opinion?

4 A There are many factors influencing the ability
5 to talk or not to talk after a shot.

6 Q Did you have an occasion to dissect the track
7 of that particular bullet in the victim as
8 it lay on the autopsy table?

9 A I did not dissect the track in the neck.

10 Q Why?

11 A This leads us into the disclosure of medical
12 records.

13 MR. OSER:

14 Your Honor, I would like an answer from the
15 Colonel and I would ask The Court so
16 to direct.

17 THE COURT:

18 That is correct, you should answer, Doctor.

19 THE WITNESS:

20 We didn't remove the organs of the neck.

21 BY MR. OSER:

22 Q Why not, Doctor?

23 A For the reason that we were told to examine the
24 head wounds and that the --

25 Q Are you saying someone told you not to dissect

1 the track?

2 THE COURT:

3 Let him finish his answer.

4 THE WITNESS:

5 I was told that the family wanted an exam-
6 ination of the head, as I recall, the
7 head and chest, but the prosectors
8 in this autopsy didn't remove the
9 organs of the neck, to my recollec-
10 tion.

11 BY MR. OSER:

12 Q You have said they did not, I want to know why
13 didn't you as an autopsy pathologist at-
14 tempt to ascertain the track through the
15 body which you had on the autopsy table
16 in trying to ascertain the cause or causes
17 of death? Why?

18 A I had the cause of death.

19 Q Why did you not trace the track of the wound?

20 A As I recall I didn't remove these organs from
21 the neck.

22 Q I didn't hear you.

23 A I examined the wounds but I didn't remove the
24 organs of the neck.

25 Q You said you didn't do this; I am asking you why

1 didn't do this as a pathologist?

2 A From what I recall I looked at the trachea,
3 there was a tracheotomy wound the best I
4 can remember, but I didn't dissect or
5 remove these organs.

6 MR. OSER:

7 Your Honor, I would ask Your Honor to
8 direct the witness to answer my
9 question.

10 BY MR. OSER:

11 Q I will ask you the question one more time:

12 Why did you not dissect the track of the
13 bullet wound that you have described today
14 and you saw at the time of the autopsy at
15 the time you examined the body? Why? I
16 ask you to answer that question.

17 A As I recall I was told not to, but I don't
18 remember by whom.

19 Q You were told not to but you don't remember by
20 whom?

21 A Right.

22 Q Could it have been one of the Admirals or one
23 of the Generals in the room?

24 A I don't recall.

25 Q Do you have any particular reason why you cannot

1 recall at this time?

2 A Because we were told to examine the head and
3 the chest cavity, and that doesn't include
4 the removal of the organs of the neck.

5 Q You are one of the three autopsy specialists
6 and pathologists at the time, and you
7 saw what you described as an entrance
8 wound in the neck area of the President of
9 the United States who had just been
10 assassinated, and you were only interested
11 in the other wound but not interested in
12 the track through his neck, is that what
13 you are telling me?

14 A I was interested in the track and I had observed
15 the conditions of bruising between the
16 point of entry in the back of the neck and
17 the point of exit at the front of the
18 neck, which is entirely compatible with
19 the bullet path.

20 Q But you were told not to go into the area of
21 the neck, is that your testimony?

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

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

1 A I did.

2 Q With what?

3 A With an autopsy room probe, and I did not succeed
4 in probing from the entry in the back of
5 the neck in any direction and I can explain
6 this. This was due to the contraction of
7 muscles preventing the passage of an instrument,
8 and if I had forced the probe through the
9 neck I may have created a false passage.

10 Q Isn't this good enough reason to you as a
11 pathologist to go further and dissect this
12 area in an attempt to ascertain whether or
13 not there is a passageway here as a result of
14 a bullet?

15 A I did not consider a dissection of the path.

16 Q How far did the probe go into the back of the
17 neck?

18 A Repeat the question.

19 Q How far did the probe go into this wound?

20 A I couldn't introduce this probe for any extended
21 depth. I tried and I can give explanations
22 why. At times you cannot probe a path;
23 this is because of the contraction of
24 muscles and different layers.

25

1 3 It is not like a pipe, like a channel.
2 It may be extremely difficult to probe
3 a wound through muscle.
4 Q Can you give me approximately how far in this
5 probe went?
6 A The first fraction of an inch.
7 Q If you had dissected this area, Doctor,
8 wouldn't you have been able to ascertain
9 what the track was, as you have described
10 in this courtroom, without dissecting it?
11 A I don't know.
12 Q You don't know?
13 A I don't know. Wounds are different in one
14 case from another, and I did not dissect -
15 Q Let me ask you this, Doctor: Let me ask you
16 whether or not in dealing with this
17 particular back of the neck wound, as you
18 describe it, whether you dissected the
19 skin area, took a cross-section of the
20 skin, submitted that to microscopic
21 examination, to ascertain whether or not
22 there was any singed area or burnt area
23 as a result of a high speed bullet pass-
24 ing through the skin? Did you or did you
25 not do that?

1 A I remember removing skin at the entry at the
2 back of the neck, or I was present when
3 this was done, and microscopic examination
4 was made of this wound of entry.

5 Q Is the result of that microscopic examination
6 in this autopsy report?

7 A No. I think it is part of the supplementary
8 report where Dr. Humes describes the
9 microscopic appearance of the wound
10 of entry. I made a positive identifica-
11 tion of entry in the back of the neck
12 based on naked eye examination. I
13 examined that very closely and it had the
14 gross characteristics of the wound of
15 entry.

16 Q Isn't it the more accepted pathological pro-
17 cedure at an autopsy to submit a wound
18 area such as this, or a cross-section of
19 it, to microscopic examination to
20 ascertain whether there is a scorch area
21 or burn area of the skin to see if there
22 was a high speed bullet passing through
23 the skin?

24 MR. DYMOND:

25 I would ask Counsel to confine his

1 questions to one at the time.

2 THE COURT:

3 Break the question down, Mr. Oser.

4 BY MR. OSER:

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

12 A The microscopic examination of a wound is a
13 supplementary examination which I have
14 done many times, but in this case the
15 gross characteristics were sufficient to
16 me to make a positive identification of
17 a wound of entry in the back of the neck.
18 I think I saw microscopic sections. I was
19 in the office of Dr. Humes, but again I
20 don't remember the time of the examination
21 of these microscopic sections.
22
23
24
25

1 Q How about the results?

2 A I don't remember the timing of the results

3 of the microscopic sections.

4 Q I am not asking you for the timing of the re-

5 sults, I am asking you for the results,

6 Colonel.

7 A From what I recall, Dr. Humes described

8 alteration of the tissue at the level

9 of the wound of entry. Do you have that

10 supplementary report?

11 Q I don't have it, that is why I am asking you

12 if you have your notes here.

13 A I don't have this microscopic report with me.

14 Q You didn't burn your notes also, did you?

15 A No.

16 Q Colonel, you said you remember Agent Kellerman

17 being in the autopsy room. Do you re-

18 member having a conversation with Agent

19 Kellerman at the time you were examining

20 this wound of the President, and talking

21 about that particular wound you said to

22 the Agent that there were no lanes for

23 an outlet of the shoulder wound? Do you

24 remember telling him that, sir?

25 A I remember stating that at the time I examined

124
J4/N2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q the wound of entry in the back I didn't find an exit corresponding to this entry. I don't remember to whom it was, it may have been Mr. Kellerman, it may have been one of the two FBI Agents.

Q My question was, do you recall categorizing it as a shoulder wound as opposed to a neck wound to this person in the autopsy room?

A I don't recall mentioning a shoulder wound. I am referring to a wound in the neck, in the back of the neck, and a wound in the back of the head.

Q If I told you, Colonel, that Agent Kellerman in his testimony --

MR. DYMOND:

I object to this, Your Honor: "If I told you Agent Kellerman's testimony."

THE COURT:

You cannot ask one witness to decide the credibility of another witness. I think you will have to do it a different way. The objection is sustained.

BY MR. OSER:

Q Colonel, in talking about the wound in the back

1 of the President, can you tell me
2 whether or not it hit any bone?

3 THE COURT:

4 Why don't you identify which wound you
5 are talking about.

6 BY MR. OSER:

7 Q State Exhibit 69, this one right here. Can
8 you tell me whether that hit any bone
9 in his neck?

10 A From the X-rays it was determined that this
11 bullet entering in the back of the neck,
12 coming out in the front of the neck, did
13 not strike major bones.

14 Q Did it strike any bones?

15 A There was no evidence of bone injury from the
16 X-ray, and the X-ray is the basis to refer
17 to to answer such a question.

18 Q Now, since I asked you before about whether or
19 not President Kennedy could have spoken,
20 what was your opinion as to whether or not
21 he could have said any words after receiving
22 the wound in his back as described and de-
23 picted in S-69?

24 MR. DYMOND:

25 Your Honor, I think this is repetitious.

1 The Doctor has already testified --

2 MR. OSER:

3 Your Honor, what I am doing is --

4 THE COURT:

5 When one person makes an objection will
6 the other person let him finish be-
7 fore he starts speaking.

8 MR. DYMOND:

9 The Doctor has already testified he does
10 not know whether the President could
11 speak and there are many factors
12 which would have to be considered.
13 This is merely the same question.

14 MR. OSER:

15 I am asking for his opinion. He has not
16 given me his opinion.

17 THE COURT:

18 I think, Mr. Dymond, that the State is
19 going into another area, and because
20 of that I will permit the question.

21 THE WITNESS:

22 To be able to talk you need integrity of
23 the vocal folds or vocal cords, and
24 I didn't see the vocal folds of
25 President Kennedy.

1 BY MR. OSER:

2 Q Why didn't you?

3 A From what I remember I didn't -- well, from
4 the best of my recollection the wound was
5 outside of the vocal fold area.

6 Q Isn't it a fact, Doctor, at the time you were
7 performing the autopsy, or assisting in
8 performing the autopsy, you were of the
9 opinion the wound in the back of the
10 President was not a through-and-through
11 gunshot wound?

12 A At the time of the autopsy on that night?

13 Q Right.

14 A Having a wound of entry and no wound of exit,
15 and negative X-rays showing no bullets
16 in the cadaver at that time, the time of
17 the autopsy, I was puzzled by the fact
18 of having an entry and no exit. However,
19 this cleared up after the conversation
20 between Dr. Humes and the surgeons at
21 Dallas who stated that included a small
22 wound in the front of the neck in their
23 incision of tracheotomy to keep the
24 breathing of the President up.

25 Q On the night of the 22nd of November you did

1 Q have occasion to see the wound in the
2 area of the throat?

3 A On the skin?

4 Q Yes.

5 A NO, I examined the surgical incision, but I
6 don't recall seeing the small wound de-
7 scribed by the Dallas surgeons. It was
8 part of the surgical incision and I didn't
9 see it.

10 Q You saw the incision.

11 A In the front of the neck, definitely.

12 Q You were puzzled by what you found in the back,
13 is that right?

14 A I was not puzzled by what I found in the back,
15 I was puzzled by having a definite entry
16 in the back, a bruise in the plural region,
17 that is the region of the cavity of the
18 chest, which was bruised, between the
19 entry in the back and the exit in the
20 front, and the three of us, the prosecutors,
21 we saw that bruise, and the following day
22 knowing that a small wound had been seen
23 in the front of the neck that made very
24 much sense to me, an entry in the back, a
25 wound in the front and a bruise in between

1 due to the passage of that bullet.

2 Q On the night you had the President's body on
3 the autopsy table, if you had dissected
4 that particular area would you not have
5 been able to ascertain it was a through-
6 and-through gunshot wound?

7 A I could have, but it is a difficult question
8 to answer for the reason you deal with
9 many anatomical structures. Tissues are
10 very tight, firm.

11 Q You were a pathologist on that night, were you
12 not?

13 A Yes, I was, and still am.

14 Q How was the President's body on the autopsy
15 table? Can you give me the position it
16 was in, if you remember?

17 A He was on his back and I examined all external
18 areas of the cadaver. While on the table
19 I asked to have the cadaver turned over
20 so as to make an examination of the skin
21 of the entire cadaver.

22 Q What position was the body in, or cadaver in,
23 when you measured from the mastoid tip
24 and from the tip of the acromion in, was
25 it on its face, forward or back at the

1 Q time?

2 A I remember taking the measurements but the
3 exact position of the cadaver I don't
4 recall for the reason we removed the
5 cadaver to examine it. To take measure-
6 ments it had to be held to take those
7 measurements.

8 Q I will ask you, Colonel, if the cadaver had
9 been lying on an autopsy table with its
10 head facing to the right and the left
11 side of its head on the table and you
12 measured from the acromion down, from
13 that position wouldn't the measurement
14 be different than if the body had been
15 lying on its right side with the mastoid
16 turned more to the left? Wouldn't the
17 measurements differ in a good number of
18 centimeters?

19 A There would be some variation depending on the
20 movement of the head. From what I recall
21 we had the measurements made with the
22 head turned in a generally forward direc-
23 tion.

24 Q You can't recall whether or not the President's
25 body was on its back or stomach at the

1 Q time?

2 A No. The body was moved. It was not remaining
3 in the same position all the time during
4 the course of the autopsy.

5 Q Can you define rigor mortis for me?

6 THE COURT:

7 I cannot hear you, Mr. Oser.

8 BY MR. OSER:

9 Q Can you define rigor mortis for me?

10 A Rigor mortis, that is r-i-g-o-r, one word
11 and m-o-r-t-i-s is a separate word,
12 rigor mortis means literally stiffness
13 of death in Latin. It is a normal process
14 that occurs after death. The degree of
15 rigor mortis, the time of onset of rigor
16 mortis, varies from one case to the other.

17 Q In the case of President Kennedy in your
18 autopsy report signed by you, can you tell
19 me why the degree of rigor mortis or any
20 mention of rigor mortis is not contained
21 in this autopsy report?

22 A There is beginning rigor mortis on Page 2 of
23 the autopsy report, and that is the only
24 reference I find regarding rigor mortis.

25 Q My question now is, would varying degrees of

1 rigor mortis have anything to do with the
2 measuring of wounds in the skin area of
3 a particular body as opposed to when the
4 body was alive?

5 A Rigor mortis may make measurements difficult
6 because of the stiffness of certain
7 anatomic structures and you have diffi-
8 culties in measuring due to that resis-
9 tance of the cadaver to movement.

10 Q Colonel, in speaking of State Exhibit 69, can
11 you give me the angle of entry into the
12 back of President Kennedy as depicted in
13 the photograph, or as you saw it rather?

14 A Does Exhibit 69 show the right side of the
15 head and right side of the upper chest
16 with an arrow in the back of the neck and
17 an arrow in the front of the back?

18 Q That is correct. I am pointing to it. This
19 one here. What is this angle?

20 A This shows that the wound of entry in the back
21 of the neck is higher than the wound of
22 exit in the front of the neck.

23 Q Did you calculate what that angle was in de-
24 grees?

25 A This can't be made with great precision because

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of variables.

Q Did you calculate it, Colonel, was the question?

A I remember a figure which was somewhere in the records within 45 degrees.

NO HIATUS HERE.

1 Q Within 45 degrees?

2 A To give a general impression this may be much
3 less. What I am saying is that it was
4 not beyond 45 degrees in relation to the
5 horizontal. It may be much less than
6 that.

7 Q In referring to State Exhibit 68, and using
8 the body form diagram in the right-hand
9 side showing the back of an individual,
10 if I were to draw a perpendicular line
11 through the individual, through the mid-
12 line, can you tell me, Doctor, what the
13 lateral angle from right to left that this
14 particular projectile took going through
15 the neck as it described in S-69?

16 A Mr. Oser, you have shown the neck wound on one
17 exhibit and the head wound on another.

18 Q I will restate my question. Taking this back
19 view of an individual human, draw your
20 line down the mid-line of this individual,
21 can you tell me whether or not you all
22 calculated the angle at which this bullet
23 proceeded through this back wound area
24 that you described in the neck, how much
25 of an angle from right to left did this

1 bullet go in?

2 A Well --

3 MR. DYMOND:

4 If The Court please, we object to that on
5 the ground it is a question which
6 is impossible to answer. You
7 couldn't have an angle between a
8 perpendicular line and a line going
9 in from above and behind. If you
10 wanted to figure an angle on that
11 you would have to have it passing
12 between the path of the bullet and
13 a line drawn through the center of
14 the subject. That is the only way
15 you can answer a question of that
16 kind.

17 THE COURT:

18 I understand it. In other words, your
19 horizontal line down from the head
20 through the mid-line, a fictitious
21 mid-line, would be the straight line.
22 You have a horizontal line so you
23 have a right angle, and you have to
24 have an entrance and an exit. Unless
25 he knows where the exit is he cannot

1 give an angle, and he hasn't testi-
2 fied he knows where the exit was.

3 MR. OSER:

4 He testified it went out through the
5 front.

6 THE COURT:

7 He didn't tell you what part of the front
8 it came out.

9 MR. OSER:

10 His testimony was it exited where the
11 arrow is on -69.

12 THE COURT:

13 I don't recall him testifying to that.
14 Rephrase your question.

15 Doctor, can you give us the
16 angle from your autopsy examination
17 of the neck, as far as you did go,
18 can you give us the angle of the
19 entrance and exit of this bullet from
20 the neck of the President, unless you
21 knew where it came out?

22 THE WITNESS:

23 In relation to the horizontal plane or in
24 relation to the right and left?

25 BY MR. OSER:

1 Q In relation to right and left. My original
2 question was, did he calculate such an
3 angle?

4 A From what I recall at the angle I was referring
5 to, it was within 45 degrees, was in
6 relation to the horizontal as far as the
7 difference of level between the entry in
8 the back of the neck and the exit in the
9 front of the neck. I don't recall angles
10 in relation to a right and left direction.

11 Q Doctor, for a bullet to pass through this par-
12 ticular part of the body as described in
13 S-69, and not hit any bone, would you say
14 that was an extremely small corridor for
15 such a bullet to go through and not hit
16 a bone?

17 A It is possible this bullet produced an entry
18 and exit, as I testified, without produc-
19 ing gross evidence of bone damage.

20 Q I think you testified before, Doctor, there
21 was no bone damage in the area of the
22 neck?

23 A Yes.

24 Q Could you tell me, Colonel, from viewing the
25 autopsy X-rays, whether or not there were

1 any metallic fragments or deposits in the
2 area of the wound described in S-69?

3 A I don't remember seeing fragments in the area
4 of the neck. I remember seeing numerous
5 fragments in the X-ray of the head but
6 that corresponded to another wound.

7 Q In referring once again, Colonel to S-67 for
8 identification, the five-page report
9 signed by you in January, 1967, can you
10 tell me why this report was prepared?

11 A Please repeat your question.

12 Q Can you tell me why this report was prepared,
13 the one you signed in January, 1967?

14 A The purpose of this, as I recall, was to
15 correlate our autopsy report of November
16 1963, and the X-rays and photographs of
17 the wounds, because we had seen the X-rays
18 at the time of the autopsy but we hadn't
19 seen the photographs in November 1963 or
20 in March 1964, so in 1967 we were asked to
21 look at those X-rays and photographs.

22 Q By whom were you asked to do this?

23 THE COURT:

24 Are you waiting for an answer?

25 MR. OSER:

1 Yes.

2 THE COURT:

3 I thought you were referring to your
4 notes, Doctor.

5 MR. OSER:

6 I asked the witness --

7 THE COURT:

8 I heard your question. I was just wanting
9 to know if you were waiting for an
10 answer.

11 THE WITNESS:

12 I think I went first to the -- I saw
13 these photographs and X-rays to the
14 best of my recollection at the
15 archives of the United States in
16 January 1967, the photographs, for
17 the first time.

18 THE COURT:

19 He didn't ask you that question. He
20 wanted to know who asked you to do
21 this. Was that your question?

22 MR. OSER:

23 Yes, sir.

24 THE WITNESS:

25 As I recall it was Mr. Eardley. There are

1 many names involved in this. I think
2 it was Mr. Eardley at the Department
3 of Justice and I had the authority to
4 go there from the military.

5 BY MR. OSER:

6 Q Can you tell me whether or not you were asked
7 to do this summary in January 1967 in
8 regard to a panel review that was going
9 to be done by Mr. William H. Carns,
10 Russell S. Fisher, Mr. Russell H. Morgan
11 and Mr. Alan R. Moritz.

12 A In January 1967 when I signed S-67, to the best
13 of my recollection, I was not aware of this
14 panel review which took place in 1968, if
15 you are referring to an independent panel
16 review.

17 Q I am.

18 A It was composed of W. H. Carns, Russell H.
19 Fisher, Russell H. Morgan and Alan R.
20 Moritz.

21 Q That is correct, Colonel.

22 A I don't remember knowing in 1967 that these
23 four names were reviewing the evidence to
24 the best of my recollection.

25 Q Are you familiar with their work?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I have read this. I was made aware of this panel review, I had received this panel review in February 1969.

MR. OSER:

Your Honor, I am going to a new area.

Do you want to take a coffee break now?

THE COURT:

Yes. Sheriff, take the Jury upstairs and we will have a 10-minute recess.

(SHORT RECESS.)

NO HIATUS HERE

1 THE COURT:

2 Are both sides ready to proceed?

3 MR. DYMOND:

4 Yes.

5 MR. OSER:

6 Yes.

7 BY MR. OSER:

8 Q Colonel, referring to the autopsy report of
9 November 24, 1963, of the 25th, the re-
10 port, the original autopsy report --

11 A I signed it on Sunday, 24 November, 1963 far
12 as I can remember.

13 Q Referring to that again on page 2 in the
14 clinical summary in Paragraph 3 you have
15 it marked there that shortly -- in the
16 third paragraph on page 2 of that report
17 you state that "shortly following the
18 wounding of the two men the car was driven
19 to Parkland Hospital in Dallas. In the
20 Emergency Room of that hospital the Presi-
21 dent was attended by Dr. Malcolm Perry.
22 Telephone communication with Dr. Perry on
23 November 23, 1963 develops the following
24 information relative to the observations made
25 by Dr. Perry and the procedures performed there

1 prior to death." Is that correct?

2 A Yes.

3 Q Did you have occasion, Colonel, to speak to
4 Dr. Perry and I ask you if you did whether
5 or not Dr. Perry classified the wound he
6 found in the throat?

7 MR. DYMOND:

8 I object on the grounds that he never --

9 THE COURT:

10 First let's find out if the witness spoke
11 with Dr. Perry.

12 BY MR. OSER:

13 Q Did either you, Colonel, or one of your fellow
14 members of the autopsy report speak to
15 Dr. Perry in Dallas?

16 A I personally did not talk to Dallas, to a
17 Dallas doctor but Dr. Humes called him
18 after the autopsy and he told me so.

19 Q Did you have a conversation with Dr. Humes
20 regarding what was learned in Dallas, Texas
21 from the Dallas doctors concerning --

22 THE COURT:

23 Make it one question.

24 MR. OSER:

25 I just asked him whether or not he did.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT:

Rephrase your question.

BY MR. OSER:

Q Did you talk to Dr. Humes about his conversation?

A I did.

THE COURT:

That breaks it down.

BY MR. OSER:

Q Will you tell us whether or not you had any knowledge that the wound in the area where the tracheotomy was performed was classified as that of an entrance wound in Dallas, Texas?

A All I learned is that the communication was between Dr. Humes and one or more of the Dallas surgeons, maybe Dr. Perry or it may be others, but they were people taking care of President Kennedy in the Emergency Room, that there was a small wound in the front of the neck of President Kennedy and that they included that small wound of approximately 5 millimeters in diameter in their tracheotomy incision.

1 Q Did you have available to you a further
2 description of this small wound that they
3 found in Dallas, Texas prior to perform-
4 ing the tracheotomy?

5 A Outside of the location in the anterior, in the
6 front of the neck, and the description I
7 don't recall there was more detail about
8 that wound found by the Dallas surgeons.

9 Q Can you tell me, Colonel, whether or not you had
10 at your disposal any information from
11 Dr. Kemp Clark?

12 MR. DYMOND:

13 If The Court please, we have not been
14 objecting to hearsay but at this
15 point any information of this type
16 would be hearsay unless this doctor
17 spoke with that person and even then
18 it would still be hearsay.

19 MR. OSER:

20 I didn't ask what the content was, I asked
21 him if he had any information available
22 from Dr. Kemp Clark.

23 THE COURT:

24 He can say yes or no. Did you understand
25 the question?

1 THE WITNESS:

2 There was a Dr. Clark mentioned. I did
3 not talk to him.

4 BY MR. OSER:

5 Q Did you have an occasion to talk to Dr. Charles
6 Carrico from Dallas, Texas?

7 A I did not.

8 Q Do you know whether or not Commander Humes or
9 Commander Boswell spoke to this doctor?

10 A Again I cannot pinpoint names of these Dallas
11 surgeons with whom Dr. Humes communicated
12 with. I know the results of the communi-
13 cation but I cannot say he did or did not
14 speak to this one or that one.

15 Q Now, can you describe for me as to how large
16 this wound was in the throat area that you
17 saw the night of November 22, 1963?

18 A It was a long sideways surgical incision.

19 Q Could you tell me Colonel whether or not you
20 could have taken this particular area, or
21 the particular wound in the throat, and
22 meshed the two sides of the incision back
23 together again and ascertain whether or
24 not this was a wound within the incision
25 caused by some missile?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A I examined this and I did not see the wound caused by the ball. It was a surgical wound. I did not see it.

Q If you were to see a man, Colonel, I take it as a small type of wound if it was there?

A According to the telephone conversation, it was a small wound in the front of the neck.

Q Did you have occasion, Colonel, to dissect this particular wound area and to make a cross-section and submit it to microscopic-

THE COURT:

I'm going to stop this if it is repetitious.

NO HEARING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. OSER:

If the Court please, he described that he tracked it from the back to the front.

MR. DYMOND:

We object on the grounds it is repetitious.

MR. OSER:

If the Court please, I have previously talked about dissecting and submitting to microscopic examination the wound the Colonel described in the back area and I am now on the throat area or what he alleges is the exit wound of the projectile.

MR. DYMOND:

He covered that this morning and said he did not and that was covered very, very lengthy.

THE COURT:

He said he did not and I don't know where you were when he said that, Mr. Oser. Go ahead and answer the question, Doctor.

BY MR. OSER:

Q Did you dissect any area of the neck muscles which might have been thought to be an exit

1 wound of the President's neck.

2 THE COURT:

3 He said he didn't dissect anything.

4 THE WITNESS:

5 I made some measurements of, of course
6 to determine the wound, this was
7 the wound of entry in the back of
8 the neck and I examined both edges
9 of the surgeon's surgical incision
10 in the front of the neck. I don't
11 remember a dissection of this area.
12 I remember a very close gross ex-
13 amination.

14 BY MR. OSER:

15 Q Colonel, I believe you testified before that
16 normally in gunshot wounds, correct me if
17 I am wrong, that when a gunshot wound
18 enters an area of the body it leaves a
19 relatively small hole. What happens to
20 that wound when it exits in regard to the
21 size in comparison to the entry wound?

22 A There is a variation from one case to the other.
23 The wound of exit may be small. It may be
24 smaller than the wound of entry. It may
25 be larger than the wound of entry. This,

of course, depends on various factors.

1
2 Q I believe you also testified you have done
3 some work with firing of rifles at the
4 Arsenal and so forth?

5 A Yes.

6 Q What is the usual thing that you find in com-
7 paring sizes of entry wounds as to an exit
8 wound?

9 A Again, there is a variation from one case to
10 the other. The exit is often larger than
11 the entry but this is not always the case.

12 Q Now, Colonel, using State Exhibit 68, the dia-
13 gram of the wound showing on the Autopsy
14 Descriptive Sheet in the back area it has
15 a description of seven by four millimeters.
16 Can you tell me whether or not that is a
17 correct measurement of the entrance wound
18 into the back area of the President?

19 A As I remember I took those measurements and
20 they were from one edge of the wound in
21 one diameter and from one edge of the
22 wound to the other in another diameter.
23 At this time I would like to say there is
24 some variation in taking measurements of a
25 wound because you may take into account the

1 edge itself or the abrasion, the rubbing
2 around the edge of the wound, and that may
3 explain some differences in taking measure-
4 ments.

5 Q Can you give me, Colonel, the approximate size
6 in inches or parts of inches that seven by
7 four millimeters would be?

8 A Seven millimeters is approximately one-quarter
9 of an inch. These are approximate things.

10 Q And what is your answer, Colonel, about one-
11 quarter of an inch, you say?

12 A I have to consult notes because it requires
13 conversion from metric units to inch units.
14 This is close enough to say that seven
15 millimeters is approximately one-quarter
16 of an inch.

17 Q Colonel, I show you State Exhibit 66 and ask
18 you whether or not a bullet, or the pellet
19 contained in that particular cartridge,
20 could have caused the hole as you have
21 described?

22 A Yes, if this is a --

23 Q I am merely asking you, Colonel, from looking
24 at that particular pellet whether or not
25 that could have caused the hole such as

1 you described?

2 A This is compatible with it.

3 Q Colonel, can you give me the measurements of

4 the wound in the area of the front of the

5 President's neck that I am pointing to here

6 on State Exhibit 69?

7 A As I recall, it was given by the Dallas surgeons

8 as approximately five millimeters in diameter.

9 Q Can you convert approximately five millimeters

10 in diameter to a part of an inch for me,

11 please?

12 A Approximately three-sixteenths of one inch

13 corresponds to five millimeters.

14 Q Referring, Colonel, to your Summary Report,

15 State-67 for purposes of identification,

16 which you signed on 26 January, 1967, can

17 you tell me why you did not list the size

18 of the wound that you say is the exit wound

19 in the throat of the President?

20 A Because I did not, I did not see that wound in

21 the front. I did not, I don't know why it

22 is not there.

23 Q You say you did not see it?

24 A I did not see the wound of exit in the skin. I

25 saw a hole of exit in the shirt of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

President.

Q But in speaking of the throat area, or skin area of the President, relative to his throat you said it was approximately five millimeters and you later said that Commander Humes received this information from Dallas.

A The wound that was in the front of the neck I obtained that information from Dr. Humes.

NO HIATUS HERE.

1 Q Therefore would you say, Colonel, that the
2 wound in the back of the neck as you
3 describe it is larger than the wound in
4 the throat area?

5 MR. DYMOND:

6 We object to this. First of all, the
7 Doctor testified that these are
8 approximate measurements on wounds
9 in the skin. Secondly, the doctor
10 testified that he never saw the front
11 bullet wound and consequently an
12 answer on that would have to be based
13 on measurements made by someone else,
14 told to someone else, and then
15 included in the report.

16 MR. OSER:

17 All the results, if The Court please, from
18 two autopsy reports signed by this
19 witness stating that -- I believe he
20 said everything in here is true and
21 correct when I asked him, then I
22 asked him if he wished to change
23 anything in here at the beginning of
24 his testimony and he said no.. I'm
25 trying to ascertain what he told

1 Defense Counsel on direct examination, 15
2 he stated this was an exit wound and
3 I am trying to find out whether the
4 hole in the back is larger than the
5 front and whether or not it is com-
6 patible with a wound from this type
7 of bullet.

8 MR. DYMOND:

9 If The Court please, the Doctor testified
10 what he based his conclusions on and
11 further testified that he never did
12 see the front wound in the neck and
13 consequently the question is impos-
14 sible of answer.

15 THE COURT:

16 He has testified he is familiar with the
17 information received from Dr. Humes
18 from the surgeons in Dallas, Texas
19 and he knows it was in the report and
20 that the information was communicated
21 to him and he was aware of it. I
22 understand that Mr. Oser's question
23 is whether the entrance wound from
24 the rear was larger than the exit
25 wound, which was the information

1 given by the surgeon in Dallas,
2 Texas.

3 MR. DYMOND:

4 Your Honor has consistently ruled through-
5 out the trial that a witness cannot
6 relate what someone else related to
7 him.

8 THE COURT:

9 Ordinarily I agree but it was advised to
10 him and he was made cognizant of it
11 when he signed the original report,
12 when he signed the report he either
13 knew that as a fact which was received
14 it from Commander Humes who received
15 it from Dallas. I will permit the
16 question.

17 You are asking Dr. Finck if from
18 the information he had whether or not
19 the measurements of the alleged
20 entrance wound as you wish to call
21 it, alleged, is not larger than the
22 information received from Dallas of
23 the entrance wound in the front. I
24 will permit you to ask it.

25 MR. DYMOND:

1 To which Counsel respectfully objects and
2 reserves a Bill of Exception on the
3 grounds this is hearsay evidence
4 making the entire line of questioning,
5 particularly this question, the
6 answer to the question, the objection
7 and ruling of the Court and the entire
8 record parts of the bill.

9 MR. OSER:

10 Could I have the witness answer my ques-
11 tion. Will you answer the question.

12 THE WITNESS:

13 Please repeat the question.

14 THE REPORTER:

15 Question: "Therefore, would you say,
16 Colonel, that the wound in the back
17 of the neck as you described it is
18 larger than the wound in the throat
19 area?"

20 MR. DYMOND:

21 Your Honor, that is not the question you
22 stated you were ruling on. You said
23 you were ruling on the question whether
24 it was larger than the information
25 indicated.

1 MR. OSER:

2 I will ask that question.

3 THE WITNESS:

4 Whether or not it was larger?

5 BY MR. OSER:

6 Q Than the information you received from the
7 doctors in Dallas.

8 MR. DYMOND:

9 Object now on the ground that he didn't
10 receive the information from the
11 Doctor.

12 THE COURT:

13 I just ruled that he signed his name to
14 the report and under that exception
15 I will permit the question. Do you
16 understand the question?

17 MR. OSER:

18 Let me ask you again, Doctor --

19 THE COURT:

20 No, because then I will have to be ruling
21 on different things if you change the
22 question each time.

23 MR. OSER:

24 Then I'll ask that the Court Reporter
25 read the question I asked.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE REPORTER:

Question: "Therefore, would you say, Colonel, that the wound in the back of the neck as you described it is larger than the wound in the throat area" -- then he added the second part of the question, Your Honor, which says, "than the information you received from the doctors in Dallas?"

THE WITNESS:

I don't know 'cause I measured the wound of entry whereas I had no way of measuring the wound of exit and the wound could have been slightly smaller, the same size, or slightly larger because all I have is somebody saying it was approximately 5 millimeters in diameter.

NO HIATUS HERE

1 THE COURT:

2 We have covered it well and you can go
3 on to something else now, Mr. Oser.

4 BY MR. OSER:

5 Q You said the back wound was seven by four
6 millimeters, Doctor?

7 A Approximately, all these measurements are
8 approximately.

9 Q Why approximate, Colonel?

10 A Because the edge of the wound can be measured
11 in different ways. The edge of the wound
12 is something that you measure with a ruler
13 and you take approximate measurements and
14 you write them down.

15 Q Now in speaking about the head wound in
16 State Exhibit 70, I believe you testified
17 on direct examination that you found a
18 wound in the back of the head approximately
19 one inch to the right and slightly above
20 the exterior occipital protuberance, is
21 that right?

22 A Yes.

23 Q Does State 70 show the correct location of this
24 measurement?

25 A The profile of the head showing the wound in the

1 back of the head and exit on the right
2 side?

3 Q I am only now speaking of the wound marked "in,"
4 does that correctly indicate, where the
5 word "in" is on the back of the head where
6 the wound was.

7 A Again these drawings are approximate and the
8 measurements are in relation to a bony
9 prominence and from what I recall the
10 wound was higher than the bony prominence,
11 the external occipital protuberance, the
12 wound was slightly higher in relation to
13 a transversal line running through this
14 prominent occipital protuberance.

15 Q Am I correct in saying that State Exhibit 70,
16 the diagram, is not entirely correct in
17 stating the letters "in"?

18 A It is a diagram showing --

19 MR. OSER:

20 I ask that the witness answer yes or no
21 and then you can explain.

22 THE COURT:

23 You should answer.

24 BY MR. OSER:

25 Q Am I correct in saying -- I ask that the Re-

1 porter read it back.

2 (Whereupon, the question was read
3 back by the Reporter.)

4 A Having seen the photographs I think that the
5 wound was higher and therefore there is a
6 difference between the drawing and the
7 photograph.

8 BY MR. OSER:

9 Q Then the answer to my question is the photograph
10 as it is drawn in State Exhibit 70 is not
11 correct, is that correct?

12 A I would not say this drawing is incorrect.

13 Q Colonel, let me ask you: Is this hole right
14 here where I am pointing to in the correct
15 position as you saw it, right now on that
16 diagram?

17 A We are looking at things only on one plane.

18 Q Yes or no; and then you can explain your answer.

19 A I can't compare this with the examination done
20 from the back looking in the back of the
21 head. We are looking at the side of the
22 head here with the wound visible in the
23 back, but we are not facing the back of
24 the head.

25 Q Colonel, didn't you previously testify that that

1 exhibit was acquired to help you in the
2 autopsy?

3 A Yes, it did. It was the only thing available
4 to us, and for practical purposes this
5 drawing, this drawing is adequate to show
6 the approximate location of the wound in
7 the head of the President.

8 Q It only shows approximately and doesn't show
9 exactly, is that correct?

10 A It can't show it exactly. It is not a photo-
11 graph. The word exactly is excessive.

12 MR. OSER:

13 I think the question calls for a yes or
14 no answer, and then he can explain,
15 Your Honor.

16 MR. DYMOND:

17 I submit the question is one that requires
18 judgment of depth in a two-dimension
19 sketch. There is nothing at all on
20 this sketch which would permit a person
21 to give an estimate of depth. That is
22 the difference between the location of
23 something laterally and from the back
24 between this and an actual photograph.

25 THE COURT:

1 If I may suggest that Mr. Dymond used him-
2 self for the witness to demonstrate
3 on, for Dr. Finck to give the exact
4 location of entrance and why don't you
5 do it on you, Mr. Oser, and get it
6 over with.

7 MR. OSER:

8 Your Honor, I think the State has a right
9 to ascertain just how accurate these
10 two exhibits were that were used by
11 the Doctor in his testimony and this
12 is what I am trying to do.

13 THE COURT:

14 You may proceed.

15 BY MR. OSER:

16 Q Doctor, --

17 THE COURT:

18 I am going to rule Mr. Dymond is correct.
19 Rephrase the question. It does not
20 show the three dimensions, but you can
21 bring that out in the questioning if
22 you care to do so.

23

24

25

NO HIATUS HERE.

1 BY MR.OSER:

2 Q Colonel, did you use those two exhibits in your
3 testimony in front of the Warren Commis-
4 sion?

5 A As I recall I used those exhibits in my
6 testimony.

7 Q Did you use the descriptive sheet of the
8 autopsy in your testimony before the Warren
9 Commission?

10 A I don't remember using it.

11 Q Can you tell me, Colonel, whether or not on
12 the Exhibit State-70, the area I am now
13 pointing to which I believe is indicated
14 by the letter "A," whether the location
15 on this exhibit is in the same location as
16 indicated in the head area as depicted in
17 the autopsy descriptive sheet?

18 A Approximately, it is in the back of the head,
19 approximately.

20 Q Approximately. All right. Now, referring to
21 the same exhibit now pointing to an area
22 in the neck of the sketch depicted on
23 State-70, and I ask you whether or not
24 the point I'm not pointing to is supposed
25 to represent a bullet wound hole in this

- 1 particular picture?
- 2 A This represents a bullet wound in the back of
3 the neck.
- 4 Q I ask you whether or not the location where this
5 particular wound is indicated on this
6 exhibit is in the same position as ex-
7 hibited on the autopsy descriptive report
8 prepared in the morgue or on the autopsy
9 table?
- 10 A Approximately, yes. I would like to say that
11 the wound on this exhibit -- What is the
12 number of this one?
- 13 Q -68.
- 14 A The position of the wound of entry in Exhibit
15 68 was higher than shown on Exhibit 68.
- 16 Q Colonel, will you please step down from the
17 witness stand and indicate on State
18 Exhibit 68, the right-hand figure drawn
19 there, would you please with this pen mark
20 the area on that exhibit the hole as it
21 is depicted in State Exhibit 69 and -70?
- 22 A I don't have here on this exhibit the acromion
23 on the shoulder but what I can do is show
24 an approximate location higher.
- 25 Q Do you have the acromion shown in State Exhibit

1 70 -- Describe the acromion.

2 A The acromion is the bony prominence in the
3 shoulder and I can't pinpoint this on
4 this exhibit.

5 Q Well, then, from what you recall having
6 seen, would you mark it on there?

7 A Approximately?

8 Q Yes.

9 A I would say that the wound was higher.

10 Q Now, Colonel, would you put your initials by
11 that little mark and then you can resume
12 your seat. Now, Colonel --

13 A Mr. Oser, may I?

14 Q Certainly.

15 A Expand on this?

16 Q Certainly.

17 A On page 2 of Exhibit S-67, the paragraph
18 entitled "The Neck Wound," "The Location,"
19 that is what you are referring to?

20 Q I know what I am referring to, Colonel.

21 A States the drawing itself may be somewhat mis-
22 leading as to the location making it
23 appear at a point lower than it actually
24 was.

25 Q Colonel, if the photographs were misleading

1 then why did you use them?

2 MR. DYMOND:

3 I object, Your Honor, he didn't say
4 photographs.

5 THE COURT:

6 Let him finish the question and don't
7 answer until he finishes the
8 question. Finish your question then,
9 Mr. Oser.

10 BY MR. OSER:

11 Q Then, Colonel, if the photograph that you have
12 just testified to, read from your report
13 and it stated it was misleading then why
14 did you use that photograph in your testi-
15 mony in front of the Warren Commission and
16 here in court today?

17 MR. DYMOND:

18 If The Court please, we object on the
19 ground that the Doctor did not testify
20 he used photographs in his Warren
21 Report testimony. Mr. Oser is refer-
22 ring to photographs.

23 MR. OSER:

24 All right, Your Honor, the illustration
25 as it appears in State-70.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE WITNESS:

I could not use photographs in my
testimony.

NO HIATUS HERE

1 BY MR. OSER:

2 Q That wasn't my question, Colonel. My question
3 was: "If the exhibit or the drawing
4 State 70, which I am pointing to right
5 now, in your summary report says is mis-
6 leading, why did you use this exhibit in
7 testifying with it and about it in front
8 of the Warren Commission and here in
9 Court today?"

10 MR. DYMOND:

11 If the Court please, I object again, be-
12 cause that is not the exhibit which
13 the Doctor said is misleading in this
14 report. Unless I am incorrect, the
15 exhibit he states was misleading was
16 State 68.

17 THE COURT:

18 Let's ask the Doctor which exhibit did
19 you refer to as being misleading?

20 THE WITNESS:

21 Let me refer again to that Page 2 of
22 State-67.

23 Photographs No. 11, 12, 38 and 39 verify
24 the location of the wound as stated
25 in the report. Warren Commission

1 Exhibit 397 includes a drawing which 17
2 purports to show the approximate lo-
3 cation of the wound and specifically
4 notes it was five and a half inches
5 from the tip of the mastoid process
6 behind the right ear and the same
7 thing 14 centimeters from the tip of
8 the right acromion.

9 Photograph 12, 11, 38 and 39 concern the
10 accuracy of the measurements. The
11 drawing itself may be somewhat mis-
12 leading as to the location of the
13 wound. Now if I would know what that
14 refers to because no one photograph
15 shows the wound of the back of the
16 neck and the wound of the throat.

17 Photographs 26 and 38 show the wound in
18 the back of the neck higher from the
19 horizontal plane than the wound in
20 the throat. What is Exhibit 397? Is
21 this Exhibit 397 of the Warren Report,
22 is State-67?

23 BY MR. OSER:

24 Q 397, Colonel, is the handwritten --

25 A It includes a drawing in Volume 17, Page 45.

1 Q Yes, that is part of Exhibit 397, along with
2 the written notes of Dr. Humes.

3 A May I see it?

4 Q Yes. Now, Colonel --

5 A Let me answer your question now.

6 THE COURT:

7 He wants to answer your question.

8 THE WITNESS:

9 So, Exhibit, Commission Exhibit 397 in-
10 cluding the drawing which you just
11 showed to me in Volume 17, Page 45
12 is the drawing to which this discrepan-
13 cy refers on Page 2 of State-67.

14 BY MR. OSER:

15 Q Can you tell me, Colonel, when you found out
16 about this discrepancy in that drawing,
17 the discrepancy you have so marked on this
18 exhibit?

19 A At the time I was comparing this Exhibit 397,
20 Volume 17, Page 45, with the photographs
21 of the autopsy which I saw for the first
22 time in January, 1967.

23 Q So then am I correct in stating, Colonel, that
24 approximately in January, 1967 you dis-
25 covered the discrepancies in this particu-

1 lar autopsy descriptive sheet, is that
2 correct?

3 A We stated so in that statement issued on the
4 26th of January, 1967 and I can say that
5 you can expect differences between schematic
6 drawings which are made ahead of time and
7 used as a work sheet and photographs.

8 Q Colonel, what do you mean by drawings made
9 ahead of time, are you telling me the
10 descriptive sheet was drawn before the
11 autopsy of the president?

12 A Not the wounds but the contour of the body to
13 mark the location, the autopsy work sheet.
14 Many pathologists use these to record
15 their findings, work sheets that may show
16 the front and back, the head and other
17 things.

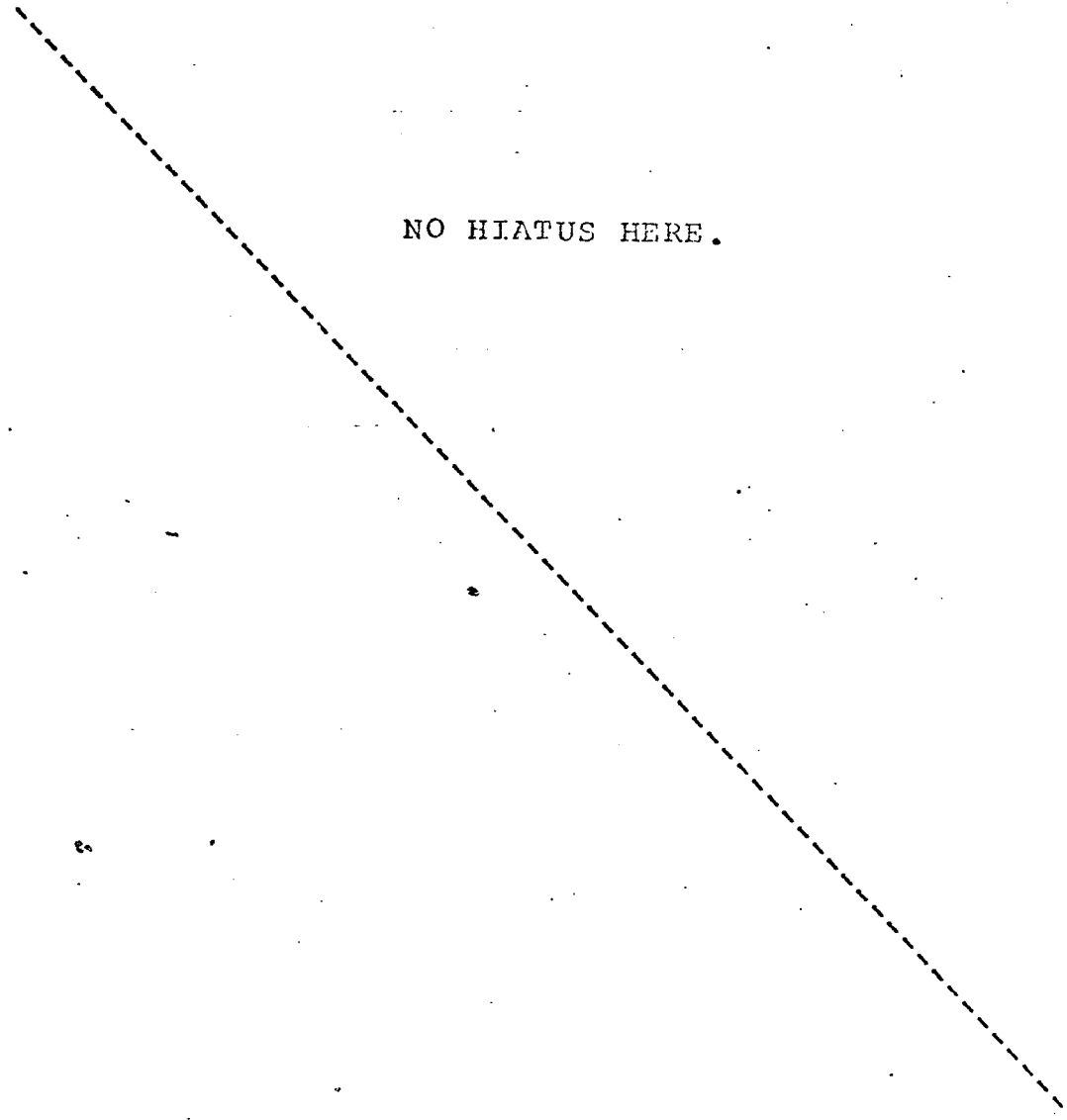
18 Q Well, when was this writing put in here that I
19 am now pointing to, was that put on at the
20 time of the autopsy or before?

21 A Oh, definitely around the time of examination.
22 From my recollection this was made between
23 the two other prosectors and I participated
24 in this by making some measurements which
25 I recognize here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Now, Colonel, I again, speaking about State Exhibit 70 and the hole I am now pointing to designated as "A" on this exhibit, can you tell me whether or not there were any other characteristics that you found other than the bevelling or coning effect that led you to believe or state that this was an entrance wound?

NO HIATUS HERE.



1 A No, and I would like to explain that the
2 beveling in bone is among the best factors
3 to use in determining the direction of the
4 bullet. Having seen beveling from inside
5 in that wound in the back of the head in
6 the bone I made a positive identification
7 of a wound of entrance in the back of the
8 head. This is firm.

9 Q Colonel, did you dissect the scalp area and
10 submit a section to microscopic examina-
11 tion?

12 A Again, I examined that wound.

13 Q Yes or no and then you can explain.

14 A I don't remember. I don't remember. The
15 microscopic examination is not made at the
16 time of the gross autopsy it is made some-
17 time later from samples taken at the
18 autopsy and I don't remember the details
19 in that respect.

20 Q You don't recall having seen the results of
21 any such tests?

22 A I remember reading microscopic descriptions
23 by Dr. Humes and I believe it is in his
24 supplemental autopsy report describing the
25 microscopic sections taken from samples.

1 Q Does it appear in your official autopsy report
2 signed by you in November 1963?

3 A I don't see a microscopic description in the
4 autopsy report of 1963 from page 978
5 through 983 of the Volume XVI.

6 Q As of this date, Colonel, in February 1969 can
7 you tell us the results of any microscopic
8 examinations of a cross-section of the
9 wound in the scalp of the President of the
10 United States?

11 A I have no further information beyond the
12 description I read made by Dr. Humes.

13 Q Have you ever been to Dallas, Texas, more
14 particularly Dealey Plaza to see the site
15 of the assassination?

16 A I have not.

17 Q The description on State Exhibit 68 of the head
18 wound indicated here says, correct me if I
19 am wrong "Ragged 15 x 6 millimeters." Is
20 that correct as you found them?

21 A For practical purposes to show the approximate
22 -- yes, for practical purpose ragged means
23 the edges were irregular and I testified
24 this morning that when a bullet strikes
25 soft tissue with underlying bone close to

1 it that bone offers a great resistance
2 and the appearance of the edge of the
3 wound, and I have seen this repeatedly
4 in many cases, the appearances of the
5 edge of the wound is different than when
6 there is bone close to the skin or when
7 there was a soft tissue beneath the skin,
8 and that explains the differences of the
9 characteristics of those two wounds.

10 One, the wound in the neck, no imme-
11 diate underlying bone and with very
12 irregular edges and the other in the back
13 of the head with the skull under the scalp
14 and offering immediate resistance to the
15 projectile.

16 Q Colonel, can you give me the angle of entrance
17 of this particular wound on a horizontal
18 plane downward?

19 A The angle of -- of the wound in the head?

20 Q Yes, sir.

21 A In the head. Again, this is difficult to
22 determine because the wound of exit is
23 very large and the best we could do is to
24 take the approximate center of this very
25 irregular wound and draw a line between

1 * this approximate center and the smaller
2 wound of entry in the back of the head
3 and draw a general direction. The --

4 Q What was the angle you calculated, if you
5 calculated one?

6 A Again I have that figure "within 45 degrees,"
7 an approximate measure, but the degree of
8 45 degrees I remember is better to quote
9 for the neck wound than for the head wound
10 for the reasons I mentioned. The head
11 wound was so large, the exit, it is
12 difficult, extremely difficult to give
13 an angle for this.

14 Q Colonel, could you tell me, using myself as
15 an example, approximately what the loca-
16 tion in my head would be 100 millimeters
17 above my external occipital protuberance?

18 A 100 millimeters is approximately 4 inches.
19 This is the external occipital protuberance.
20 My finger is approximately 4 inches and
21 at a place here which is approximately
22 the location here.

23 Q About right here, Colonel, 'cause I can't
24 see you.

25 A Approximately here, Mr. Oser.

1 Q Now, Colonel, I believe you said that you are
2 familiar with the report of Drs. Carnes,
3 Fisher, Morgan, and Moritz, as having
4 reviewed and returned in 1968, I ask you
5 whether or not you disagree with their
6 findings, Colonel, that after viewing the
7 X-rays of the President they found a hole
8 in the President's head 100 millimeters
9 above the occipital protuberance?

10 A I can't say I agree or disagree with this for
11 the following reasons: This measurement
12 refers to X-ray films. On Page 11 of this
13 Panel Review -- what is the exhibit number
14 of this?

15 Q I now mark it as State-73 -- 72, I am sorry.

16 A On Page 11 of this Panel Review of 1968, which
17 I read for the first time in 1969, I read:
18 "One of the lateral films of the skull" -- and
19 this refers to a general section heading
20 you will find on "Examination of X-ray
21 Films" on Page 9, as I read this, I inter-
22 pret this statement of Page 11 as a measure-
23 ment based on X-ray films. So there was a
24 difference between measurements made on
25 X-ray films and photographs or photograph

1 and the actual measurements on the
2 cadaver.

3 Q Do you disagree with the fact that these
4 four doctors are qualified in the field
5 of pathology?

6 A They are definitely, three of them, three of
7 them are qualified pathologists, and the
8 fourth doctor is a radiologist.

9 Q Radiology is in what field of medicine?

10 A Radiology is the study of X-rays for diagnostic
11 reasons or for the reasons of treating
12 with radiation.

13 Q Would you say, Colonel, that a radiologist is
14 the best qualified person in the field of
15 medicine to read an X-ray?

16 A Yes.

17 Q Did you find in reading that report any mention
18 by these four gentlemen, or these four
19 doctors, of any hole in the President's
20 head being one inch slightly above the
21 occipital protuberance bone?

22 A I do not find the measurement as one inch to
23 the right of the external occipital
24 protuberance in this State-72.

25 Q Colonel, could you step down, and using State

1 Exhibit 70, show me the approximate
2 location in correlation to the size of
3 the diagram, or the illustration, where
4 100 millimeters would be above the
5 occipital protuberance bone.

6 A On which one?

7 Q I will repeat my question. Using State Exhibit
8 70, Colonel, would you show me the approxi-
9 mate location of 100 millimeters above the
10 occipital protuberance bone in relation to
11 the size of this particular illustration
12 as it appears in this exhibit.

13 MR. DYMOND:

14 If the Court please, this exhibit does not
15 purport to be a scale exhibit and as
16 I said before, it is not a three-
17 dimensional photograph. I doubt if
18 the Doctor could locate this bone,
19 and if he could, any estimate of dis-
20 tance would be useless because it does
21 not purport to be to scale.

22 MR. OSER:

23 If the Court please, the Doctor used this
24 exhibit saying this is the approximate
25 location he found, and I am now asking

1 him the approximate location that
2 four doctors examining X-rays said
3 it was 100 millimeters above the
4 occipital protuberance bone, and I
5 think he can tell the approximate lo-
6 cation of that.

7 THE COURT:

8 Mr. Dymond's objection is that it is not
9 a picture of the rear of the base of
10 the skull, and for that one reason
11 Mr. Dymond doesn't see how the witness
12 could put it any relation with respect
13 to the rear of the skull and moving
14 laterally across the skull.

15 MR. DYMOND:

16 He has already done this on Mr. Oser's
17 head, which is three dimensional.

18 MR. OSER:

19 Still and all he used this exhibit showing
20 at least a portion of the back of the
21 skull and a line going over the top
22 of the skull which would indicate at
23 least to me the approximate mid-part
24 of the head, and I fail to see why
25 the Colonel cannot indicate the

1 approximate location 100 millimeters
2 above the occipital protuberance bone.
3 I know it is not drawn to scale, but
4 I am only asking him for the approxi-
5 mate location.

6 THE COURT:

7 Could he not do it better in the figure in
8 your autopsy sheet there?

9 MR. OSER:

10 But, Your Honor, that may well be, but since
11 the Doctor has used this exhibit and
12 said this is where he found a hole,
13 I think the State has a right also to
14 show as a result of the testimony
15 where approximately 100 millimeters
16 was.

17 THE COURT:

18 You understand the question?

19 THE WITNESS:

20 Yes, I do, but I can't see how I can be
21 asked to place a wound that was mea-
22 sured on X-rays, I don't understand
23 how I can be asked to put on a illustra-
24 tive drawing showing the location of the
25 wound as we approximately saw it and

1 not based on measurements on X-rays.

2 Those 100 millimeters --

3 BY MR. OSER:

4 Q Tell me how did the illustrator do it if he
5 didn't have the X-rays and photographs?

6 A He did not.

7 Q Then how did he do it? ?

8 A Because he was told by Dr. Humes about the
9 approximate location of that wound in the
10 back of the head on the right side and
11 approximately one inch from the external
12 occipital protuberance and slightly above
13 it.

14 Q He was told by Commander Humes that?

15 A To my knowledge the illustrator making those
16 drawings made them according to the data
17 provided by Dr. Humes.

18 Q Let me ask you this then, Colonel: Am I correct
19 in stating that you said that the area I
20 am pointing to right now is the approximate
21 location where four inches above my
22 " protuberance bone is?

23 A On your head I agree but the measurement of 100
24 millimeters was made on an X-ray and that
25 is why I am reluctant to say.

1 Q Made by a radiologist, one was a member of the
2 American Board of Radiology?

3 A I don't know that. That report is signed by
4 four people, there were four to sign it.

5 Q Didn't you say one was a radiologist?

6 A To my knowledge.

7 Q And a radiologist deals in X-rays?

8 A A radiologist deals with X-rays and the inter-
9 pretation of them.

10 MR. OSER:

11 Again I call for the witness to put the
12 approximate location because there
13 has been testimony on direct examina-
14 tion as well as cross-examination, and
15 because the Defense introduced a
16 picture of Exhibit 388 in Defense
17 Exhibit 67 and I think the State has a
18 right to use this for further witnesses
19 and further cross-examination of the
20 Doctor. I call for this location.

21 MR. DYMOND:

22 The Doctor has said that he can't do it.

23 THE COURT:

24 He already testified that the or that there
25 is somewhat of a difference between

1 locations on there and in X-rays and

2 I am not going to force him to do it.

3 MR. OSER:

4 Then I ask that he mark it on State-68.

5 THE COURT:

6 If he can do it.

7 MR. OSER:

8 Four inches above the external occipital
9 protuberance on the descriptive sheet,
10 State-68, and I, this is the Autopsy
11 Descriptive Sheet, and I presume you
12 have used it before for autopsies and
13 I ask that it be so marked there.

14 THE COURT:

15 If the Doctor can do it.

16 THE WITNESS:

17 I don't think I can put a wound on a
18 drawing whereas the distance of that
19 wound on an X-ray was given as 100
20 millimeters I can't do that on some-
21 thing that is different.

22 MR. OSER:

23 Your Honor, may I ask the witness --

24 THE COURT:

25 Let's see if I can clarify it.

1 Dr. Finck, on the drawing of
2 the rear of a human being, male, can
3 you place with some kind of a pen or
4 what have you the correction, if one
5 was made, as a result of the four-man
6 panel, as to what you all originally
7 determined. If you can do it and if
8 you can't, you can't do it.

9 MR. DYMOND:

10 If The Court please, may I submit the
11 Doctor is trying to explain that the
12 distances --

13 MR. OSER:

14 I don't want Mr. Dymond to testify.

15 MR. DYMOND:

16 This is in support of my objection.

17 THE COURT:

18 I will listen.

19 MR. DYMOND:

20 That the distances on an X-ray measurement
21 is not compatible at all with the
22 distances on this drawing and would
23 be impossible to transpose.

24 THE COURT:

25 I will accept that. Take the witness

stand.

BY MR. OSER:

Q Doctor, you are familiar with an autopsy descriptive sheet, have you seen something similar to this before and have you ever used something like this before in an autopsy?

A It is quite common to use worksheets in autopsies.

Q I ask you again, that wasn't my question, have you used them before?

A I have used worksheets in autopsies.

Q And you are telling The Court that you can't mark 100 millimeters above the occipital protuberance bone on that descriptive sheet that you have used before?

MR. DYMOND:

If The Court please, it is repetitious.

Your Honor has ruled on the question.

THE COURT:

I will let the Doctor answer one more time. The question is -- Please read it, Mr. Reporter.

THE REPORTER:

Question: "And you are telling The Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that you can't mark 100 millimeters
above the occipital protuberance
bone on that descriptive sheet that
you say you have used before?"

MR. OSER:

What is your answer?

THE WITNESS:

I could place a wound higher on that
drawing but again I don't understand
why I am asked to do that.

MR. OSER:

I don't think it is for the witness to
determine that.

MR. WEGMANN:

Let the witness answer.

NO HIATUS HERE.

1 THE COURT:

2 If you say you can place it, I suggest
3 you leave the witness stand, step
4 down and go place it.

5 THE WITNESS:

6 That would not be placed on X-rays, that
7 would be a wound higher and approxi-
8 mately in this location.

9 MR. OSER:

10 These are approximate and we can cover
11 the matter.

12 BY MR. OSER:

13 Q Initial that, please. Thank you, Doctor.

14 THE WITNESS:

15 Your Honor, at this time I would like to
16 make a comment for the record.

17 THE COURT:

18 No, sir, you are not running the show.

19 You either answer the question and
20 give an explanation and don't comment.

21 MR. DYMOND:

22 May we see whether this comment is in the
23 form of an explanation of his answer,
24 Your Honor.

25 THE COURT:

1 Is the statement that you wish to make
2 in further explanation of your
3 answer to this question?

4 THE WITNESS:

5 Definitely.

6 THE COURT:

7 You may do so.

8 THE WITNESS:

9 The mark I have made --

10 THE COURT:

11 You can't volunteer information just be-
12 cause you wish to tell us about it.
13 You can only give us answers to a
14 question and then an explanation.
15 There is a difference from what you
16 want to volunteer and what you want
17 to explain. If you want to explain
18 you may do it but you can't volunteer
19 a comment and that is the legal
20 situation of the Court. If this is in
21 further explanation, then I will per-
22 mit it.

23 THE WITNESS:

24 The mark I just made on -- what is the
25 exhibit number?

1 MR. OSER:

2 68.

3 THE WITNESS:

4 On Exhibit 68 does not correspond to
5 the wound I have seen at the time
6 of the autopsy. The wound as seen
7 at the time of the autopsy was not as
8 high as that. I did so because re-
9 peatedly I am asked to show on this
10 drawing what would the position be of
11 a wound approximately four inches or
12 100 millimeters above the external
13 occipital protuberance, but I don't
14 endorse the 100 millimeters for this
15 drawing. Again the measurement was
16 made on X-rays. I was more or less
17 forced to put that on this exhibit.

18 MR. OSER:

19 I want the record to reflect the witness
20 was not forced.

21 THE WITNESS:

22 I was asked to show on this drawing a wound
23 four inches from the external occipital
24 protuberance.

25 THE COURT:

1 Let's go on to another area.

2 BY MR. OSER:

3 Q How many pieces of skull, Colonel, did you have
4 to use at the time of the autopsy being
5 turned over to you from some other place?

6 A As I recall, there were three bone fragments
7 and on one of them I saw a definite
8 beveling which allowed me to identify
9 this portion of a wound of exit as part of
10 a wound of exit. The appearances of these
11 portions of skull had the same general
12 characteristics, as far as the appearance
13 of bone, as the lining of the skull of
14 President Kennedy and I made a positive
15 identity of exit seeing the beveling from
16 outside after having oriented this specimen
17 as regards the outer and inner surfaces
18 of the bony specimen.

19 Q Doctor, did you section and examine the left
20 cerebral hemisphere or the left side of
21 the brain of the president?

22 A I did not.

23 Q Why?

24 A The most massive lesions were on the right side
25 and the brain was preserved in formalin,

1 which was a protective fixative used in
2 pathology, it preserves specimens, and I
3 did not make sections of the left side,
4 to my recollection.

5 Q Colonel, you testified on direct that in your
6 opinion the bullet entered the President's
7 head from above and behind and there is an
8 arrow indicating the proposed direction
9 on this diagram into the left side of
10 the President's head and you are telling
11 me now that you didn't examine the left
12 side of the brain?

13 MR. DYMOND:

14 There is no evidence of that in the record.

15 MR. OSER:

16 Then I withdraw the question.

17

18

NO HIATUS HERE.

19

20

21

22

23

24

25

1 BY MR. OSER:

2 Q What does the arrow indicate?

3 A I don't know what the arrow means on this
4 exhibit.

5 Q Let me ask you this: If an individual, Colonel
6 on a hypothetical question, is shot from
7 above and to his right at some distance
8 over 100 feet by a high speed rifle
9 projectile traveling at approximately
10 2175 feet per second, carrying an energy
11 load of approximately 1676 foot pounds,
12 and this projectile enters this individual
13 in the back of his head, coming in from
14 the right and above, I ask you whether or
15 not you deem it feasible to examine the left
16 side of the brain area in this particular
17 individual?

18 A Yes, it would be but again the brain was
19 removed and preserved for further section-
20 ing and as far as the exit is concerned
21 it is the examination of the scalp and
22 bone which shows the lesions of the out
23 wound or the exit wound. The brain is a
24 structure which is different from that
25 and I know the brain contained many

- 1 fragments.
- 2 Q How many did the left side of the brain con-
- 3 tain?
- 4 A What is your question?
- 5 Q How many fragments were there in the left side
- 6 of the brain or did the left side of the
- 7 brain contain?
- 8 A I don't remember the locations of these
- 9 metallic fragments.
- 10 Q Why?
- 11 A Right now I don't remember.
- 12 Q I thought you said, Colonel, you didn't
- 13 section the brain.
- 14 A We took X-rays of this brain, far as I remember
- 15 someone did, to determine the presence of
- 16 metallic fragments after it was removed,
- 17 as I can remember, but I don't recall
- 18 making sections of that brain. I believe
- 19 Dr. Humes did section that brain.
- 20 Q As of this date in February, February 24, 1969,
- 21 can you tell me the results of that
- 22 sectioning of the left side of the brain?
- 23 A No.
- 24 Q Can you tell me what the rectangular structure
- 25 measuring approximately 13 x 20 millimeters

1 as found by the four panelists in the
2 brain of the President could be?

3 A I don't know what it means.

4 Q How long is 13 x 20 millimeters?

5 A 1 inch is 25 millimeters so 13 millimeters is
6 smaller than 1 inch and 20 millimeters is
7 almost 1 inch but not quite 1 inch
8 because 1 inch is 25 millimeters just
9 about.

10 Q Would it be safe to say it was approximately
11 or would be approximately 3/4 x 1/2 inch,
12 that'd be about right?

13 A 20 millimeters is approximately 3/4 of 1 inch
14 and 13 millimeters is approximately 1/2
15 an inch because 25 is one inch.

16 Q Now, Colonel, can -- You previously testified
17 that you did a lot of work at the autopsy
18 table in the area of this particular
19 head wound. Can you tell me why you
20 can't tell me what this 3/4 inch x 1/2
21 inch rectangular-shaped whatever it is,
22 what it was in the President's brain?

23 A At this time I can't interpret this. There are
24 numerous bone fragments produced by this
25 explosive force in the head leading to

1 S many bone fragments and I can't positively
2 identify this structure you are referring
3 to.

4 Q Did you find any bone fragments this size?

5 A Where?

6 Q In the brain.

7 A I don't recall.

8 Q Did you mention this 13 x 20 millimeters or
9 1/2 inch by 3/4 inch rectangular object
10 in the brain of the President in your
11 report of January 1967?

12 A I don't think I did.

13 Q Did you mention this 3/4 x 1/2 inch object
14 in the President's brain in your autopsy
15 report of November 24, 1963?

16 A No, but we would have to refer to the supple-
17 mental report which I don't have with me
18 involving the brain descriptions by
19 Dr. Humes. In the report of November '63
20 I don't remember a fragment from the
21 brain for the very good reason that as I
22 remember on Sunday the 24th of November,
23 1963 the brain was still being preserved,
24 fixed, as I say in formalin. To the
25 best of my recollection it was not

sectioned.

Q What you are telling me, Colonel, is as you didn't go into the other half of the brain and completely ascertain what may have or may not have been there then you did not do a complete autopsy, is that correct? Yes or no and then you can answer the question.

A Yes. As regards the wounds on the external aspect of the body, what we found on the 24 November '63 was adequate as regards the external wounds of the brain.

Q Is this in your opinion a complete autopsy under the definition used by the American Board of Pathology? Yes or no and then you can explain it.

A On -- No. On the 24th of November because to my recollection we based our autopsy report on the 24th of November on the information obtained from people at the scene. We based it on our gross autopsy findings pertaining to the wounds as they were described on the body and the X-rays taken before and during the course of the autopsy.

1 Q Am I correct, Colonel, did I hear your answer
2 that it was "no" and then you explained
3 it?

4 A I explained it because there was supplemental
5 reports, examinations of clothing that
6 was made at a later date.

7 Q Colonel, why didn't your report of January 19,
8 1967 contain anything about this particu-
9 lar object or any further work you may or
10 may not have done with the brain, taking
11 into consideration you had some 3½ years
12 to go over Dr. Humes's report?

13 A I don't know. I was asked to correlate the
14 autopsy report with the photographs, I
15 had the opportunity to see for the first
16 time in January, 1967.

17 Q Did you use Commander Humes's supplemental
18 report in drawing up your report of
19 January 1967?

20 A I don't remember.

21 Q If you had would you remember?

22
23 NO HIATUS HERE
24
25

- 1 A Right now I don't remember what I used and
2 did not use.
- 3 Q If you did not, Colonel, would you say that
4 your report of January, 1967 was then
5 not complete and accurate completely?
6 Yes or no, and then you can explain.
- 7 A No, I don't remember all the factors I used
8 at that time. You must understand
9 there are details I remember and others
10 I just don't remember at this time.
- 11 Q When did you first learn you were going to
12 testify?
- 13 A When did I first learn I was going to testify
14 here?
- 15 Q Yes.
- 16 A I was called on the phone on Sunday, and I
17 will give you the date, -- anyway, it
18 was in February, 1969 that I was called
19 to this trial.
- 20 Q Well, Colonel, can you give me an approxima-
21 tion of how many days before today?
- 22 A It must have been on Sunday the 16th.
- 23 Q Sunday, the 16th of February?
- 24 A Of February.
- 25 Q You did --

1 A And I -- I was called by Mr. Wegmann, Mr.

2 Wegmann must have the date he called me
3 on the phone at home.

4 Q As best you can recall it was February 16?

5 A It was in February.

6 Q And you did bring some notes with you, did you
7 not?

8 A Let me refer to those and we can speed it up.

9 I found it. I was called 16 February,
10 '69.

11 Q And my next question is, Colonel: You did
12 bring some notes with you, did you not?

13 A I brought my diary.

14 Q And you brought some other notes with you,
15 didn't you?

16 A I brought S-67, the report of Dr. Humes and
17 Boswell and myself, signed on 26 January,
18 1967; I brought S-72, the 1968 Panel
19 Review by Carnes, Fisher, Morgan and
20 Moritz.

21 Q Colonel, if you had to say --

22 A I'm not finished. I brought Xerox copies of
23 Pages 978 through 983 of Volume 16.

24 I brought a copy of my testimony before
25 the Warren Commission starting on Page

- 1 Q 377 and ending on Page 384 and the notes
2 I have here I have written here before
3 this testimony.
- 4 Q But you didn't have Commander Humes' supple-
5 mental autopsy report?
- 6 A I do not.
- 7 Q Now, Colonel, referring to autopsy report of
8 November, 1963, again, in the second
9 page, second paragraph, you state:
10 "Three shots were heard and the President
11 fell forward." What do you base "falling
12 forward" on?
- 13 A Repeat your question, please.
- 14 Q Referring to your autopsy report of November,
15 1963 on Page 2, Paragraph 2, you state
16 "Three shots were heard and the President
17 fell forward." Can you tell me what you
18 base your statement on, "The President
19 fell forward"?
- 20 A This, again, is information we obtained when
21 this report was prepared. I cannot pin
22 down the source. It may have been some-
23 body in the car, the Presidential limou-
24 sine, some witnesses of the incident, so
25 as we put it down as somebody told us.

1 Q Colonel, before in answer on direct examina-
2 tion to one of Mr. Dymond's last ques-
3 tions, you gave a description of what
4 you saw in the Zapruder film as the
5 President moving his hand up, going
6 slightly forward, and then he was struck
7 with the second shot. You could describe
8 the President's movements at the time of
9 the second shot and why?

10 MR. DYMOND:

11 If the Court please, we object and submit
12 this is a question impossible to
13 answer.

14 MR. OSER:

15 If the Court please --

16 THE COURT:

17 Let me hear Mr. Dymond, please, Mr. Oser.

18 MR. DYMOND:

19 That is my objection, is it is a question
20 that can't be answered.

21 MR. OSER:

22 The witness as author of the report said
23 the President fell forward and I want
24 to know what he based it on..

25 THE COURT:

1 I agree with you, but he said it was
2 from somebody in the autopsy room,
3 it was hearsay, but he accepted it
4 from people allegedly that were eye-
5 witnesses, and he says that is where
6 he got the information from.

7 BY MR. OSER:

8 Q Colonel, you did view the entire Zapruder
9 film?

10 A Yes.

11 MR. DYMOND:

12 That was much after this report was given.

13 BY MR. OSER:

14 Q As of this day and this testimony, Colonel,
15 you have viewed the entire Zapruder film,
16 have you not?

17 A I have viewed the entire Zapruder film in
18 March, 1964.

19 Q Colonel, on the last page of the autopsy report
20 of November, 1963, the last paragraph
21 states, "A supplementary report will be
22 submitted following more detailed ex-
23 amination of the brain and of microscopic
24 sections." Was that done, and, if so,
25 do you have it, the results?

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

A

I don't have this supplemental report with
me now.

NO HIATUS HERE.

1 Q And do you know the results of any parts of
2 that supplemental report?

3 A I remember -- Yes, I do. I remember a
4 description of the brain by Dr. Humes
5 and microscopic description by
6 Dr. Humes in that supplemental report.

7 Q Do you recall whether or not it mentions that
8 $3/4 \times 1/2$ inch rectangular structure in
9 the brain?

10 A I don't recall reading about this.

11 MR. OSER:

12 May I pin this up, Your Honor? Does The
13 Court have a stapler?

14 BY MR. OSER:

15 Q Colonel, in regard to Commission Exhibit 399,
16 I refer you to the photograph designated
17 in State Exhibit, I believe it is S-68 --

18 THE COURT:

19 Beg your pardon?

20 MR. OSER:

21 The large picture of the autopsy report.

22 BY MR. OSER:

23 Q In referring to Commission Exhibit 399, which
24 you testified about in front of the
25 Warren Commission and also referring you

1 to State Exhibit 64 which purports to be
2 a photograph of Commission Exhibit 399,
3 can you tell me whether or not, Colonel,
4 in your opinion this particular pellet
5 could have done the damage that you found
6 in President Kennedy's head?

7 A No.

8 Q Why, Colonel?

9 A The bullet that struck President Kennedy in
10 the back of the head disintegrated in
11 numerous fragments seen on X-rays and
12 some of which were removed by us and the
13 bullet shown on this exhibit did not
14 disintegrate into numerous fragments.

15 Q Am I correct in stating, Colonel, that
16 Commission Exhibit 399 is a steel or copper
17 jacketed projectile, if you know?

18 A From what I remember* this is, this was a
19 jacketed bullet of the military type which
20 means that it is a fully jacketed bullet.
21 The lead core is surrounded along the
22 sides and the tip by a copper jacket and
23 that is what you see in military jacket
24 bullets.

25 Q Now, Colonel, from your having worked with

1 missile-type wounds and having done the
2 type of work you have done in the past,
3 if a projectile similar to the type in
4 Commission Exhibit 399 were to hit some
5 obstruction, such as bone in the head for
6 instance, would this cause the copper
7 jacket to break, break up to such an
8 extent that lead deposits or inner parts
9 of the pellets would be left in the area?

10 A There could be a deposit of the components of
11 the jacket in the target struck by this
12 bullet.

13 Q Have you ever seen such a pellet?

14 A Bullet?

15 Q Strike that. Have you ever seen such a copper-
16 jacketed pellet break up to such an extent
17 that it would leave its component parts
18 when it passes through merely flesh and
19 not hit bone, from your experience?

20 A Your question is: Can a bullet disintegrate
21 when going through soft tissue, is this
22 your question?

23 Q Yes, yes, answer that question if you would.

24 A Yes, it is possible a bullet can disintegrate
25 when going through soft tissue. It is not

an absolute necessity.

Q From your experience what usually happens, does it come out intact or does it break up, what is the usual case going through soft tissue?

A Going through soft tissue it depends on many factors. A bullet may remain intact or it may disintegrate. I can't say it always does, that it never does that.

Q Colonel, what is your opinion as to whether or not Commission Exhibit 399 could have passed through President Kennedy's wound as indicated in State-69 that you have described?

A I think it is possible that such a bullet goes through the body as shown on the exhibit.

Q What is your opinion, Colonel, as to whether or not it would come out in the condition as displayed in Commission Exhibit 399 and the drawing which is depicted in State-69, not hitting bone?

A It is possible that a bullet remains as is after leaving the body but it is not an absolute necessity.

Q Colonel, are you familiar with how much weight

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

loss Commission Exhibit 399 -- strike
that -- are you familiar, Colonel, with
the weight of 399?

A To the best of my recollection it is approxi-
mately 161 grains, something of that
order.

MR. DYMOND:

If The Court please, unless it is estab-
lished that the Doctor weighed these
various objects --

MR. OSER:

Your Honor please --

THE COURT:

Please let me hear the objection. Make
your objection, Mr. Dymond.

MR. DYMOND:

Unless it is established that the Doctor
weighed the object in question we
object on the ground of hearsay.

NO HIATUS HERE

1 MR. OSER:

2 I think Mr. Dymond will withdraw his
3 objection because I intend to clarify
4 the answer I got.

5 THE COURT:

6 You may proceed.

7 BY MR. OSER:

8 Q Colonel, the figure of approximately 161
9 grains, by this, do you mean this is the
10 approximate average weight of the average
11 type of pellet such as 399 would retain,
12 this'd be approximately 161 grains?

13 MR. DYMOND:

14 We object on the ground that we are get-
15 ting outside the field of expertise
16 of pathology and into the field of
17 ballistics.

18 THE COURT:

19 Did you weigh it yourself, Doctor?

20 THE WITNESS:

21 No, sir.

22 THE COURT:

23 Did you weigh it after in the condition
24 that it is now?

25 THE WITNESS:

Sir, I know the weight from reports.

BY MR. OSER:

Q Colonel, could you explain to me how the panel of three pathologists and one radiologist found traces of lead in the throat of the President of the United States?

MR. DYMOND:

How can this Doctor explain how four other doctors found something if he wasn't present.

THE COURT:

I think your question should be "Doctor, are you acquainted" --

BY MR. OSER:

Q Again, Doctor, are you acquainted with the report submitted in 1968 by Dr. W. H. Carns, Russell H. Fisher, Russell H. Morgan and Alan R. Moritz?

A I am, I am.

Q Are you familiar with the resume made in this particular report that traces of metal were found in the throat area from reviewing, from viewing autopsy X-rays of President Kennedy?

1 A Where is that passage, please.

2 Q I will find it for you. I refer you, Colonel,
3 to page, let me count them because they
4 are not numbered or marked, 13.

5 A 13.

6 Q The top of the page says, "Neck Region," four
7 lines down, where it states "also several
8 somewhat metallic fragments are present
9 in this region."

10 A I don't know what they are referring to, or
11 rather I don't recall seeing metallic
12 fragments on the X-rays of this region of
13 the neck. I don't recall.

14 Q And from their report, Colonel, would you say
15 that they viewed three X-ray pictures, do
16 they refer to pictures 8, 9 and 10?

17 MR. DYMOND:

18 I object having this witness say what
19 someone else did.

20 MR. OSER:

21 I will withdraw it.

22 THE COURT:

23 Try not to talk at the same time, please.

24 I have been asking you to do that
25 for three weeks. Let's see if we

1 can do it that way.

2 MR. OSER:

3 I will withdraw the question.

4 BY MR. OSER:

5 Q Now, Colonel, could you tell me whether or not
6 in your opinion Commission Exhibit 399
7 could have caused the wounds in
8 Governor Connally's wrist as you testified
9 in front of the Warren Commission?

10 MR. DYMOND:

11 Your Honor, we object unless we are talk-
12 ing about only from the standpoint
13 of direction. There is no evidence
14 here that this gentleman ever
15 examined the wrist of Governor
16 Connally and I don't recall if he
17 ever examined the pellet listed as
18 or represented by 399. If he's
19 talking about direction only, I will
20 withdraw the objection.

21 THE COURT:

22 Is it contained, is the foundation of that
23 question contained in the original
24 autopsy report submitted by the
25 Doctor?

1 MR. OSER:

2 Your Honor, I believe the witness answered
3 earlier in cross-examination --

4 THE COURT:

5 You went over this this morning and you
6 covered it this morning so you don't
7 have to repeat it. As far as I know
8 it was covered this morning.

9 BY MR. OSER:

10 Q Colonel, what is your opinion as to whether or
11 not a bullet fired from a Mannlicher-
12 Carcano rifle such as Commission Exhibit
13 399, having been fired from a sixth floor
14 of a building 60 feet up in the air, and
15 that this building (sic) struck an indi-
16 vidual in the back --

17 MR. DYMOND:

18 Your Honor, there is no evidence of a
19 building striking anybody in this
20 case.

21 MR. OSER:

22 You know he is getting cute.

23 THE COURT:

24 60 feet and 265 feet.

25 MR. OSER:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

No, Your Honor.

THE COURT:

Well, then, rephrase the question.

NO HIATUS HERE

1 BY MR. OSER:

2 Q The sixth floor being 60 feet above ground
3 level, and that this bullet, Mr. Dymond,
4 struck the man in the back at approxi-
5 mately five and three-eighth inches
6 below the top of his collar and one
7 and three-quarter inches to the right
8 of the center seam, exited from his
9 throat in the necktie area of this indi-
10 vidual, then struck an individual in
11 front of him, seated in a car, entering
12 the second individual in the back near
13 the right armpit, going through his
14 chest, fracturing the fifth rib, exiting
15 from below the second individual's right
16 nipple, past his right forearm, causing
17 multiple fractures of the wristbone,
18 leaving numerous fragments and then
19 entering his left thigh --

20 MR. DYMOND:

21 I hate to interrupt Counsel in the
22 middle of his question. It is
23 axiomatic. A hypothetical ques-
24 tion must stay within the bounds
25 of the case. Counsel is doing what

1 is tantamount to testifying. We
2 have no evidence whatsoever in this
3 record as to any damage caused on
4 the body of Governor Connally by
5 this pellet. We are talking about
6 fractured wristbones, and we have
7 no testimony of anything like that,
8 there is no testimony to its exit
9 in the area of the nipple of the
10 President, of, rather, Governor
11 Connally, and not only the answer
12 is inadmissible but the question
13 itself is inadmissible.

14 MR. OSER:

15 If the Court please, No. 1, I haven't
16 completed my question and, No. 2,
17 this is the same type of question
18 Mr. Dymond asked F.B.I. Agent
19 Frazier on the stand stating facts
20 not in evidence and you did allow
21 Mr. Dymond to ask the question.

22 MR. DYMOND:

23 If the Court please, I have never asked
24 any question similar to this and I
25 am sure you wouldn't and didn't rule

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

on any question similar to this
at any time.

THE COURT:

I don't recall Mr. Dymond asking Agent
Frazier that question and it's
highly irregular.

MR. ALCOCK:

Mr. Dymond didn't ask Mr. Frazier that
question, but all we are suggesting
to the Court is that the question
was outside the bounds of evidence
and the Court admitted it neverthe-
less.

THE COURT:

I am going to rule at this time that Mr.
Dymond's objections are well taken.
The hypothetical posed is a conclu-
sion stating facts which have not
been a part of this record, so I
will sustain the objection.

BY MR. OSER:

Q Let me ask you then, Doctor, Colonel, what is
your opinion as to whether or not 399,
as you saw it, could have struck the
wrist and could remain in the same con-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

dition as you saw it?

A I don't know.

Q You don't know, Colonel. I call your attention, Colonel, to your Warren Commission testimony, I believe it is Page 382 in the middle of the page, in answer to a question by Mr. Specter, "And could it have been the bullet that inflicted the wound of Governor Connally's wrist?" Colonel Finck: "No, because there were too many fragments described in that wrist." You remember answering that question, Dr. Finck?

THE COURT:

The only objection would be it is repetitious, but I will permit the question.

NO HIATUS HERE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. OSER:

My question is, did you so testify in
front of the Warren Commission?

MR. DYMOND:

I would like to interpose an additional
objection. This is a question and
answer based upon hearsay evidence.
Your Honor has indicated very
strenuously that the Warren Report
itself would not be admitted in
evidence here.

THE COURT:

That is correct.

MR. DYMOND:

Because it is fraught with hearsay. That
being the case I submit to The Court
the State is not entitled to take
chosen portions of this Warren Report
and particularly portions which as
Your Honor says are fraught with
hearsay and use them in evidence in
this case.

MR. OSER:

Again, Your Honor, he's testifying --

THE COURT:

1 Wait a minute, Mr. Oser, control yourself. 223

2 MR. OSER:

3 I control myself, Your Honor, but I
4 thought he was finished.

5 MR. DYMOND:

6 I again call The Court's attention to the
7 fact that this man never examined
8 the wrist of Governor Connally, never
9 had an opportunity to observe the
10 nature of the wrist wound, and what-
11 ever statement was made in this
12 Warren Report is based on a descrip-
13 tion furnished to him by someone who
14 purportedly examined that wound.

15 THE COURT:

16 What is that? I could not hear.

17 MR. DYMOND:

18 Because it is based on a description
19 furnished to him by someone who
20 purportedly examined that wound.

21 THE COURT:

22 " The objection is overruled for the reason
23 that Counsel for State in testing the
24 credibility of the witness can ask him
25 whether or not he made a statement

contradictory to this statement made
today and that is why I overrule
your objection.

MR. DYMOND:

To which ruling of The Court Counsel
respectfully objects and reserves a
Bill of Exception making a part
thereof the question, the answer,
the entire testimony of this witness,
the objection, together with the
reasons, together with The Court's
ruling and the entire record parts
of the bill.

THE WITNESS:

Would you reread it please?

BY MR. OSER:

Q Colonel, can you tell me whether or not you
testified in front of the Warren Commis-
sion under oath, in answer to a question
posed by Mr. Spector, "Could it have been
the bullet which inflicted the wound on
Governor Connally's wrist."

By Colonel Finck "No, the reason
there were too many fragments described
in that wrist." Did you or did you not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

so testify, Colonel?

THE WITNESS:

I would like to --

MR. OSER:

Answer yes or no.

THE WITNESS:

I can't answer the question the way it was asked for the following reason:

THE COURT:

No. You will have to do like every other witness. Answer and then you can explain as much as you want and that is what every other witness does and either answer yes or no and then you can explain.

BY MR. OSER:

Q Did you or did you not?

A Read it back.

THE REPORTER:

Question: "Colonel, can you tell me whether or not you testified in front of the Warren Commission under oath, in answer to a question posed by Mr. Spector, 'Could it have been the bullet which inflicted the wound on

1 Governor Connally's wrist.'

2 By Colonel Finck 'No, the
3 reason there were too many fragments
4 described in that wrist.' Did you
5 or did you not so testify,
6 Colonel?"

7 THE WITNESS:

8 I testified, I did. May I give an
9 explanation, Your Honor?

10 THE COURT:

11 Certainly.

12 THE WITNESS:

13 On page 382 of my testimony I would like
14 to read a little more --

15 THE COURT:

16 You can refresh your memory, you can
17 explain in your own words but you
18 can't read from the testimony of
19 that report.

20 THE WITNESS:

21 I was asked could such a bullet have
22 passed through the head of
23 President Kennedy and remain intact
24 and my opinion is that I saw many
25 fragments and this bullet did not

1 lose many fragments, therefore, the
2 bullet I am seeing on this
3 Commission Exhibit 399 is not the
4 bullet that went through the head
5 of President Kennedy because it said
6 here in my testimony it was asked if
7 it was the bullet that went through
8 President Kennedy's head.

9 THE COURT:

10 Wait, wait, wait.

11 THE WITNESS:

12 This is part of my Warren Report
13 testimony.

14 MR. DYMOND:

15 If The Court please, the Doctor's obvious
16 contention is that this answer has
17 been taken out of context and that
18 the preceding testimony clarifies
19 and explains this answer and under
20 those circumstances I respectfully
21 submit he is entitled to read to the
22 Jury this testimony.

23 NO HIATUS HERE.
24
25

1 THE COURT:

2 You objected to that previously when he
3 started to read that testimony on
4 a previous occasion and I ruled that
5 he could refresh his memory, but
6 that he couldn't read the testimony.

7 MR. DYMOND:

8 If the Court please, I thoroughly agree,
9 absolutely, but when the question
10 is taken out of context and can be
11 explained and clarified by previous
12 testimony by this witness in the
13 same hearing, I think it should be
14 permitted. The State is reading
15 and asking whether he made a certain
16 statement, and I submit that this
17 witness has a right to read the en-
18 tirety of the testimony pertaining
19 to that particular contention or
20 fact and not only the portion se-
21 lected by the State.

22 THE COURT:

23 Before you finish this, please take the
24 Jury into my office.

25 (Whereupon, the Jury was removed.)

1 THE COURT:

2 Let me make one observation. I under-
3 stand Dr. Finck's answer to Mr.
4 Specter, that he didn't think
5 Commission Exhibit 399 could retain
6 its shape as it is while going
7 through, irrespectively whether it
8 was going through President
9 Kennedy's head or neck, could remain
10 in that shape because of hitting
11 bones in the leg of Governor Connally,
12 irrespectively of what -- what dif-
13 ference does it make if it goes
14 through the neck or head that it
15 couldn't remain in the same condition
16 because of the fragments in the wrist.

17 MR. DYMOND:

18 Let me --

19 MR. OSER:

20 Maybe I can clarify it further.

21 THE COURT:

22 You got it mixed up enough now.

23 MR. OSER:

24 I asked the Colonel before did 399 do the
25 damage in President Kennedy's head

1 and he said, "No, it did not."

2 Then I asked him in regard to this
3 particular question whether or not
4 he answered a question of Mr.
5 Specter regarding 399 not involving
6 the head at all, whether or not 399
7 could have done the injuries and
8 type of damage it did in Governor
9 Connally's wrist, and the Colonel
10 answered that question. In fact,
11 this is the second time the Colonel
12 has answered it.

13 THE COURT:

14 He answered that this morning.

15 MR. DYMOND:

16 Have you finished, Mr. Oser?

17 MR. OSER:

18 Yes.

19 MR. DYMOND:

20 Now the Jury is out of the Courtroom and
21 now let me read to Your Honor the
22 preceding testimony.

23 Mr. Specter: "And could that bullet
24 possibly have gone through President
25 Kennedy in 388, that is referring

1 to Exhibit 388."

2 Colonel Finck: "Through President
3 Kennedy's head, 388?"

4 Mr. Specter: "And remain intact in the
5 way you see it now?"

6 Colonel Finck: "Definitely not."

7 Mr. Specter: "And could it have been the
8 bullet which inflicted the wound of
9 Governor Connally's right wrist?"

10 Colonel Finck: "No, for the reason there
11 were too many fragments described in
12 that wrist."

13 In other words, this chain of questioning
14 has this bullet going through the
15 President's head and then through
16 Governor Connally's right wrist.

17 THE COURT:

18 You read it that way, but we will leave
19 it to the Jury to determine that.

20 (Whereupon, the Jury returned to
21 the courtroom.)

22 THE COURT:

23 We are going to stop because unless I knew
24 of some immediate moment when you
25 would be through, but we are going to

1 recess the trial until tomorrow
2 morning.

3 Again, Gentlemen, I must admonish you
4 and instruct you not to discuss the
5 case amongst yourselves or with
6 any other person.

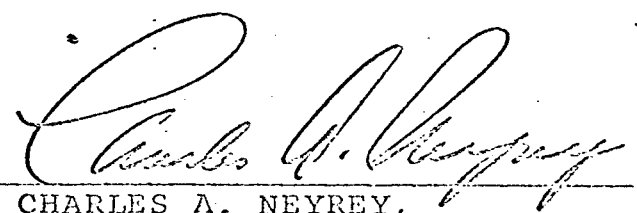
7
8
9
10 Thereupon, at 5:40 o'clock p.m.,
11 the proceedings herein were adjourned
12 until Tuesday, February 25, 1969

C E R T I F I C A T E

I, the undersigned, Charles A. Neyrey, do hereby certify:

That the above and foregoing (232 pages of typewritten matter) is a true and correct transcription of the stenographic notes of the proceedings had herein, the same having been taken down by Clifford Jefferson and the undersigned, and transcribed under our supervision, on the day and date hereinbefore noted, in the Criminal District Court for the Parish of Orleans, State of Louisiana, in the matter of the State of Louisiana vs. Clay L. Shaw, 198-059 1426 (30) Section "C" on the 24th day of February, 1969, before the Honorable Edward A. Haggerty, Jr., Judge, Section "C", being the testimony of Pierre A. Finck, M.D.

New Orleans, Louisiana, this 25th day of February, 1969.



CHARLES A. NEYREY,
Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

STATE OF LOUISIANA	198-059
vs.	1426 (30)
CLAY L. SHAW	SECTION "C"

PROCEEDINGS IN OPEN COURT,
Tuesday, February 25, 1969

VOLUME III

B E F O R E :

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

Dietrich & Pickett, Inc.
Stenotypists

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
----------------	---------------	--------------	-----------------	-----------------

PIERRE A. FINCK, M.D.	2	13	27	
-----------------------	---	----	----	--

E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
---------------	-------------------	----------------	-----------------

NONE

1 THE COURT:

2 Bring the Jury down.

3 I trust you Gentlemen had a good night.

4 For the record, Mr. Court Reporter, all

5 Counsel are present, the Defendant

6 is present, and I am reminding the

7 witness that his previous oath is

8 still binding.

9 You may proceed, Mr. Oser.

10 PIERRE A. FINCK, M.D.,

11 having been sworn and having testified previously,

12 resumed the stand for a continuation of the

13 CROSS-EXAMINATION

14 BY MR. OSER:

15 Q Colonel, I direct your attention to Page 4 of

16 your autopsy report of November, 1963,

17 and to the fourth paragraph which states,

18 "The complexity of these fractures and

19 the fragments thus produced tax satis-

20 factory verbal description and are better

21 appreciated in photographs and roentgeno-

22 grams which are prepared." Now, Colonel,

23 can you tell me and tell the Court how

24 you refer in your autopsy report that the

25 fractures and the fragments are better

1 appreciated in the photographs when you
2 did not see the photographs until January,
3 1967?

4 MR. DYMOND:

5 We object to this unless Counsel says
6 better than what. This report indi-
7 cates a photograph would show them
8 better than they could be described
9 in words.

10 THE COURT:

11 You are coming to the aid of a witness
12 unsolicited.

13 MR. DYMOND:

14 You cannot compare something to nothing,
15 Your Honor.

16 THE COURT:

17 Do you understand the question?

18 THE WITNESS:

19 Yes. When there are so many fractures
20 in so many directions producing so
21 many lines and fragments in the bone,
22 a photograph will be more accurate
23 than descriptions. The photographs
24 were taken but turned over undeveloped
25 to the Secret Service at the time we

1 performed the autopsy, and the
2 photographs were taken, we did not
3 know when these photographs would
4 be processed, this was beyond our
5 control because they had been turned
6 over, exposed, taken in our presence,
7 but the Secret Service took charge
8 of them.

9 BY MR. OSER:

10 Q And you didn't see the photographs until
11 January of 1967. Is that correct,
12 Colonel?

13 A This is correct.

14 Q Also in your autopsy report on the same page,
15 Page 4, I direct your attention to the
16 last paragraph, the last paragraph under
17 "2," where you said in your report, "The
18 second wound presumably of entry," and
19 now you state in Court that you are positive
20 it was of entry.

21 A As I recall, it was Admiral Galloway who told
22 us to put that word "presumably."

23 Q Admiral Galloway?

24 A Yes.

25 Q Told you to put that word "presumably"?

1 A Yes, but this does not change my opinion that
2 this is a wound of entry.

3 Q Is Admiral Galloway a Pathologist, to your
4 knowledge?

5 A Admiral Galloway had some training in
6 Pathology. He was the Commanding Officer
7 of the Naval Hospital, as I recall, and
8 at that time, in my mind, this was a
9 wound of entry, it just was suggested to
10 add "presumably" this was.

11 Q Did he suggest you add anything else to your
12 report, Colonel?

13 A Not that I recall.

14 Q Can you give me the name of the General that
15 you said told Dr. Humes not to talk about
16 the autopsy report?

17 A This was not a General, it was an Admiral.

18 Q All right, excuse me, the Admiral, can you
19 give me the name of the Admiral?

20 A Who stated that we were not to discuss the
21 autopsy findings?

22 Q Yes.

23 A This was in the autopsy room on the 22nd and
24 23rd of November, 1963.

25 Q What was his name?

1 A Well, there were several people in charge,
2 there were several Admirals, and, as I
3 recall, the Adjutant General of the
4 Navy.

5 Q Do you have a name, Colonel?

6 A It was Admiral Kinney, K-i-n-n-e-y, as I re-
7 call.

8 Q Now, can you give me the name then of the
9 General that was in charge of the autopsy,
10 as you testified about?

11 A Well, there was no General in charge of the
12 autopsy. There were several people, as
13 I have stated before, I heard Dr. Humes
14 state who was in charge here, and he
15 stated that the General answered "I am,"
16 it may have been pertaining to operations
17 other than the autopsy, it does not mean
18 the Army General was in charge of the
19 autopsy, but when Dr. Humes asked who was
20 in charge here, it may have been who was
21 in charge of the operations, but not of
22 the autopsy, and by "operations," I mean
23 the over-all supervision.

24 Q Which includes your report. Does it not?

25 A Sir?

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

1 3 don't remember whether or not Admiral
2 Berkley, the President's physician, was
3 in uniform.

4 Q Colonel, in answer to one of the questions
5 Mr. Dymond on direct examination asked
6 you, you spoke of your opinion as to the
7 sequence of shots after you saw the
8 Zapruder film. Is that correct?

9 A Yes.

10 Q And it was your opinion that the sequence of
11 shots was such that the President was
12 hit in the back area first and then in
13 the head area secondly. Is that basically
14 correct?

15 A Yes, the first shot in the back of the neck
16 and the second shot in the back of the
17 head.

18 Q Now, did you know, sir, at that particular time
19 that you formed your opinion on the se-
20 quence of shots from the Zapruder film,
21 that during the reconstruction of the
22 assassination, that not one expert or
23 anybody had performed the alleged feat
24 of shooting the shot from the Texas School
25 Book Depository in the span of time as it

1 2 had been alleged, were you aware of that?

2 MR. DYMOND:

3 We object, the Doctor was not in Dallas at
4 the time of reenactment. As a matter
5 of fact, I think he said he never
6 had been to Dealey Plaza.

7 MR. OSER:

8 I was asking, Your Honor, whether or not
9 he had this knowledge of his own
10 mind in order for him to arrive at
11 the sequence of events.

12 THE COURT:

13 Break the question down.

14 MR. DYMOND:

15 It would have to be hearsay if he was
16 not there.

17 THE COURT:

18 I am going to rule it out.

19 MR. OSER:

20 We have had a lot of hearsay.

21 THE COURT:

22 When you had a chance to study the Zapruder
23 film, you had access at that time,
24 access to the information, as one of
25 the co-authors of the autopsy report,

9 you either did or you didn't.

2 THE WITNESS:

3 I had access to other reports as I re-
4 member, but pertaining to examination
5 of the bullets and fragments.

6 BY MR. OSER:

7 Q Do you have any notes in regard to the recon-
8 struction done by the Federal Bureau of
9 Investigation?

10 A As I remember, --

11 MR. DYMOND:

12 We object again, Your Honor. This is
13 the rankest form of hearsay.

14 THE COURT:

15 I overrule the objection. He is an expert
16 and we have had his opinion based on
17 hearsay reports. I will permit the
18 question under the circumstances.

19 MR. DYMOND:

20 To which ruling Counsel reserves a bill
21 of exception, making the question,
22 the answer, the entire testimony,
23 the objection, the reason for the ob-
24 jection, the ruling of the Court,
25 parts of the bill.

1 BY MR. OSER:

2 Q Can I have that answer to my question, Your
3 Honor, please.

4 THE COURT:

5 Yes, answer the question.

6 THE WITNESS:

7 As I remember, I found out about these
8 reconstructions and tests when I read
9 the Warren Report when it was pub-
10 lished in September, 1964, to the
11 best of my recollection.

12 BY MR. OSER:

13 Q Now, Colonel, in regard to your autopsy report,
14 November, 1963, how much time did you
15 spend on this particular report and its
16 preparation?

17 A I cannot give you an exact figure. As I re-
18 member I was called by Dr. Humes who had
19 prepared this report and he read it over
20 to me at the Bethesda Hospital, and I
21 would say I spent several hours with him
22 and Dr. Boswell at the Bethesda Hospital
23 before we signed it on Sunday, 24
24 November, 1963.

25 Q And did you have an occasion to read over the

1 3 final draft, the one that you signed,
2 Colonel?

3 A I did.

4 Q And you agree with everything that is contained,
5 I believe, in that particular report of
6 November, 1963, that you signed?

7 A Essentially I do.

8 Q And, Colonel, you read this report as you
9 indicate and discussed it for several
10 hours, can you tell me, Colonel, on Page 2,
11 why the name of Governor John B. Connally
12 is spelled C-o-n-n-o-l-l-y when it should
13 be C-o-n-n-a-l-l-y?

14 MR. DYMOND:

15 I object on the grounds of irrelevancy,
16 Your Honor. He has not been qualified
17 as an expert in spelling.

18 THE COURT:

19 We had a lot of spelling yesterday in the
20 record.

21 Do you know how to spell Governor
22 Connally's name?

23 THE WITNESS:

24 There should be an "a."

25 THE COURT:

1 C-o-n-n-a-l-l-y, it should be an "a"?

2 MR. OSER:

3 That's all.

4 THE COURT:

5 Mr. Dymond?

6 REDIRECT EXAMINATION

7 BY MR. DYMOND:

8 Q Dr. Finck, did anyone give you any orders as
9 to what opinion you should render in
10 this report?

11 A No.

12 Q Would you have accepted any orders as to what
13 opinion, professional opinion, you should
14 render?

15 A No.

16 Q Now, Doctor, in the course of performing an
17 autopsy and determining the cause of
18 death which is more beneficial to the
19 performer of that autopsy, the viewing of
20 photographs or the viewing of the actual
21 subject of the autopsy?

22 A They supplement each other. There is a reason
23 for giving the description of what you
24 see to make a record of what you see your-
25 self, and the photographs have the advant-

1 age of giving visual results of what you
2 see after the wounds are no longer availa-
3 ble and the body is no longer available.
4 These things supplement each other and as
5 a rule in the autopsy report there are
6 gross descriptions supplemented by photo-
7 graphs, but not always, you will not have
8 photographs in all autopsy reports.

9 Q Doctor, from the standpoint of gathering the
10 necessary information for the purpose of
11 your arriving at a conclusion in connec-
12 tion with a death, which is more important
13 to the doctor who is gathering that in-
14 formation, seeing photographs of the
15 cadaver or seeing the cadaver itself?

16 A The cadaver itself is the most important thing
17 to see.

18 Q Now, did you have available to you prior to
19 drawing your original autopsy report the
20 X-rays of the body of the late President
21 Kennedy?

22 A We did.

23 NO HIATUS HERE.
24
25

- 1 Q When were these X-rays taken and when were
2 they made available to you?
- 3 A When I arrived at the hospital at approximately
4 8:00 o'clock at night on the 22nd of
5 November, 1963 X-rays of the head had
6 been taken prior to my arrival, and
7 Dr. Humes had told me so over the phone
8 when he called me at home, asking me to
9 come over. After I found the wound of
10 entry in the back of the neck, no cor-
11 responding exit, I requested a whole body
12 X-ray, the purpose of having whole body
13 X-rays of an autopsy is to be sure there
14 is no -- in a case like that, no bullet
15 in some part of the body that would re-
16 main there, leave with the body and
17 nobody would know that it was there, that
18 is the reason for X-rays, because X-rays
19 will reveal the presence of a bullet,
20 the presence that no operation or autopsy,
21 as complete as it may be, may definitely
22 reveal, was my reason for those body
23 X-rays.
- 24 Q Did you get the whole body X-rays?
- 25 A I requested them, and we waited, I would say,

1 an hour or more for these whole body
2 X-rays, and they were interpreted by a
3 radiologist of the Bethesda Hospital who
4 had reviewed those, so the X-rays of the
5 head showing numerous fragments, but he
6 stated that there was no entire bullet
7 remaining in the cadaver, there were
8 fragments, metallic fragments in the head,
9 but there was no bullet in that cadaver.

10 Q Was all this before you wrote your autopsy
11 report?

12 A Yes.

13 Q Referring to "Exhibit S-69 and S-70," which
14 appear on the Board over there and which
15 are blow-ups of smaller exhibits of the
16 same nature which the Defense has ex-
17 hibited and offered into evidence, do the
18 sketches purport to be scale drawings?

19 A No.

20 Q Now, under whose supervision were the
21 sketches made?

22 A Under the supervision of Dr. Humes.

23 Q Was he one of the doctors who joined with you
24 in performing the autopsy and signing the
25 autopsy report?

1 A It was the Pathologist in charge of the
2 autopsy.

3 Q Now, when you say they were drawn at his direc-
4 tion, what part did Dr. Humes play in
5 this, if you know?

6 A As far as I know, Dr. Humes gave the results
7 of our observations at the time of the
8 autopsy to a Navy enlisted man who made
9 the drawings in the preparation of our
10 testimony before the Warren Commission in
11 March of 1964.

12 Q Now, Doctor, you have testified with reference
13 to S-69 that you did not dissect the track
14 of that bullet through the President's
15 neck. Is that correct?

16 A That is correct.

17 Q Why did you not dissect it, was it necessary or
18 not?

19 A Well, this creates a great deal of mutilation
20 to dissect, and we limited our examination
21 in that respect, not to create unnecessary
22 mutilation of the cadaver. I was satisfied
23 with the aspect of the wound of entry in
24 the back of the neck, a bruise in the upper
25 part of the lung and the lining of the

1 chest cavity which is called the pleura,
2 and I did not do any extensive dissection
3 along the bullet path.

4 Q Was this mutilation of the remains of
5 President Kennedy necessary in order for
6 you to gather enough information as to
7 satisfy yourself as an expert as to the
8 path of that bullet?

9 A I did not consider dissection at that time.

10 Q I say was it, was dissection necessary in order
11 for you to get enough information to
12 satisfy yourself as to the path of the
13 bullet?

14 A I don't know what it would have shown. I can't
15 say it was necessary.

16 Q You cannot say it was necessary, you say?

17 A I don't know.

18 Q Well, did you form a firm opinion as to the
19 path of the bullet which you say entered
20 the President's back?

21 A Oh, yes.

22 Q How did you form that opinion?

23 A There was a wound with regular edges, they were
24 inverted, and they had the characteristics
25 of a wound of entry.

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

1 fragments to the best of my recollection,
2 a word which I don't see in my testimony
3 before the Warren Commission. I don't
4 think that such a bullet having lost such
5 little weight could cause a wound in the
6 wrist in which many metallic fragments are
7 seen.

8 Q Did you have occasion to examine X-rays of
9 Dr. Connally's wrist or not?

10 A I don't remember, sir.

11 MR. OSER:

12 I think it is Governor Connally.

13 MR. DYMOND:

14 Governor Connally, that's right.

15 THE WITNESS:

16 I may have had the reports at the time of
17 our testimony before the Warren
18 Commission regarding the injuries of
19 Governor Connally, but I don't recall
20 seeing X-rays or photographs of
21 Governor Connally.

22 BY MR. DYMOND:

23 Q Now, Doctor, you testified yesterday on
24 Cross-Examination that under certain con-
25 ditions the wound of entrance in a fleshy

1 area can be larger than the wound of
2 exit. Is that correct?

3 A It could be.

4 Q Does the same apply to a skull wound or a
5 projectile going through the skull under
6 those circumstances, can the wound of
7 exit be smaller than the wound of
8 entrance?

9 A Most of the time when the bullet goes through
10 bone, in and out, in a through-and-through
11 wound, the wound of exit is larger than
12 the wound of entry, the reason being that
13 the bullet often disintegrates, creates
14 fragments, producing a larger wound.

15 Q Now, Doctor, when an individual is hit in a
16 fleshy area, that is an area not backed up
17 by bone, and is hit by a high velocity
18 bullet, is it possible for there to be
19 some stretching of the skin in connection
20 with the penetration and a retraction of
21 the skin after the penetration?

22 A Definitely. Very often the skin retracts after
23 the passage of the bullet to some extent.
24 The skin is more elastic, the tissue, than
25 bone, it is a very common finding to find

1 films of the skull, a hole measuring
2 approximately 8 millimeters in diameter
3 on the outer surface of the skull and as
4 much as 20 millimeters on the external
5 surface can be seen in profile approxi-
6 mately 100 millimeters above the
7 external occipital protuberance, so this
8 measurement of 100 millimeters or 4 inches
9 refers to a measurement made on X-ray
10 film and not on the photographs or skull
11 itself. I saw that wound of entry in the
12 back of the head at approximately 1 inch
13 or 25 millimeters to the right and slightly
14 above the external occipital protuberance,
15 and it was definitely not 4 inches or 100
16 millimeters above it, so I was asked to
17 put on the drawing a measurement coming
18 from the X-ray measurement.

19 Q Now, Doctor, when you take an X-ray picture of
20 an individual or individual's head, does
21 the size of that X-ray picture coincide
22 exactly with the size of the individual's
23 head?

24 A It does not. There is a distortion, there is a
25 change in size related to the distance

1 between the X-ray tube and the film.

2 There are many technical factors that
3 the X-ray film you see does not give a
4 scale reproduction of the subject.

5 Q Now, Doctor, the measurement that you have
6 related as to the location of the wounds
7 on President Kennedy, did you take those
8 measurements from the actual cadaver it-
9 self?

10 A I did.

11 Q Do the locations of the wounds as pointed out
12 yesterday by you on the back of
13 Mr. Wegmann's shirt by a pen mark and on
14 the back of my head with a finger coincide
15 with the measurements that you actually
16 took from the cadaver?

17 A Yes.

18 Q Now, Doctor, referring again to this blow-up,
19 "Commission Exhibit 385," which is "State
20 Exhibit-69," with respect to the angle of
21 the wound in the President's neck, would
22 that angle be affected by his leaning
23 either forward or backward at the time he
24 was hit?

25 A To some extent, yes.

- 1 Q Referring to State Exhibit No. 60, State
2 Exhibit No. 70 which is a blow-up of
3 Commission Exhibit 388, with the direction
4 of the President's head, that is whether
5 it were turned to one side or the other,
6 or straight ahead, affect the angle of
7 entrance of the bullet which went into
8 the back of his head, I mean the angle
9 through the head of that bullet?
- 10 A Yes, it would, to some extent.
- 11 Q Now, Doctor, you testified that you did not
12 conduct an examination of the left half
13 of the brain of President Kennedy. Is
14 that correct?
- 15 A At the time, when we signed the autopsy report
16 the brain was still preserved in formula,
17 which is a hardener, for future studies.
18 The brain was examined after the autopsy
19 report was signed and you will find this
20 examination in the supplementary autopsy
21 report signed by Dr. Humes.
- 22 Q Did Dr. Humes ultimately render a supplementary
23 report covering the President's brain?
- 24 A He did, and you will find it on page 987 of
25 Volume XVI of the hearings before the

1 3 President's Commission on the Assassina-
2 tion of President Kennedy, it is
3 Commission Exhibit No. 391, this report
4 was forward on 6 December, 1963, by
5 Dr. Stover.

6 Q Now, Doctor, what was the purpose of the
7 autopsy which you and Dr. Humes and
8 Dr. Boswell conducted?

9 A The purpose of the autopsy was to determine the
10 nature of the wounds and the cause of
11 death. When we signed the autopsy report
12 we were satisfied with the nature of the
13 wounds, the direction, and the cause of
14 death. This was the purpose of the
15 autopsy, and in my opinion this autopsy
16 report fulfills this mission.

17 Q | Now, Doctor, as a result of having performed an
18 autopsy, to what firm opinions did you
19 arrive?

20 A At the time we signed the autopsy report --

21 Q That is correct.

22 A -- I had the firm opinion that there was a
23 wound of entry in the back of the neck,
24 a wound of exit in the front of the neck,
25 which had been included in a tracheotomy

1 2 incision, a wound of entry in the back
2 of the head and a wound of exit on the
3 right side of the head. The head wound
4 was the fatal wound, we had the cause of
5 death.

6 Q As of this date, Doctor, have you gotten any
7 information which has caused you to change
8 those firm opinions?

9 A No.

10 MR. DYMOND:

11 We tender the witness.

12 RE-CROSS-EXAMINATION

13 BY MR. OSER:

14 Q Colonel, in referring to State Exhibit-68,
15 the autopsy descriptive sheet, can you tell
16 me whether or not the mark placed on the
17 rear portion or the rear diagram of a body
18 which is indicated with the arrow and
19 marked ragged, slanting 15 x 6 millimeter,
20 can you tell me whether or not this spot
21 on this diagram corresponds to a position
22 on the head of 1 inch, approximately 1
23 inch above the external occipital protuber-
24 ance or does it apply to 100 millimeters
25 above the external occipital protuberance?

1 A It refers to an approximate location on this
2 drawing and it refers to the wound I saw
3 at 1 inch from the external occipital
4 protuberance.

5 Q All right.

6 A It was definitely not 4 inches or 100 millimeters
7 above it.

8 Q Does that report of the panel show or make any
9 reference to a hole in the President's
10 head approximately 1 inch in the vicinity
11 of the external occipital protuberance?

12 A I haven't seen that.

13 Q Now, I believe you told Mr. Dymond that at the
14 time, preparing your original autopsy
15 report of November 1963, that all the
16 X-rays were available to you. Is that
17 correct?

18 A I had seen them in the -- I had seen the X-ray
19 films of the head and the radiologist had
20 reviewed the whole body X-rays before we
21 prepared, before we signed the autopsy
22 report.

23 Q Do you know whether or not the X-rays that you
24 viewed were all of the X-rays that were
25 taken?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Well, here again, this review was made by the radiologist, I am not a radiologist and a qualified man to look at the X-rays was the Bethesda radiologist. He did it at our request and he said there was no bullet remaining in the cadaver.

NO HIATUS HERE.

1 Q I believe you said, Colonel, there was a
2 radiologist present during the 1968
3 panel report. Is that correct?

4 A Yes, one of these four names is a radiologist.

5 Q Do you know, Colonel, whether or not to your
6 knowledge that two rolls of the X-ray
7 film taken of the President on the
8 autopsy table did not come out?

9 A To my knowledge, the film that did not come
10 out were gross photographs, --

11 Q Do you know whether --

12 A Not X-ray films.

13 Q Do you know whether or not all of the X-ray
14 films came out or not, to your knowledge?

15 A To my knowledge, they came out all right.

16 Q Now, if, Colonel, you viewed the X-ray film
17 of the head or had been viewed by a
18 radiologist, can you tell me why there
19 was no mention in your report of a three-
20 quarter by one-half inch rectangular
21 shaped object in the President's brain?

22 A No.

23 Q Can you tell me why there is nothing in your
24 report making mention of metallic substances
25 in the track?

1 A Before you go to that second question, if I
2 may say something, in that panel review
3 of 1968 there was a rectangular structure
4 and they say it is not identifiable to
5 this panel.

6 Q If it was there, Colonel, in the X-rays, would
7 you say it was there in the brain at the
8 time of the autopsy?

9 MR. DYMOND:

10 What page are you referring to, Doctor,
11 what page are you referring to?

12 MR. OSER:

13 The panel of 1968, the pages are not
14 numbered.

15 THE WITNESS:

16 That is "S-72."

17 MR. OSER:

18 Page 8, Mr. Dymond.

19 THE WITNESS:

20 "There can be seen a gray-brown rectangular
21 structure measuring approximately
22 13 by 20 millimeters, its identity
23 cannot be established by the panel."
24 I don't know what this refers to.

25 BY MR. OSER:

1 Q Did you see such at the time of your autopsy,
2 did you see such a substance in the brain
3 of the President?

4 A I don't remember.

5 Q I believe you told Mr. Dymond, Colonel, the
6 reason you did not dissect the track of
7 the bullet through the throat was because
8 you did not want to mutilate the body of
9 the President. Is that correct?

10 A I did not consider this dissection --

11 Q Did you or did you not tell Mr. Dymond a
12 few moments ago that you did not dissect
13 the track of the President's throat be-
14 cause of the mutilation of the body that
15 would result?

16 A Yes, I did say that.

17 Q And you also told me yesterday you were told
18 not to go into the throat area?

19 A Yes, I don't remember the details about this,
20 who said what.

21 Q You were told?

22 A From what I remember.

23 Q And you did not do it?

24 A We did not remove the organs of the neck,
25 obviously.

1 Q Describe to me what you did with the body in
2 autopsy, what did you do with the body
3 and how did you perform this autopsy?

4 A Please repeat your question, I did not hear it.

5 Q Will you describe for me what incisions you made
6 into the body of the President.

7 A I did not make the incisions into the body, as
8 I recall I was called to examine the wounds
9 and the incisions were made by the other
10 two pathologists who performed the
11 autopsy, Dr. Humes and Dr. Boswell, and
12 who signed this autopsy report. My role
13 in this autopsy was to emphasize the
14 wounds, to examine the wounds, that is why
15 I was called.

16 Q Well, Colonel, you were present at the autopsy
17 room, were you not, the entire time?

18 A I arrived after the, -- a short time after the
19 beginning of the autopsy.

20 Q Did you or did you not see the chest cavity of
21 the President open?

22 A Yes, I did, and there was a bruise, there was
23 a bruise in the upper part of the chest
24 cavity, a bruise produced by the bullet
25 that entered in the back of the neck.

- 1 Q Did you or did you not see the scalp and
2 head area of the President open at
3 autopsy?
- 4 A I saw the skull and the scalp of the President
5 open.
- 6 Q And during autopsy, am I not correct that the
7 standard operating procedure is a Y in-
8 cision down to this area (indicating),
9 and then another incision down in the
10 rib cage to expose -- so you can get to
11 the vital organs of the body you are per-
12 forming the autopsy on?
- 13 A The usual Y-shaped incision is made, I don't
14 remember making that incision because I
15 again was not the pathologist performing
16 the autopsy.
- 17 Q You saw the President on the table after the
18 incision had been made, did you not?
- 19 A Yes.
- 20 Q And you are telling me that you did not go into
21 the throat area because you did not want
22 to mutilate the body, is that correct?
- 23 MR. DYMOND:
24 I think he answered that three times.
25 BY MR. OSER:

1 Q Now, Colonel, also along the line of the
2 dissecting of the throat area, you were,
3 at the time of the autopsy, on that night
4 I believe puzzled by what you found be-
5 cause you found no exit wound at that
6 time of the hole you found in the back.
7 Is that correct?

8 A It is.

9 Q I believe you answered Mr. Dymond before that
10 you were not taking orders from anybody
11 in the autopsy room. Is that right?

12 MR. DYMOND:

13 I think that is a misquotation of the
14 witness.

15 MR. OSER:

16 I asked the Colonel whether or not he
17 told Mr. Dymond on redirect examina-
18 tion that he was not taking orders
19 from anybody in the autopsy room.

20 MR. DYMOND:

21 I asked the witness on redirect whether
22 anybody gave him any orders as to what
23 his professional opinion should be.

24 MR. OSER:

25 Your answer was no, is that correct,

Colonel?

THE WITNESS:

Right.

BY MR. OSER:

Q But you did take orders and did not dissect the throat area?

A Well, these are not direct orders, these are suggestions and directions. I was not told, "I give you a direct order" or that sort of thing.

Q And at the time, Colonel, you were a Lieutenant Colonel, were you not?

A Yes.

Q And there were Admirals and Generals in that room, were there not?

THE COURT:

We are going over the same thing.

MR. OSER:

Orders were brought up on redirect.

MR. DYMOND:

We object on the grounds --

THE COURT:

I sustain the objection, repetitious.

MR. OSER:

That's all.

1 THE COURT:

2 Is Dr. Finck released from the obligation
3 of his subpoena?

4 MR. DYMOND:

5 He is.

6 At this time may we have five minutes?

7 We have a couple of witnesses whom
8 we are expecting.

9 THE COURT:

10 Take the Jury upstairs.

11 We will have a recess.

12 (Whereupon, a brief recess was taken.)

13
14
15
16 NO HIATUS HERE.
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, the undersigned, Paul W. Williams, do hereby
certify:

That the above and foregoing (37 pages of type-written matter) is a true and correct transcription of the stenographic notes of the proceedings had herein, the same having been taken down by the undersigned and transcribed under his supervision, on the day and date hereinbefore noted, in the Criminal District Court for the Parish of Orleans, State of Louisiana, in the matter of the State of Louisiana vs Clay L. Shaw, 198-059 1426 (30) Section C on the 25th day of February, 1969, before the Honorable Edward A. Haggerty, Jr., Judge, Section "C", being the testimony of Pierre A. Finck, M. D.

New Orleans, Louisiana, this 25th day of February, 1969.

Paul W. Williams

• PAUL W. WILLIAMS