

AUTOPSY REPORT WASN'T COMPLETE IN '63--DOCTOR

But Finck Is Convinced JFK Shot from Rear

7-9 2/2/79
 One of three pathologists who performed the autopsy on President John F. Kennedy said under cross-examination Monday that as late as January, 1967, the autopsy report may not have been complete.

Col. Pierre A. Finck made the statement late Monday afternoon as he underwent a fine-tooth-comb cross-examination by Assistant District Attorney Alvin V. Oser Jr. in the conspiracy trial of Clay L. Shaw.

Under direct questioning during the morning, Col. Finck said his examinations during the autopsy performed at Bethesda Naval Hospital on the night of Nov. 22, 1963, firmly convinced him that President Kennedy was struck by two bullets, both fired from the rear and from above.

As the afternoon wore on and Oser continued to question the Army pathologist about medical questions, it became necessary on a number of occasions for Judge Edward A. Haggerty Jr.,

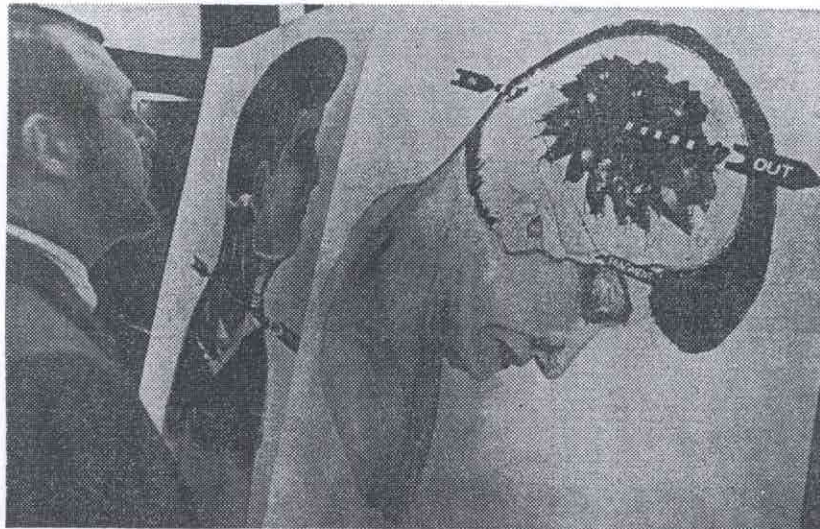


COL. PIERRE A. FINCK Testifies about autopsy.

the presiding judge, to direct the witness that he must answer either "yes" or "no" to certain questions.

A man who obviously prefers to be precise in his answers, it became apparent that Dr. Finck was finding it difficult to answer certain questions

Drawings Show Kennedy Wounds



DRAWINGS showing the wounds suffered by President John F. Kennedy were introduced into evidence Monday by the state during

the Clay Shaw trial. The left drawing shows the throat wound, while the other shows the wound to the head.

—Photo by Jack Thornell, AP Photographer.

with a single "yes" or "no" although he was permitted to explain his answers immediately.

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

Left Side of Brain Wasn't Examined

The question about whether or not the autopsy report was complete as late as January, 1967, developed when Oser asked the witness if he had examined any of the left side of President Kennedy's brain, and

he answered that he had not.

Oser then asked a theoretical question about a person being shot as the Warren Commission said President Kennedy was, and then asked if in a case such as this he would not "deem it feasible to examine the left side of the brain area."

"Yes," answered Dr. Finck, "it would be, but the brain was removed and being preserved for further sectioning."

Oser asked him how many

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gments were found in the left side of the brain, and Dr. Finck said he did not know because he did not see the X-rays taken of the brain.

After a few more questions, Oser asked Dr. Finck if the work performed by the three pathologists on the night of Nov. 22, 1963, represented a complete autopsy.

Dr. Finck said that the autopsy report was not complete on Nov. 24, 1963, when the three doctors submitted their initial report.

He said there was later a supplemental report by one of the other pathologists that included additional studies, and when in January, 1967, another report of the autopsy.

He said the purpose of the January, 1967, report was to correlate the autopsy report with the photographs taken during the autopsy.

Oser asked him if he had included information from the supplemental report "in your report of January, 1967."

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

"Well, if you did not include the information from the supplemental report, then it was not complete and accurate completely?"

Dr. Finck conceded that this would be so if he had not used the material from the supplemental report, and he added: "But you must understand. There are some details I remember and others that I don't."

Doctor Didn't Bring Supplemental Report

Oser then asked him what material he had brought to New Orleans with him regarding his testimony. He listed several items, and Oser asked: "Did you bring the supplemental autopsy report?" "I did not," answered the doctor.

Dr. Finck will continue to undergo cross-examination when the trial is resumed at 9 a. m. Tuesday.

Oser and chief defense attorney F. Irvin Dymond became involved in several clashes during the day as Dymond asserted Oser was arguing with the witness.

Oser had to be cautioned on several occasions about interrupting Dymond's objections.

Monday also marked another

day when the name of the defendant in the trial was not mentioned in the courtroom during questioning.

Shaw is charged with having participated in a conspiracy with Lee Harvey Oswald and David W. Ferrie to murder President Kennedy. The Warren Commission found that Oswald, acting alone, shot President Kennedy.

Dr. Finck said on direct questioning by the defense that he concluded that a wound in Kennedy's neck area and a wound on the back of his head were both entry wounds.

He said he saw no evidence during the autopsy that was inconsistent with these conclusions.

Oser's cross-examination brought out that Dr. Finck did not see the actual photographs taken in 1963 until 1967, and Oser also questioned him closely about the report of a secret panel of experts who studied the pictures and reported some things differently from the three pathologists who took part in the autopsy.

Doctor Hesitant About Answering

Dr. Finck was hesitant about answering questions concerning removal of the neck organs. "I was told to examine the head wound and chest wound," said Dr. Finck. "I was told the family wanted an examination of the head and chest."

Oser asked Dr. Finck why he did not remove the neck organs.

Dr. Finck was evasive, but finally answered, "I was told not to, but I don't recall by whom."

"Was it an admirer or general?" pressed Oser. "Is there any reason you can't recall why?"

"I was asked to examine the head wound and the chest," said Dr. Finck.

Oser also asked questions that probed the possibility of a single bullet passing through both

Kennedy and former Texas Gov. John Connally and later being found nearly intact.

The nearly intact bullet, Warren Commission Exhibit 399, was brought up early in the afternoon and again shortly before the trial was recessed for the night.

Oser asked just before adjournment if Exhibit 399 could

have caused the damage to President Kennedy's head. Dr. Finck said it could not because the bullet that struck the President's head disintegrated into numerous fragments.

Oser then asked a hypothetical question, matching what the Warren Commission says was possible: a gunman in the sixth floor of the Texas School Book Depository fires at the limousine and strikes the President in the back neck area and the bullet emerges from the front and strikes another occupant, breaking a rib, fracturing a wrist and comes to rest in his leg.

Dymond objected that Oser was asking a hypothetical question that contained points not brought out in evidence already before the court.

Oser Agrees to Rephrase Question

After more arguing between the state and defense, Oser said he would rephrase the question.

He then asked Dr. Finck if he thought Exhibit 399 could have struck a wrist and remained in the same condition as he had seen it.

"I don't know," answered Dr. Finck.

Oser then asked if he had not been asked a similar question by the Warren Commission and answered that he did not think it was possible because there were too many fragments in the governor's wrist.

Dymond objected that Dr. Finck's answer to the Warren Commission would have been based on hearsay as he never examined the governor's wrist and his answer to the commission was hearsay, too.

Apparently seeing a key legal argument developing, Judge Haggerty ordered the jury removed from the courtroom.

The arguing continued and Dr. Finck said his answer to the question asked by the commission that Oser quoted had to be taken in connection with the question asked immediately before it. Dymond maintained that Dr. Finck was saying his testimony to the commission was being taken out of context, but Judge Haggerty finally ruled that his testimony to the commission indicated he did not believe it was possible because of lead fragments found in Conally's wrist. He said the jury would have to decide.

The jury was called back and

Judge Haggerty adjourned for the day.

Regarding the findings of the secret panel of experts, Oser emphasized three points: that the panel said its examination indicated the head wound was higher than did exhibits presented to the commission; that it located a rectangular structure, approximately three-quarters of an inch by a half-inch, and that it detected metallic fragments in the head wound and throat wound.

Dr. Finck said he did not recall what the rectangular structure might be and said it was not mentioned in his report of January, 1967.

He also said he did not observe any metallic fragments in the throat wound.

The panel, nevertheless, upheld the findings of the Warren Commission regarding the number of bullets which struck the President and the direction from which they came, the rear.

Cross-Examination of Finck Continues

Cross-examination of Finck continued at 3:25 p.m. following a recess.

At this point, Finck testified that some of the autopsy information was given by Dallas surgeons, including Dr. Malcolm Perry of Parkland Hospital. Dallas physicians said a tracheotomy was performed around the wound in the front of the President's neck, according to Finck.

Finck said this incision was about five millimeters in diameter.

"How large a wound was in the neck?" Oser asked.

"It was a long sideways surgical incision," Finck answered.

"Was this the wound caused by the missile?"

"I did not see the small wound described by the Dallas surgeons as the bullet wound."

"Did you dissect the area and take a cross-section for microscopic examination?"

"I made some incisions, of course, and I examined the area carefully but I don't remember dissecting the area. I

remember a close eye examination."

Oser then asked Finck to describe a wound when a bullet exits the body.

"There is variation," he replied. "The wound of exit may be small . . . it may be smaller than the wound of entry or it may be larger than the wound of entry. It depends on many factors."

Finck said the entrance wound in the back of President Kennedy's neck measured seven by four millimeters. He said the wound in front of his neck measured five millimeters in diameter. The latter measurement, he stated, was made by the surgeons in Dallas.

Finck testified that he did not see the front neck wound during the autopsy, although he said he saw an exit hole in the shirt President Kennedy was wearing that day.

"Then the wound in the back of the neck was larger than the wound in the throat area?" Oser asked.

The defense objected to this question on the grounds that Finck did not see the front wound, but the state maintained that Finck did approve the findings of the Dallas surgeons. Judge Haggerty overruled the objection and Dymond filed a bill of exception.

Wound in Throat Wasn't Measured

Asked the question again, Finck replied, "I don't know. I had no way of measuring the wound in the throat. A tracheotomy had been performed on it."

Finck was asked by Oser to mark on the diagram of Kennedy's head approximately where the neck wound was located. Finck said he could only approximate it, pointing out that the neck wound location on the autopsy descriptive sheet made it appear lower than it actually was.

Pressed by Oser on this matter, Finck admitted he did not find out the discrepancy between the autopsy sheet and the diagram submitted to the Warren Commission until January, 1967. He came upon the discrepancy, Finck said, when he was comparing the two exhibits.

Finck said he did not remember dissecting President Kennedy's scalp area during the autopsy, although he remembered reading a microscopic descrip-

tion of that area in Dr. Humes' report.

Oser asked Finck to approximate the angle of entry of the bullet entering the President's head. Finck replied that an approximate measurement would be within 45 degrees, although it would be difficult to pinpoint a figure because the exit wound was "very large." In order to get an angle, one would have to approximate the center of the wound, he testified.

"The head wound was so large it would have been extremely difficult to say what the angle was," he added.

Finck Is Asked to Locate Wound

Oser then asked Finck to locate the President's head wound on the back of his (Oser's) neck. Finck did so, after which Oser asked:

"Do you agree with a report made by four doctors in 1968 that the wound was located 100 millimeters from above the external occipital protuberance?"

"I can't say whether I agree or disagree," Finck replied.

Oser requested that Finck mark on the diagram where the 100 millimeter measurement would fall, but Finck maintained he could not because the 100 millimeter point was initially estimated on an X-ray and could not be transposed to an unscaled diagram.

At this point, there was much arguing between Oser and defense counsel over whether Finck was capable of marking the 100 millimeter point. Dymond objected officially, and Judge Haggerty sustained the objection, commenting that he was not "going to force him to draw it."

Oser then asked that he mark it on the autopsy descriptive sheet. Finck did this, noting that it was only an approximation.

When Finck returned to the stand after marking the sheet, he said, "I'd like to make a comment for the record."

"No sir," declared Judge Haggerty. "You're not running this show. You can only give answers to questions. You cannot volunteer information."

The judge told Finck he could explain his answers if he wished. This, said Finck, was what he wanted to do.

"The mark I just made (on the sheet) does not correspond to the wound I saw at the time

of the autopsy. It was not as high as that," Finck explained. "I don't endorse the 100 millimeter measurement for this drawing," Finck emphasized, "I was forced to show this."

"Let the record show he wasn't forced," Oser retorted. "I was asked," Finck added.

Witness Asked About Note-Taking

As the afternoon session opened, Oser delved into the note-taking at the autopsy for the President.

"I don't recall making the notes," said Dr. Finck. "I recall Dr. Boswell making the notes."

"How was the final draft of the autopsy report put together?" asked Oser.

"I signed the autopsy report Sunday, Nov. 24, 1963, in the office of Adm. Galloway, one of the admirals in charge of the Navy hospital," said Dr. Finck. "I had a review with Dr. Humes of his draft for the final report before then. The three of us were present at Adm. Galloway's office."

Oser got up from his chair and went to the witness stand. "I show you Vol. 17, Pages 30-47 (Warren Commission Report) and ask you if you would review the contents of those pages," he said.

Dr. Finck took the pages and looked at them. "I don't recall seeing Pages 30-44," he answered. "What Dr. Humes and I did was to discuss the wording as prepared through Saturday (Nov. 23). He read over to me what he had prepared."

"On page 45, I recognize the drawing which I see now in the courtroom. It is commission exhibit 397."

"The best I can tell Page 45 is the same as State Exhibit No. 68. I recall that these drawings had been made. You realize drawings are made ahead of time and rules are added to these figures. It schematically presents the front and back of the body."

Dr. Finck said State Exhibit 68 "is an autopsy worksheet. When it was done by Dr. Boswell, I don't know—if he did it."

Oser asked Dr. Finck if State Exhibits Nos. 69 and 70 — sketches of the President and the entry of the bullets—were done in March, 1964.

Sketches Seen in March, 1964

"I don't know the exact time," said the doctor. "But the first time I saw them was in March, 1964."

"Do you know if the photos and X-rays of the President taken at the autopsy were available to the illustrator?" asked Oser.

Dr. Finck said he did not think they were.

"Was the illustrator at the autopsy?" questioned Oser.

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

"Did you see the illustrator there?" asked Oser.

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

"Did you make any kind of notes at the autopsy?" asked Oser.

"I may have written down some measurements," recalled Dr. Finck. "I recall giving them to Dr. Humes and Dr. Boswell. I saw both Dr. Humes and Dr. Boswell taking notes."

Oser asked, "Were you present when Dr. Humes burned his original notes?"

"I was not," said Dr. Finck. Oser handed Dr. Finck what he identified as State Exhibit No. 71 and asked if he recognized it.

"I recognize this as being Pages 978-983 of the autopsy report signed in November 1963," said Dr. Finck.

"This is the one you co-authored?" asked Oser. Dr. Finck said it was.

"Doctor," began Oser, "where did you first see the Zapruder film?"

"It was in March, 1964," he answered. "I had returned from Panama and had been told I was to testify before the Warren Commission."

"At the time of the autopsy report, you had not seen the Zapruder film?" questioned Oser.

"I had not," agreed Dr. Finck.

"Are you familiar with all the evidence that S-71 is based upon?" Oser asked.

Dr. Finck looked at the report for a minute or two. "In a general sense," he said, "yes."

Witness Is Asked About Conclusion

"When I call your attention to Page 2 of the clinical summary," said Oser, "and ask

you the basis for saying that there were three shots."

"Where do you see that?" asked Dr. Finck. Oser told him the place.

"We had information to that effect," said the doctor.

"From whom did you get it?" asked Oser.

"A lot of people were asked," said Dr. Finck. "I couldn't list all the people."

"Who told you?" asked Oser.

"As I recall Adm. Galloway talked with somebody who had been present at the scene," said Dr. Finck, "I can't give details."

"Did you interview any witnesses to the assassination at Dealey Plaza?" continued Oser.

"There was Secret Service Agent Kellerman in the autopsy room," said Dr. Finck. "I asked him his name. Adm. Burkley, the President's personal physician, and a third person whose name I don't recall were questioned by me. They said that three shots were fired. I obtained this information from people available."

"Did you have information there were four shots?" asked Oser.

"From the assassination on I heard conflicting reports on the number of shots," said Dr. Finck.

"Did you have information there were four shots?" asked Oser.

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

"How about two shots?" inquired Oser.

"At the time I made the report I don't recall anyone saying there were two shots," the doctor replied.

Oser, still referring to the clinical summary, asked Dr. Finck how it was arrived for the summary that Gov. John B. Connally was "seriously wounded by the same gunfire."

Witness Cites

News Reports

"We knew it by the news media reports as best I recall," said Dr. Finck. "This was the information we had at the time of the autopsy report. It may

be obtained after the autopsy. I can't pinpoint the source of that information."

"I show you State Exhibit 64," said Oser, "and ask if you recognize it."

"This is similar to a bullet I saw for the first time in March, 1964," said Dr. Finck.

Oser told the doctor, "I refer to a statement you made before the Warren Commission in which you stated that it was impossible for the bullet in Exhibit 399 (Warren Commission) to do the same damage to Gov. Connally as President Kennedy as there were too many fragments in Gov. Connally's wrist. I ask if you made this statement."

Dymond objected, but Dr. Finck was allowed to answer.

"It is difficult to answer," said Dr. Finck. "Two bullets struck the President. I examined the wounds of the President, and I would say that the bullet seen here is an entire bullet—meaning one that didn't disintegrate into many fragments."

Oser told the doctor that he wanted to know if he made the statement, and told him he could refer to his testimony in the Warren Commission report.

Dr. Finck found the place and began reading. It was a question and answer session between him and Arlen Specter, a Warren Commission counsel. According to Dr. Finck, Specter asked him if the bullet could have gone through President Kennedy's head and remained intact "in the way you see it now." Dr. Finck said his answer was "definitely not."

The doctor said Specter then asked, "And could it have been the bullet that inflicted the wound on Gov. Connally?" Dr. Finck said his answer was, "No, because there are too many fragments in Gov. Connally's wrist."

Reference Made to Article in Paper

Oser said that in the clinical summary reference was made to a Washington Post article quoting a Dallas Times-Herald photographer, Bob Jackson, as saying he saw the barrel of a gun being withdrawn from the sixth floor of the Texas Book Depository. "Who recalled that

article and why?" asked Oser.

"This is part of a report I signed," replied Dr. Finck.

"Who called this to your attention and why?" continued Oser.

"As I recall it was Dr. Humes," said Dr. Finck.

"Is it customary to refer to news articles in autopsy reports?" Oser asked.

There was an objection here and Oser explained that he was trying to point out the autopsy was based partially on hearsay evidence.

"Not being at the scene I had to get something from someone else," explained Dr. Finck.

"Did you have anyone call to your attention an article that said there were six shots?" asked Oser.

"I don't recall reading it," said Dr. Finck. "At the time I may have been aware of conflicting reports on the number of shots and the direction of them."

"Since you were dealing with a Washington Post article, were you aware of one that said a spectator saw portions of the brain..." began Oser. But Dymond objected, saying it was not a contradictory statement.

Judge Haggerty told Oser, "I think you are enlarging on the scope of contradictory statements."

Dymond argued that the state shouldn't be allowed to go into every conflicting report by every eyewitness. He said they were irrelevant.

But Judge Haggerty said, "I believe the witness said he wasn't there and had to receive evidence from others. Why don't you ask him what other reports he took into consideration?"

Finally, Oser asked, "Were you furnished reports by any other witnesses?"

Dr. Finck replied that he based it on "people who had

been at the scene."

The doctor said he personally talked to Secret Service agent Kellerman, Adm. Burkley and Adm. Galloway, who was referring to a third person at the scene. He said the statement was "to the best of our knowledge at that time, that there were three shots."

Ability to Talk Is Questioned

Oser then moved into questioning about the neck wound. "With a wound such as you have described," he began, "could the President have talked?"

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

"Do you have an opinion?" continued Oser.

"There are many factors that influence a person's ability to talk," he replied.

"Did you dissect the path of the bullet through the tract?" asked Oser.

"I did not," said Dr. Finck.

"Why?" asked Oser. Dr. Finck hesitated answering the question, referring to the fact it would concern "disclosure of medical records."

Dr. Finck said he did not remove the organs of the neck. "I was told to examine the head wound and that the..."

There was a pause and Oser said, "Are you saying someone told you not to?"

"I was told to examine the head and chest, but it didn't include the organs of the neck," said Dr. Finck.

"I want to know why you didn't trace the track of the wound" pushed Oser.

There was a long pause by Dr. Finck.

"As I recall I didn't remove the organs of the neck," said Dr. Finck.

Oser, growing irritated, said, "Your honor, I am going to have to ask you to have the witness answer my question. Why didn't you trace the track of the wound?"

"I was told not to but I don't recall by whom," said Dr. Finck.

"Was it an admiral or general?" questioned Oser. "Is there any reason you can't recall why?"

"I was asked to examine the head wound and the chest," said Dr. Finck.

"You were not interested in the track?" asked Oser.

"I was interested in the track," said Dr. Finck. "I noted the point of entry and point of exit."

"But you were told not to go into the area of the neck?" asked Oser.

"Yes," said Dr. Finck, "but I don't recall by whom."

"Did you probe the wound in the back of the neck?" asked Oser.

Attempt to Probe Was Unsuccessful

Dr. Finck said he attempted

to do this, but didn't succeed. He said it may have been caused by a contraction of the muscles.

Oser asked Dr. Finck if it wasn't reasonable to dissect this area if there was a passageway caused by a bullet. "I didn't consider a dissection," said Dr. Finck.

Responding to further questions, Dr. Finck said he was only able to probe a fraction of an inch in the wound in the back of the neck.

Oser asked Dr. Finck if he was able to tell if there was a singe around the wound in the back of the neck.

Dr. Finck said there were microscopic examinations of the wound of entry.

"Are the results in the autopsy report?" asked Oser.

"I think it is part of the supplementary report," said Dr. Finck.

Oser went into a lengthy question concerning whether it wasn't more acceptable in an autopsy to see the singe areas of a wound under a microscope than to use the naked eye.

Dymond asked that Oser ask only one question at a time. Judge Haggerty agreed. "Break it down," said the judge. "You had five questions." And he held up five fingers.

Dr. Finck explained that he considered a microscopic examination a supplementary aid. "But in this case, the wound had the gross characteristics that enabled one to know that it was the point of entry in the back of the neck," said Dr. Finck. "I think I saw the microscopic examinations."

"But how about the results?" asked Oser.

"I don't recall the timing of seeing them," said Dr. Finck.

"I'm not asking for the time, but the results," said Oser.

Dr. Finck said he recalled that Dr. Humes described them.

Didn't Burn Notes, Says Dr. Finck

"Let me ask you, colonel," said Oser, "did you burn your notes also?"

"No," replied Dr. Finck.

Oser said that Dr. Finck was supposed to have told a federal agent that there were no lanes for the outlet of a shoulder wound. Oser asked Dr. Finck if he ever said anything similar.

"I recall stating that I found

a wound in the back and can not find an exit," said Dr. Finck. "I may have said that to Agent Kellerman."

"Do you recall stating it was a shoulder wound as opposed to a neck wound?" asked Oser.

"I don't recall a shoulder wound," said Dr. Finck.

"If I told you Agent Kellerman . . ." began Oser.

Dymond objected, and Oser

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moved to another area.

"Referring to State Exhibit No. 69," he said, "Dr. Finck, can you tell me if that bullet hit any bone?"

"From the X-rays, it was determined that this bullet entered the back of the neck and came out of the front without striking any major bones," said Dr. Finck.

"Any bones?" asked Oser.

"There was no evidence of bone injury," said Dr. Finck.

Oser returned to the question about whether the President could speak after he was hit. "What is your opinion?" asked Oser.

Dymond objected. "He has already testified that he didn't know if the President could speak," said Dymond.

But Judge Haggerty permitted the question.

Doctor Didn't See Vocal Cords

"To talk one needs integrity of the vocal cords," said Dr. Finck. "I didn't see the vocal cords."

"Why didn't you?" probed Oser.

"From the best of my recollection the wound was outside the vocal cord area," answered Dr. Finck.

"Is it not true that at the time of the autopsy you were uncertain that the wound in the back was a through and through gunshot wound?" Oser continued.

"That's right," agreed Dr. Finck. But Dr. Finck explained that though he was puzzled because there was an entry wound and no exit wound, this was cleared up in a conversation between Dr. Humes and Doctors at Parkland Hospital. There was a small wound in the neck, said Dr. Finck.

"Didn't you see a small wound

in the throat?" asked Oser. "No, I didn't see it," said Dr. Finck. "I saw an incision."

Oser asked Dr. Finck if he had dissected the track of the wound that night, "wouldn't you have seen it was a through and through wound?"

Dr. Finck said this could have been true, but he did not agree fully.

"You were the pathologist that night, weren't you?" asked Oser.

"Yes," said Dr. Finck.

Measurements Are Questioned

Oser moved to questions about measurements from the President's mastoid bone. "If the cadaver had been lying on the autopsy table with his head to the right, wouldn't the measurements have been different?" asked Oser.

"There would have been some variation," answered Dr. Finck. "But the measurements were done with the President's head in a general forward direction."

Oser asked Dr. Finck if he could define rigor mortis.

"It literally means stiffness of death," answered Dr. Finck. "It is a normal process after death. The degree and time varies from one case to another."

Oser asked Dr. Finck why the degree of rigor mortis was not contained in the autopsy report.

Dr. Finck went through his leaflets and said, "There is a beginning of rigor mortis on Page 2 — it is the only reference I find."

Oser questioned, "Would the varying degrees of rigor mortis have anything to do with the measurements of the skin wound?"

"It creates a difference," said Dr. Finck.

Oser went to the board and looked at one of the exhibits. "Doctor," he began, "can you give the degree of entry in the back of the President? What is this angle?"

Dr. Finck said, "This shows the wound of entry is higher in the back than in the front."

"Did you calculate this in degrees?" pressed Oser.

"It can't be made with a great deal of precision," said Dr. Finck. "There are variables."

"Didn't you calculate it?" asked Oser again.

Dr. Finck said he recalled a

figure somewhere around 45 degrees.

Oser told Dr. Finck, "Using State Exhibit No. 68, can you tell me the lateral angle right to left of the arrow going through the neck?"

Dr. Finck asked Oser to clarify the question.

"At how much angle did the bullet go in the President's back?" asked Oser.

Dymond Objects to Question

"This is something impossible to answer," said Dymond, objecting to the question.

Judge Haggerty said, "He

can't do this unless he knows where the exit is. He can't tell you."

Oser protested this was his testimony.

Judge Haggerty leaned over and asked Dr. Finck, "Can you give us the angle of entry?"

"In relation to the right and left or horizontal plane?" replied Dr. Finck.

"Right and left," said Oser. "Did you calculate such an angle?"

"I don't recall the angles of the right to left direction," said Dr. Finck.

While Dr. Finck was making that statement, Garrison made his first courtroom appearance of the week.

Oser asked Dr. Finck if it wouldn't have been a small corridor for a bullet to go through and not hit a bone.

"It is possible for a bullet to produce an entry and exit without producing gross damage," said Dr. Finck.

"Were there any metallic fragments in the neck wound?" asked Oser.

"I don't recall fragments in the area of the neck," said Dr. Finck. "But there were numerous ones that showed up on the X-rays of the head."

Oser asked Dr. Finck why the five-page report dated Jan. 26, 1967, was prepared.

Finck Explains Purpose of Report

Dr. Finck explained that its purpose was to correlate "our autopsy report and the X-rays and photographs of the wounds. We had seen the X-rays at the autopsy, but had not seen the photos. We were asked to look at them."

"Who asked you to look?" asked Oser.

There was a long pause as Dr. Finck thought. He held his hand to his chin as if in deep contemplation. Up above him, Judge Haggerty suddenly said, "Mr. Oser, are you waiting for an answer?" There was loud laughter in the audience.

"Yes, your honor," said Oser. "I saw those photos and X-rays at the Archives of the United States," said Dr. Finck.

Oser started to say something. Judge Haggerty interrupted, "Wait a minute, Mr. Oser, I'm trying to help you out. Who asked you to view them, Dr. Finck?"

"As I recall it was Mr. Erby of the Department of Justice," said Dr. Finck. "There were many names involved in this I had authority to go there from the military."

Oser asked Dr. Finck if he was asked to do this because of a panel review that was being done on the autopsy report.

"This was in January, 1967, that we did ours," said Dr. Finck. "I was not aware then of this panel review which took place in 1968."

Dr. Finck acknowledged that he had read the work of the four-man panel review, receiving a copy of it only this month (February).

It was at this point that Judge Haggerty called an afternoon recess.

Dr. Finck First Witness Called

The trial was resumed at 9:02 a.m. and Dr. Finck was the first witness called by the defense. He was accepted as an expert witness in the field of anatomic pathology and forensic pathology without any questions being asked by the prosecution.

As soon as he was qualified as an expert witness, Dymond moved into the area of the autopsy on President Kennedy.

Dr. Finck, then a lieutenant colonel, said that on Nov. 22, 1963, he was contacted by Dr. Humes and participated in the autopsy with Dr. Humes and Dr. Boswell, both Navy doctors.

"Are you one of the coauthors of the pathology report of the autopsy?" asked Dymond.

"Yes, I am," answered Dr. Finck.

The first wound which Dymond asked the witness to dis-

cuss was the body wound.

Dr. Finck said he observed a wound "on the right side of the neck of President Kennedy." Dymond then asked him to point out for the jury on the back of William Wegmann, another defense attorney, just where the wound was located.

Using a 36-inch ruler, Dr. Finck made several measurements and then indicated the approximate spot. Dymond then asked the doctor to mark in pen the spot on Wegmann's shirt.

Wegmann appeared surprised by the request, but joined in with Dymond, the state attorneys and the spectators in court in smiling good-naturedly.

Measurements Are Explained

Dr. Finck, after placing the pen mark on the shirt, apolo-

gized to Wegmann for having marked his white shirt. After placing the mark, Dr. Finck explained that he had made measurements to locate the position as being approximately five inches from the right mastoid process (a bone behind the ear) and approximately five inches from the upper bony prominence of the right shoulder and two inches to the right of the back's midline.

Returning to the witness stand he said he observed the wound and said the hole had regular edges that had been pushed inward. He said the edge showed abrasions which, he added, are usually seen when a projectile rubs against the skin.

Dymond asked him if he examined it minutely and Dr. Finck said he did. "I looked at it very closely and had the opinion, based on the characteristics I've mentioned — the regular edge pushed inward with the abrasion — that this was the wound of entry."

Dymond then asked if he was able to determine from the nature of the wound what had entered. "It was compatible with a wound caused by a bullet," Dr. Finck answered.

Dymond then asked if the witness had observed anything in relation to the wound that would make it incompatible or inconsistent with it being a

wound of entry. "No," was Dr. Finck's answer.

Dr. Finck was then asked if he had examined a wound in the front neck region of President Kennedy.

The witness said that he saw in the front of the neck a sideways incision made for the purpose of allowing breathing. He said it was a very common incision, "very commonly found on unconscious persons."

"I did not see a wound of exit at that time, but the following day Dr. Humes called the surgeons in Dallas. . ."

Oser Objects to Comments

Oser objected that Dr. Finck's comments amounted to hearsay and Dymond told the witness that he could testify only to what he did and not to what concerned the actions of someone else or what someone else was told.

Dr. Finck then explained that "When you have a wound of entry and no wound of exit; when the X-rays, which I requested, showed no bullets, then you need some other information on where the bullet went. There was no exit and no bullet and I insist on that point (the information received from Dallas).

Judge Haggerty then told the witness, "You may insist on that point, but we're going to follow the law" regarding hearsay evidence.

Dymond then asked the witness if he had requested X-rays of the entire body, and he said he had.

"Was the location of the incision (in the front neck region) medically consistent with that area which would have served as a point of exit?" asked Dymond.

"Entirely," answered the doctor.

"Was there anything that would have made it inconsistent as a point of exit?"

"No," answered Dr. Finck.

Dymond then asked Dr. Finck if he had any opinion as to what was the point of exit. He said he did because he had seen the shirt of President Kennedy and he described the small hole "at the approximate level of the tie knot." He said the fiber edges "showed blood and were turned outward, indicating an exit hole, and the position of the exit hole was entirely compatible with the level of the incision I saw."

Drawing of Wound Is Introduced

Dymond then introduced an exhibit which Dr. Finck identified as having been drawn by a Navy enlisted man in connection with the testimony of the three pathologists before the Warren Commission. He said Dr. Humes supervised the drawing of the sketch which depicted the wound he was discussing. He said it depicted where the projectile entered and where it came out, and he said it depicted that the entry wound was higher than the exit point.

"Dr. Finck, let me ask you if this sketch purports to represent the actual vertical position of President Kennedy when he was hit?" asked Dymond.

Dr. Finck said that regarding the position of the President, the Zapruder film shows him sitting in a straight up position, looking in a general forward direction.

Dymond asked if from examination of the film, the actual moment when the Presi-

dent was first struck was determined.

Dr. Finck said the Zapruder film was of great value to the pathologists in that it established the position of the President and also established the sequence of the shots. "At the time of the autopsy we did not determine the sequence of the shots . . . the sequence was estimated by the Zapruder films."

Dymond then asked the witness if he had a firm opinion about the inflicting of the wound.

"It was definitely inflicted by a shot from the rear."

Questions Asked About Head Wound

The defense attorney then moved in a series of questions concerning the head wound which President Kennedy received.

Dr. Finck said he saw a wound in the back of the head on the right side "at approximately one inch from the bony prominence you can feel in the back of your head."

Dymond then offered himself as a volunteer, asked Dr. Finck to point out on his head where the wound was, and he added: "But let's not mark this one."

Dr. Finck said this wound had slightly irregular edges and there was a hole in the bone in the skull. Concerning the irregular edges, he said a bullet striking a person's head meets resistance from the bone underneath, whereas a bullet striking the back of the neck does not meet such resistance.

He said he examined the bullet hole from out and inside the skull. "When I examined it from the outside I did not see a crater, but when I looked at the wound from the inside I saw a definite crater. This is a certain factor to identify positively the direction of a projectile going through a flat bone."

Dymond then introduced another exhibit, this one an illustration prepared by Dr. Finck before the assassination. He said he used it to illustrate lectures in demonstrating patterns in a through-and-through or perforating missile wound.

He then explained the illustration to the jury and discussed what happened when such a wound occurs.

In addition to the hole in the back of the head, Dr. Finck said there was also a very large star-shaped wound approximately five inches in dia-

meter on the right side and top of the President's head.

Portions of Bone Received from Dallas

He added that during the course of the autopsy, portions of bone were received from Dallas and they were of the same appearance as the remaining skull of the President.

He continued: "Because of the shattering explosive force produced by the bullet, the wound of exit is very irregular . . ."

Dymond asked if he saw any skull fragments that he determined were incompatible with the wound on the side being the exit area. "There were none," said Dr. Finck.

Dymond asked Dr. Finck if he had a definite impression about the path of the bullet and Dr. Finck said he did.

"I have the firm opinion that the bullet entered in the back and exited on the right side of the top of the head producing a very large

wound."

Dymond asked if in view of the small size of the entry hole and the relative large size of the hole of exit, the witness had determined the angle which the bullet entered the head. Dr. Finck said he had a firm opinion that the direction of the bullet was down. Dymond asked him when he formed his opinions about the direction and number of wounds. "At the time I signed the autopsy report, I had a firm opinion that both bullets struck in the back; one in the back of the neck and the other in back of the head."

Dymond asked if his opinion was an "honest, professional opinion," and he said it was. Dymond asked if his opinion had been affected by the desire of request of anyone in government and Dr. Finck repeated, "My opinion is an honest opinion."

No Disagreement, Says Dr. Finck

Oser began his cross-examination by asking the witness if there was any disagreement between the three pathologists "as to what was done and the results" of the autopsy. Dr. Finck said there were none.

Oser asked the witness if he had conducted any experiment or research on missile penetration of the brain. Dr. Finck said he did not, but added that he has studied the effects of

bullets striking bone and also the effects of bullets going through a gelatin block, which he said is the approximate consistency of soft (human) tissue.

He also told Oser he conducted his experiment after testifying before the Warren Commission. He said the experiments were conducted in December, 1965, and January, 1966, and concerned rifle bullets "but they had no connection with the assassination of President Kennedy."

Oser asked him if at the time of the autopsy report, the report was "primarily based on observation," and Dr. Finck said this was correct.

He then asked when the doctors at Parkland Memorial Hospital in Texas were contacted. Dr. Finck said Dr. Humes called Parkland the morning after

the autopsy.

"Why did you delay until the next morning when the body was already removed?" asked Oser.

"I can't explain that," said Dr. Finck, and he then repeated the reasons for the call.

"We had a wound of entry and we had seen no exit and we knew there was no bullet remaining in the cadaver. There was a very strong reason for inquiring (of Parkland doctors) if there was another wound," he said.

Oser asked him if he was not puzzled by this at the time, and Dr. Finck said he was. "Then why didn't you call the doctors at Parkland while the President's body was still being examined?"

"I will remind you," said Dr. Finck, "that I was not in charge. I was called as a consultant to look at the wounds. I wasn't running the show."

Witness Asked Who Was in Charge

Oser asked who was in charge, and Dr. Finck said that Dr. Humes had asked that question and an Army general at the scene said, "I am."

Oser then asked with three qualified pathologists present, was the Army general also a qualified pathologist. "Not to my knowledge," answered the witness. He also said he does not remember the general's name.

Dr. Finck was asked if when he arrived the autopsy had already started. He said that when he arrived some X-rays had been taken of the President's head and the President's brain had been

removed. He said Dr. Humes told him that the wound on top was so long that it was difficult for him to do this.

He said there had been no removal of the wound of entry and that he made positive identification of the wounds.

Oser asked how many military personnel were present in the room as the autopsy was being performed. He said it was "quite crowded" and he did not look around and ask for names. He said the crowd included military and civilian personnel; federal agents, Secret Service agents, and he said some FBI agents were present for part of the autopsy.

Dr. Finck said that when the

autopsy was concluded he was specifically told by the Surgeon General of the Navy that he "was not to discuss the case" without first coordinating with the Attorney General (Robert F. Kennedy).

Oser asked Dr. Finck if he knew how many photographs were taken. He said that while he remembers photographs being taken "I can't give the exact number, but this information is available."

Dr. Finck Asked About Photographs

Dr. Finck was next asked if "prior to writing your report did you have occasion to view these photographs?"

"Yes, I did," he answered.

Oser then presented him with a report signed by Dr. Finck dated Jan. 26, 1967, and Dr. Finck identified it as being his signature. The state attorney asked him to explain a statement that "Dr. Finck first saw the photographs on Jan. 20, 1967."

When Dr. Finck said this was correct, Oser asked why he had just answered that he saw them before writing his autopsy report.

"I did not say I had seen the photographs before writing my report in 1963," he answered.

The court reporter was asked to repeat the question and answer and Dr. Finck said, "I may have said I didn't and was misunderstood. I am very firm on this point of seeing the photographs of President Kennedy."

"I was there when they were taken, but I did not see the photographs of the wounds before I wrote my report."

Oser asked Dr. Finck why he had said he saw them if he didn't see them. "I never said that," he insisted, "it was misunderstood."

The defense objected that Oser was arguing with the witness, and Oser countered: "I have a right to go into the credibility of this witness."

Oser persisted and asked if the reason was "someone misunderstood you," and Dr. Finck answered, "I think so."

Dr. Finck said he wished to emphasize that the photographs were taken on Nov. 22, 1963, and he did not see them until January, 1967. He said they were turned over to the Secret Service.

Oser then asked if in the area

of pathology, especially in the area of conclusions, if photographs and X-rays are used routinely in reaching conclusions.

"It is extremely useful," said the witness.

X-Rays, Photos Not Available

Oser then asked Dr. Finck, if to his knowledge, the photographs and X-rays were ever displayed to members of the Warren Commission. He said that when he and the two other doctors appeared in March, 1964, "the X-rays and photographs were not available to us in the preparation of our testimony." Oser asked if he knew why, and he answered: "I was told it was the wish of the Attorney General who was then Robert F. Kennedy."

Oser then introduced some exhibits which Dr. Finck said were familiar, "but I'm not the author of them," and he later said "these drawings may have been made by Dr. Humes and Dr. Boswell."

The exhibit depicted some medical information on a form and also depicted the body of a man with marks made to indicate wounds.

Dr. Finck said, "I'd like to add something. As a pathologist you put down what you find to show approximately location." He cited the advantage of having immediate records on the number of wounds, location, dimension, etc.

Oser asked if it was not a fact that the hole marked in the back of the body on the exhibit "is considerably lower and in a different position than the hole on Mr. Wegmann's shirt?"

Dr. Finck said the wound he saw in the back of the neck was higher "than the one I see on the drawing."

There was some arguing about Oser's questions and Dr. Finck's answers, which some-

times avoided the answer to the question. Judge Haggerty finally told the witness he must answer the questions "yes" or "no" and then he could explain. "He can't volunteer information every time he wants to," said the judge.

Dr. Finck came off the stand to take a close look at the mark he placed on Wegmann's shirt and then he looked at the drawing. "In relation to the drawing," he said, "the mark on the shirt is higher than the mark on the drawing," and he said the mark he placed on the shirt corresponded with where he saw the mark on President Kennedy.

Oser introduced some other drawings, one depicting the throat wound and one the head wound, and they were accepted.

Dr. Finck said he did not know the name of the man who drew them, adding he seemed to think it was an enlisted man named "Ryd Berg."

"Can you tell us whether he had any of the photographs or X-rays available to him?" asked Oser.

"To my knowledge," said Dr. Finck, "the Navy enlisted man did not have the photographs or X-rays; likewise they were not available to us in March, 1964."

Oser asked a few more questions about exhibits and reports but Judge Haggerty recessed for lunch shortly before noon when Oser asked for time to have someone obtain one of the volumes of the Warren Report from the DA's office.

Judge Haggerty said he was going to recess, but Oser said he had only one question to ask in connection with this. "You think you have only one question," said the judge, "but it may take you a half-hour to get it answered."