

Finck, New Orleans Testimony, notes on, 2/24/69

At the outset, he displays a strange characteristic, for all the world a pedant addressing ingoramuses. He spells out words, beginning with his name on the first page (3), Frankfurt and forensic (4), forum and wound (5), Edgewood (7), riots (8), Humes and Boswell (9) - and this is only the beginning, these simple words. The tendency diminished during cross examination. Permeating and characterizing his testimony is a contempt for the proceeding and the participants that is often specific, hardly hidden and particularly inappropriate in forensic science, most of all with the scientific and legal inadequacies of his previous and contemporaneous performance. He is undisguised in much of his deliberate evading of the question, while sometimes skilled in it. He refuses to do as ordered, says what may and may not be done, undertakes to give legal lectures and finally is told by the more the patient judge that he is not running the show. He is a verbal, medical snake, impossible to believe, most of all on such a subject, even when it is read. He never stops volunteering, usually what is not asked of him, in an unending argument that is hardly testimony and is usually not responsive. For example, when he has marked on the shirt of defense lawyer Wegman, as asked, the spot where he saw the read non-fatal wound of entrance, he does, and for all the world as though he had been asked a question, which he had not been, volunteers a full page of words (12) beginning with an orientation of the wound his training tells him is wrong, by the movable variants, the mastoid and the acromium - which is only to make it identical with the deficient protocol - and toward the end, with this qualification and restriction that in the torrent was lost upon user, "When I examined this would I saw regular edges pushed inward..." Patronizingly he concludes, "This is what we call inverted, i-n-v-e-r-t-e-d." So does everyone else. The missed point is that the edges would have been "pushed inward" with the first probing of the wound.

13 three  
Twice on this page he refers to abrasion (spelled, like ~~xxx~~ other simple words on this page (inverted, entrymentrance). Here and elsewhere, when talking of the abrasions, he does not use the key description, of scorching that characterizes a bullet wound of entry. Nor does he mention the taking of a sample for microscopic study. It was done - before he got there, which would disqualify all his testimony about it, or in his presence.

14 Again consistent with the protocol but not the changes in scientific expression, he eschews the contemporaneous tracheostomy as the term for the surgery and calls and spells tracheotomy. Here he says, "I did not see a wound of exit at that time". From his subsequent testimony, he never saw a wound of exit. Which raises a combination of questions: how could he, a qualified man, not see it if it were there, on the corpse before him, whereas the panel doctors claim to have found it visible in the remaining pictures, not one of which was of the front? One of the inferences is that tissue had been removed for study before his arrival or, with him silent on the score, in his presence. This is repeated, beginning on the very next page, "When you have a wound of entry in the back of the neck and no wound of exit at the time of the autopsy."

15 also  
123-4  
137"when the X-rays I ~~ordered~~ requested showed no bullets in the cadaver..." This is not the same as saying these X-rays ~~do~~ show no fragment or part of a bullet, as to his knowledge some did,

When caution by his own lawyer "you may not say...hearsay," he launches into most of a page anyway, concluding, "I insist on that point and that telephone call to Dallas from Dr. Humes--", only to be interrupted to the judge, with the admonition, "You may insist on the point, Doctor, but we are going to do it according to the law. It is legally objectionable even if you insist." Here we see self-characterization of super-Finck by SuperFinck, who knows more than anyone else and demands recognition of it, regardless of the law in which he has just been qualified as an "expert".

Perjury: At this point is what I believe to be the first of his open

perjuries. Dymond asked, "You say the X-rays showed no bullet or projectile (all emphasis added) in that area of the President or in any area?", Hex responded, "In the entire body we saw X-rays of. I requested whole body X-rays for the reason I mentioned, that when I arrived in Bethesda, there were only X-rays if the head showing fragments due to another bullet would

Here there are a number of important and interesting points. His is a different version of the time of his arrival and what had been done by then. According to the Humes testimony, which he swore to before the Commission, the only X-rays not taken by his arrival were of the extremities. Another is the use of the word "projectile". A fragment of bullet, even a fragment of bone, is a projectile, and of this there is absolutely no doubt. Aside from his own statement (1967) on re-examining these same X-rays, that there were multiple fragments of bullet showing in precisely this area about which he was questioned, there is also the "unidentified" object in the head, described as "a rectangular structure", clearly showing in the X-rays. With an ordinary doctor, this false testimony could not be excused. Finck is a pathologist, whose business is just this sort of thing, and more, a forensic pathologist, whose function it is to detect and testify to just such items. This cannot be an accidental misstatement. Evasive and slithering as is his response, he begins with "in the entire body", and says it was for just this purpose he requested X-rays of the entire body. Remember his previous-page answer, "the X-rays I requested showed no bullets in the cadaver". Here the intent of perjury is clear, for the X-rays did show fragments, confirmed by the panel which later read them, in this precise area.

Of course, the question immediately arises, if to the panel, so long after the autopsy, from the existing pictures the anterior wound can be identified as one of exit, how could it not have been visible to the expert with the cadaver before him?

17 Testifying on the holes in the front of the President's shirt, which he didn't see until four months after the assassination, he testifies "the fibres were turned outward, indicating an exit hole". This is but one of the indications, and that only if the fibres had not been disturbed in any way after the shooting. The rest of the evidence and there is none on this point, and he does not inject the qualification, as FBI Expert Frazier did, is that no bullet went through the shirt at that point. On this the evidence is without any question. Thus he is here arguing, not testifying, and his own training, his qualification as the technical witness, told him better, that he was deceiving.

24 Knowing the truth, he here begins a series of elicited references to the head wounds in not one of which does he give the point of alleged entry in the vertical plane. Dymond asked him, "in connection with the autopsy...did you have occasion to examine and analyze a head wound..." and "would you describe for the benefit of the jury the extent and nature..." Finck's response is restricted to the lateral location, "at the right side at approximately 1 inch, 25 millimeters, from a bony protuberance you can feel in the back of the head...I saw that wound slightly above that protuberance."

25 Asked to show it on Dymond's head (the spot, obviously, beyond capture in the stenographic transcript, Finck used these words, "approximately 1 inch to the right of that protuberance and slightly above it". In this repeated context, it can be argued that "slightly means even less than 1 inch.

27 Shawn Exhibit D28, complete with spelling out, he identifies it as "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 just described.", This was "before the assassination of President Kennedy to demonstrate the pattern of wounds in bones".

He repeats further, I did this for teaching

He repeats further, "I did this for teaching purposes because I have to give many lectures in the field."

BUT, this is the scheme that is on the reverse side of the autopsy descriptive sheet, hardly possible "before the assassination". It bears the President's blood on it. (This page copied off and attached)

31 With more splittings, he describes the large head wound as "stellate" and "approximately five inches in diameter. It was 13 centimeters in diameter, which is approximately five inches and one-eighth". I note this for several reasons. It is the actual cadaver measurement, which is helpful in determining the scale of the panel reading of the pictures and X-rays, and because, knowing they did not by any means have all that was missing of the President's skull, he says that "During the course of the autopsy" they got a "portion of bone...which we could match inside this wound, approximately five inches in diameter, occupying the right side of the top of the head on the President...It is a rambling, two-page answer in which he again succeeds in giving the impression that the entire missing skull was retrieved in Dallas and in his hands at the time of the autopsy,

32 "...the fragments were matching the wound". The apparent, repeated attempt seems to be to deceive. The autopsy examination was completed and the body had been prepared by the undertakers long before still another and large fragment was found in Dallas, 29 hours after the assassination.

33 When did they get this piece of skull?"...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 determine that this was the wound of exit. Q. Approximately 11 o'clock on what date? A. On the 22nd of November, 1963, the date of the assassination." The point here is that as the sworn ~~WV~~ testimony is that the autopsy had been completed by 11 o'clock.

34 He is not asked if the number and kind of most minute fragments seen in the X-rays ("I saw the X-ray film") and "at the time of the autopsy" seen by him is consistent with the alleged bullet, a full-jacketed military bullet. All indications are it is quite the contrary. As a forensic expert he should have known this, if true, especially because he is chief of the Army's Wounds Ballistics Branch.

34-5 Volunteers falsehood, that this was a "high velocity bullet". He knew better, if he knows anything about wound ballistics (as Rrazier was careful to specify, this alleged bullet was of medium velocity). He then testified to the normal disintegration under similar circumstances of high-velocity bullets and equates this wound to that evidence. Either the President was struck by a high-velocity bullet, in which case the entire assassination is unsolved on this basis alone, and Oswald is exonerated also on this basis alone, or Finck is deliberately deceiving the court to explain away the evidence of this character.

38 Asked to "determine the angle" of the head wound, he responded that "the direction was from above down". However, the alleged wound of entrance was four-five inches below the top of the head and the alleged exit at the top, which, even for Finck, is not from above down. Regardless of the alleged drooping of the President's head at this instant (and the Z pictures show his right ear still above the collar line, without deflections, this is a complete physical impossibility. Asked, he replied "My opinion regarding the direction of the projectile is firm." This could perhaps have been true of the direction taken by the force of the alleged explosion or as a consequence of an alleged deflection, but not of the uninfluenced "direction". The described wound is the opposite, from down to up. And also counter to the alleged direction in the other dimension, to the right and not at all to the left.

39           Could not "render a proper or accurate pathological opinion as to the point of entrance and the point of exit" of bullet causing head wound "from the Zaprider film and conducting some independent experiments with cadavers". Among the things he here testified to is that the graphic film is not sufficient to establish rear entrance and front exit! But this is central to the government case and to the argement there was no shot from the rear because of the seeming spray of matter to the front.

41           His "opinion as to the direction of these bullets and other matters which you have testified to" is "an honest, professional opinion", not "in any way affected by the desires or requests of anybody in Government or any individual". This is at least partially contradicted by his later testimony on orders not to trace the path of the alleged non-fatal wound and, in my opinion, is entirely destroyed by the absense of any reference in the autopsy, the supplementray (CE391) or his testimony of any tissue studies of the anterior neck wound, to which we return. He could have no "honest proceffsional opinion" without tissue studies of this anterior wound, which he testified did not exist at the time he examined the corpse. This means a ) he says he was convinced the rear wound was of entrance (on which much more to come) and there was b) no exit wound and c) no bullet in the cadaver. This meant the bullet entered the body and melted, disappeared. If there is any other interpretation it would seem to be incnsistent at the very least with the sworn statement quoted above. In addition, his "honest professional opinion", at the very leastm required the minimum of all autopsies of the victims of multiple bullet wounds, establishing who fired which and which was fatal. Without knowing, without question, the entire career of the first bullet, which he clearly states they could not identify ("when we signed the autopsy report we did notk know the sequence of shots", first words on this page), if that bullet were the rear torso bullet, he could not have "an honest professional opinion" that it culd have been the cause of death, making the head shot, that would have been fatal, redundant.

          At this point, with this the last statement, he was tendered for cross examination, which began after a ten minute recess.

43           Never "conducted any experiments or research on the effects of a missile penetration of the brain or the skull", but had "carried out experiments to study the effect of a bullet striking bone". This should be compared with his WC testimony and his testimony so basic to all testimony about the cratering and bevelling based upon which he identified the rear head wound as of entry.

44-5          But, "I have carried out experiments after my testimony before the Warren Commission", at Edgewood Arsenal, "In December 1965 and January 1966", "And other experiments were made in the F.B.I. Laboratory", neither "connected with the assassination of President Kennedy". Aside from the fact that, without experience and without the experimental knowledge, the right time was in connection with the assassination investigation, the time stated coincides remarkable with the study he and the other two made for Clark and made public with the panel report.

47           The testify that "no whole bullet" remained "in rbw cadaver of the President" is deliberate deception, for prior to this time he acknowledge that fragments did remain, and the question was what happened to the bullet after it entered. If it is not perjury-and it isn't-then the WC testimony is, as cited in FM III. It cannot be accidental, nor can this deliberately deceptive phrasing, for whether there was a whole bullet or parts of a bullet or bullets, in context, it is all the same.

126           And he is again explicit on no exit for it:"and not to have seen an exit corresponding to that entry". Thus he says there was no visible exit wound. He also gives great point to the existence of fragments, about which he and each of the others committed perjury before the WC. Plus, "nothing from the radiologist".

Here again the intent and the effect are perjury. Whether or not the radiologist told them there were fragments or a bullet or bullets in the cadaver, they didn't have to be told, for the bullet fragments on X-ray film, are like stars with the tiniest, dust-like particles being glaringly clear, as Humes testified, like stars.

48 Asked why, when so puzzled, he didn't call the Parkland doctors then and there, while the body was still on the autopsy table, Finck defended himself: "I will remind you ~~xxxxxxx~~ that I was not in charge of the autopsy, that I was called--"

Oser interrupted to asked if were not a co-author of the proctocol. They must have been talking simultaneously, for the Finck response is recorded: "Wait, I was called ~~as~~ a consultant to look at these wounds; that doesn't mean I am running the show."

This is an intriguing part of the testimony, but it must be interrupted to point out how fast Finck was backtracking from "co-authorship". He redefines his function from what is inheresnt in his appearance as a defense witness and the representation of his function in the Warren testimony and Report. The only one of the three pathologists who could make reasonable claim to knowledge of forensic training, he limits his role in the autopsy rather severely: "I was called as a consultant to look at these wounds." It hardly sounds like the explanation of a man proud of the end product, or a scientist defending his scientific skills and performance.

And the cross-examination had not yet really begun.

Oser asked "Was Dr. Humes 'running the show'?"

Finck's response: Well, I heard Dr. Humes stating that -- he said 'Who is in charge here?' and I heard an Army General, I don't remember his name, stating, 'I am'. You must understand that in those circumstances, there were law enforcement officers, military people with various ranks, and you have to coordinate the operation according to directions".

Oser started to take the right course, getting Finck to say he was one of the three autopsy pathologists, that the general was not a pathologist, not even a doctor, but got off on a tangeent. From the available records, there were but four civilians ever present at any part of the autopsy, two FBI and 2 Secret Service agents. Those in charge of the autopsy as "running the show", unless they abdicate. If there is anything wrong with the autopsy, any deficiency in the work, while a military man can claim someone of higher rank gave him the wrong orders, as an officer of the court he was compelled to do what his training and obligations required of him, that is, perform the best possible autopsy, to the end that the orupomes of the autopsy be served. This regardless of any orders given by anyone. It seems to have esca ed notice that an Army General cannot be in charge in a Navy hospital. He can be in charge of the ceremonies, of the guard, of the arrangements to be made, but not of the work of the autopsy. That is clearly covered by regulations with which all three surgeons were presumeably familiar- as they were required to be- and what these regulations required was required of them. But, if the blame were to be transferred to an officer of higher rank, that had to be Admiral Galloway or Admiral Kinney.

In the strict sense, there was not a single law-enforcement officer there. Neither the Secret Service nor FBI agents were in this capacity, for no federal crime had been committed. The truth is that but fir these four, a military guard was posted to keep all civillians out - and those in the room were ejected at the beginning, as I recall the FBI report.

Oser's digression was to ask if Finck had the autopsy pictures and X-rays with him. He didn't.

Finck

50 "When I arrived ~~at~~ the X-rays had been taken of the head. I had been told so over the phone by Dr. Humes when he called me at home, and I arrived, I would say, a short time after the beginning of the autopsy. I can't give you the exact time (which is opposite what he earlier testified to), it was approximately 8:00 o'clock that night".

Finck lives a distance away, on 14th St, whereas the Navy Hospital is much farther west and much farther north. If he left immediately, made the best possible time, there was a long time lag in which, as he is careful to avoid saying, all the rest of the pictures and X-rays prior to the cutting into the body, had been taken. When pressed, he says the brain had been removed, which is no answer unless the sequence of this operation is set forth as it is not. If that were the last step, then everything else also had been done. If the first, the work on the body had just begun. Finck is skilled and often successful in not answering while seeming to, in making non-responsive replies. But in the course of his rambling, overconfident as he had become with his experiences of the past, when he was always protected, always in friendly hands, he also rambled here. When User didn't interrupt him he kept talking. He thereby, undoubtedly without so intending, pinned responsibilities on himself:

51 "There were no removals of the wound of entry in the back of the neck, no removal of the ~~wound~~ wound of entry in the back of the head prior to my arrival, and I made a positive identification of both wounds of entry." Here he repeats, "we did not know the sequence of shots at that time. But these are the immediate significances of this testimony:

He was present when tissue was removed for microscopic study of the rear "neck" wound and the rear head wound;

He is silent on whether there was any removal of tissue for the anterior neck wound. So is the supplementary autopsy report, Exhibit 391, which makes no mention of any such sample or any such study. Even if the rear neck wound were beyond doubt a wound of entry, particularly at that early moment they had no way of knowing there was not also a shot from the front, and they had to have taken tissue for such a study. There is reason that will become apparent to believe this happened, if Finck's testimony is truthful, before he arrived. If he was not aware of it sooner, he had to be when he read the panel report, which he did before the New Orleans testimony, as he testified he did.

52 Asked "How many other military personnel were present", he said "That autopsy room was quite crowded", and he did not have time to look around and ask names. In saying it was "crowded with military and civilian personnel and federal agents, Secret Service agents, FBI agents", he was placing those not in the room there. Only these four agents were civilians.

Asked, "Did you feel that you had to take orders from this Army General that was there directing the autopsy", Finck does not dispute this seemingly proper interpretation put on his testimony and responds, "No, because there were others, there were Admirals". There were, at least three of them.

"...and when you are a Lieutenant Colonel in the Army you just follow orders..."

Nuremberg again. No one could properly, legally, give an order contrary to the forensic-medical requirements Finck was there to discharge.

But, with some skill, he says Admiral Kinney, the Surgeon General of the Navy, told them not to discuss the case, unless Bobby told them to.

54 Asked "how many photographs were taken of the President's body.", he replies, "Some of the photographs were taken in my presence in the autopsy room, I can't give you the exact number, but this information is available... It is in a public document". It is not and never has been, nor is there any "exact" number, there are only meaningless and contradictory numbers, depending upon which source is consulted-and others were taken during the specimen examination.

55 Asked, "prior to your writing your report on the Autopsy, did you have occasion to view these photographs of the President that were taken?", He replied, "Yes, I did". When Oser then directed his attention to the ~~12/22~~ January 67 report he signed. Dymond but in, apparently understanding something not in his interest had just happened. In that report it is stated

56 "Dr. Finck first saw the photographs on January 20, 1967." Asked to explain, Finck says, "I did not say I had seen the photographs before writing the autopsy report of 1963". Oser had the question and answer read back. Finck says, "I may have answered, 'I didn't' and it was transcribed as 'I did'."

57 Oser then asks if Finck heard the question read by the stenograph and repeats, "Did you see the photographs of President Kennedy before signing your autopsy report?", to which Finck rejoined, "That is correct", which Oser repeats as a question. Finck's lame attempt at escaping is, "I was there when the photographs were taken (which is false, for only some were taken after he got there), but I did not see the photographs of the wounds before I signed the autopsy report. I did not see those photographs in 1963".

With the tricky record he has built, it is possible to interpret this Finck bothsidedness with the proper emphasis:

"I did not see the photographs of the wounds before I signed....  
"I did not see those photographs in 1963."

From this it can be taken that there are photographs Finck did see prior to the 1967 study, but these are not those he describes here as "of the wounds". Clearly, this is a touchy point with him, and clearly he lied to back out of his lie. He should, of course, have seen the film evidence in the course of both the protocol preparation and WC testimony.

Asked if "what you said before, that you did see the photographs, ~~it~~ was wrong?" he insists, "I never said that. It was misunderstood. I said 'I did not' or 'I didn't'. I am very firm on this point that I did not see--"

Here there was an exchange between Oser and the judge,

58 Oser claiming, "I have a right to go into the credibility of this witness like any other witness on cross examination." The judge agreed. Wegmann sought more time for Finck by interjecting, "He also has a right to finish his answer once he starts". In the exchange between him and the judge, the judge ended with a waste of words, directing Finck that he first give a yes or no answer and then, if he desires, to explain

59 61 Another Finck cutie that slipped past Oser, who can hardly be faulted for it, may have significance, as to what happened and to what Finck knew and his knowledge of what happened on and with the Commission:

"Will you tell me whether or not, Doctor, if you know, whether these photographs and X-rays were ever displayed to the members of the Warren Commission?"

62. Finck asked, "Please repeat the question." Dymond objected, "Unless he was present". This was merely an interruption to give Finck time, for the question

asked for his own knowledge, nothing else.

Finally, Oser repeated, "Can you tell me, Doctor, whether or not, if you know, these photographs and X-rays were ever displayed to the members of the Warren Commission, if you know, Doctor?"

Finck asked, "What is the word before 'Warren Commission'?"

It worked, Oser, incorrectly, said, "Displayed". Finck asked, "Displayed?", and Oser said, "Or shown".

Here, seeing that his man was playing for time, trying to feel his way out and around something, Dymond again interrupted.

63 The judge nipped it, saying Finck could say whether or not "the Doctor knows of his own knowledge whether they were or were not..."

To which Finck said merely, "When I appeared before the Warren Commission in March 1964, the X-rays/were not available to us in the preparation of our testimony."

Even that is not responsive, for it leaves the possibility that in questioning by federal agents, superiors or even Specter, the doctors were shown the film. Moreover, the word before "Warren Commission" was not "displayed", it was "members". The rather clear inference here is that Finck did have knowledge that the pictures and/or X-rays had been available to others than the members of the Commission. Specter has publicly acknowledged that the Secret Service showed him pictures of the rear wound.

64 He says he was told it was Bobby's doing that these were not available, which was false and was known to the staff and members of the Commission to be false. It was especially known to be untrue to the man who dealt with and questioned the autopsy doctors., Arlen Specter. Ref:RM

body chart, State 68

64-6 Dymond tries hard to block questioning on the ~~body chart drawings~~ ~~xxxxxxx~~ It seems like a signal to Finck, for what Oser referred to was already in evidence and testified to before the Commission and had been the subject of Finck's testimony in this trial.

67 Finck's volunteered description may be interesting. Before another Dymond objection (p.66) Oser had asked merely if it were similar to something he had seen before, Rather than saying just "yes", Finck said, "I recognize it for the purpose of identification (sic). I see in the upper left-hand corner "NMS" -- Navy Medical Sheet -- 63272 and this was the autopsy number given in Bethesda for the autopsy of President Kennedy, and these drawings may have been made by both Dr. Humes and Dr. Boswell. They pertain to the observations along the autopsy of President Kennedy (sic)".

Now Finck very well knew that the drawing had not been done by either doctor. What he meant is the notations may have been made by both doctors, but there seems to be none of "Humes' writing. However, what he does not say is that any of the notations was by him, Finck. Perhaps there is no significance to the unusual phrasing, "they pertain to the observations", but it is not the same as saying, "they are the observations". And it is not observations in any event, it is the locations and the measurements,

69 Asked the specific question, Finck answers, "This was not prepared by me". This seems to be a reasonably definitive statement he made none of the notations. However, it should be noted that S68 is only the face of that sheet of paper, for at the time of the trial, it was not known (except to Finck) that there was something on the reverse side of the original.

Asked "did you see anyone prepare this particular exhibit?" Finck's



is needlessly but characteristically evasive, "Well, the three of us were involved in this, taking measurements and -- I did not make these drawings".

Naturally. They were on a mimeographed sheet. But what he seems to have started to say is that the three of them were "taking measurements and notes". He avoided what they did besides measuring and uttered nonsense, that he didn't make the drawings. It is not immediately apparent, when it was all in the EC testimony, why, save for Dymond's signalling, he was so needlessly evasive.

70 Asked, "Was such a sheet of paper...part of your autopsy work that all three of you performed?" he still stutters and evades: "I would think that this was handled by Drs.umes and Boswell. Personally, I can't -- (p. 70) I recall having seen this but<sup>n</sup> to give an exact time, an exact hour, and what I did with this, I can't say. I don't remember. It is part of the case, but I don't remember details on this."

Which has to be false, if there is the slightest trace of avlidity in any part of the official story, for he has testified to making and recording nltes and there are no others in the evidence.

With Oserx satisfied with "part of the case", Finck continues volunteering for no apparent reason (save arguing against the data in the exhibit), but he can antcipete it, that the location of the back wound he made on Wegmann's shirt is different than that on this chart

71 He tries to explain this away: "I would like to repeat that the mark on the shirt of Mr. Wegman 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."

Pressed by Oser to answer whether if the mark on the shirt were made on Wegmann's back, "that would be the location that you testified to on direct examination. Am I correct", instead of answering either yes or not, which presented no problem at all, for either it did or it didn't, Finck replies, "Well, again I want to call your attention to the fact that we are here arguing about---" where Oser interrupted to observe, "I am not arguing".

72 He asked, "Answer my question", where Wegmann interrupted to say, falsely, "He is answering the question". The judge called both lawyers to him and ruled, "... the witness can't volunteer information every time he wants to volunteer information...From now on ask him to answer yes or no,

73 and if he wishes to explain, then he can explain...."

74 When Oser repeated the question, Finck first sought to divert him by saying, "I would like to ask Mr. Wegmann to---" where the judge interrupted to order, "Answer yes or no, Doctor. The question is susceptible of a yes or no answer, but you may explain it."

74-5 Wegmann again interrupted to stall, suggesting Finck wanted to see the shirt again. After Wegmann showed it, Finck still did not give the ordered yes or no answer that the mark on the shirt is higher than on the chart. Patiently, Oser went through it again. to be greeted by still another evasion, "But the shirt is moving on the skin." (If this has meaning, it can only be that the defense perpetrated a fraud in using this devise in direct.)

76 Oser was by now willing to compromise, "On the general location then, of where---", which was what Finck had sought to avoid either perjury ot getting caught

in what Wegman and Dymond were signalling him about, a great contradiction. He interrupted Oser to say, meaninglessly, that the "general location approximately corresponds to the location on the skin", which, were it to be used in an effort to prosecute him, would undoubtedly be interpreted as meaning little more than the upper part of the back or the lower part of the neck.

Finck says it is he (who should have known better) who decided upon introducing flexibility into the measurements, "...I measured a certain distance from the tip of the mastoid..."

77 He agrees "The movement of the head could have changed slightly the distance between the mastoid and the wound..." He got away with slightly, for the change could be major. See also 1292-131.

80-1 When the Rydberg sketch, already used as a defense exhibit, is used as a State exhibit and Finck is asked if he knew "whether or not" Rydberg had any of the pictures and X-rays "available to him", instead of simply answering, "I do not have personal knowledge", or "I do not know because I wasn't there", Finck's response is, "To my knowledge, this Navy enlisted man did not have the photographs of X-rays available to him", adding, gratuitously, "Likewise, they were not available to us in March 1964", when they testified. This strongly suggests what was so carefully avoided - the opposite impression being given by the WC testimony. It suggests that rather than Humes alone being present and directing Rydberg, Finck also was there.

81-4 There follows four pages of argument initiated by Dymond when Oser asks if the entries on the body chart were "placed there by a qualified pathologist". Everyone lost sight of the fact that Finck was there and knew who made the markings, testified to it. Oser failed to ask if he saw the markings added in this series of exchanges with Dymond. During the course of it, apparently assuming Finck still had his original notes made during the autopsy, the judge said, "I think the legal point is whether or not Dr. Finck recognizes the autopsy descriptive figures on there, and if he has his notes, he can compare his notes with the exhibit to see if there are any differences".

85 Asked, "Doctor, did such a descriptive sheet make up a part of your autopsy report..." the slippery witness responded, where a yes or nox presented no problem at all and got away with it, "I have a copy of the report I signed", which Oser told him he could compare. Finck then said what he was using (which does not eliminate the possibility he has an original copy of what he signed) a xerox of the protocol. When Oser wanted to send for the volume, court recessed for lunch.

91 Finck answer the first question opposite to what he testifies to elsewhere? "...at the time of the autopsy" were he or the other two "making any notes of what was going on and what you all were doing..."

92 "I don't recall making any notes at the time of the autopsy. As I recall, Dr. Boswell was making those notes." He also testified elsewhere that Humes did, as I recall. But he says he didn't "at the time of the autopsy", which is perjury and also revises the question did he make notes after, especially right after, the body examination.

92-3 On the signing of the protocol, he says it was in Galloway's office but avoids the time of day very carefully. He "reviewed" it with the others before signing. Shown the holograph and appendages, he actually swore, "I don't recall seeing pages 30 through 44", which is the holograph. What, then, did he review? He says the drafting of the protocol at "through Saturday, in the course of Saturday", which is contrary to Humes' representation that he did it all Sunday. He says

says not that he saw or read the draft or the previous draft but that Humes "read over to me what he had prepared." It seems unlikely that with Finck present in the hospital to sign the protocol he did not look at it at any time. I suggest he is evading a charge of perjury here by first alluding to what he alleges Humes was doing Saturday and saying this is what Hume read "over" (did he mean over the phone?) to me?

93 Of page 45, the body chart, again perjury: "I recognize the drawing which I see now in the room, and which is labelled in this volume Commission Exhibit 397. I don't recall the timing of seeing this. I have seen this some time. I don't recall exactly when." If this is not perjury, then he added the head chart to the original after the body examination.

94 Part of his comment is illegible in the copy of the transcript I have. He seems to be saying the body chart is one of the work sheets of the autopsy. "On work sheets", plural, is visible, and "at the time of the autopsy". He says "and that wounds are added to these schematic representations." He again says Boswell did them and "but I can't recall when I saw them". (Note- is this another plural reference to work sheets or to the front and back views on the sketch?)

Asked if the descriptive sheet "is either used at the time of ~~the~~ an autopsy or shortly thereafter as a work sheet somewhere in the autopsy room", he evades, saying instead, what cannot be true, "well, when it was done by Dr. Boswell I don't know". This is the second time in two pages he raises the question when the work sheet was prepared. Yet the originals have blood on them and he was a participant, an active participant in the autopsy, the measuring and the noting of the measurements.

95 He claims not to know the Rydberg drawings were made he says his first recollection of seeing "these exhibits" was March 1964. Perhaps this is not the same as when he saw the drawings, and it also is not to say that if he first saw them in March 1964 he first saw them before the Commission. They may well have been and probably were prepared that month, in the middle of which he testified.

96 Asked. "Did you make any types of notes at all at the time of the autopsy yourself?" he said "I may have written down measurements", which he knew he did, after making measurements himself, and he later testifies with the dishonest evasion "may have". He knew he had.

Asked if he still has them, he replied, "I remember taking measurements and giving them to Dr. Humes and Dr. Boswell." This means there are other existing notes unless other than the first holograph were destroyed. He turned them over before "I walked out of the autopsy room". He also says he saw both Humes and Boswell "taking notes at the time of the autopsy". This is repeated on pp. 123, 149, 150, 159, 160. ~~xxx~~ He repeats "both of them made notes during the autopsy".

98 Beginning of discussion of basis for hearsay in autopsy, "three shots were heard". He gives a slightly different version on the next page, first pretending that "admiral Galloway heard from someone who was present" and then acknowledges he was present and heard this person he says he cannot identify say it. Business of fixing on three shots rather than other reports.

102ff His having said it was impossible for 399 to have caused the wrist injury. Dymond, predictably, objects and was overruled. With the question only about the too-many fragments in the wrist, when told to answer yes or no and then, if he wants, to explain, he evades, not answering as directed, with the utterly and obviously irrelevant about "two bullets striking President Kennedy", which he didn't know in any event, since there could and probably were more. He winds up saying 399

is "an entire bullet", which is responsive to nothing.

105 Oser finally gets it out of him by getting him to read his WC testimony on 2H382

106 Oser reads from the Washington Post as quoted in the protocol on p. 2.

107 Newspaper stories are sometimes used in autopsies, he says. But they omitted stories saying 6 or 7 shots had been fired

108 Oser then refers to the same edition of the Post what is not congenial to the federal position and there are several pages of objections from Dymond finally overruled 113, but Finck again evades by responding instead to say that he spoke to Ke llerman and Burkley, who were there, and to Galloway, who he does not say was in Dealey plaza-and wasn't. But the record remains clear, the protocol takes from the newspapers remote hearsay (as pointed out in WW) while ignoring from the same source what does not argue the preconceived conclusion, what disputes or refutes it.

115 Doesn't know if the throat wound would have prevented President's speaking, because, WI did not dissect the track in the neck". It is not alone he-no one did. Asked why, instead of responding he said, "This leads us into the disclosure of medical records", but the judge ordered him to answer. In any event, it did not do this and if it had it was immaterial. Even Dymond did not argue-even interrupt. Instead of an answer, Finck has this non-answer, "We did not remove the organs of the neck". Again asked why, he says "we were told to examine the head wounds and the--" where Oser interrupted to ask, "Are you saying someone told you not to dissect the track?"

116 Finck tries again to blame the "family": "I was told the family wanted an examination of the head, as I recall, but the prosecutors in the autopsy didn't remove the organs of the neck, to my recollection". How detached can he be from himself, since he was one of the prosecutors. There is absolutely no evidence, direct or indirect, that the family was either consulted or gave orders, which were irrelevant if they had, for the requirements of the law are clear. Oser again wants to know why the prosecutors didn't "attempt to ascertain the track through the body which you had on the autopsy table in trying to ascertain the cause or causes of death", to which Finck's response is false, "I had the cause of death", meaning the head injury. However, there could have been (and this is not uncommon in autopsies) two shots or even more each of which could have been fatal, therefore, failure to trace the path of the allegedly non-fatal bullet cannot be explained this way, especially because Finck repeatedly swears that he saw no exit.

Asked still again, "Why did you not trace the track of the wound?" Finck's bland non-response is "As I recall I didn't remove the organs of the neck". Repeatedly Oser asks this question and repeatedly Finck addresses other things. Finally, he 117 forces it "As I recall, I was told not to, but I don't remember by whom".

Asked, "Could it have been one of the Admirals or one of the Generals in the room?" he lies, "I don't recall." (both duplicated 118) Identification on p. \_\_\_\_\_.  
117-8 Asked, "Do you have any particular reason why you cannot recall at this time?", Finck has the typical non-response, which has nothing to do with who gave him orders "Because we were told to examine the head and the chest cavity and that doesn't include the removal of the organs of the neck." This also does not relate to the tracing of the path of the bullet, which had nothing to do with the removal of organs. Pressed on his apparent lack of interest in the track, Finck said, "I was interested in the track and ~~xxxxxx~~ had observed the conditions of bruising between the point of entry in the back of the neck and the point of exit at the front of the neck, which is entirely compatible with the bullet path."

In no sense is this any kind of answer. To say it is compatible is not to say it happened, not to meet the requirements of the autopsy, not to answer the question, and he has already said that at that time they didn't believe there was an exit in the front. Further, in order to see this bruising (which was in the inside of the bottom of the neck, they had to open what they said they were told not to hence didn't. He also repeats he ~~xxx~~ does not recall by whom ordered not to "go into the area of the neck."

119 He attempted to probe the back but couldn't. He ~~xxx~~ volunteered a perjurious explanation: "This was ~~xxxx~~ due to the contraction of the muscles preventing the passage on an instrument." It was due to the altered position of the body, resulting in the movement of the shoulder (EMIII ref).

He "did not consider a dissection of the path" of the bullet. He repeats the "contraction of the muscles" explanation, volunteered.

120 "I don't know" whether dissection would have disclosed the actual path/

121 "I was present" when "skin at the entry at the back of the neck" was removed for microscopic examination. But, it is not in the autopsy report. He says it is the supplementary report, without explaining why it is missing in the protocol, where it was vital -and possible for it to be.

122 Asked if it is "not better pathological practise to dissect a skin wound area and subject this cross-section to microscopic examination to determine whether or not there was any burn or singed area...as opposed to naked-eye examination", he says he has done this many times, but "in this case the gross characteristics were sufficient to me to make a positive identification of a wound of entry..." He is not asked and does not volunteer the changes readily made in appearance by finger-probing. This is like saying scientific tests are unnecessary when there is an eyeball examination. But in the light of his claim to have seen no exit wound and his testimony there was no fragment in the body (WC), which was perjurious, it is at best suspect.

123 Asked "How about the results" of the microscopic examination, his reply is, "I don't remember the timing of the results of the microscopic examination." Reminded, "I am not asking you about the timing of the results, I am asking you for the results, Colonel", he says only, "From what I recall (the out to escape perjury), Dr. Humes described alteration of the tissue at the level of the wound of entry."

125 Asked if this wound hit any bone: "From the X-rays, it was determined that this bullet entering the back of the neck, coming out in the front of the neck, did not strike major bones" This is propaganda. The X-rays do not show a front exit, and the question is not and was not of "major bones". Asked, "Did it strike any bones?", he replies, "There was no evidence of bone injury from the X-ray, and the X-ray is the basis to refer to to answer such a question". On both counts false. The X-rays do and did show bullet fragmentation, which can be accounted for in a military bullet only by the striking of bone, and the basis is not the X-ray but personal examination by dissection, the means of an autopsy, which was not done.

125-5 Asked if in his opinion the President could have spoken after this wound, he replies, "To be able to talk you need integrity of the vocal chords, and I didn't see the vocal folds of ~~the~~ President Kennedy"

127 Asked why, he says, "From what I remember I didn't -- well, from the best of my recollection the wound was outside the vocal fold area." It seems he had been about to say he didn't dissect therefore couldn't answer. But Oser catches him up on his belief there was no through passage of the bullet during the autopsy examination. His attempted answer is no answer, for he claims "that was cleared up after the conversation between Dr. Humes and the surgeons at Dallas," which was the

next day, not during the examination, when he had to have an answer to this and similar unanswered questions that could not be answered without the body. Instead of pressing this point, Oser switches to wound on the front, the incision.

128 Oser asked if he saw it. "No, I examined the surgical incision, but I don't recall seeing the small wound described by the Dallas surgeons. It was part of the surgical incision and I didn't see it." Here the use of the word "recall" is Finck's persistent covering of false swearing with the preterite use he didn't remember cannot be avoided. His function was to seek wounds, as he testified. He had the problem of a wound of entrance and none of exit during the autopsy examination, and that examination was completed without resolution of this problem. That this wound "was part of the incision" is neither accurate nor material, for the panel reported the wound visible in side pictures only, none of the front remaining. And the incision went through the wound but did not obliterate it, as such experts as Dr. Milton Halpern have said had to be the case. If it was there, Finck saw it. If it was there and he says, "I don't recall", that is a deliberate lie he dares only because it may be impossible to establish what he does recall, as a matter of admissible evidence.

This is important. It is returned to on pp. 149, 152, 154, 155, where his version is not the same.

Should it be necessary to establish it, at the bottom of this page he without so intending discloses he and Oser were in touch with each other 11/23.

129 Again asked about failure to dissect, he again evades and again shifts to unresponsiveness. The body was on the back. He asked that it be turned over so the skin of the other side could be examined.

130 It is ~~his~~ he who measured from the mastoid: "I remember taking the measurements but the exact position of the cadaver (another trick, for he was not asked the "exact" position) I don't recall for the reason we removed the cadaver to examine it (sic), To take measurements it had to be held to take those measurements. Oser, unfortunately, did not ask how and why it had to be held. It was no longer animate. But he does get Finck to agree (as I had first said in WW) that the measurement would be altered by any change in head position. But he says he cannot recall whether it was on the back or stomach when he made the measurement. This cannot be true, for he could not have made the measurement had the cadaver been lying on what he had to measure.

132-3 Asked if he estimate the conjectured downward angle of the "neck" wound, he beclouds by saying (which related to the head wound, not this) there are variables but "I remember a figure which was somewhere in the records within 45 degrees".

134 Only to backtrack and say "It may be much less than that"/ 200 percent is "much less".

Lateral angle. Much bickering. By the time they get to

137 he says the 45 degrees was "the difference in level" between back and front and "I don't recall angles in relation to a right to left direction".

"No bone damage in the area of the neck".

138 As if in viewing X-rays, "were any ~~fragments~~ metallic fragments or deposits in the area of the wound..." he lies, for he signed a report saying the opposite, "I don't remember seeing fragments in the area of the neck." Oser refers to this report of January 1967. Remarkably, he says also "The purpose was to correlate our autopsy report" and the film.

Asked who asked him to do this, Finck does not respond. Finally the judge says, "I thought you were referring to your notes, Doctor". Finally, when he can avoid it no longer, Finck talks about something else again, not what he was asked, saying he ~~first~~ saw the film at the Archives. He started to say, "I think I went first to the--" then changes. Here the judge protested this was not the question asked of him. Finck says, "As I recall it was Mr. Eardley. There are many names involved in this. I think it was Mr. Eardley of the Department of Justice and I had authority to go ~~there~~ from the military."

141 After some fumbling, when asked if he knew of the panel report, beginning "I was made aware of this panel review," he winds up saying "I had received this panel review in February 1969". Maybe not before then, but that he doesn't say and isn't asked. And this date refers only to a copy of it.

144 Asked if he knew the Dallas doctors called the front neck wound an entrance wound when Humes told him of his call, he evades. Oser dropped it without reading the holograph.

146 Oser asks if he could have Wmeshed the two sides of the incision back together again and ascertain whether or not this was a wound within the incision..."

147 The answer is partly obliterated in the transcript. "I did not see the" can be made out. Other words are, "I examined this su" and the first clear letters after that are "und", so I take it he said, "I examined this surgical wound and I did not see the" followed by the obliterated, followed by "bed" (described?" by the Dallas doctors

148-9 There is some bickering when Oser returns to the "track" of the wound, but when Oser asks, "Did you dissect any area of the neck muscles which might have been thought to be an exit wound of the President's neck?" Finck said, "I made some measurements of, of course to determine the wound, this was the wound of entry in the back of the neck, and I examined both edges of the surgeon's surgical incision in the front of the neck. I don't remember a surgical dissection of this area". Saying "I don't remember is a lie or his early, unequivocal statement is. But it is highly significant that he here says he carefully examined the surgery. More on this follows (152ff), where he is even more specific.

150 "As I remember I took those measurements", of the rear neck wound. He says it was from edge to edge, but "there is some variation in taking measurements of a wound", from whether you take in the "edge itself or the abrasion". He is not asked what he included, what he did not. The clear inference here is that the measurement could have been greater.

151 Asked the front measurement, he stretches it to 5 mm "in diameter", whereas it was 3 by 5 mm. This is consistent with his saying, after consulting his notes (on the previous page) that 7 mm is a quarter of an inch, when it is more than half again that much.

152 Asked, in the summary report, "you did not list the size" of the front wound he replies, "Because I did not, I did not see the wound in the front. I did not, I don't know why it is not there". Again, "I did not see the wound of exit in the skin". He tries to say it was just as good because he saw the hole in the shirt, which he falsely end without any evidence-contrary to all existing evidence- calls "a hole of exit in the shirt".

154 In arguing an objection, Dymond emphasises, "the doctor testified he never saw the front bullet wound." Repeated on 155, "he never did see the front wound in the neck". There is much bickering and objecting. When Finck gets to the simple answer to the simple question, was the rear wound larger than the front, and he can

no longer not answer, having been ordered to by the judge, he evades:

159 "I don't know 'cause I measured the wound of entry whereas I had no way of measuring the wound of exit..."; which is false. He could-and should-have drawn the edges together, as all authorities agree was possible. If he is the authority he is represented as being, he knew this also. Thus he perjured himself in saying "I had no way of measuring the wound of exit".

160 On measure,ent:"the edge of the wound can be measured in different ways". Oser switches to the head wound

161 Naturally, Finck will not say whether the sketch showing the entrance is accurate or not. He juggles with words until told by the judge, "you should answer"

162 As though he had never examined the corpse:"Having seen the photographs I think tha the wound was higher and therefore there is a difference between the drawing and the photograph". The real thing is that the drawing is wrong in placing the wound to low and because he ~~examine~~ the body he knew this when he testified based on that drawing. He also knew I had discovered this in the panel report because it had come out in the Washington trial, so he could not entirely avoid when he could no longer evade. But, asked if it would be correct to say the drawing is not correct, which he has just said, he replies, "I would not say ~~xxxxxxxxxxxxxxx~~ this drawing is incorrect". He plays around with words for a while, with Oser wanting to know if it is correct or not correct, saying, finally,

163 "It can't show it exactly. It is not a photograph. The word exactly is excessive". There is no doubt, Finck was boss, deciding what should and should not be asked and how. Oser asked for a yes or no answer and Dymond objected

165 After more bickering about the location and a comparison of the location on the drawing and the ~~ix2~~ autopsy descriptive sheet, asked if they are "in the same location", he unashamedly replies, "Approximately, it is in the back of the head". This no matter how wrongly they reported the point of the wound, with the account of the President's wound hinging on it, as long as they showed it in the back of the head, it was okay! He persists in the same evasion (166) when the question is repeated, rephrasing it instead of responding, saying only that the descriptive sheet "represents a bullet wound in the back of the ~~xxxx~~ neck". Oser again asks if this wound is "in the same position" in both the drawing and the autopsy descriptive sheet, and without hesitation, Finck says,"Approximately, yes." but he add he "would like to say that the wound...was slightly higher than shown in " the descriptive sheet.

167 He argues the mark "may be somewhat misleading", to which Oser responds,

168 "then why did you use them", to which Dymond interjects, trying to give Finck time. More bickering, more non-responsiveness "I didn't use the photograph in my testimony"), it continues for several pages, with Finck persisting in talking about everything else and himself (170) introducing what he could not have used in his testimony, the panel report of almost four years after it.

172 Oser gave up and asked Finck when he discovered the "discrepancy". For all the world once again as though he had not been the pathologist who examined the body for just this purpose, accurate location of the wounds, he said he discovered it "at the ti e I was comparing this Exhibit 397...with the photographs of the autopsy... in January 1967".

173 A little discombobulated, Finck describes the descriptive sheet as "schematic drawings ~~xxxx~~ which are made ahead of time", to which Oser asks, "Are you telling me the descriptive sheet was drawn before the autopsy of the President?" Finck limps out of it by saying "Not the wounds but the contour of the body", which is both obvious, since it was, as he never acknowledged (and I think I recall his pretending otherwise) mimeographed and he was not talking about contours.





180 But he agrees the pathologists are well qualified and a radiologist is the best person to read X-rays. Asked is anywhere in their report, "you find... any mention... of any hole in the President's head being one inch slightly above the occipital protuberance bone"(sic), with no shame at all Finck says, "I do not find the measurement as one inch to the right of the external occipital protuberance in this State 72 (the panel report)". Pretty obviously, though Oser seems to have missed it, Finck answered an unasked question and did not answer the asked question. He switched to the right for above

181 Oser had him go over to the exhibits, which were mounted, and asked him to locate 100 mm above the occipital protuberance approximately. Dymond came to Finck's relief with an objection, that the exhibit was not to scale. After it was kicked around and the judge ruled against Dymond, Finck got the angle Dymond gave him

183 and said, "I can't see how I can be asked to place a wound that was measured  
184 on X-rays, I don't understand how I can be asked to put on an illustrative drawing showing the location of the wound as we approximately saw it and not based on measurement of X-rays. Those 100 millimeters--"

This is rot. He could have come very close, for he knows there is but slight variation in human heads this way and if he had been as much as 50% wrong he'd still be giving graphic proof of the grossness of the error in his own work and testimony before the Warren Commission. Besides, in his own words, all that was called for is an approximation. And he was not asked to make any comparison at all, merely to make a mark approximately where 100 mm above the external occipital protuberance is.

Asked how the illustrator could make a mark to show this on his sketch, Finck's answer is, "Because he was told by Dr. Humes about the approximate location of that wound...", apparently not realizing if it could be done by a non-medical man it certainly could be by a medical man, especially one who saw it, whereas the illustrator hadn't.

185 After getting him to admit the four men were competent and the radiologist "deals with X-rays and the interpretation of them", Finck is asked to make the mark. Dymond argues he cannot! Finck therefore argues, "I don't think I can put a wound on a drawing whereas the distance of that wound on the X-rays was given as 100 millimeters I can't do that on something that is different." The judge tries to straighten it out.

18677 Even suggesting that what the panel did is "make a correction, if one was made", he asks "can you place with some kind of a pen or what you have" such a mark. Dymond agains interrupts, to be stopped by Oser who protests, "I don't want Mr. Dymond to testify". He argues the "distances" on the X-rays and drawing are "not compatible" and "would be impossible to transpose". The judge says, "I will accept that"

188 Finck is so evasive that when asked if he is "familiar with an autopsy descriptive sheet" his response is "it is quite common to use worksheets in autopsies", which the exasperated Oser tells him, "I ask you again, that wasn't my question, have you used them before?" Finck refuses to say he used "autopsy descriptive sheets" before, or that he was familiar with them, saying, evasively, only, "I have used worksheets in autopsies". (I don't believe that in all the many millions of words of testimony I have read and the millions I have prepared for printing, I have ever seen a witness who so adamantly refused to say yes or no when this was called for and there was no reasonable excuse for not doing it.) Oser then asks, "And are you telling The Court that you can't mark 100 millimeters above the occipital protuberance bone on that descriptive sheet that you have used before?" Dymond interrupts to say this is repetitious, but the judge says he'll let the doctor answer it, telling the reporter to read it

189 After which Oser asks, "What is your answer". Finck says, "I could place a wound higher on that drawing but again I don't understand why I am asked to do that". Oser says, "I don't think it is for the witness to determine that" and Wegmann tried to relieve the doctor, saying, as though the opposite had happened, "Let the witness answer". This unending direction of the witness by defense counsel, with their very obvious efforts to give him time to dope out escape hatches to avoid the obvious and the truth leaps from the transcript. They have needless and pointless interruptions and objections, and when they cannot say anything that is relevant, as in this case they have no reluctance in saying anything at all, no matter how inappropriate. But the judge tells Finck

190 "If you say you can place it, I suggest you leave the witness stand, step down, and go place it. Finck still argues the irrelevant, " That would not be placed on X-rays, that would be a wound higher and approximately in this location." Oser says, "These are approximate and we can cover the matter" and asks, "Initial that, please", in response to which Finck again says, "Your honor, at this time I would like to make a comment for the record " The Judge says, "No, sir, you are not running the show. You either answer the question and give an explanation and don't comment." Dymond immediately asks "May we see whether this comment is in the form of an explanation of his answer, your honor."

191 Finck says if "Definitely" is and starts to say "The mark I have made--" but is stopped by the judge who says "You can't volunteer information just because you wish to...You can only give us answers to a question and then an explanation. There is a difference from what you want to volunteer and what you want to explain..."

192 He says the mark "does not correspond to the wound I have seen at the time of the autopsy...I don't endorse the 100 millimeters for that drawing...I was more or less forced to put on this exhibit." Oser tells him, "I want the record to reflect the witness was not forced", and Finck backs down, saying, "I was asked to show..". Wearily, the judge asks 193 "Let us go on to another area".

But Finck has accomplished his purpose. He has mixed everyone up thoroughly, made it impossible for Oser to carry out a logical examination, and avoided the very obvious fact that four reputable experts, all at least as expert as though who performed the autopsy and signed the report on it, officially said other than that autopsy report, officials if diplomatically said they were grossly wrong in describing the fetal wound.

193 Asked only "how many pieces of skull" they had from off the body, Finck launches into most of a page of volunteered argument about coning, bevelling, wounds of exit, and no one any longer tries to stop him, even the judge, who had just twice warned him against volunteering what he was not asked.

Asked, "Did you section ~~the~~ and examine the left hemisphere" his reply is "I did not". He does not volunteer on this point. Asked "Why?" his answer is "The most massive lesions were on the right side and the brain was preserved in formalin... and I did not make sections of the left side", which does not say "why?" He was there when the brain was removed and there was nothing to prevent examination of the left hemisphere prior to formalin fixation and afterward, first by visual examination and X-rays and later by sectioning and microscopic examination. He is a real weasel.

195 Admits it would be "feasible to examine the left side of the brain", he says "Yes2 but again is permitted to argue the irrelevant, that "the brain was removed and preserved..." He got wound up, Oser let him run on, and he got careless, concluding, "and I know the brain contained many fragments. 196 Oser asked, "How many did the left side of the brain contain?" Finck stalled, "What is your question?" Oser repeats repeats it and Finck again, having gotten the time with the phoney question, evades: "I don't remember the location of these metallic fragments..."

196 There is more rambling, with Finck evading, but finally Oser put it to him this way, "As of this date in February, February 24, 1969, can you tell me the result of that sectioning of that side of the brain?" Here he got a direct answer: "No." Then, "Can you tell me what the rectangular structure measuring approximately 13 x 20 millimeters (197) as found by the panelist in the brain of the President could be?" he says, "I don't know what it means". Oser takes him through the size, and asks "why you can't tell me that this 3/4 inch by 1/2 inch rectangular-shaped whatever it is, what it was in the President's brain?" Finck again evades, for he performed the autopsy and it was his function to have gone into this then and he didn't, so he says, "At this time" and other evasion, "I can't interpret this". He tried to say bones are fragmented", things like that

198 In all of this what is missed is that the structure shows in photographs, meaning it was visible to him (panel Report, p. 8) or there were photos taken after the autopsy and mixed in with those taken during the examination. If this were the case, then still more autopsy pictures are missing.

He "doesn't recall" whether he "found any bone fragments this size" in the brain, acknowledges it is not in the autopsy report and says "we would have to refer to the supplementary report which I do not have with me", where it also is not mentioned, as he undoubtedly knew.

199 Forced first to answer yes or no, he acknowledges with a "yes" that they "didn't go into the other half of the brain and completely ascertain what have have or may not have been there" and "you did not do a complete autopsy", his explanation being only the autopsy was "adequate as regards the external wounds of the brain" which it would seem is false, the structure being recorded on a picture, meaning he could have seen with the eye what the lens saw and the film recorded. He further acknowledges in his opinion this was not "a complete auto sy under the definition used by the American Board of Pathology". His lengthy pretended explanation explains nothing and goes into irrelevancies, like, "obtained from people at the scene", which is also untrue, and on the next page

200 adds "because there was supplemental reports, examination of clothing that was made at a later date", still feels, there being nothing about this in the supplementary report and the clothing had nothing to do with the brain and could have been examined immediately, if that meant anything.

He acknowledges he saw the photographs for his January 19, 1967 report- and although Oser did not ask him, this is in those photographs. Says he doesn't remember whether they then consulted the supplementary report,

201 and claims if they didn't, this did not mean the 1967 report was "not complete and accurate completely". His pretended explanation again neither addresses nor explains anything, for it is that he then didn't "remember all the factors I used at that time." But on the previous page, 200, he said "I don't know" when asked why the 1967 report contained nothing on this. This is an especially false answer because the next part of it is that "I was asked to correlate the autopsy with the photographs", and this is not in the autopsy and is in the photos.

201-3 With more than a week to prepare himself for his testimony, he did not bring a copy of the supplementary report with him.

204 Acknowledges he doesn't know what they based autopsy statement "The President fell forward" on. 204 Oser asks him if this shows in the Zapruder film and Dymond interrupts to claim "this question is impossible to answer" (which he repeats. Oser says he wants to know on what Finck based this

205 "I agree with you", the judge says, but they never get any answer. The fact is this did not happen, though it is in the autopsy report.

209 If a bullet like 399 "were to hit some obstruction, such as bone in the head", "There could be a deposit of the components", which is, even for him, an evasive and incomplete answer. Here Finck pulls another dishonesty. Where Oser has asked him specifically about "a projectile similar to the type" of 399, "such a ~~projectile~~ copper-jacketed pellet", in his evasive response Finck refers not to what he has already referred to as a "military type" (9208) to "a bullet", which can be interpreted to refer to any kind and design of bullet, and on this basis says what cannot be true of the design and performance of the hardened military, jacketed bullet, "Yes, it is possible ~~for~~ a bullet can disintegrate when going through soft tissue. It is not an absolute necessity".

214 asked to explain the panel finding of fragments in the neck area (again Dymond tried to divert, but Oser read the panel report, from page 13, Finck's answer is, "I don't know what they are referring to or rather, I don't recall seeing any metallic fragments on the X-rays of this region of the neck. I don't recall", which, despite the invocation of the perjurer who would escape the penalty, must be perjury, it being in his own 1/67 report

220-1 After much haggling, when Finck is asked "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 condition as you saw it," his response is quite contrary to his Warren Commission testimony, "I don't know". Oser cited this WC testimony.

222 ~~Oser~~ Dymond claims both that the answer would be "based on hearsay evidence", which is false, because Finck is an expert and is so qualified, and the court had "indicated very strenuously" that the Report (which is not the question, Finck's testimony being all that is involved) is fraught with hearsay

223-4 The judge overruled the objection., Oser reads Finck's WC testimony and

225 instead of answering, Finck begins, "I would like to--" when Oser interrupts to direct, "Answer yes or no". Finck, instead, argues, "I can't answer the question the way it was asked for the following reasons:", whereupon the judge interrupts him to order, "No. You will have to answer like every other witness..." Oser then asks, "Did you or did you not?" and Finck asks, "Read it back". He is either stalling for time to cook up another way of escaping an answer or for Dymond to come to his relief. If it read back, and the snake still manages to evade:

226 "I testified, I did", which is not saying that is what he testified to. Finck made good use of his time. It is beyond even his great capability to be always, 100% of the time, spontaneously dishonest. Sometimes he needs a few seconds to invent his falsifications and evasions and distortions. After this, as part of the same answer, he asks "May I give an explanation?" The Judge says, "Certainly", so Finck says, "On page 382 of my testimony I would like to read a little more--". The judge interrupts to deny this, saying he can refresh his memory or ~~rephrase~~ "explain in your own words", but that is all. Finck cannot be deterred. He persists in an totally irrelevant addition and, until the judge (on 227) finally orders, "Wait, wait, wait," goes into his having been asked if ~~exhibit~~ "such a bullet could have passed through the head of President Kennedy and remained intact".

227 Dymond also lies with his objection, saying "the doctor's obvious contention is that this answer has been taken out of context.

228 Dymond continues to argue the question is out of context, and the judge orders the jury removed.

231 Dymond actually tries to misinterpret the WC questioning to mean that Finck was asked whether the same bullet could have gone through both the head and the wrist, which is obviously false, as even the Report shows, but the judge oberriles him, "You read it that way, but we will leave it to the Jury to ~~axixix~~ determine that", and the jury is recalled, and 232 court is recessed until the next morning.

Pages of his 2/25/69 testimony begin with 1 again.

2-3 Oser asks how the autopsy report could say the pictures show the fracturing and fragmentation better than the verbal description and Dymond, ignoring the fact that these are the words of Finck's report, to object it does not say "better than what". The judge tells him he is ~~xx~~ "coming to the aid of the witness" but he repeats and is ignored. He is directed to answer the question, so he doesn't-and again gets away with it, winding up saying the photos were "turned over undeveloped to the Secret Service..." Was the jury did not get the point, that he had no way of knowing what, if anything, these photos would show and, in fact, some of the photos are now said to show nothing at all.

4 He is confronted with the autopsy language "presumably of entry" and his current insistence, positiveness the wound was of entry. His answer is, "As I recall, it was Admiral Galloway who told us to out in that word, "presumably". This can mean only that the revision was in the Admiral's presence and under his supervision and presumably control.

5 Asked if Galloway suggested "you add anything else" he says "not that I recall", which also cannot be true because every reference but one to wounds of entry is changed in this or a similar way.

5-6 The person who told them "not to talk" was "not a General, it was an Admiral", whose name he tries to avoid, but says he was Adjutant General of the Navy (really surgeon general), Admiral Kinney.

6 There was "no general in charge of the autopsy" he claims, while repeating that he heard one say "I am" when Humes asked who was in charge.

7-8 At least three admirals were present and at least two Generals.

11 Even pretends he did not read the autopsy report before he signed it, saying Humes "read it over to me at the Bethesda Hospital and I would say I spent several hours with him and Dr. Boswell at the Bethesda Hospital before we signed it on Sunday, 24 November 1963". Doing what, one wonders? Reading that report is a matter of a few minutes. He finally acknowledges he did read and agree with it.

15 Places his arrival at the hospital "at approximately 8 o'clock" and says "X-rays of the head had been taken prior to my arrival", both inconsistent with WC testimony. Finck says "Dr. Humes had told me ~~axixix~~ so over the phone when he called me at home, asking me to come over". Does he presume that pending his arrival nothing was done? He had a long trip to make. He says "after I found the wound of entry in the back of the neck, no corresponding exit, I requested a whole body X-ray" to be sure there is no bullet elsewhere in the body. This, again, is not consistent, for the sworn WC testimony is that he asked for ~~axixix~~ X-rays of the extremities only, the others having been made. It is also inconsistent to say he was searching for what might remain in the body and to not mention what the X-rays show and he knows they show, remnants in the thoracic area.

16 They waited an hour or so for these added X-rays "and they were interpreted by a radiologist of the Bethesda Hospital. Finck's formulation is very interesting

"There was no bullet in that cadaver". This strongly suggests that contrary to Humes' testimony before the WC, the radiologist did tell them of the fragments in the body, for they must be very obvious and didn't require a radiologist to see them. They are like neon signs. But Oser missed it. And what Finck fails to say is whether or not he looked at the X-rays, which he had said will "reveal" what "no operation or autopsy, as complete as it may be", can (15).

17 He is again asked why he did not "dissect the track of the bullet through the President's body" his evasive answer was "not to create unnecessary mutilation of the cadaver". First of all, it was not "unnecessary", and second of all, the body was otherwise pretty well cut up, including upward to the very point, for they saw the bruising of the top of the lung.

18 Asked if it was necessary to learn what happened, he parries, first saying "I did not consider it necessary", which is disputed by his testimony they were told not to do it; and then says "I don't know what it would have shown. I can't say ~~what~~ it was necessary". For an expert, this amounts to more perjury, for he knows what it would have shown if the rest of his testimony is not false, the path of the unfragmenting bullet, and as a forensic-medical expert he knows the path had to be established and it could be no other way, which is also true of fragmentation.

19 Here he freely acknowledges that he testified before the WC that 399 could not have caused the injuries in Governor Connally's wrist and voluntarily explains why, as he did before the Commission.

I should have noted that Dymond took over on re-direct on page 13, where his first question elicited the answer that no one gave him orders "as to what opinion you should render in this report. He would not have accepted orders (he he has already testified that he agreed to a change if not ordered asked by Admiral Galloway, saying "presumably" of a trance when he had no doubt- about which Humes had testified that he made the change because Finck and/or Boswell asked it).

22 Return to the 100 mm, of which Dymond asks not is it wrong but is it precise, his red mark of the day before.

23 Dymond asks not is the X-ray wrong in size but "does the size of that X-ray picture coincide with the size of the individual's head?". Thus they misrepresent in their avoidance, for they do not say this particular X-ray is not life size of close to it but that "there is a change in size related to distance", a general exposition that is without meaning and of calculated dishonesty unless he can say it happened in this case, which every indication is it didn't.

25 Dymond, for some reason feeling he must defend the government in every detail to defend Shaw, engages in further deception, leading Finck to say "you did not conduct an examination of the left half of the brain of President Kennedy" because it was in fixing solution and "The brain was examined after the autopsy report was signed and you will find this examination in the supplementary autopsy report". What he fails to say is the essence: there is no reference to any examination of the left half. This is designed as and is accomplished deception.

26 His answer to the question, "what was the purpose of the autopsy" is "to determine the nature of the wounds and cause of death". This, in any autopsy having to do with a crime, other than a natural death, to his knowledge was so incomplete as to be false

28 On recross (which begins on 27) he is asked if all the X-rays were

available to you?" His response is tricky. He begins, "I had ~~the~~ seen them in --" and changes to "I had seen the X-ray film of the head and the radiologist had reviewed the whole body X-rays before we prepared, before ~~ix~~ we signed the autopsy report". This does not mean he saw none but the head X-rays, the impression he seeks to convey and does, nor does it mean that he did not see those of the various parts of the body, including of the thoracic area. Further, the real answer is the one he later shifts from, "before we prepared", meaning the report, for the X-rays left the hospital the night of the autopsy. early in the morning of the day after the autopsy and the day before it was prepared.

28-9 He is again deliberately evasive in answering the question, "Do you know whether or not the X-rays that you viewed were all the X-rays that were taken?" It is, "Well, here again, this review was made by the radiologist. I am not a radiologist". It is inevitable that he examined X-rays other than of the head, and this is the testimony before the Warren Commission. It is also the purpose of the X-rays, as he had testified to, because they could show what surgery could not. He volunteers a further deception, "He did it at our request and he said there was no bullet remaining in the cadaver". He does not say the radiologist told them there were no fragments of bullet or bullets in the body, and the fact is that contrary to the sworn testimony to which he also swore, there were such fragments and they show in the X-rays.

30 In answer to another question, he highlights this as the most deliberate deception, for he says, "To my knowledge, they came out all right", referring to all the X-ray film.

He cannot say, having admitted he viewed the X-rays of the head, there is no reference in it to the rectangular structure. He is then asked why there is no reference to "metallic substances in the track".

31 "Before you go into that second question" he asks to add that this structure, according to the panel, "was not identifiable to this panel". Oser asks is the panel saw it it was not there at the time of the autopsy. Dymond interrupts to ask Finck what page he is referring to. Finck reads from page 8 and adds, 32 "I do not know what this refers to". "I don't remember", he says when asked if he saw it "at the time of your autopsy", which cannot be true. Unfortunately, Oser did not press the point, for it is not in any autopsy report and it had to be and had to have been known to the doctors if they made an autopsy. It shows in their pictures, not the X-rays, as Oser said.

He admits that although he answer Dymond's question he did not dissect the track to avoid mutilation, "you also told me yesterday you were told not to go into the throat area". Thus he acknowledges he lied in saying he had not been given orders and he and Dymond contrived this lie. In several forms, the fact they were told not to do it is repeated.

33 Asked about the various incision, he persists in evasions, finally acknowledges the chest cavity was opened, and to get off the subject, as he has off of the fragments in the track, he volunteers repetition about seeing a bruise.

34 After agreeing that the entire rib cage was laid open, when he is asked, "And you are telling me that you did not go into the throat area because you did not want to mutilate the body, is that correct?", Dymond comes to his rescue with still another intrusion, "I think he answered that three times".

35 When Oser repeats, "I believe you answered Mr. Dymond before that you were not taking orders from anybody in the autopsy room", Dymond again interrupts to say, "I think that is a misquotation of the witness

36 ~~On being pressed, when he is forced to agree he had been not not to~~



36 On being pressed by Oser, when he is forced to agree that he had said he had not been given orders and had also said he had been given orders not to dissect, he tried to draw this distinction: "Well, these are not direct orders, these are suggestions and directions. I was not told, 'I give you direct orders' or that sort of thing.

Oser decided not to push it. This is a childishness, for the general officers did not have to club the doctors all of whom were in the military and under their orders. Moreover, if told not to dissect, this amounted to controlling the autopsy.

Finck's trickery was largely successful. For example, he did get Oser away from what had to be an admission of perjury or of the grossest error in the autopsy (top of 31), having to do with the metallic fragments showing in the thoracic X-rays that, in Humes' testimony, they all went over together and, as I recall, causing Finck to ask for X-rays of all extremities.

It is at this point that his testimony concludes.